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Department Generated Correspondence (Y)

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Our ref: PP_2011_NARRB_004_00 (11/10276)
Your ref: NAW:MR:

Mr Phil Marshall
General Manager
Narrabri Shire Council
PO Box 261
NARRABRI NSW 2390

Dear Mr Marshall,

Re: Planning Proposal to amend the 2(a) Residential zone provisions within Narrabri LEP 1992, Narrabri LEP No 2 & Narrabri LEP No 5 to allow for a variety of short and long term accommodation uses.

I am writing in response to your Council's letter dated 8 June 2011 requesting a Gateway Determination under section 56 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") in respect of the planning proposal to amend the Narrabri Local Environmental Plan (LEP) 1992, the Narrabri LEP No 2 and the Narrabri LEP No 5 to include 'attached dwellings', 'backpackers accommodation', 'bed and breakfast accommodation', 'boarding houses', 'dual occupancies', 'hostels', 'hotel or motel accommodation', 'multi dwelling housing', 'residential flat buildings', 'secondary dwellings', 'seniors housing', and 'serviced apartments' as additional permissible land uses in the 2(a) Residential zone.

As delegate of the Minister for Planning and Infrastructure, I have now determined that the planning proposal should proceed subject to the conditions in the attached Gateway Determination.

The intent of the planning proposal to respond to current housing demand within the Narrabri LGA is generally supported. However, it is noted that the zone objectives of the 2(a) Residential zone are based on the range of current permissible land uses for that zone. Council is to review these zone objectives in light of the proposed additional accommodation land uses to be included as permissible in the 2(a) Residential zone, with a view to amending and /or including additional objectives, such as those provided for by the R1 General Residential zone under the Standard Instrument. By doing so, Council will clearly identify its intent to broaden the range and density of residential uses within its 2(a) Residential zone in advance of a comprehensive review of zones to be undertaken as part of the preparation of its comprehensive Standard Instrument LEP.

Council is also to prepare maps that display land that is zoned 2(a) Residential and which is subject to the planning proposal. These maps are to be included with the exhibition material. This is to ensure the community is provided with sufficient information to clearly identify the subject land and the intent of the planning proposal.

It is also recommended that Council consider matters such as appropriate floor space ratio, building height and minimum lot size controls as part of this planning proposal. While it may be appropriate to broaden the range of residential uses permitted within the general residential zone, it is also appropriate for Council to identify which development controls will be used for assessing future development applications for the intended additional uses. Council may need to consider amending or augmenting its existing Development Control Plan controls to support the implementation of the outcomes envisaged from this planning proposal. Should this be the

case, Council is encouraged to exhibit any amended or additional controls as part of the exhibition material for this planning proposal to provide clarity and certainty for the community.

In relation to the justification provided to assess the planning proposal's consistency against S117 Direction 4.3 Flood Prone Land, Council is to demonstrate consistency and/or justify any inconsistency, or satisfy the Director General that any inconsistency is of minor significance, and include this in the planning proposal following consultation with the Office of Environment and Heritage.

Council is to consult the Office of Environment and Heritage in regards to flooding issues relating to the land to which the proposal applies. Council may consult with the Office during the period of community consultation but is to resubmit the proposal to the Department under section 58(1) of the EP&A Act should any alterations be made to the planning proposal as a result of consultation.

The amending Local Environmental Plan (LEP) is to be finalised within 9 months of the week following the date of the Gateway Determination. Council's request for the Department to draft and finalise the LEP should be made six (6) weeks prior to the projected publication date.

The State Government is committed to reducing the time taken to complete LEPs by tailoring the steps in the process to the complexity of the proposal, and by providing clear and publicly available justification for each plan at an early stage. In order to meet these commitments, the Minister may take action under s54(2)(d) of the EP&A Act if the time frames outlined in this determination are not met.

Should you have any queries in regard to this matter, please contact Gina Davis of the Regional Office of the Department on 02 6701 9689.

Yours sincerely,



Tom Gellibrand
Deputy Director General
Plan Making & Urban Renewal

1/7/11

Gateway Determination

Planning Proposal (Department Ref: PP_2011_NARRB_004_00): to amend the 2(a) Residential zone provisions within Narrabri LEP 1992, Narrabri LEP No 2 & Narrabri LEP No 5 to allow for a variety of short and long term accommodation uses.

I, the Deputy Director General, Plan Making & Urban Renewal as delegate of the Minister for Planning and Infrastructure, have determined under section 56(2) of the EP&A Act that an amendment to the Narrabri Local Environmental Plan (LEP) 1992, the Narrabri LEP No 2 and the Narrabri LEP No 5 to include 'attached dwellings', 'backpackers accommodation', 'bed and breakfast accommodation', 'boarding houses', 'dual occupancies', 'hostels', 'hotel or motel accommodation', 'multi dwelling housing', 'residential flat buildings', 'secondary dwellings', 'seniors housing', and 'serviced apartments' as additional permissible land uses in the 2(a) Residential zone should proceed subject to the following conditions:

1. Council is to consult the Office of Environment and Heritage in regards to flooding issues relating to the land to which the proposal applies.
2. In relation to the justification provided to assess the planning proposal's consistency against s117 Direction 4.3 Flood Prone Land, Council is to demonstrate consistency and/or justify any inconsistency, or satisfy the Director General that any inconsistency is of minor significance, and include this in the planning proposal following consultation with the Office of Environment and Heritage.
3. Council is to prepare maps that display land that is zoned 2(a) Residential and subject to the planning proposal, and include the maps with the exhibition material.
4. Council is to review the zone objectives for the 2(a) residential zone under Narrabri LEP 1992, the Narrabri LEP No 2 and the Narrabri LEP No 5, and amend and/or include additional objectives to reflect the outcome of the planning proposal consistent with the intent of the R1 General Residential zone of the Standard Instrument Order.
5. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:
 - (a) the planning proposal must be made publicly available for **28 days**; and
 - (b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 4.5 of *A Guide to Preparing LEPs (Department of Planning 2009)*.
6. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:
 - Office of Heritage and Environment

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material. Each public authority is to be given at least 21 days to comment on the proposal, or to indicate that they will require additional time to comment on the proposal. Public authorities may request additional information or additional matters to be addressed in the planning proposal.

7. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).
8. The timeframe for completing the LEP is to be **9 months** from the week following the date of the Gateway determination.

Dated

1st

day of

July

2011.



Tom Gellibrand
Deputy Director General
Plan Making & Urban Renewal
Delegate of the Minister for Planning and
Infrastructure