



PLANNING PROPOSAL

Changes to the 2(a) Residential Zone provisions:

Narrabri LEP No.2
Narrabri LEP 1992
Narrabri LEP No.5 (Township of Boggabri)

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PART 1 OBJECTIVES OR INTENDED OUTCOMES

The objective of the Planning Proposal is to amend the three (3) Local Environmental Plans applicable to Narrabri Shire by the inclusion of the new residential type “land use” definitions (as per the LEP standard instrument) and including these “land uses” as permissible subject to consent within the 2(a) Residential zone for each Local Environmental Plan.

The Planning Proposal relates to the following LEPs:

- Narrabri Local Environmental Plan 1992;
- Narrabri Local Environmental Plan No 2; and
- Narrabri Local Environmental Plan No 5 (Township of Boggabri)

The following “land use” definitions (as per the LEP Standard instrument) are proposed to be included in the above LEPs as **permissible** subject to consent within the respective 2(a) Residential zone:

attached dwelling means a building containing 3 or more dwellings, where:

- (a) each dwelling is attached to another dwelling by a common wall, and
- (b) each of the dwellings is on its own lot of land (not being an individual lot in a strata plan or community title scheme), and
- (c) none of the dwellings is located above any part of another dwelling.

backpackers' accommodation means tourist and visitor accommodation:

- (a) that has shared facilities, such as a communal bathroom, kitchen or laundry, and
- (b) that will generally provide accommodation on a bed basis (rather than by room).

bed and breakfast accommodation means tourist and visitor accommodation comprising a dwelling (and any ancillary buildings and parking) where the accommodation is provided by the permanent residents of the dwelling and:

- (a) meals are provided for guests only, and
- (b) cooking facilities for the preparation of meals are not provided within guests' rooms, and
- (c) dormitory-style accommodation is not provided.

boarding house means a building:

- (a) that is wholly or partly let in lodgings, and
- (b) that provides lodgers with a principal place of residence for 3 months or more, and

- (c) that may have shared facilities, such as a communal living room, bathroom, kitchen or laundry, and
- (d) that has rooms, some or all of which may have private kitchen and bathroom facilities, that accommodate one or more lodgers,

but does not include backpackers' accommodation, a group home, a serviced apartment, seniors housing or hotel or motel accommodation.

dual occupancy means 2 dwellings (whether attached or detached) on one lot of land (not being an individual lot in a strata plan or community title scheme), but does not include a secondary dwelling.

dwelling means a room or suite of rooms occupied or used or so constructed or adapted as to be capable of being occupied or used as a separate domicile.

dwelling house means a building containing only one dwelling.

hostel means premises that are generally staffed by social workers or support providers and at which:

- (a) residential accommodation is provided in dormitories, or on a single or shared basis, or by a combination of them, and
- (b) cooking, dining, laundering, cleaning and other facilities are provided on a shared basis.

hotel or motel accommodation means tourist and visitor accommodation (whether or not licensed premises under the Liquor Act 2007):

- (a) comprising rooms or self-contained suites, and
- (b) that may provide meals to guests or the general public and facilities for the parking of guests' vehicles,

but does not include backpackers' accommodation, a boarding house, bed and breakfast accommodation or farm stay accommodation.

multi dwelling housing means 3 or more dwellings (whether attached or detached) on one lot of land (not being an individual lot in a strata plan or community title scheme) each with access at ground level, but does not include a residential flat building.

residential flat building means a building containing 3 or more dwellings, but does not include an attached dwelling or multi dwelling housing.

secondary dwelling means a self-contained dwelling that:

- (a) *is established in conjunction with another dwelling (the principal dwelling), and*
- (b) *is on the same lot of land (not being an individual lot in a strata plan or community title scheme) as the principal dwelling, and*
- (c) *is located within, or is attached to, or is separate from, the principal dwelling.*

seniors housing means residential accommodation that consists of:

- (a) *a residential care facility, or*
- (b) *a hostel, or*
- (c) *a group of self-contained dwellings, or*
- (d) *a combination of these,*

and that is, or is intended to be, used permanently for:

- (a) *seniors or people who have a disability, or*
- (b) *people who live in the same household with seniors or people who have a disability, or*
- (c) *staff employed to assist in the administration of the residential accommodation or in the provision of services to persons living in the accommodation,*

but does not include a hospital.

serviced apartment means a building or part of a building providing self-contained tourist and visitor accommodation that is regularly serviced or cleaned by the owner or manager of the building or part of the building or the owner's or manager's agents.

