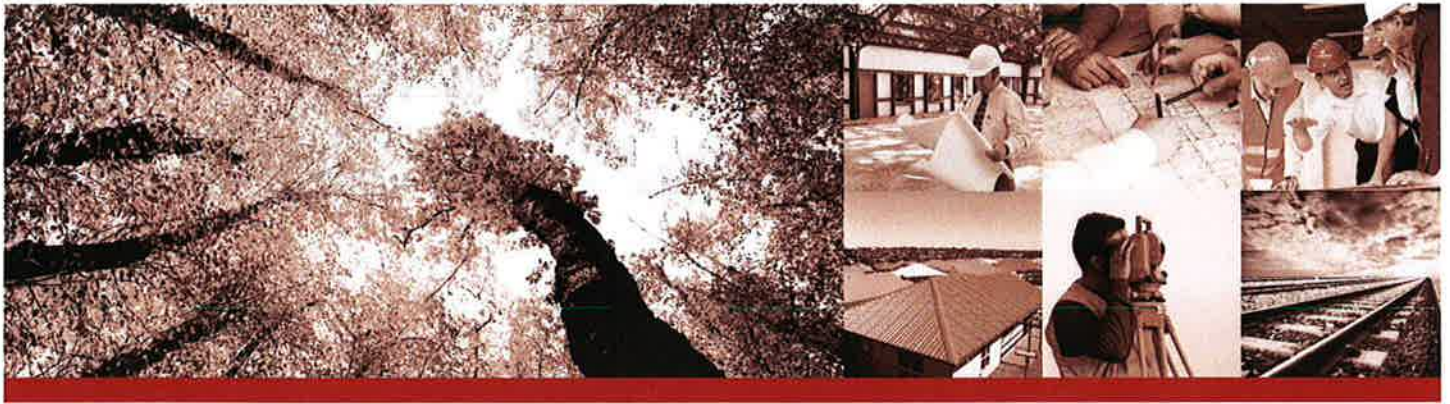




Ms Jocelyn Anne Smith

PLANNING PROPOSAL

For proposed

AMENDMENT TO LOT SIZE MAP

Lot 81 in DP 2855 Ugoa Street, Narrabri

Prepared for: Ms Jocelyn Smith
c/-1 Bowen Street
NARRABRI NSW 2390

Our reference: 12028



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Ref.: 12028



Issue	Ver.	Date	Author	Approved	Issued To
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	2	25 February 2013	Jocelyn Ullman	Mitchel Hanlon	Final
	3	12 April 2013	Jocelyn Ullman	Mitchel Hanlon	Modifications made to meet DPI advice

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CONTENTS

1.0 Introduction	6
2.0 Background.....	7
3.0 Proposal Objective & Planning Context.....	15
4.0 Explanation of Provisions	16
5.0 Justification	17
5.1 Need for Planning Proposal	17
5.2 Relationship to Strategic Planning Framework.....	22
5.3 Environmental, Social & Economic Impacts	30
5.4 State and Commonwealth Interests.....	31
6.0 Community Consultation.....	32
7.0 Project Timeline	33
Appendix A Flood Impact Assessment – MWA Environmental.....	A-1
Appendix B Narrabri Shire Council Ordinary Council Meeting Minutes	B-1
Appendix C Department of Planning and Infrastructure Letter	C-1
Appendix D Mitchel Hanlon Consulting Letter.....	D-1
Appendix E Mitchel Hanlon Consulting Letter.....	E-1
Appendix F Department of Planning and Infrastructure Letter	F-1



FIGURES

Figure 1: Site Locality 9

Figure 2: Detailed Survey 10

Figure 3: Site Aerial..... 11

Figure 4: Existing zoning 12

Figure 5: Existing Lot Size 13

Figure 6: Proposed Lot Size 14

Figure 7: Extract from Narrabri Growth Management Strategy – Existing Floodway 19

Figure 8: Extract from Narrabri Growth Management Strategy – Recommendations for Genanagie St 20



1.0 Introduction

Mitchel Hanlon Consulting Pty Ltd has been engaged to prepare a planning proposal to amend the Narrabri Local Environmental Plan 2012 Lot Size Map – Sheet LSZ_004B for Lot 81 in DP 2855 located at Ugoa Street, Narrabri.

The subject land is currently zoned RU1 Primary Production under the Narrabri Local Environmental Plan 2012 which is not proposed to be modified.

The site in relation to the immediate locality is presented in Figure 1. A detailed survey is shown in Figure 2 and a site aerial plan is shown in Figure 3.

It is proposed to amend the Narrabri Local Environmental Plan 2012 Lot Size Map – Sheet LSZ_004B for Lot 81 in DP2855 from “AB2” to “Z1” to allow for the consideration of a residential dwelling.

The site is owned by Jocelyn Anne Smith and contains a set of stables on the north-east corner and a small shed towards the western boundary. All of these are presently used for machinery storage.

Access to the site is gained in the south-western corner of the lot via Ugoa Street.

This planning proposal is prepared in accordance with the Department of Planning and Infrastructure’s ‘Guide to Preparing Planning Proposals’



2.0 Background

A planning proposal was lodged with Narrabri Shire Council on the 8 June 2012 prior to NLEP 2012 coming into effect. At the time of lodging the planning proposal (June 2012) the subject land was zoned partly 1(d) Rural Floodway and partly 6(a) Open Space – Existing Recreation under the Narrabri Local Environmental Plan No. 2.

The June 2012 application proposed to rezone the south-western corner of the site from 6(a) Open Space (Existing Recreation) to 2(a) Residential 'A' Zone. It is unknown to why the subject lot was partially zoned as 6(a) Open Space (Existing Recreation) as the subject lot has been in private ownership for many years and has never been used for public recreation purposes. It is thought that the usage of the 6(a) zone was a means to show the approximate location of contour lines and to differentiate the south-western corner of the site from the floodway zoning.

The planning proposal was considered by Council at its Ordinary Meeting on 17 July 2012 where it resolved to:

"539/2012 RESOLVED on the motion moved by Councillor Bolton/Clements that Council resolve to forward the Planning Proposal (prepared by Mitchell Hanlon Consultants Pty Ltd in relation to Lot 81 Deposited Plan 2855) to the Minister of Planning in accordance with Section 56 of the Environmental Planning and Assessment Act 1979; and

That Council seek the comment of the Office of Environment and heritage (Flood Plain Control Unit) in relation to the proposal if a gateway determination is granted by the Department of Planning."

A copy of the Council Report and Minutes are contained in Appendix B.

Following consideration by Council of the planning proposal, it was referred to the Minister of Planning in accordance with Section 56 of the Environmental Planning and Assessment Act 1979 (as amended).

The Department for Planning and Infrastructure responded to Council on the 31 August 2012 requesting further information, including:

- How the Planning Proposal relates to draft Narrabri LEP 2012 as well as Narrabri LEP No.2;
- Address Section 117 direction 1.2 Rural zone; and
- Address Section 117 direction 6.2 Reserving Land for Public Purposes.

The letter from the Department goes on further to state:



"As the Narrabri Growth Management Strategy recommends that the subject land be retained as rural but that dwellings could be considered subject to a flood assessment, it may be appropriate for Council to consider resubmitting the Planning Proposal once the new draft LEP has been made.

If a Planning Proposal were to be submitted under Narrabri LEP 2012 (once made), the subject land could remain as rural, but an amendment sought to the LSZ map to allow for a dwelling."

A Copy of the Department of Planning and Infrastructure's letter is contained in Appendix C.

Mitchel Hanlon Consulting responded to the Departments letter on 12 September 2012. A copy of this response is contained in Appendix D.

Following further discussions with Department of Planning and Infrastructure staff and the client it was determined that an amendment would be re-lodged following the gazettal of Narrabri Local Environmental Plan 2012.

Mitchel Hanlon Consulting re-lodged the planning proposal with the Narrabri Shire Council on 25 February 2013 in accordance with Department of Planning and Infrastructures correspondence. A copy of this correspondence is contained in Appendix E.

Further advice was provided by the Department on 21 March 2013 (See Appendix F) advising the following:

- *Whilst the formatting of the maps is adequate, a proposed lot size of 2ha is not supported as it would contravene the recommendations of Council's Urban Growth Management Strategy which recommends that only a single dwelling be permitted with consent on lots within this area. A minimum lot size of 3ha is therefore recommended for the subject lot.*
- *A project timeline to detail the anticipated timeline for the plan making process – Part 6 forms a new component of the PP and more detail can be found by reference to page 18 of the attached document. The preliminary PP has not included a project timeline.*

The Planning Proposal has been further modified to comply with the Departments feedback.

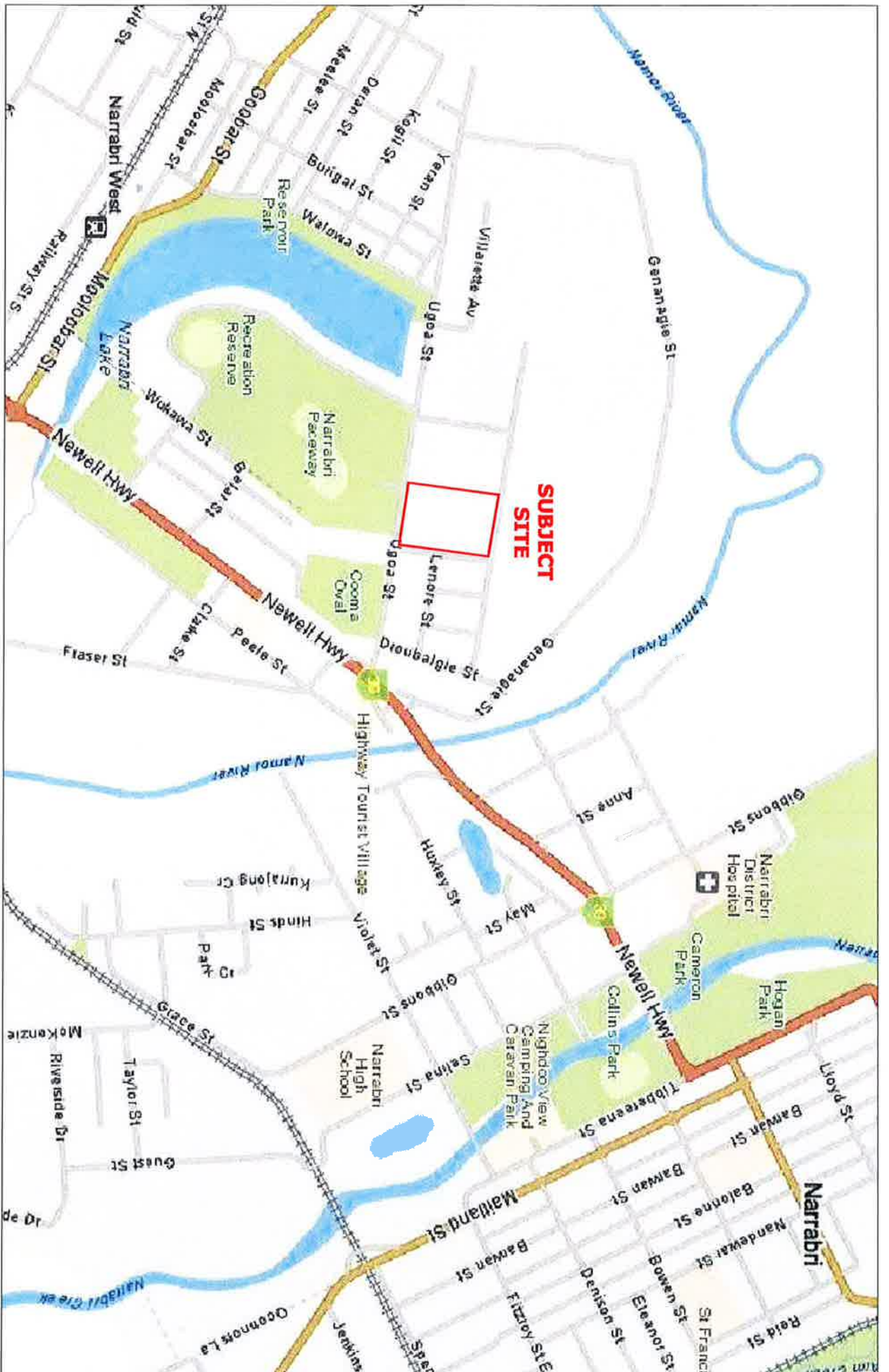
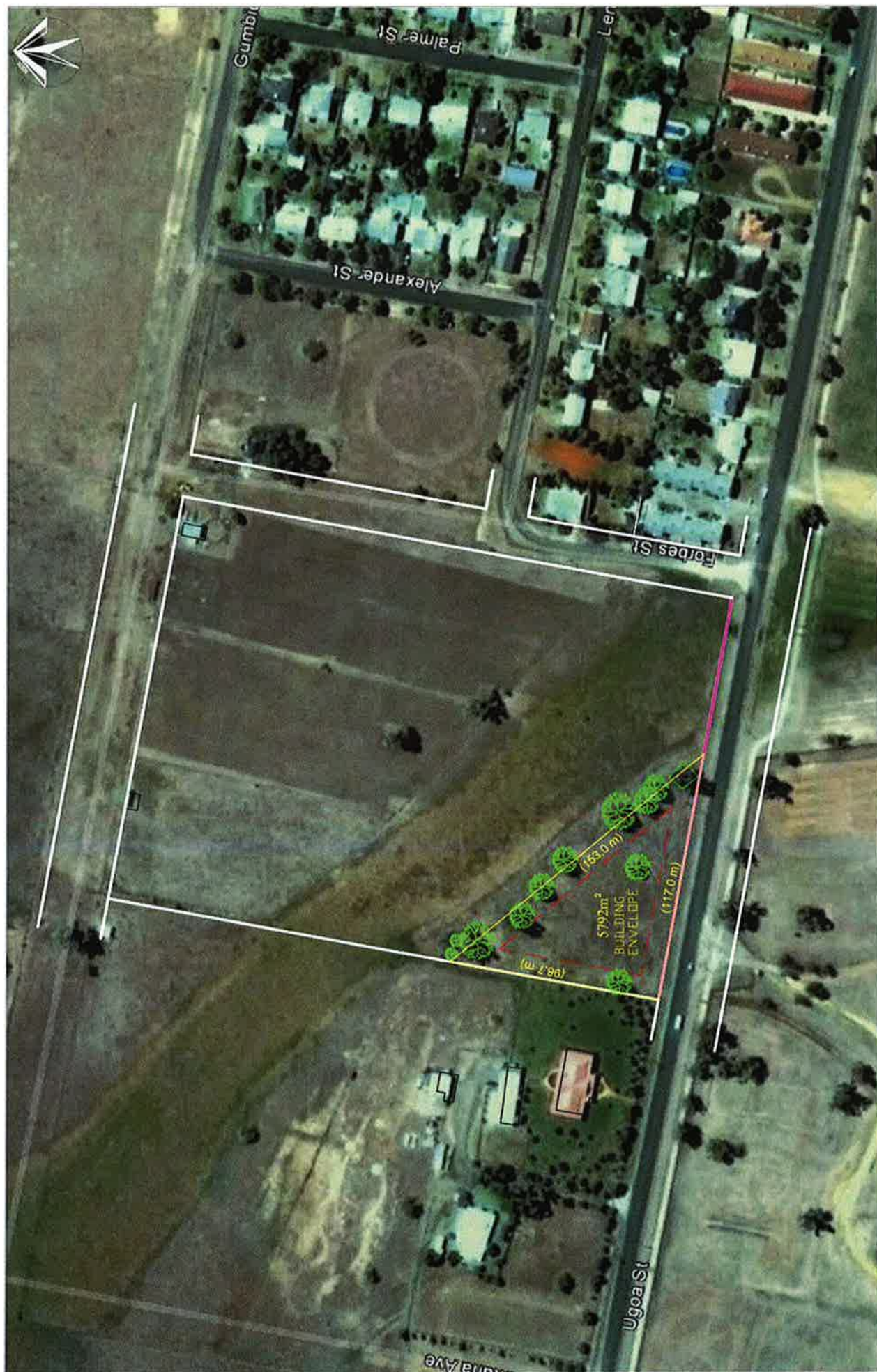
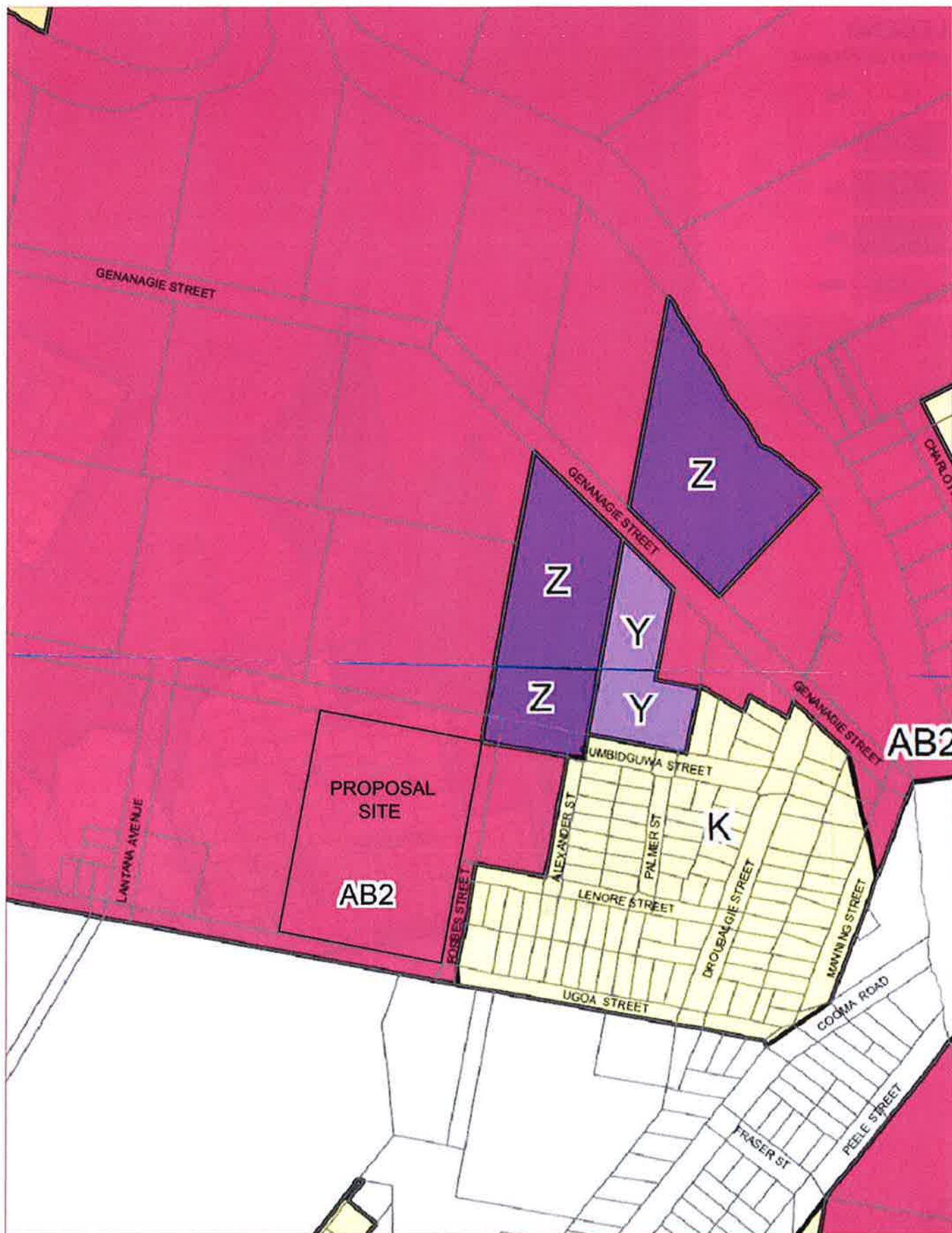


FIGURE 1



Site Aerial

Lot 81 DP2855 Ugoa Street, Narrabri

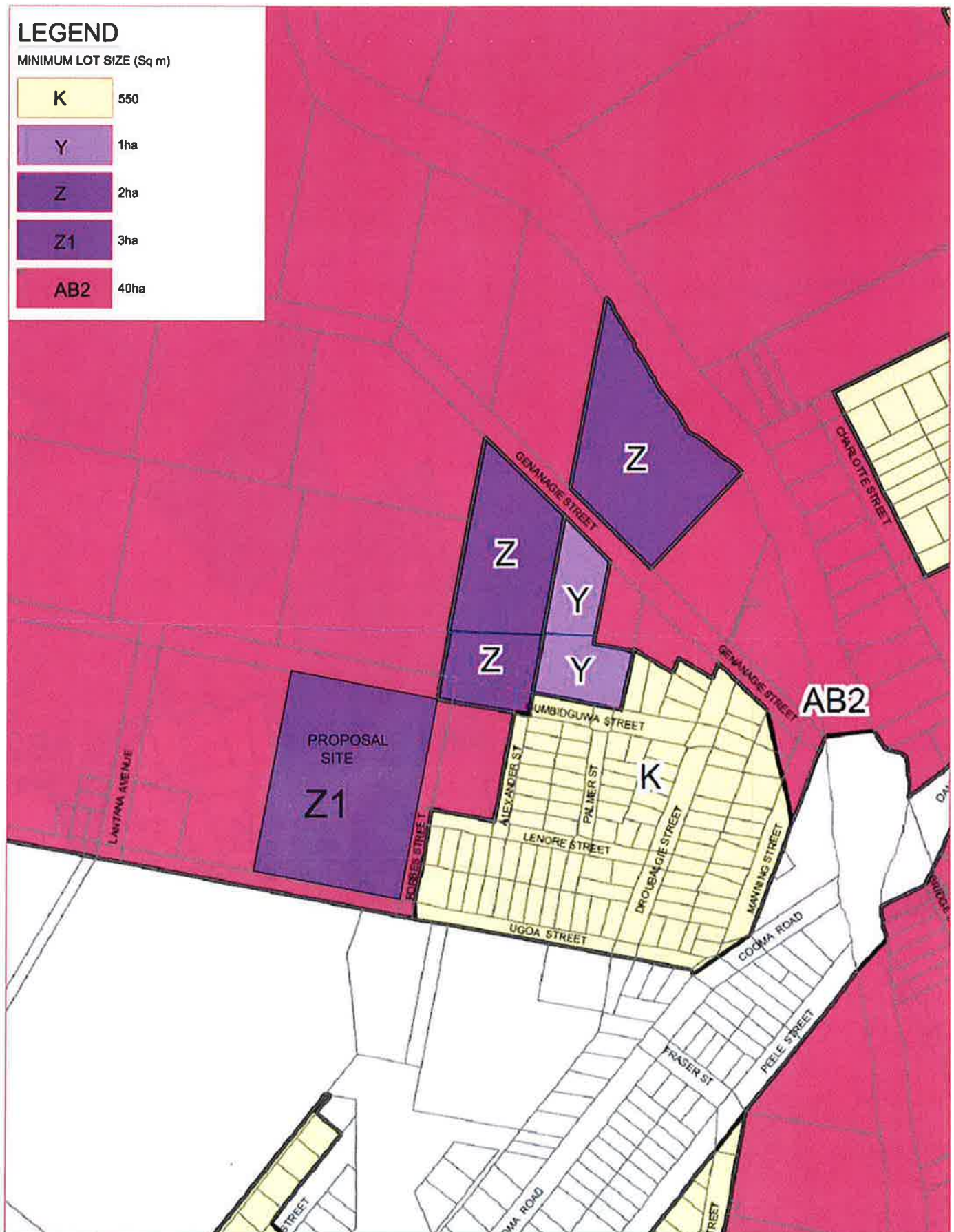


Proposed Amendment

Lot 81 in DP2855 Ugoa Street, Narrabri

Copyright Mitchell Hanlon Consulting Pty Ltd. All rights reserved. This map is a representation of the existing lot size dedication for the proposed amendment. It is not a guarantee of the accuracy of the information. The information is provided for informational purposes only. The information is not to be used for any other purpose. The information is not to be used for any other purpose. The information is not to be used for any other purpose.

FIGURE 5
Existing Lot Size
Dedication
Narrabri LEP 2012





Detailed Survey

Lot 81 in DP2855 Ugoa Street, Narrabri

FIGURE 2



3.0 Proposal Objective & Planning Context

The objective of the planning proposal is to amend the Narrabri Local Environmental Plan 2012 (NLEP 2012) "Lot Size Map – Sheet LSZ_004B" from "AB2" to "Z1" for Lot 81 in DP 2855 located at Ugoa Street, Narrabri as shown in Figure 6.

The proposed modification will allow for the consideration of the erection of a residential dwelling under clause 4.2B Erection of Dwelling Houses in Certain Rural and Environmental Protection Zones on the NLEP 2012.

The subject site is zoned as RU1 Primary Production under NLEP 2012 and is to remain under this zoning.

A review of the Land Zoning Maps and Lot Size Maps contained within the NLEP 2012 reveals that there are a number of surrounding and adjoining properties that are of similar zoning and size with "Z" and "AB2" minimum lot size requirements. Refer to Figures 4 and 5. It is therefore concluded, that there is a precedent for RU1 Primary Production zoned lots that allow for residential dwellings to be erected that are well below the 40ha or 100ha minimum lot size.

The proposed modification is in keeping with the suggestion made by the Department of Planning and Infrastructure's letter dated 31 August 2012 which stated:

If a Planning Proposal were to be submitted under Narrabri LEP 2012 (once made), the subject land could remain as rural, but an amendment sought to the LSZ map to allow for a dwelling"



4.0 Explanation of Provisions

The planning proposal would result in the following changes to the Narrabri Local Environmental Plan 2012.

Table 1: Changes to Narrabri LEP 2012

AMENDMENT APPLIES TO	EXPLANATION OF THE PROVISION
Lot 81 in DP 2855, Ugoa Street, Narrabri	It is proposed to amend the "Lot Size Map – Sheet LSZ_004B" from "AB2" to "Z1" for Lot 81 in DP 2855.

There are no other proposed changes to NLEP 2012.



5.0 Justification

5.1 Need for Planning Proposal

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

Narrabri Shire Growth Management Strategy (December 2009) prepared by Edge Land Planning for the Narrabri Shire Council provides a future direction for the settlements and land within the rural areas of the Shire. It was the first stage in the review of Local Environmental Plan No. 2 (LEP2) being prepared for the entire Shire. This Growth Management Strategy (GMS) provides the strategic direction for the draft LEP as well as providing guidance for the future development pattern of the Shire.

The relevant sections of the GMS that apply to the subject land are included on pages 171-178 of the GMS. A summary of the relevant extracts from the GMS are outlined below:

- Under the Narrabri Supplementary Floodplain Management Study (Supplementary Study) prepared in 2002 by Osborn Land and Max Winders & Associates land in Genanagie Street was assessed. The subject land falls within the area that is subject to the Supplementary Study (Refer to Figure 7).
- The Supplementary Study found that all of the existing houses in the area that are located below the 1% AEP flood level or with a minimum freeboard above that level could be raised.
- It also found that the construction of a 800m² flood mound on each of the existing vacant lots would have “a negligible impact on flood behaviour in the adjacent residential areas or elsewhere in the town. Thus flood impact is not a constraint on the construction of rural housing in this area.” (Osborn Lane & Max Winders & Associates p23). However, the report did stress that the safety of residents and emergency personnel during flooding is the major issue in the formulation of strategies for the management of flooding in the area.
- The Study made the following recommendations for future development in the Genanagie Street study area:
 1. The owners of existing houses which are located below or slightly above the 1% AEP flood level should be encouraged to raise their houses to satisfy the habitable floor level requirements of the existing Council policy.
 2. Future development will be limited to the construction of rural housing on 800m² flood mounds on some of the existing lots.



3. No flood mounds are to be constructed within the area where flooding exceeds 1 m depth in the 5% AEP design event. This land is shown on Map 8.11 which has been taken from the Study (Refer to Figure 8).
 4. No subdivision of existing lots is to be permitted.
- The land is considered to be appropriate for rural residential development as it is close to the Town of Narrabri and is in an area with other rural residential uses around it. It is not in an area that is to be targeted for future residential development and is considered to be a unique area as there are no other similar areas immediately adjoining the town which could be built on in such a manner. This is also consistent with the provisions of the NSW Flood Prone Land Policy and the Floodplain Development Manual 2005. The development of this area will have a negligible effect on the surrounding land and it has merit for development.