PART 2 EXPLANATION OF PROVISIONS

There is no map attached to the Planning Proposal – the amendment is provision based within the 3 applicable Local Environmental Plans.

PART 3 JUSTIFICATION

SECTION A - Need for the Planning Proposal

Is the planning proposal the result of any strategic study or report?

The Planning Proposal intends to fast track the future provisions for the proposed R1 General Residential Zone in the draft Narrabri LEP 2011 (equivalent to the current 2(a) Residential zone in the current 3 LEPs applying to the Narrabri Shire).

These provisions are within the draft Narrabri LEP 2011 and proposed to enable a higher density within the zone.

It is noted that a planning proposal in this instance would be considered consistent with the provisions of the Narrabri Growth Management Strategy (GMS) that was prepared by Edge Land Planning in December 2009, as it is recommended that the residential areas of Narrabri, Wee Waa and Boggabri be zoned R1 Residential under the Standard Instrument and that the land uses identified above be identified as "permissible subject to consent".

Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

It is believed that this Planning Proposal is the best means of achieving the objectives and intended outcomes as well as meeting demand for higher density residential development that is currently been experienced in the Shire.

Council intends seek an amendment to the 3 LEPs in order to consider a large number of residential concept proposals in a timely manner and thereby increase the amount of accommodation available and investment in the Shire to support the large scale mining and industrial developments that are in various stages of construction/operations. These mining/industrial developments have large workforces that require accommodation – accommodation that cannot be met by the existing supply.

Is there a net community benefit?

It is envisaged that the proposal will result in an overall net community benefit by increasing the amount of residential accommodation thereby increasing economic activity and employment (refer to the points above).

Will the LEP be compatible with agreed State and regional strategic direction for development in the area (e.g. land release, strategic corridors, development within 800m of a transport node)?

The NSW State Plan 2010 recognizes, amongst other things, the need to strengthen communities by creating and protecting jobs and attracting investment in regional areas. The Plan goes on to set a number of priorities of which the following are relevant to this proposal,

speeding up planning decisions, increasing the number of jobs closer to where people live, and cutting red tape.

Currently Narrabri Shire has shortage of land that is suitably zoned to allow for the expansion of residential and tourist accommodation. This shortage in the supply of suitably zoned land acts as a disincentive to investment in the industry which is recognised as being crucial to the growth and development of sustainable economic activity in Narrabri Shire.

Is the LEP located in a global/regional city, strategic centre or corridor nominated within the Metropolitan Strategy or other regional/sub-regional strategy?

Not applicable to this Planning Proposal.

Is the LEP likely to create a precedent or change expectations of the landowner or other landholders?

The Planning Proposal is intended to fast track new provisions that are proposed to be included in the Comprehensive Local Environmental Plan for Narrabri Shire. The provisions are on a zone basis across the 3 LEP's rather than site specific.

Have the cumulative effects of other spot rezoning proposals in the locality been considered?

The Planning Proposal intends to change zone provisions rather than be site specific.

What was the outcome of these considerations?

There have been no other spot rezoning proposals undertaken in the locality.

Will the LEP facilitate permanent employment generating activity or result in a loss of employment lands?

The planning proposal does not relate to employment lands.

There will however be employment generated during the construction phase of the development and in some cases ongoing operational jobs. Both will have a significant positive impact and economic spinoffs in the Narrabri Shire economy.