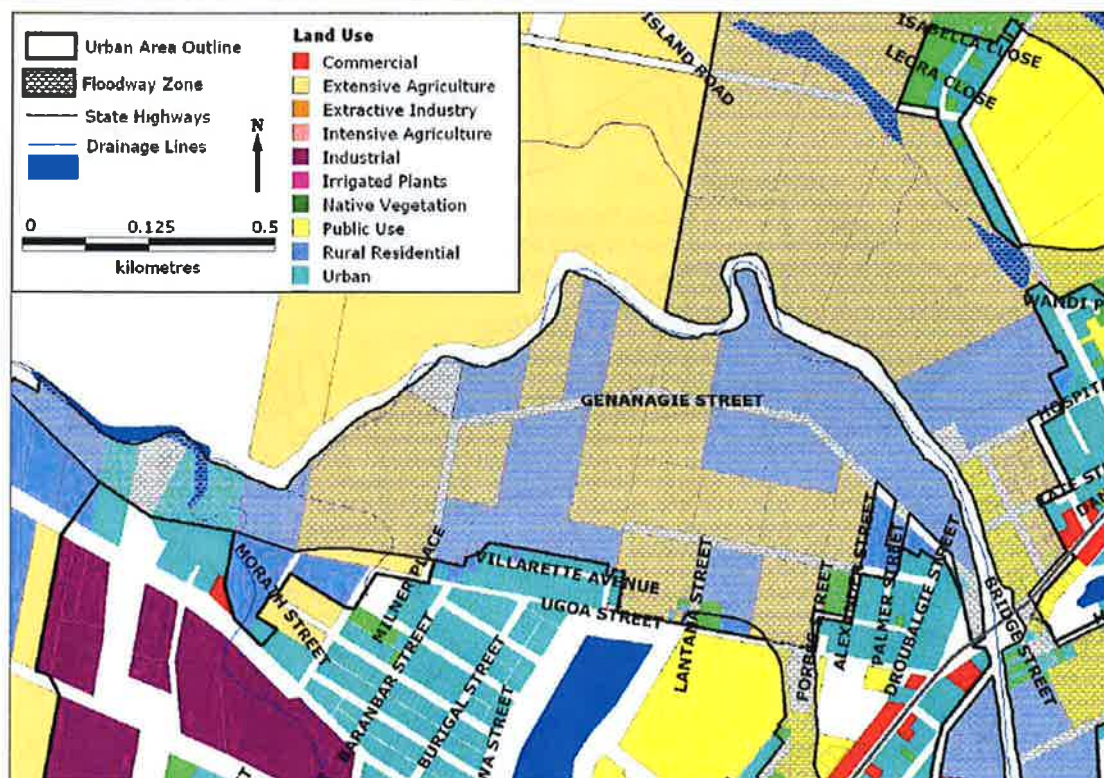
As noted from the GMS and the recommendations from the Supplementary Study, the land is considered (including the subject site) to be appropriate for rural residential development and that it is also consistent with the provisions of the NSW Flood Prone Land Policy and the Floodplain Development Manual 2005. The development of the site for a residential dwelling is further supported by the Flood Impact Assessment carried out by MWA Environmental contained in Appendix A discussed in further detail below.

A Flood Impact Assessment for the subject site was completed by MWA Environmental in January 2012 (refer to Appendix A). The Flood Impact Assessment indicates that the proposal is considered to have little impact on the flow regime of the flood way in a 1:100 flood event and insignificant impact on flood levels in the localised area. The Flood Impact Assessment stipulates a minimum habitable floor level in keeping with Narrabri Shire Council's Floodplain Development Strategy.

Following a detail survey of the site, Gleeson Surveying determined the actual boundary of the floodway as shown in Figures 2. The line proposed by Gleeson Surveying is based on contours of the site and demonstrates where the land changes from level high ground to the start of the slope into the floodway.



Narrabri Shire Growth Management Strategy



Map 8.10: Existing Floodway in Genanagie Street Area

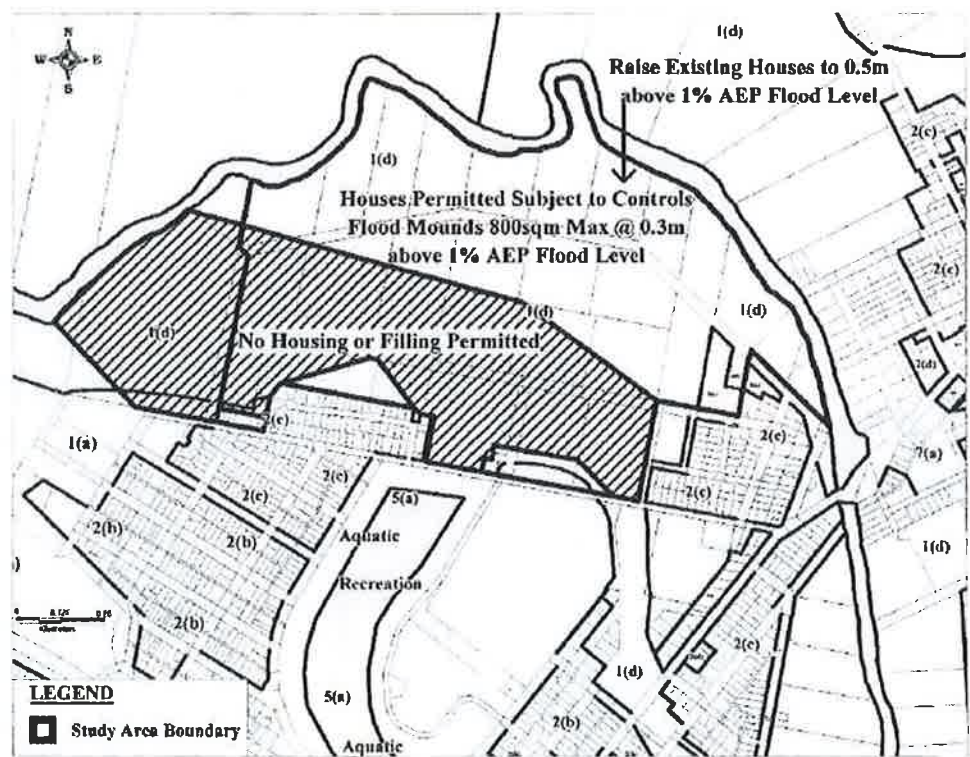
EDGE Land Planning
December 2009

175

Figure 7: Extract from Narrabri Growth Management Strategy – Existing Floodway



Narrabri Shire Growth Management Strategy



Map 8.11: Recommendations for Genanagie Street Area

EDGE Land Planning
December 2009

Figure 8: Extract from Narrabri Growth Management Strategy – Recommendations for Genanagie St



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

The planning proposal is the most appropriate method for amending the Narrabri Local Environmental Plan 2012.

The current “AB2” dedication on the NLEP 2012 Lot Size Map – Sheet LSZ_004B requires a minimum lot size of 40ha to allow for the consideration of a residential dwelling. Lot 81 in DP 2855 is approximately 5ha in size and falls well below the 40ha requirement. The proposed “Z1” dedication requires a minimum lot size of 3ha and would allow for a residential dwelling to be constructed on the land. There are a number of surrounding and adjoining properties of similar size and zoning that contain residential dwellings under the “Z” dedication (Refer to Figures 4 and 5).



5.2 Relationship to Strategic Planning Framework

Is the planning proposal consistent with the objectives and actions contained within the applicable regional or subregional Strategy?

Draft Strategic Regional Land Use Policy

The Department of Planning and Infrastructure released the Draft Strategic Regional Land Use Policy for the New England and North West in March 2012.

One of the key issues identified for the New England and North West is the lack of housing choices and affordability. Narrabri LGA has been identified as one area in particular having the greatest demand for new housing. The planning proposal is consistent with the regional strategy, as it will allow for the consideration of the construction of a residential dwelling.

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

It is considered that the proposed rezoning is consistent with the following strategic planning documents:-

Narrabri Shire Growth Management Strategy 2009

As outlined in this report, Edge Land Planning were engaged by Narrabri Shire Council to produce a strategy which would 'provide a future direction for the settlements and land within the rural areas of the Shire'. The report provides a strategic direction for the preparation of a draft comprehensive LEP as well as providing guidance for the future development pattern of the Shire. The document is endorsed by the Department of Planning and Infrastructure.

Is the planning proposal consistent with applicable State Environmental Planning Policies?

The following State Environmental Planning Policies (SEPPs) are considered by Narrabri Shire Council to be relevant to the subject land:-

- SEPP No. 55 – Remediation of Land

An assessment has been undertaken to determine the level of consistency the planning proposal has with the relevant State Environmental Planning Policies (SEPPs). The results of the assessment are provided below:



Table 2: Compliance with State Environmental Planning Policies

SEPP		RELEVANCE	IMPLICATIONS
SEPP 55 Remediation Land	–	The object of this Policy is to provide for a Statewide planning approach to the remediation of contaminated land.	The planning proposal does not have any implications in terms of the application of the provisions of SEPP 55. The subject site is not known to be contaminated and is not listed on the Office of Environment and Heritage's register of contaminated sites.



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

MINISTERIAL DIRECTIONS	PROVISIONS	IMPLICATIONS
1. Employment and Resources		
1.1 Business & Industrial Zones	Not applicable to this planning proposal.	The subject site is not within an existing or proposed business or industrial boundary.
1.2 Rural Zones	When this direction applies This direction applies when a relevant planning authority prepares a planning proposal that will affect land within an existing or proposed rural zone (including the alteration of any existing rural zone boundary). What a relevant planning authority must do if this direction applies (4) A planning proposal must: (a) not rezone land from a rural zone to a residential, business, industrial, village or tourist zone. (b) not contain provisions that will increase the permissible density of land within a rural zone (other than land within an existing town or village).	The planning proposal is consistent with this direction as it does not propose to rezone the subject land. The land will remain RU1 Primary Production under Narrabri Local Environmental Plan 2012. The planning proposal is to modify the Lot Size Map – Sheet LSZ_004B from “AB2” to “Z1”. The purpose of this modification is to allow for a residential dwelling to be considered on the land under clause 4.2B of the NLEP 2012. There are a number of existing lots within close proximity to the subject land that are also zoned RU1 Primary Production that have a “Z” or “Y” minimum lot size requirement.
1.3 Mining, Petroleum Production and Extractive Industries	Not applicable to this planning proposal.	The planning proposal does not relate to the rezoning of land with a known future associated with the Mining, Petroleum Production and Extractive Industries.
1.4 Oyster Aquaculture	Not applicable to this planning proposal.	The planning proposal does not relate to a Priority Oyster Aquaculture Area.
1.5 Rural Lands	Not applicable to this planning proposal.	The subject site is not within an existing or proposed rural or environment protection zone.



MINISTERIAL DIRECTIONS	PROVISIONS	IMPLICATIONS
2. Environment and Heritage		
2.1 Environment Protection Zones	Not applicable to this planning proposal.	The planning proposal does not relate to or impact on a known 'Environment Protection Zone'.
2.2 Coastal Protection	Not applicable to this planning proposal.	The subject site is not within the coastal zone.
2.3 Heritage Conservation	Not applicable to this planning proposal.	The planning proposal will not affect land in a known heritage conservation area.
2.4 Recreation Vehicle Areas	Not applicable to this planning proposal.	The planning proposal does not relate to a Recreational Vehicle Area.
3. Housing, Infrastructure and Urban Development		
3.1 Residential Zones	Not applicable to this planning proposal.	The planning proposal does not propose to rezone the land to "Residential".
3.2 Caravan Parks and Manufactured Home Estates	Not applicable to this planning proposal.	The planning proposal does not restrict land available for caravan parks or manufactured home estates.
3.3 Home Occupations	Not applicable to this planning proposal.	The planning proposal does not relate to home occupations.
3.4 Integrating Land Use and Transport	Not applicable to this planning proposal.	Not deemed applicable.
3.5 Development Near Licensed Aerodromes	Not applicable to this planning proposal.	The proposal is not in the vicinity of a licensed aerodrome.
3.6 Shooting Ranges	Not applicable to this planning proposal.	The planning proposal does not relate to or impact on a shooting range.



MINISTERIAL DIRECTIONS	PROVISIONS	IMPLICATIONS
4. Hazard and Risk		
4.1 Acid Sulfate Soils	Not applicable to this planning proposal.	There are no known occurrences of acid sulphate soils in the Narrabri Region.
4.2 Mine Subsidence and Unstable Land	Not applicable to this planning proposal.	According to the 149 (5) certificate: 'The land is not proclaimed to be a mine subsidence district within the meaning of Section 15 of the Mine Subsidence Compensation Act 1961'.
4.3 Flood Prone Land	When this direction applies This direction applies when a relevant planning authority prepares a planning proposal that creates, removes or alters a zone or a provision that affects flood prone land. What a relevant planning authority must do if this direction applies (4) A planning proposal must include provisions that give effect to and are consistent with the NSW Flood Prone Land Policy and the principles of the <i>Floodplain Development Manual 2005</i> (including the <i>Guideline on Development Controls on Low Flood Risk Areas</i>). (5) A planning proposal must not rezone land within the flood planning areas from Special Use, Special Purpose, Recreation, Rural or Environmental Protection Zones to a Residential, Business, Industrial, Special Use or Special Purpose Zone. (6) A planning proposal must not contain provisions that apply to the flood planning areas which: (a) permit development in floodway areas, (b) permit development that will result in significant flood	The subject site has been identified as being subject to flood related development controls, in particular clause 6.2 Flood Planning of the NLEP 2012. Therefore this direction applies to the planning proposal. A Flood Impact Assessment of the site was prepared in January 2012 by MWA Environmental. A copy of the report is contained in Appendix A of this planning proposal. This planning proposal is for the modification to the "Lot Size Map – Sheet LSZ_004B" to show the subject site "Z1" which will allow for consideration of a residential dwelling under clause 4.2B Erection of Dwelling Houses on Land in Certain Rural and Environmental Protection Zones. Any subsequent development as a result of the planning proposal will be subject to further Development Application. The development does not propose development in floodway areas as the



MINISTERIAL DIRECTIONS	PROVISIONS	IMPLICATIONS
4.4 Planning for Bushfire Protection	impacts to other properties, (c) permit a significant increase in the development of that land, (d) are likely to result in a substantially increased requirement for government spending on flood mitigation measures, infrastructure or services, or (e) permit development to be carried out without development consent except for the purposes of agriculture (not including dams, drainage canals, levees, buildings or structures in floodways or high hazard areas), roads or exempt development. (7) A planning proposal must not impose flood related development controls above the residential flood planning level for residential development on land, unless a relevant planning authority provides adequate justification for those controls to the satisfaction of the Director-General (or an officer of the Department nominated by the Director-General). (8) For the purposes of a planning proposal, a relevant planning authority must not determine a flood planning level that is inconsistent with the Floodplain Development Manual 2005 (including the <i>Guideline on Development Controls on Low Flood Risk Areas</i>) unless a relevant planning authority provides adequate justification for the proposed departure from that Manual to the satisfaction of the Director-General (or an officer of the Department nominated by the Director-General).	subject site is deemed to be outside of identified floodway. An appropriate building envelope has been identified on the subject site. Refer to Figure 3. As per the Flood Impact Assessment, the proposal is considered to have 'little impact on the flow regime of the local flood ways during a 100yr ARI event'. Furthermore, the proposal is considered to have 'insignificant impact on the flood levels in the localized area during a 100 yr ARI event'. The planning proposal will not permit a significant increase in the development of land. Any future development that could be deemed to significantly increase the development of the land will be subject to further assessment and a separate Development Application. There will be no flood mitigation measures, infrastructure or services required as a result of the proposed development This planning proposal does not permit development to be carried out without development consent. According to the 149 (5) certificate 'none of the subject land is identified as being bushfire prone land'.



MINISTERIAL DIRECTIONS	PROVISIONS	IMPLICATIONS
5. Regional Planning		
5.1 Implementation of Regional Strategies	When this direction applies (3) This direction applies when a relevant planning authority prepares a planning proposal. What a relevant planning authority must do if this direction applies (4) Planning proposals must be consistent with a regional strategy released by the Minister for Planning.	Narrabri Shire is subject to the Draft Strategic Regional Land Use Policy that was released by the Department of Planning and Infrastructure in March 2012. As mentioned in Part 3 of this report, the planning proposal is considered to be consistent with this strategy. Furthermore, the planning proposal is considered to be consistent with the objectives of the local strategy, the 'Narrabri Shire Growth Management Strategy' which is endorsed by the Department of Planning and Infrastructure.
5.2 Sydney Drinking Water Catchments	Not applicable to this planning proposal.	The site is not within the Sydney drinking water catchment.
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	Not applicable to this planning proposal.	The planning proposal does not relate to state or regionally significant farmland.
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	Not applicable to this planning proposal.	The planning proposal does not relate to commercial and retail development along the Pacific Highway, North Coast.
5.8 Second Sydney Airport: Badgerys Creek	Not applicable to this planning proposal.	The planning proposal is not in proximity to a second airport site at Badgerys Creek.
6. Local Plan Making		
6.1 Approval and Referral Requirements	Not applicable to this planning proposal.	Not deemed applicable.



MINISTERIAL DIRECTIONS		PROVISIONS	IMPLICATIONS
6.2	Reserving Land for Public Purposes	Not applicable to this planning proposal.	The planning proposal does not relate to land that is reserved for public purpose.
6.3	Site Specific Provisions	Not applicable to this planning proposal.	The planning proposal does not seek to impose restrictive site specific provisions. It should be noted however, that the neighbouring site (to the western boundary), located at Lot 80 in DP 2855 is subject to site specific provisions. It is listed in Schedule 3 – 'Development for certain additional purposes' of the NLEP 2012. This neighbouring site is subject to the same zone as the subject site. The additional purposes allows for the erection of a residential dwelling.
7. Metropolitan Planning			
7.1	Implementation of the Metropolitan Plan for Sydney 2036	Not applicable to this planning proposal.	The site is not subject to the Metropolitan Plan for Sydney 2036.



5.3 Environmental, Social & Economic Impacts

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?

The proposal is unlikely to adversely affect critical habitat, threatened species, ecological communities or their habitats. The site has little vegetation due to its usage as a hobby farm and its history of grazing livestock.

The trees on site are predominantly outside of the proposed building envelope. Any future development that will potentially impact on the trees will be subject to a separate application.

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

The subject site is within a Flood Planning Land identified in the NLEP 2012 Flood Planning Map – Sheet FLD_004B and therefore a Flood Impact Assessment was prepared to accompany this planning proposal. The Flood Impact Assessment was conducted to ascertain the potential impacts of flooding on the site and to determine the impact of the site on the role of the floodway. The full report is shown in Appendix A, however a summary of the conclusions are as follows:

- The minimum habitable floor levels should be at or above 213.68m AHD as in keeping with Narrabri Shire Council's Floodplain Development Strategy.
- Mike 11 modelling of the site has shown the development has little impact on the flow regime of the local flood ways during a 100 yr ARI event.
- Mike 11 modelling has shown that the development has insignificant impact on the flood levels seen in the localised area during a 100yr ARI event due to the wide expanse of the flood plain here.

There are no other environmental effects anticipated as part of the planning proposal.

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

There is currently a shortfall of suitable housing options in the region due to the demand that mining development has placed on housing. The social and economic impact of the planning proposal is predicted to be



on a small scale, however, it is envisaged that the impact will be positive as it will allow the construction of a residential dwelling. Furthermore, the planning proposal will allow a more efficient use of existing infrastructure and services.

5.4 State and Commonwealth Interests

Is there adequate public infrastructure for the planning proposal?

Investigations show that there will be adequate existing infrastructure to service the site. The subject site is serviced by electricity, storm water, telecommunications, sewer services and has access via a sealed road.

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

It is proposed that the issues raised by State and Commonwealth public authorities will be addressed during the LEP's public exhibition phase.



6.0 Community Consultation

In accordance with the NSW Department of Planning's Guidelines to Preparing LEPs, upon Gateway Determination adjoining landholders and any affected community organisation will be formally notified of the proposal and invited to provide comment.

In accordance with the prevailing Departmental Guidelines and the provisions of the EP & A Act, the Planning Proposal will also be publicly notified for the prescribed period via:

- Local Newspapers; and
- Council's website <http://www.narrabri.nsw.gov.au/>



7.0 Project Timeline

In accordance with the NSW Planning & Infrastructure "A Guide to Preparing Planning Proposals" a Part 6 Project timeline has been developed. The proposed project timeline is detailed in the table below:

Table 3: Proposed Project Timeline

PLANNING PROPOSAL COMPONENT	PROPOSED TIME PERIOD
Anticipated commencement date (date of Gateway determination)	Late April 2013
Public exhibition period	May 2013
Public hearing dates (if required)	Late May 2013
Timeframe for consideration of submission	June 2013
Timeframe for consideration of a proposal post exhibition	Late June-Early July 2013
Date of submission to the Department to finalise the LEP	Early July 2013
Anticipated date RPA will make the plan (if delegated)	Late July – Mid August 2013
Anticipated date RPA will forward to the department for notification	Late August 2013

It should be noted that the above timeframes are estimates only and are subject to change in accordance with any unforeseen proposal developments.



Appendix A Flood Impact Assessment – MWA Environmental



FLOOD IMPACT ASSESSMENT

Lot 81, UGOA ROAD

NARRABRI, N.S.W

Prepared for:

Gleeson Surveying

Prepared by:

MWA Environmental

06 June 2012

Disclaimer:

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Where site inspections, testing or fieldwork have taken place, the report is based on the information made available by the client or their nominees during the visit, visual observations and any subsequent discussions with regulatory authorities.

The validity and comprehensiveness of supplied information has not been independently verified and, for the purposes of this report, it is assumed that the information provided to Max Winders & Associates Pty Ltd tas MWA Environmental is both complete and accurate.

DOCUMENT CONTROL SHEET

Max Winders & Associates Pty Ltd tas MWA Environmental	
Level 15 241 Adelaide Street GPO Box 3137 Brisbane 4001	Job Name: Ugoa Road, Narrabri
Telephone: 07 3002 5500	Job No: 11-130
Facsimile 07 3002 5588	Original Date of Issue: 27 January 2012
Email: mail@mwaenviro.com.au	

DOCUMENT DETAILS

Title:	Flood Impact Assessment – Lot 81 Ugoa Road, Narrabri
Principal Author:	Jamie Marshall
Client:	Gleeson Surveying
Client Address:	1 Bowen Street P.O. Box 1, Narrabri
Client Contact:	Ross Gleeson

REVISION/CHECKING HISTORY

Version Number	Date	Issued By		Checked By	
1	27.01.12	JDM		MFW	
2	06.06.12	JDM		MFW	
3					
4					
5					
6					
7					
8					

DISTRIBUTION RECORD

Destination	Version Number								
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CONTENTS TABLE

	Page
1.0 INTRODUCTION.....	1
1.1 The Brief	1
1.2 Existing Site and Hydrology	1
1.3 Proposed Development	2
2.0 FLOOD IMPACT ASSESSMENT	3
2.1 The Nature of Flooding in Narrabri	3
2.2 Previous Flood Modelling	3
2.3 Review of Council's Floodplain Development Options	4
2.4 Flood modelling at site	4
2.5 Impacts upon Flood Flows	4
2.6 Impacts upon Peak Flood Levels	5
3.0 CONCLUSIONS.....	6
6.0 REFERENCES.....	7

FIGURES

1.0 INTRODUCTION

1.1 The Brief

This Flood Impact Assessment has been prepared to accompany a development application to Narrabri Shire Council for development consent for the proposed development upon Lot 81 DP 2855, Ugoa Road, Narrabri (see **Figure 1**).

This current application provides for above ground building works to be carried out in the south west corner of the plot.

As with much of Narrabri the subject Lot is prone to inundation by floodwaters in larger precipitation events. This assessment addresses issues referred to in Clause 10 of the *Narrabri Local Environmental Plan No. 2* for the development of flood prone land as follows:

- (1) This clause applies to land subject to inundation by floodwaters with an average recurrence interval of 1:100 years.*
- (2) In this clause, land-filling means the depositing of soil or like material to a depth of more than 225 millimetres above natural ground surface level.*
- (3) A person shall not erect a building or carry out a work for any purpose on flood liable land except with the consent of Council.*
- (4) In considering an application for development consent in respect of land to which this clause applies the Council shall take into account the following additional matters:*
 - (a) floor height of any building comprised in the proposed development in relation to known flood levels;*
 - (b) land filling;*
 - (c) drainage;*
 - (d) flood proofing measures;*
 - (e) access.*

1.2 Existing Site and Hydrology

Lot 81 on Ugoa Road Narrabri has an area of approximately five hectares (see **Figure 2**). The lot is predominantly open grassland, with a line of trees following the zoning line to the south west corner of the lot. A natural drainage channel bisects the lot running from the south east corner of the lot to the western boundary where the channel continues into the adjoining property. In small precipitation events the channel is fed from, runoff from the Lot which all drains to the channel, and pipe culverts under Ugoa Road, which allow flows from the fields on the opposite side of the road to be conveyed to the channel. Surveying carried out by Gleeson Surveying shows that ground levels of the channel rise to approximately 211.2m AHD in both south west and north east corners of the lot and the channel floor drops from approximately 210.15m

AHD in the south eastern corner to 209.8m AHD on the western boundary (see **Figure 3**).

The channel acts as an overland flood flow path or 'flood runner'. In larger events flood levels rise throughout the township of Narrabri and the channel conveys floodwater through the Lot to the Namoi River. The flood levels rise over the height of Ugoa Road, filling the channel until it is overtopped, inundating much of the lot, along with many of the neighbouring lots.

1.3 Proposed Development

The area proposed for development is located on higher ground to the south west corner of the site as shown in the building envelope in **Figure 3** and covers approximately 0.26 hectares of land. The development will consist of residential buildings. The building envelope shown in **Figure 3** is located ten metres from its eastern boundary with the adjoining property, ten metres from the Lots southern boundary with Ugoa Road and ten metres from the rural floodway zone line indicated to the north west of the envelope. The topography of the land in the building envelope varies between 210.7m AHD and 211.2m AHD. Access to the development will be via Ugoa Road. The habitable floor levels will be raised to a height 500mm above the 100 year flood event as in keeping with Narrabri Shire Councils building and planning regulations.

'Section 117 Direction 4.3 Flood Planning Land requires consistency with the principles of the Floodplain Development Manual (FDM) 2005. The FDM 2005 requires a flood planning level of 1% AEP plus 500mm freeboard (which is also adopted under the draft comprehensive LEP).'

Figure 4 shows the extent of Council's Rural Floodway (1d) Zone in which further development would not normally be approved. The zoning boundary cuts across Lot 81 leaving a considerable part of the Lot within the Rural Floodway (1d). A small area of higher elevated land to the south west of the Lot, is not within this zone, although the zone boundary currently extends far enough to encompass some of the proposed building envelope area.

The survey from Gleeson Surveying shows the contours across this part of the site in more detail (see **Figure 3**). Here the contours (which zones boundaries are based upon) could be used to provide argument that, the Rural Floodway (1d) zone does not extend so far into the south west corner of the site, that the elevated land incorporates the area in which the building envelope lays, and that the area of the proposed development site could be rezoned. Gleeson Surveying has marked up the zone boundary line they deem appropriate based on their survey of the site (see **Figure 3**). This potential rezoning requires discussion and agreement with Council.

2.0 FLOOD IMPACT ASSESSMENT

2.1 *The Nature of Flooding in Narrabri*

There have been a number of flood studies carried out in Narrabri in the past, with a view to finding appropriate flood risk mitigation options, and to ensuring that future works and new development within the town and surrounding floodplains do not increase those risks or preclude the implementation of potential flood mitigation options.

In general terms, the Namoi River flows in a NW direction through Narrabri as several braided channels flowing over a wide floodplain which, in turn, contains overland flood flow paths or "flood runners" which carry significant break out flood flows through, and around, the outskirts of Narrabri.

Attached as **Figure 5**, is a copy of an aerial photograph of the July 1998 flood event. This was a major flood event, and the photograph shows the site bisected by the channel which feeds into another "flood runner" before discharging into the floodwaters of Namoi River.

The Narrabri Creek floodways carry significantly higher flood flows than the Namoi River and the floodwater levels in the former are higher than in the latter. However, the inundated area is more than 5 km wide during major floods and the overland flow paths are quite dependent upon where the main streams break out into the floodplain.

2.2 *Previous Flood Modelling*

Council's current policies have been based upon the recommendations reached in a 2002 report based upon floodplain modelling carried out during 1999 by Max Winders & Associates.

In 2011 further work was carried out on floodplain modelling in Narrabri for the development of the MAC site by Max Winders and Associates (2011). The original Mike 11 models used were upgraded to better represent some of the overland flow paths through the Narrabri floodplain.

The Narrabri MIKE-11 model upgrade was accomplished by extending the original model network for several kilometres upstream and substantially revising its overland flow network and cross sections in that area. This was carried out using the most recent topographic data, extracted from the NSW Government's digital elevation model for the region.

The upgrade was undertaken by DHI Water & Environment Pty.Ltd., the Australian distributors of the MIKE-11 software. The upgraded model was built on the most recent version of the MIKE-11 software, whereas the 1999 model was based upon a much earlier version which did not possess many of the features of the later version of the software.

The upgraded model provides a better representation of the overland flow network observed during the 1998 flood. **Figure 6** shows the updated Narrabri Mike 11 model and its branches. The original computer modelling carried out by MWA, generated overland flows under the estimated Q100 conditions represented schematically in

3.0 CONCLUSIONS

1. The subject site is located such that the currently indicated 1% AEP or Q100 flood level of 213.18 m AHD makes the site subject to Clause 10 of Council's *Local Environmental Plan No.2*.
2. Narrabri Shire Council's zoning map shows that the proposed building envelope currently sits party in the Rural Floodway 1(d) Zone and 6(a) Open Space – Existing Recreation.
3. Gleeson Surveying provide the argument that the Rural Floodway Zone does not extend so far into the south west corner of the site as shown in the zoning map, based on contours from their survey of the site, and have marked the zone boundary they deem appropriate. This potential change in the Floodway Zone boundary requires consultation with Council.
4. The Mike 11 model upgrade made no significant change to the design flood levels originally adopted, in the vicinity of this site.
5. If 213.18 m AHD is adopted as the 1% AEP design flood level, then minimum habitable floor levels should be at least 500mm higher, i.e. at or above 213.68 m AHD, as in keeping with Narrabri Council's flood plain development strategy.
6. Mike 11 modelling of the site has shown the development has little impact on the flow regime of the local flood ways during a 100 yr ARI event. By maintaining the flood flow patterns in the floodplains, there should be little significant impact upon overland flows within the identifiable sphere of influence of the development and it could proceed without compromising any of Council's floodplain development options.
7. Mike 11 modelling has shown that the development has insignificant impact on the flood levels seen in the localised area during a 100 yr ARI event, due to the wide expanse of the flood plain here. The development itself will only take up a minimal amount of flood plain storage. The modelled increases in peak 100 yr ARI flood levels have been determined to be no greater than 1 cm, less than the 5 cm of afflux adopted by Council as a criterion for impacts from floodplain development.
8. Because the floodplain flows are also relatively unchanged, there should be no real impact upon peak flood levels in flood sensitive areas.