Will the LEP impact upon the supply of residential land and therefore housing supply and affordability?

The planning proposal does not intend to rezone any additional land for residential uses. It intends to change the zone provisions in the 2(a) Residential zone under the 3 applicable LEPs.

The Narrabri Growth Management Strategy shows that the Shire's population has been falling at a consistent rate over the past twenty years, although the effect of this population decline on the housing supply has been mitigated by an equally consistent decline in occupancy rates. The Growth Management Strategy has identified that there is sufficient residential land available in the town to accommodate demand for a further ten years and has further identified large areas of land to the east and southwest of the town to be zoned for residential investigation.

Is the existing public infrastructure (roads, rail, utilities) capable of serving the proposed site? Is there good pedestrian and cycling access? Is public transport available or is there infrastructure capacity to support future public transport?

The Planning Proposal is zone based and not site specific.

Will the proposal result in changes to the car distances travelled by customers, employees and suppliers? If so what are the likely impacts in terms of greenhouse gas emissions, operating costs and road safety?

Negligible impact as a result of the planning proposal. There may be improvement in car distances travelled as a result of a higher density of residential housing permissible in the 2(a) residential zone.

Are there significant Government investments in infrastructure or services in the area whose patronage will be affected by the proposal? If so what is the expected impact.

There are no significant Government investments in infrastructure or services in the area whose patronage will be affected by this proposal.

Will the proposal impact on land that the Government has identified a need to protect (e.g. land with high biodiversity values) or have other environmental impacts? Is the land constrained by factors such as flooding?

The land is currently zoned residential. The planning proposal only seeks to permit additional residential uses.

Will the LEP be compatible/complementary with surrounding land uses? What is the impact on amenity in the location and wider community? Will the public domain improve?

The land is already zoned residential and the additional land uses permissible in the zone are of a residential nature.

Will the proposal increase choice and competition by increasing the number of retail and commercial premises operating in the area?

There will be additional accommodation facilities in the Shire which will increase choice and competition for consumers.

If a stand alone proposal and not a centre, does the proposal have the potential to develop into a centre in the future?

No.

What are the public interest reasons for preparing the draft plan? What are the implications of not proceeding at that time?

It is in the public interest for the planning proposal to proceed to ensure that there is suitable provisions within the 2(a) Residential zone to meet the demands posed by the mining/industry sectors for accommodation in the Shire. Failure to not proceed may mean that future employment generating developments do not proceed, investment is lost and people reside outside of the Shire. Accordingly the economic impact would be quite negative.

SECTION B - RELATIONSHIP TO STRATEGIC PLANNING FRAMEWORK

Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

There is no Regional Environmental Plan that applies to the subject land, however, NSW Planning has proposed the following aims for the NSW Western Region:

1. Seeking a sustainable future for the western regions by:
 - a. Creating investor confidence and promoting economic development in the right locations
 - b. Protecting valuable natural and built resources
 - c. Helping to build stronger rural and regional communities.
2. Particular challenges the Department has identified in planning for Western NSW are to:
 - a. Support sustainable agriculture
 - b. Conserve valuable natural resources
 - c. Foster new settlement and development on suitable locations
 - d. Encourage jobs and services
 - e. Minimise land use conflict
 - f. Achieve social planning outcomes with the limited resources available to local councils.

The planning proposal helps support economic development by promoting growth in the tourist sector and would create greater investor confidence in the region. The proposal will help to build a stronger community by supporting economic development and will foster community strength and cohesiveness.

The proposal is consistent with the NSW State Plan 2010 by improving economic outcomes, facilitating investment and supporting job creation and security.

Is the planning proposal consistent with the local council's Community Strategic Plan or other local strategic plan?

Yes.

Is the planning proposal consistent with applicable state environmental planning policies?

There are no existing State Environmental Planning Policies or known draft policies that would prohibit or restrict the planning proposal.

Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

The planning proposal does not contravene any Ministerial Directions issued under s117(2) of the *Environmental Planning and Assessment Act 1979*.