6.0 REFERENCES

1. MWA Environmental, *Flood Impact Assessment – Proposed MAC Village – Narrabri NSW*, 1 September 2001.
2. Max Winders & Associates & Osborn Lane, *Narrabri Supplementary Floodplain Management Study*, February 2002.
3. MWA Environmental, *Flood Impact Assessment – Narrabri Village, Stages 1 to 5, Narrabri, NSW*, July 2011.
4. NSW Government, *Floodplain Development Manual*, 2005.

FIGURES

LEGEND

Site Boundary

DRAWING REFERENCES

Aerial - Google Earth Pro, 2006.
Aerial is not orthorectified, overlays are best fit.



CLIENT
GLEESON SURVEYING

PROJECT

NARRABRI
Flood Impact Assessment
Lot 81 Ugoa Street, Narrabri NSW.

TITLE
**GENERAL
SITE LOCATION**

JOB	NARRABRI	FIGURE 1
JOB NO.	11-130	DRAWING NUMBER
DATE	27/01/12	SCALE
SCALE	1:18,000 (A4)	REV.
REV.	11-130-1	



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ABN 54 010 633 084





LEGEND
Site Boundary

DRAWING REFERENCES
Aerial - Google Earth Pro, 2006.
Aerial is not orthorectified, overlays are best fit.

CLIENT
GLEESON SURVEYING

PROJECT
NARRABRI
Flood Impact Assessment
Lot 81 Ugoa Street, Narrabri NSW.

TITLE
AERIAL PHOTOGRAPH

JOB NO	NARRABRI	FIGURE 2
JOB NO	11-130	
DATE	27/01/12	DRAWING NUMBER
SCALE	1:2,000 (A4)	
REV.		11-130-2



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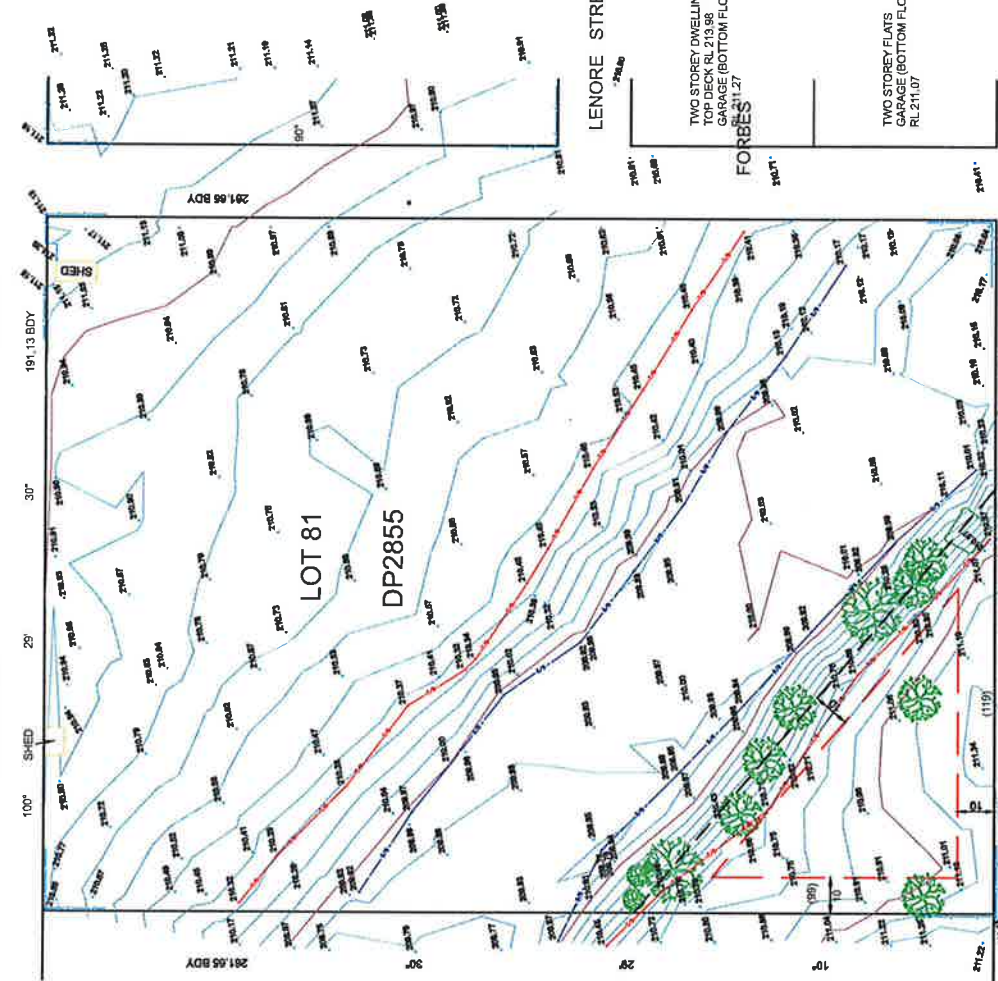
GUMBIDGUWA STREET

STREET

LENORE STREET

UGOA STREET

M. C. A.



LEGEND

	BOUNDARY (BDY)
	FENCE
	TOP OF BATTER
	BOTTOM OF BATTER
	MINOR CONTOUR (INTERVAL 0.1m)
	MAJOR CONTOUR (INTERVAL 1.0m)
	EXISTING SURFACE LEVEL
	TREE
	BUILDING ENVELOPE
	ZONE LINE
	EDGE OF TIMBER LINE

NOTES
1. THIS PLAN HAS BEEN PREPARED TO SHOW EXISTING SURFACE LEVELS AND FEATURES FOR LOT 81 DP2855 NARRABRI AND SHOULD BE USED FOR NO OTHER PURPOSE.

PROJECT	
NARRABRI	
Flood Impact Assessment	
Lot 81 Ugoa Street, Narrabri NSW	
CLIENT GLEESON SURVEYING	
TITLE SURVEY PLAN	
JOB	NARRABRI
JOB NO	11-130
DATE	27/01/12
SCALE	1:2,000 (A4)
REV.	11-130-3
FIGURE 3	
DRAWING NUMBER	



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MWA Environmental Pty Ltd
ABN 94 010 833 084

Author	1:3000@A2	Drawn	AHD
Checked	1:3000@A2	Drawn	MGA
Registered Surveyor		Drawn	
Scale		Drawn	
Rev		Drawn	
24-11-11		Drawn	

D	24-11-11	Levels changed by -0.55 m
C	11-10-11	Addition of Building Envelope
B	10-09-11	Building Levels Added
A	11-07-11	Original Issue
Issue	Author	Revision Type

File Name:	8227DET.dwg	Sheet:	1 OF 1
Drawing Description:		DETAIL SURVEY	

LOT 81 DP2855	
UGOA, FORBES & GUMBIDGUWA STREETS	
NARRABRI	
D. SMITH	

Gleeson & Surveying	
Registered Surveyors	
1 Avenue Street, PO Box 1, Narrabri N.S.W. 2390	
Phone: 02 67922720 Fax: 02 67923460	
E-mail: gleeson@gleeson.net.au	

PROJECT

NARRABRI
FLOOD IMPACT ASSESSMENT
LOT 81, UGOA ROAD,
NARRABRI N.S.W.

CLIENT
GLEESON SURVEYING

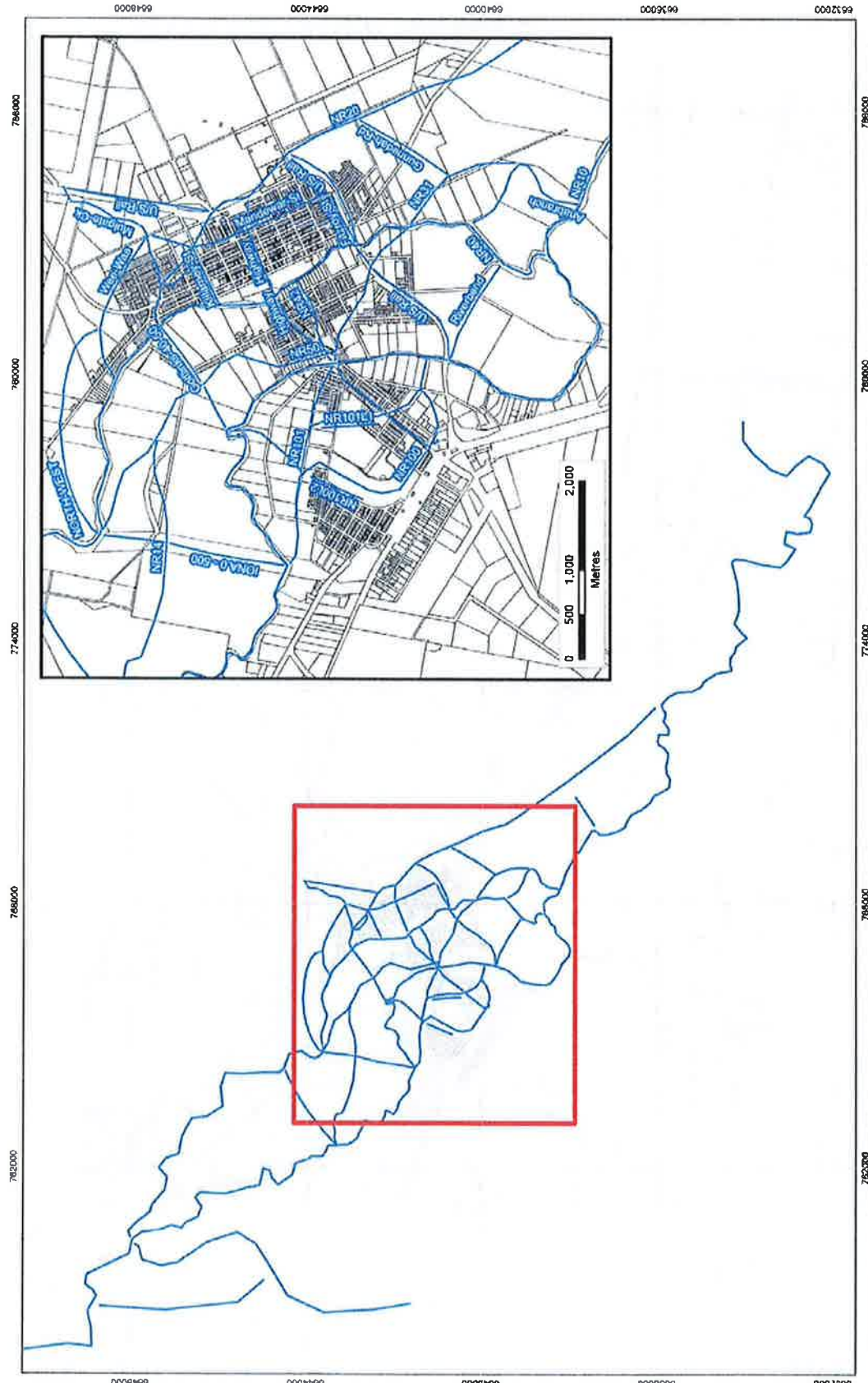
TITLE

**NARRABRI UPGRADED
FLOOD MODEL NETWORK**
FIGURE 6

JOB NO. 11-130
DATE 27/01/12
SCALE As shown
DRAWING NUMBER
11-130-6



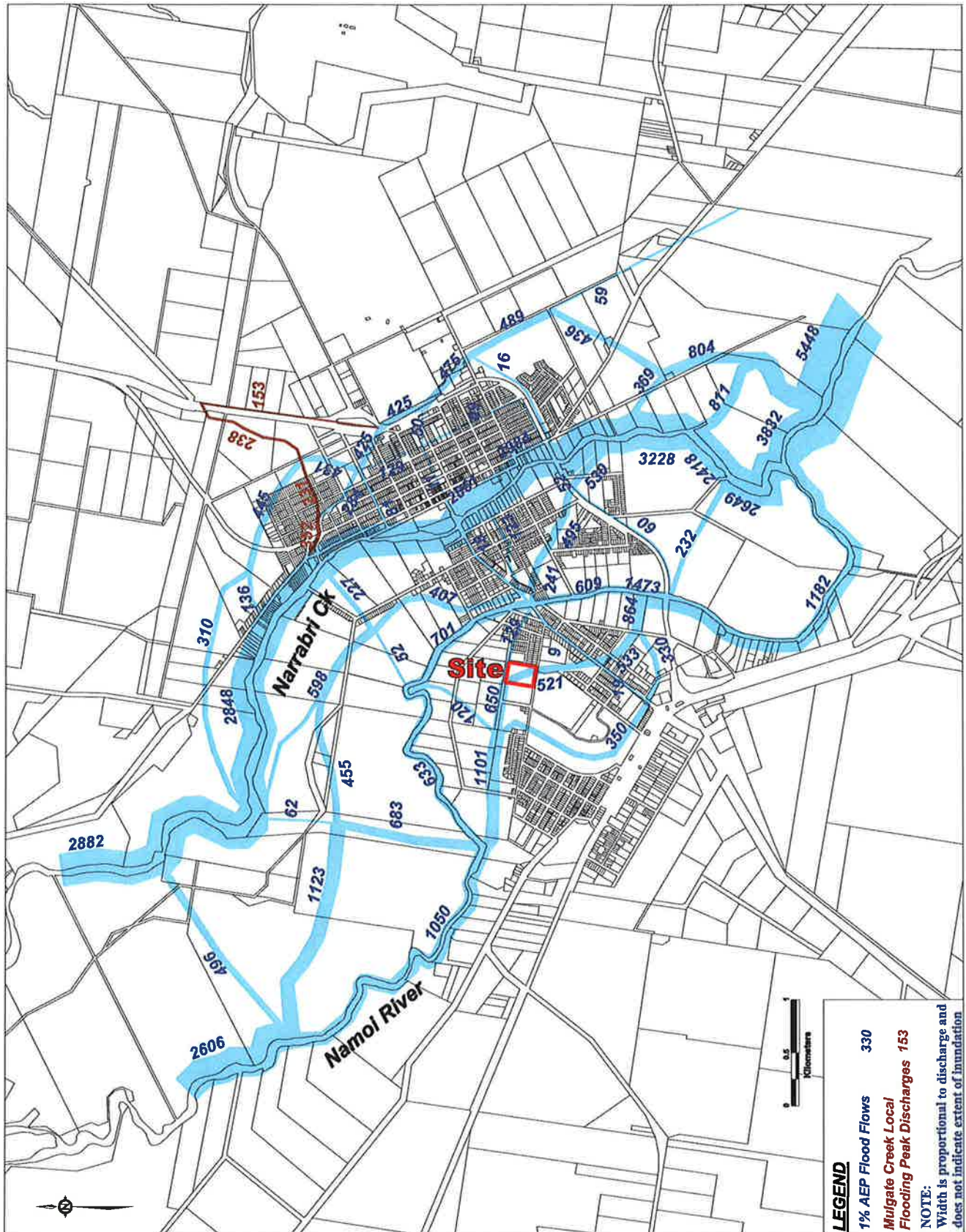
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Channel Network
NSC 1999 Cadastre

Narrabri 1D Flood Model
Figure 5. Model Network





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PROJECT
NARRABRI
FLOOD IMPACT ASSESSMENT
Lot 81, Ugoa Road, Narrabri, NSW.

CLIENT
GLEESON SURVEYING

DRAWING REFERENCE
NSC - Narrabri Supplementary Floodplain Management Study.

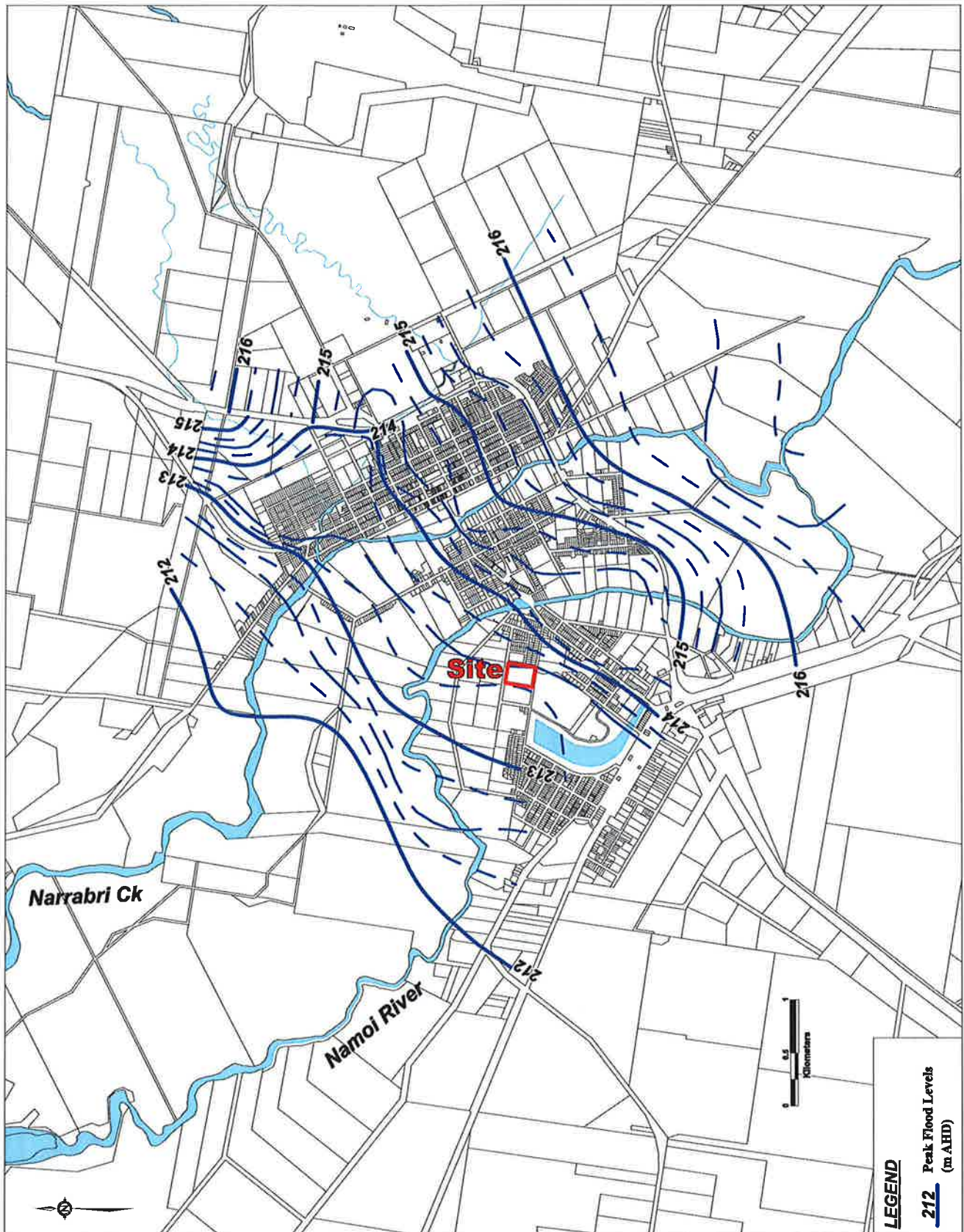
TITLE

1% AEP FLOOD FLOWS

JOB NARRABRI
JOB NO 11-130
DATE 27/01/12
SCALE 1:50,000 (A4)

FIGURE 7

DRAWING NUMBER
11-130-7



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ABN 34 010 833 084

PROJECT
NARRABRI
FLOOD IMPACT ASSESSMENT
Lot 81, Ugoa Road, Narrabri, NSW.

CLIENT
GLEESON SURVEYING

DRAWING REFERENCE
NSC - Narrabri Supplementary Floodplain Management Study.

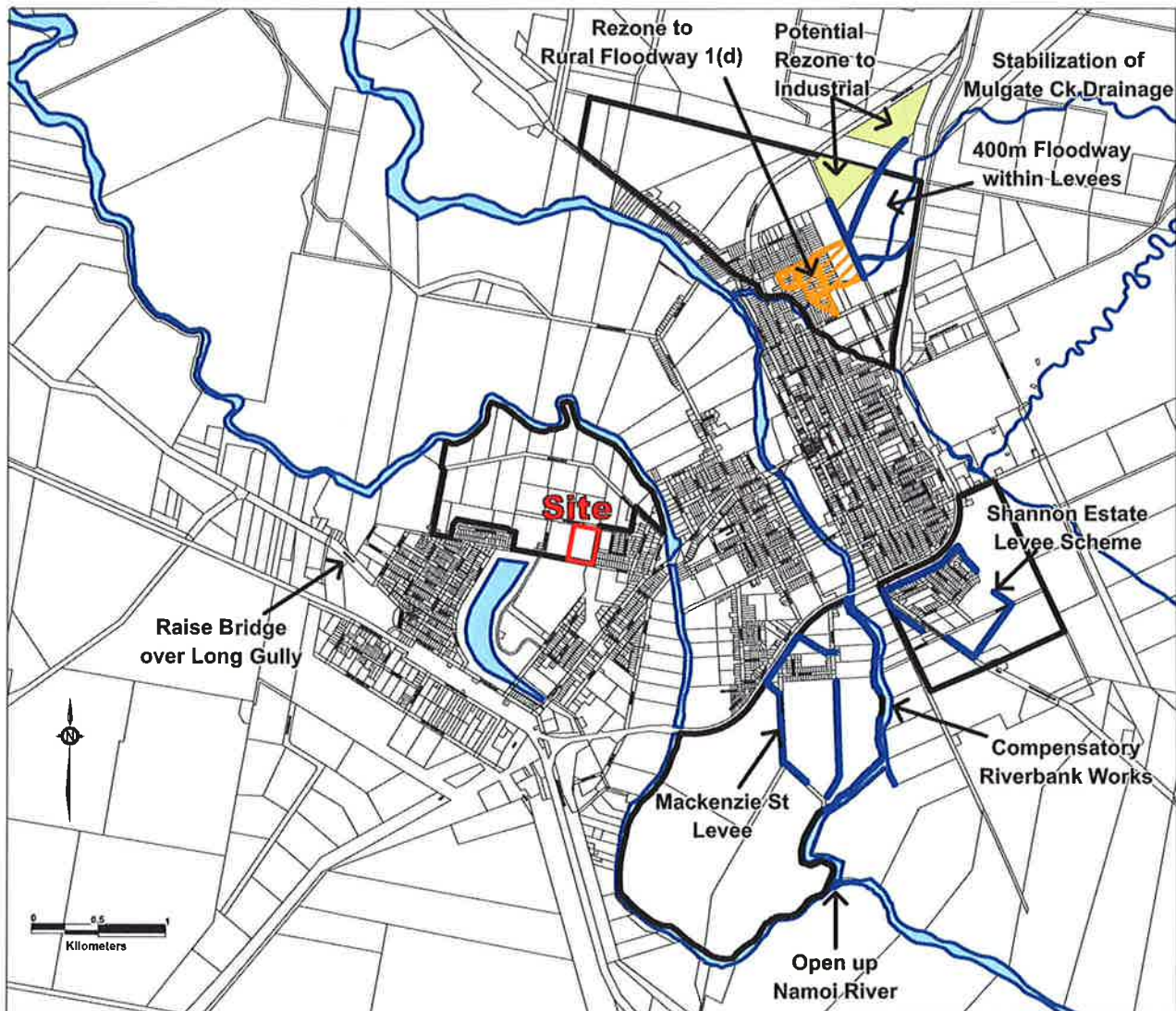
TITLE

1% AEP FLOOD CONTOURS

JOB	NARRABRI
JOB NO.	11-130
DATE	27/01/12
SCALE	1:50,000 (A4)

FIGURE 8

DRAWING NUMBER
11-130-8



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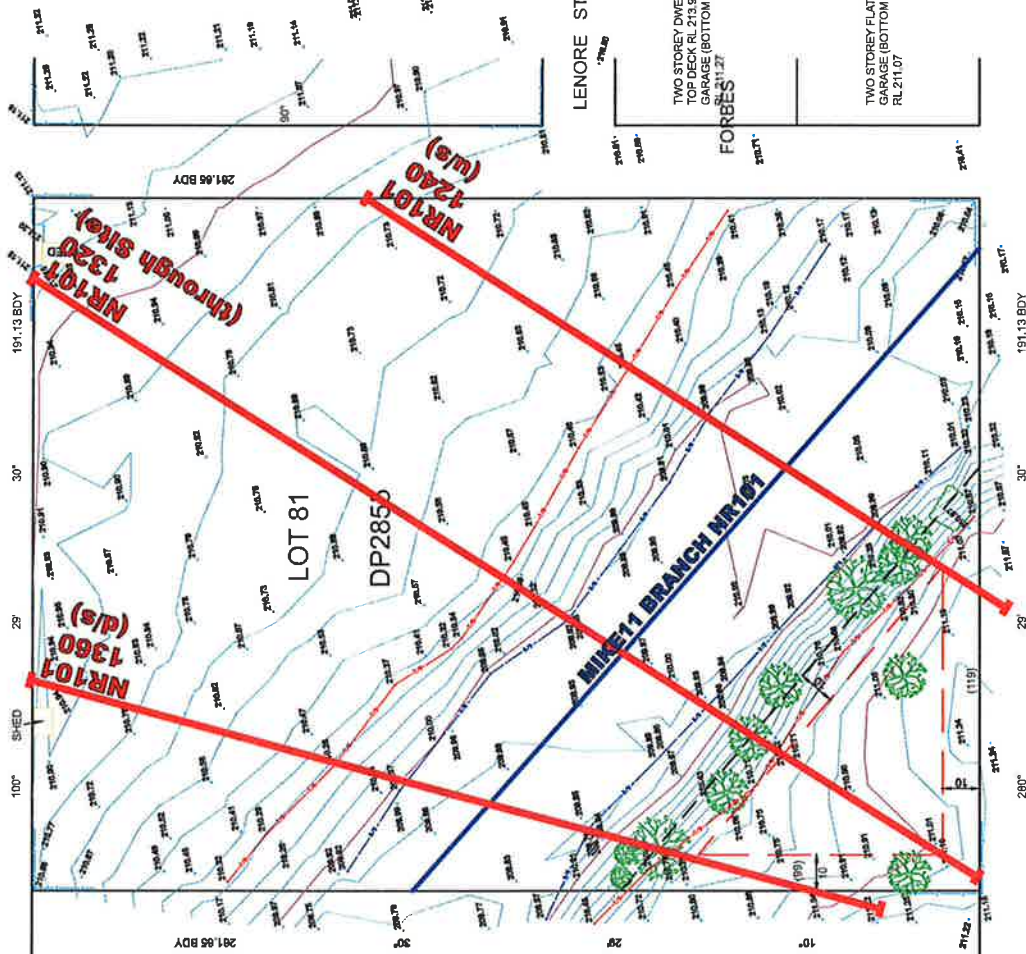
PROJECT
**NARRABRI
 FLOOD IMPACT ASSESSMENT**
 Lot 81, Ugoa Road, Narrabri, NSW.

CLIENT
GLEESON SURVEYING

DRAWING REFERENCE
 NSC - Narrabri Supplementary Floodplain Management Study.

TITLE
**IDENTIFIED FLOODPLAIN
 MANAGEMENT WORKS**

JOB	NARRABRI	FIGURE 9
JOB NO	11-130	
DATE	27/01/12	DRAWING NUMBER
SCALE	1:50,000 (A4)	11-130-9



BOUNDARY (BODY)
 FENCE
 TOP OF BATTER
 BOTTOM OF BATTER
 MINOR CONTOUR (INTERVAL 0.1m)
 MAJOR CONTOUR (INTERVAL 1.0m)
 EXISTING SURFACE LEVEL
 TREE
 BUILDING ENVELOPE
 ZONE LINE
 EDGE OF TIMBER LINE
 CROSS SECTIONS

NOTES
1. THIS
EXIST
FOR L
BE US

PROJECT

CLIENT GLEESON SURVEYING

TITLE NEW CROSS SECTIONS

JOB	NARRABRI	FIGURE 10
JOB NO.	11-130	
DATE	27/01/12	
SCALE	1:2,000 (A4)	
REV.		
		DRAWING NUMBER
		11-130-10



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ABN 94 010 633 084

R.G.	Scale:	1:9000@A2	Definition:	AHD
R.G.			Organization:	MGA
R.G.			Date:	24-11-11
R.G.		Registered Surveyor		
2011		for Guesen		

Issue	Date	Revision Type	Rev. #
D	24-11-11	Levels changed by -0.59 m	B.V.
C	11-10-11	Addition of Building Envelope	B.V.
B	19-09-11	Building Levels Added	S.B.
A	11-07-11	Original Issue	S.B.