Applicable directions are set out below:

Direction Name	Consistent	Comment/Reason for Inconsistency
1. Employment and Resources		
1.1 Business and Industrial Zones	NA	Planning Proposal only relates to residential land
1.2 Rural Zones	NA	Planning Proposal only relates to residential land
1.3 Mining, Petroleum Production and Extractive Industries	NA	
1.4 Oyster Aquaculture	NA	
1.5 Rural Lands	NA	
2. Environment and Heritage		
2.1 Environment Protection Zones	NA	
2.2 Coastal Protection	NA	
2.3 Heritage Conservation	Yes	Any future development application would need to consider the impact on any existing heritage item
2.4 Recreation Vehicle Areas	NA	
3. Housing, Infrastructure and Urban Development		
3.1 Residential Zones	Yes	The Planning Proposal does not intend to rezone additional residential land, but rather change the zone provisions to enable additional residential uses that are currently prohibited (the changes are in line with the draft comprehensive LEP for Narrabri)
3.2 Caravan Parks and Manufactured Home Estates	NA	
3.3 Home Occupations	NA	
3.4 Integrated Land Use and Transport	NA	
3.5 Development Near Licensed Aerodromes	NA	The Narrabri Airport is well removed from any 2(a) residential zoned land
4. Hazard and Risk		
4.1 Acid Sulfate Soils	NA	
4.2 Mine subsidence and unstable land	NA	
4.3 Flood Prone Land	Yes	There are large areas of 2(a) zoned land that is flood prone. Individual residential development proposals would need to meet
4.4 Planning for Bushfire Protection	NA	
5. Regional Planning		
5.1 Implementation of Regional Strategies	NA	

5.2 Sydney Drinking Water Catchments	NA	
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	NA	
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	NA	
5.5 Development in the vicinity of Ellelong, Paxton and Millfield (Cessnock LGA)	NA	
5.6 Sydney to Canberra Corridor (Revoked 10 July 2008. See amended Direction 5.1)	NA	
5.7 Central Coast (Revoked 10 July 2008. See amended Direction 5.1)	NA	
5.8 Second Airport: Badgerys Creek	NA	
6. Local Plan Making		
6.1 Approval and Referral Requirements	Yes	The draft LEP does not have any provisions that require the referral of development applications to other authorities.
6.2 Reserving land for Public Purposes	No	The draft LEP does not reserve any additional land for public purposes.
6.3 Site specific provisions	NA	The Planning Proposal relates to the entire zone rather than specific sites
7. Metropolitan Planning		
7.1 Implementation of the Metropolitan Strategy	NA	

SECTION C - ENVIRONMENTAL, SOCIAL AND ECONOMIC IMPACT

Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

All land in the 2(a) zone has been previously cleared and developed for residential use. No habitat suitable to attract or support threatened species, populations or ecological communities remains on the land. There does not appear to be a need for a species impact study.

Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

No.

How has the planning proposal adequately addressed any social and economic effects?

The amendments will achieve an immediate economic stimulus for the building industry and overall benefit to the Narrabri Shire community by providing jobs and economic stimulus for the local building and accommodation industries.

Each specific development proposal would have to address the matters for consideration under Section 79C of the *Environmental Planning and Assessment Act 1979*, including economic and social impacts.

SECTION D - STATE AND COMMONWEALTH INTERESTS

Is there adequate public infrastructure for the planning proposal?

The planning proposal is zone not site specific. However, each individual future development proposal will need to ensure that there is appropriate provision of utilities/services etc.

What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?

Consultation will take place following determination of the agencies to be consulted under the gateway determination.

PART 4 COMMUNITY CONSULTATION

Pursuant to section 57(2) of the *Environmental Planning and Assessment Act 1979* the Director General of Planning must approve the form of the Planning Proposal under the Gateway process before community consultation is undertaken.

The Planning Proposal is considered to be Low Impact and would be publicly exhibited for a period and in a manner set out in the Gateway determination.