File Name:	8227DET.dwg	Sheets:	1 OF 1	Ref. No.:	8227
Drawing Description:					
DETAIL SURVEY					

LOT 81 DP2855
UGOA, FORBES & GUMBIDGUWA STREETS
NARRABRI
D. SMITH

Registered Surveyors
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Phone: 02-67922220 Fax: 02-67922460
E-mail: glesurvey@bigpond.net.au

Season Surveying



Appendix B Narrabri Shire Council Ordinary Council Meeting Minutes

17th July 2012

11 GENERAL MANAGER'S REPORT

11.1.1 GENERAL MANAGER'S REPORT

SUBJECT: ECONOMIC DEVELOPMENT JULY UPDATE

536/2012 RESOLVED on the motion moved by Councillor Kelly/Buckman that Council receive and note the July update from the Economic Development Section.

Cr Clements arrived at the meeting at 10:19AM

11.1.2 GENERAL MANAGER'S REPORT

SUBJECT: HUMAN RESOURCES UPDATE

537/2012 RESOLVED on the motion moved by Councillor Kelly/Buckman that the Council receive and note the information on activities within the Human Resources Section of Council.

MOTION

Motion moved by Councillor O'Regan/Lowder that item 11.1.1 be resubmitted.

THE MOTION WAS PUT TO COUNCIL AND DECLARED CARRIED

538/2012 RESOLVED on the motion moved by Councillor O'Regan/Lowder that item 11.1.1 be resubmitted.

11.1.3 GENERAL MANAGER'S REPORT

SUBJECT: LEP AMENDMENT – UGOA STREET, NARRABRI

539/2012 RESOLVED on the motion moved by Councillor Bolton/Clements that Council resolve to forward the Planning Proposal (prepared by Mitchell Hanlon Consultants Pty Ltd in relation to Lot 81 Deposited Plan 2855) to the Minister of Planning in accordance with Section 56 of the Environmental Planning and Assessment Act 1979; and

That Council seek the comment of the Office of Environment and heritage (Flood Plain Control Unit) in relation to the proposal if a gateway determination is granted by the Department of Planning.

CR BATES ARRIVED AT THE MEETING AT 10:24AM

CR CLEMENTS LEFT THE MEETING AT 10:27AM

CR CLEMENTS RETURNED TO THE MEETING AT 10:28AM

11.1.3 GENERAL MANAGER'S REPORT

SUBJECT: LEP AMENDMENT – UGOA STREET, NARRABRI

Author: Manager Planning and Development Services

Conflict of Interest: The author has no reportable conflict of interest in the matter.

RECOMMENDATION: For Councils determination.

Introduction

Council is in receipt of a planning proposal to rezone Lot 81 Deposited Plan 2855, known as Ugoa Street, Narrabri, from Zone part 1(d) Floodway and 6(a) open spaces to part 1(d) floodway and 2(a) residential in the Narrabri Local Environmental Plan No 2 (the LEP).

The proposal has been received by Mitchell Hanlon Consulting on behalf of Jocelyn Ann Smith and the key outcome sought is to permit the construction of a dwelling house within the current 6(a) Open Space portion of the allotment. The current zoning does not permit

Proposed Development

The application seeks to rezone the land from part 1(d) Floodway and 6(a) open spaces to part 1(d) floodway and 2(a) residential, under the Narrabri Local Environmental Plan Number 2 or the equivalent zone being R1 and RU1 under the NSW Standard LEP Template. The purpose of the LEP amendment is to allow the construction of a dwelling house on the subject site.

An amendment to a LEP can be initiated by either the Council for the local government area to which the LEP is to apply, or, the Minister of Planning. If Council initiated the LEP, they are considered the "relevant planning authority" (RPA) for the carrying out of the process.

The initial step in creating a new LEP is the preparation of a planning proposal. A planning proposal is a document that explains the intended effect of the proposed LEP and the justification for making it. The planning policy must meet the requirements set down in Section 55(2) of the Environmental Planning and Assessment Act 1979.

- (2) *The planning proposal is to include the following:*
- (a) *a statement of the objectives or intended outcomes of the proposed instrument,*
 - (b) *an explanation of the provisions that are to be included in the proposed instrument,*
 - (c) *the justification for those objectives, outcomes and provisions and the process for their implementation (including whether the proposed instrument will comply with relevant directions under section 117),*
 - (d) *if maps are to be adopted by the proposed instrument, such as maps for proposed land use zones; heritage areas; flood prone land—a version of the maps containing sufficient detail to indicate the substantive effect of the proposed instrument,*

GENERAL MANAGER'S REPORT PRESENTED TO THE ORDINARY MEETING OF COUNCIL THAT WAS HELD IN THE NARRABRI SHIRE COUNCIL CHAMBERS, 46-48 MAITLAND STREET, NARRABRI, ON TUESDAY, 17TH JULY 2012.

- (e) *details of the community consultation that is to be undertaken before consideration is given to the making of the proposed instrument.*

The planning proposal can be prepared by the RPA, or by a proponent for the proposed LEP. In either event, the RPA is ultimately responsible for the planning proposal and must be satisfied with it such that it is prepared to forward it to the Minister for the next step in the process, being the gateway determination. In this instance the planning proposal has been prepared by the proponent.

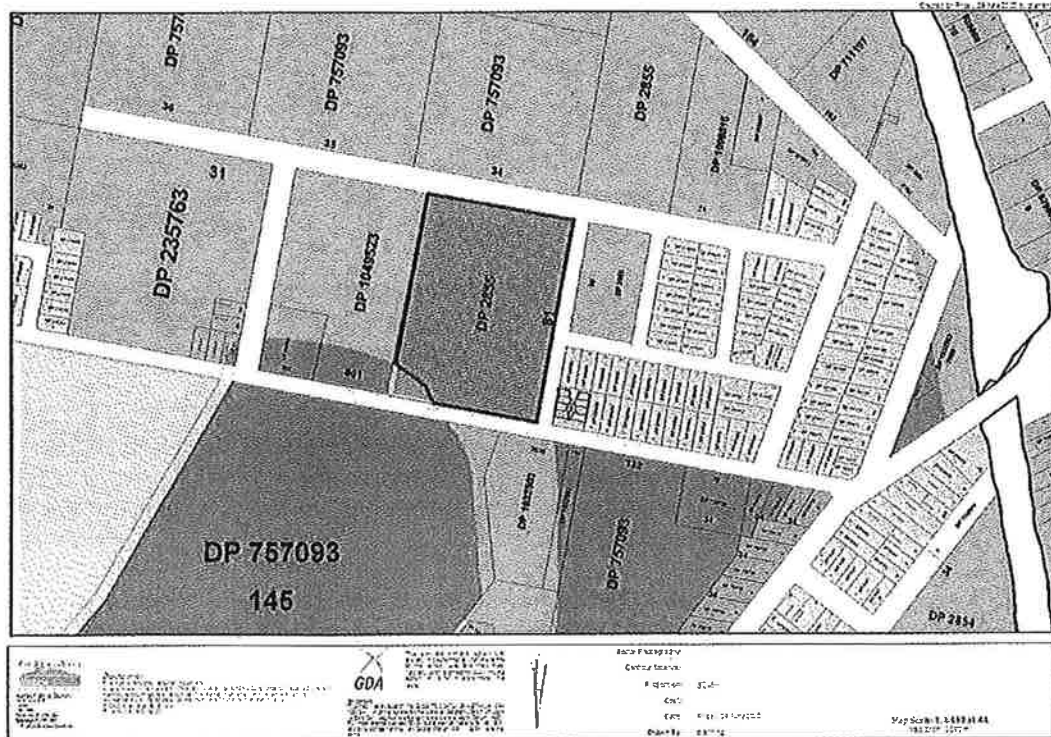
Description of Site and Surrounds

The subject site is located upon Lot 81 Ugoa Street, Narrabri. The subject land occupies an area of approximately 9.65 Hectares and has been shown in the GIS map below in the hatched area. The area to the South Western corner of the allotment is the area that is proposed to be rezoned to 2(a) Residential or R1 under the draft Narrabri Local Environmental Plan 2012.

The proposed zone is compatible with the land use to the east being low density residential development. There is small scale agricultural practices to the North of the allotment and rural residential style development to the West. The Narrabri Lake precinct occupies the area to the South of the allotment. The allotment has a depression extending from the South Eastern to the North Western corner of the allotment which enables passage of flood runners.

The land, from a review of Council records is serviced by sewer and water infrastructure and access to the allotment is by way of a sealed road from Ugoa Street Narrabri.

The land is generally sloping towards the South Western corner of the allotment and is subject to flood inundation in times of prolonged rainfall events.



Map 1.0 indicates the location of the proposed re-zoning application.

Applicant's Justification of the Proposal

The applicant has provided a submission in support of the proposal. In summary the applicant's justification for the rezoning is:

- To enable the provision of a dwelling house on the allotment.
- The planning proposal will not reduce the amount of available public recreation land as the allotment is in private ownership.
- The proposed rezoning will enable additional housing stock on a portion of currently under utilised land.
- A hydraulic report prepared by Max Winders concludes that there will be no additional impacts on flood plain behaviour or flood plain storage when considered in relation to the current flood plain models for the whole of Narrabri.
- If the land is rezoned to residential, the construction of the dwelling will be subject to Council's normal statutory development assessment controls and also Minimum Floor Levels in accordance with the interim flood development control plan.
- Access and egress to the allotment would need to be established at the development application stage should the site be subject to flood inundation.

GENERAL MANAGER'S REPORT PRESENTED TO THE ORDINARY MEETING OF COUNCIL THAT WAS HELD IN THE NARRABRI SHIRE COUNCIL CHAMBERS, 46-48 MAITLAND STREET, NARRABRI, ON TUESDAY, 17TH JULY 2012.

Department of Planning Circulars

Planning Circular PS06-005 *Local Environmental Plan Review Panel* explains the role of the LEP Review Panel established by the Department of Planning. Spot re-zonings are referred to in the circular as follows:

- *Councils are requested to avoid, where possible, resolving to prepare spot re-zonings and other amendments to existing plans. A compelling reason must be provided demonstrating the need to prepare such a plan. Spot rezoning LEPs should be comprehensively justified.*
- *In particular, the proposed plan must be considered in the context of State and regional policy direction, as well as the site context in terms of compatibility with neighbouring uses and the potential to create an undesirable precedent in terms of other rezoning requests.*

No compelling reasons have been provided within the spot rezone report prepared by Mitchell Hanlon Consulting. It is noted that the site is proposed to be rezoned to RU1 under the draft LEP and further the minimum allotment size would be 40 hectares which would prohibit the construction of a dwelling house. The owner of the land has submitted this application in order to have the merits of the proposal considered separately to the comprehensive Local Environmental Plan process.

Standard LEP Template Conversion

The *Narrabri Shire Growth Management Strategy* identifies the land use zones proposed to be applied to the Narrabri township. Provided that the recommendations in the Strategy are adopted, the subject land would be rezoned to RU1 Primary Production in the new LEP.

Councillors would need to consider any likely precedent that the application may present as a result of resolving to adopt the proposal and forward the matter to the Department of Planning for consideration and gateway determination.

Conclusion

The proposal will;

- Seek a rezone of a portion of currently underutilised land from 6(a) existing recreation and 1(d) floodway to 2(a) Residential under the Narrabri Local Environmental Plan Number 2. If the land was rezoned to 2(a) Residential it is likely that under a revised comprehensive Local Environmental Plan the land would be partly zoned RU1 Primary Production and also R1 Residential;
- If the rezone proposal is adopted and gazetted, enable with development consent of Council, a dwelling house to be constructed upon the land.

GENERAL MANAGER'S REPORT PRESENTED TO THE ORDINARY MEETING OF COUNCIL THAT WAS HELD IN THE NARRABRI SHIRE COUNCIL CHAMBERS, 46-48 MATTLAND STREET, NARRABRI, ON TUESDAY, 17TH JULY 2012.

- Likely create a precedent with respect to rezoning flood ways to residential which has generally been discouraged by Council due to problems associated with reduction in floodplain storage and behaviour and further potentially endangering life and property in velocity flow areas;
- Provide additional land for housing stock, particularly with respect to land that is underutilised.

The application is supported by a flood study which identifies that that land could be considered for residential purposes without significant impacts on the floodplain.

If the proposal was adopted Council should seek the comments of the Office of Environment and Heritage (Floodplain control unit) Tamworth.

The options available to Council are:

Option 1; That the Council resolve to forward the Planning Proposal (prepared by Mitchell Hanlon Consultants Pty Ltd in relation to Lot 81 Deposited Plan 2855) to the Minister of Planning in accordance with Section 56 of the Environmental Planning and Assessment Act 1979; and

That Council seek the comment of the Office of Environment and heritage (Flood Plain Control Unit) in relation to the proposal if a gateway determination is granted by the Department of Planning. **Or**

Option 2; That the Council refuse the application on the basis that the development does not provide adequate justification for the rezoning of the land to residential and may create a likely precedent for future spot rezoning proposals of this nature.

It is therefore requested that Council determine how it wishes to proceed.

Attachments

- A copy of the Planning Proposal to amend Narrabri Local Environmental Plan No 2, prepared by Mitchell Hanlon Consulting Tamworth can be provided to Councillors upon request.

Financial Implications

There are no expected financial implications for Council relating to this decision. An application for rezone is currently \$6,800 in accordance with the 2011/2012 management plan in which the application was lodged.

Statutory/Legal Implications

The Planning Proposal is prepared in accordance with the provisions of the *Environmental Planning and Assessment Act 1979*.

The Planning Proposal intends to amend the Narrabri Local Environmental Plan No. 2.

Environmental Implications

GENERAL MANAGER'S REPORT PRESENTED TO THE ORDINARY MEETING OF COUNCIL THAT WAS HELD IN THE NARRABRI SHIRE COUNCIL CHAMBERS, 46-48 MAITLAND STREET, NARRABRI, ON TUESDAY, 17TH JULY 2012.

There is no adverse environmental impact identified as a result of the rezoning of the land. Any environmental impacts associated with future development will be subject to a full Section 79(c) Assessment under the *Environmental Planning and Assessment Act 1979*.

Management Plan/Strategic Plan

There are no expected implications in this regard.



Appendix C Department of Planning and Infrastructure Letter

31st August 2012



Planning & Infrastructure

Contact: Gina Davis
Phone: 02 6701 9687
Fax: 02 6701 9690
Email: gina.davis@planning.nsw.gov.au

Mr Pat White
The General Manager
Narrabri Shire Council
PO Box 261
Narrabri NSW 2390

Your ref: NAW:MR31072012
File: 12/13749

31 August 2012

Attention: Mr Nick Wilton

Dear Mr White

Subject: Lot 81, DP 2855, Ugoa St, Narrabri Planning Proposal

I refer to Council's Planning Proposal detailed above and received in this office 24 August 2012.

The Planning Proposal (PP) was referred to us for preliminary comment on 22 May 2012 with an email response dated 30 May 2012 indicating several issues that would require additional information to enable a full and proper consideration. An adequacy test of the formally submitted PP however indicates the following issues still require addressing in greater detail:

- The cover letter to the PP states that the purpose of the PP is to seek a rezoning to permit with consent a motel development. The PP proposal itself however states that the intent of the PP is to seek rezoning to allow for a dwelling. The true intended purpose of the PP needs to be clarified:
- A consideration of how the PP relates to draft Narrabri LEP 2012 as well as Narrabri LEP No 2. As the planning proposal has now been submitted following the formal submission of the draft LEP under s68 of the Act, the PP must address the proposed provisions for the land under the new planning instrument:
- The PP incorrectly states that it only intends to rezone that part of the subject land that is zoned 6(a). The figures referred to in the PP however clearly show that the area to be rezoned and the intended building envelope encompasses both 6(a) and 1(d) zoned land. In this respect s117 direction 1.2 Rural zones applies. As the Narrabri Growth Management Strategy does not endorse the rezoning of the subject land, the PP must illustrate that the provisions of this direction are of minor significance: and
- Section 117 Direction 6.2 Reserving Land for Public Purposes does apply to the PP despite the fact that the land is in private ownership. The PP must state that this direction applies and illustrate that even though the land is zoned for a public purpose; the provisions of the draft LEP that are inconsistent are of minor significance.

As the Narrabri Growth Management Strategy recommends that the subject land be retained as rural but that dwellings could be considered subject to a flood assessment, it may be appropriate for Council to consider resubmitting the PP once the new draft LEP has been made.

If a PP were to be submitted under Narrabri LEP 2012 (once made), the subject land could remain as rural, but an amendment sought to the LSZ map to allow for a dwelling.

Should you wish to discuss this matter further, please do not hesitate to contact me on (02) 67019687.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Gina Davis', with a stylized flourish at the end.

Gina Davis
Senior Planner Northern Region
Tamworth Office



Appendix D Mitchel Hanlon Consulting Letter

12th September 2012



Mitchel Hanlon Consulting Pty Ltd

12 September 2012

Our Ref: **12028**

The General Manager
Narrabri Shire Council
PO Box 261
Narrabri NSW 2390

Attention: Nick Wilton

Dear Nick,

RE: Proposed Rezoning
Client: Jocelyn Anne Smith
Location: Ugoa Street, Narrabri
Land: Lot 81, DP 2855

Further to your email to Matthew Hollis of this Office dated 3rd September 2012, the following information is provided to address the Department of Planning and Infrastructures' letter dated 31st August 2012 (Ref:12/13749):

1. Planning proposals relationship to draft Narrabri LEP 2012

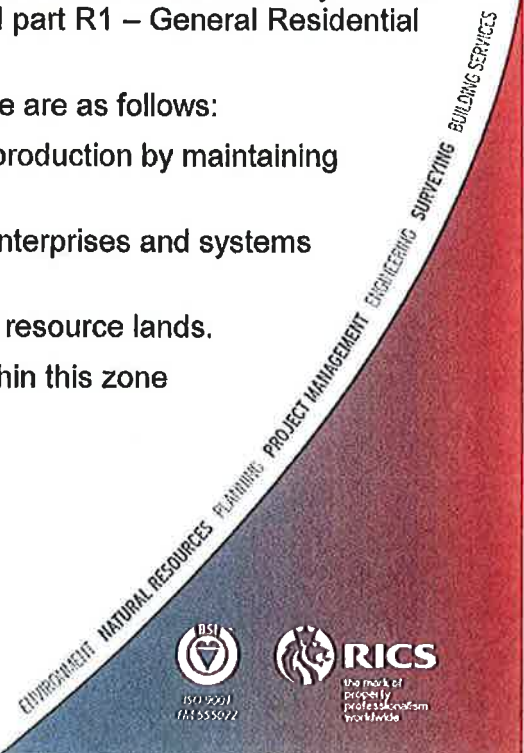
The draft Narrabri LEP 2012 (LEP 2012) shows Lot 81 is proposed to be zoned RU 1 – Primary Production.

Under the planning proposal submitted to Council on 8 June 2012, the subject land would be zoned part RU 1 – Primary Production and part R1 – General Residential under draft LEP 2012.

The objectives of the RU 1 – Primary production zone are as follows:

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.
- To encourage diversity in primary industry enterprises and systems appropriate for the area.
- To minimise fragmentation and alienation of resource lands.
- To minimise conflicts between land uses within this zone and land uses within adjoining zones.

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Version 1:00
© Mitchel Hanlon Consulting
Review date March 2012



REZONING – LOT 81, DP 2855 UGOA ST, NARRABRI

Jocelyn Anne Smith

- To allow for non-agricultural land uses that will not restrict the use of other land in the locality for agricultural purposes.

The proposed rezoning achieves these objectives by:

- Allowing part of the subject land to be used for non-agricultural purposes (residential dwelling) without restricting the use of other land in the locality for agricultural purposes.

Lot 81 is approximately 5ha in area. The proposed rezoning identifies an area of approximately 4.4ha to be retained as RU1 – Primary Production and 5700m² for R1 – General Residential under draft LEP 2012. It is considered that the 5700m² R1 area will have minimal impact on any existing or proposed agricultural purposes.

- Identifying a building envelope to ensure that any proposed residential development is retained within an appropriate envelope which will assist in the prevention of any impacts on existing or proposed agricultural purposes. The building envelope has been identified by Gleeson Surveying as being within the level high ground on the subject land.
- The surrounding land uses, included the neighbouring property contain rural type uses and residential dwellings. Land adjoining to the east is proposed to be zoned “R1 – General Residential” under draft LEP 2012 which has the same physical attributes as the subject site. It is considered that the planning proposal is consistent and compatible with the surrounding land uses.

The objectives of the R1 – General Residential zone are as follows:

- To provide for the housing needs of the community.
- To provide for a variety of housing types and densities.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.

The proposed rezoning achieves these objectives by:

- Enabling a residential dwelling to be constructed on a portion of currently under utilised land.
- A building envelope has been identified within the R1 zoned land to assist with the retention of the rural setting and ensure that any residential dwelling is constructed on the most suitable land. As outlined above this will ensure there is minimal impact on any existing and surrounding land uses, particularly within the RU1 zoned land.

The following information should also be noted when considering the proposal:

REZONING – LOT 81, DP 2855 UGOA ST, NARRABRI

Jocelyn Anne Smith

- As the planning proposal report identifies, the zone line shown on the LEP No. 2 zoning map does not follow any contour lines and is thought to only be indicative of the boundary of the two zonings. Council Officer's have been unable to assist with identifying why the 6 (a) Open Space (existing recreation) zone was put in place over the subject land. It is noted that LEP 2012 does not show any equivalent "recreation" zone over the subject land. It therefore can be concluded that the south-western corner of Lot 81 (and the area previously identified to the west of Lot 81 as 6 (a) zone) is no longer required for this purpose.
- The proposed rezoning is considered to be compatible and an appropriate integration with the surrounding land uses.
- The land to the west contains existing low density residential development. See attached aerial photograph showing surrounding residential development. It is understood that this development exists due to that land (being part of Lot 80, DP 2855) having an additional use allowing for the erection of a dwelling under Schedule 3 – Development of Certain Additional Purposes of LEP No.2. It is interesting to note that this additional purpose has not been carried over into draft LEP 2012.
- It is noted that Clause 7.6 Flood Planning of draft LEP 2012 applies to the subject site. In this regard, as outlined in the Flood Impact Assessment accompanying the planning proposal there will be no additional impacts on flood plain behaviour or flood plain storage. Council's development requirements will be met including Minimum Floor Levels as part of any development application on the land.

Given the timing of this proposal and draft LEP 2012, Council may like to give consideration to rezoning the entire land (including the land subject to this planning proposal) shown as "6(a) Open Space" on LEP No. 2 to "R1 – General Residential". This would ensure consistent planning requirements are applied across this precinct and address any concerns of precedent being set by this proposal.

2. Land to be rezoned

The planning proposal intends to rezone Lot 81, DP 2855 from part "6 (a) Open Space (existing recreation)" and part "1 (d) Rural (floodway)" to part "2 (a) Residential" and part "1 (d) Rural (floodway)" under the Narrabri LEP No. 2. See attached plan.

Under draft LEP 2012 the planning proposal intends to rezone Lot 81, DP 2855 from "RU 1 – Primary Production" to part "RU 1 – Primary Production" and part "R1 – General Residential". See attached plan.

As outlined on page 19 and 20 of the planning proposal - s117 direction 1.2 Rural Zones, whilst the planning proposal is inconsistent with this direction, the inconsistency is considered to be of minor significance for the following reasons:

REZONING – LOT 81, DP 2855 UGOA ST, NARRABRI

Jocelyn Anne Smith

- The proposed rezoning intends to encroach into the existing "Rural" zone approximately 60m. The proposed new boundary is based on a survey undertaken by Gleeson Surveying and accompanied by a Flood Impact Assessment prepared by MWA Environmental.

It is argued that the existing "1 (d) Rural (floodway)" boundary should not extend so far into the south west corner of Lot 81. This is based on a detailed survey of the site including contours and the Flood Impact Assessment.

As shown in the Flood Impact Assessment, any proposed residential development (resulting from the proposed boundary adjustment and rezoning) has little impact on the flow regime for the local flood ways during a 100yr ARI event. The Assessment also shows that any proposed residential development (resulting from the proposed boundary adjustment and rezoning) has insignificant impact on the flood levels seen in the localised area during a 100yr ARI event.

- A building envelope has been identified on the proposed "Residential" land to ensure that the "Rural" land to the north will not be impacted upon by the proposed rezoning.
- The proposed rezoning intends to retain approximately 4.4ha of "Rural" land, whilst rezoning approximately 5700m² of under utilised and inappropriately zoned land.
- Due to the existing contour bank on the subject land, the area to be rezoned to "Residential" is not used for higher agricultural purposes. It is therefore considered that the proposed rezoning will not have an impact on the agricultural use and viability of the land.

3. Public purpose reservation

As outlined on page 47 and 48 of the planning proposal s117 direction 6.2 Reserving Land for Public Purpose, whilst the planning proposal is inconsistent with this direction, the inconsistency is considered to be of minor significance for the following reasons:

- The area zoned as "6 (a) Open Space (existing recreation)" under Narrabri LEP No. 2 is not currently, nor has it previously been used for any recreation purposes.
- It is unknown why part of the subject site was zoned "6 (a) Open Space (existing recreation)" originally.
- Narrabri Council has not identified the subject site for any future public purpose.
- The draft LEP 2012 does not show any equivalent public or private recreation zoning over Lot 81 or the adjoining properties. This indicates that the subject site (and the adjoining properties) is no longer required for this use.

I trust the above information is sufficient to allow for a positive consideration of the proposal.

REZONING – LOT 81, DP 2855 UGOA ST, NARRABRI

Jocelyn Anne Smith

Please do not hesitate to contact myself or Matthew Hollis of this office if you wish to discuss the proposal.

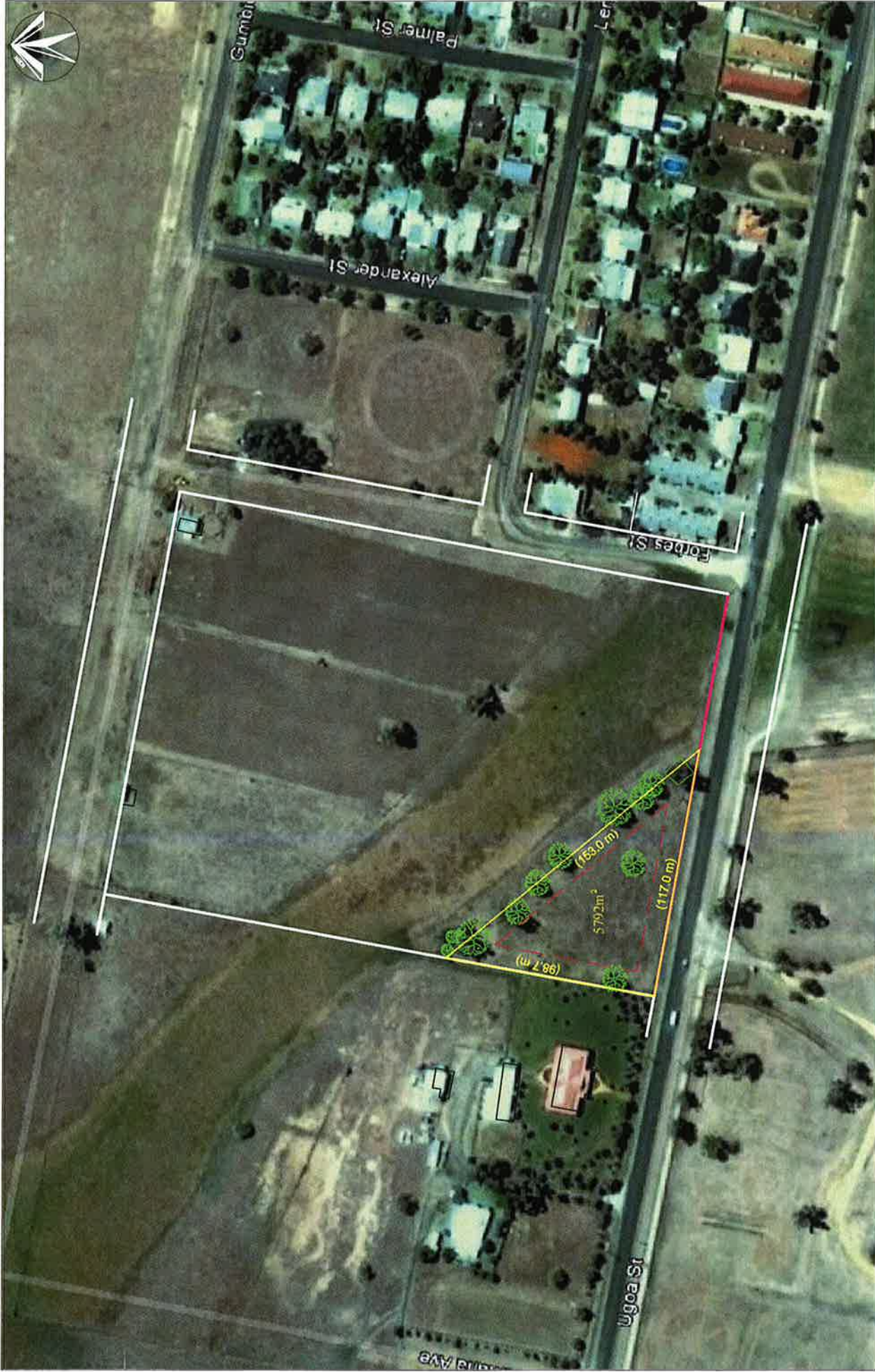
Yours faithfully

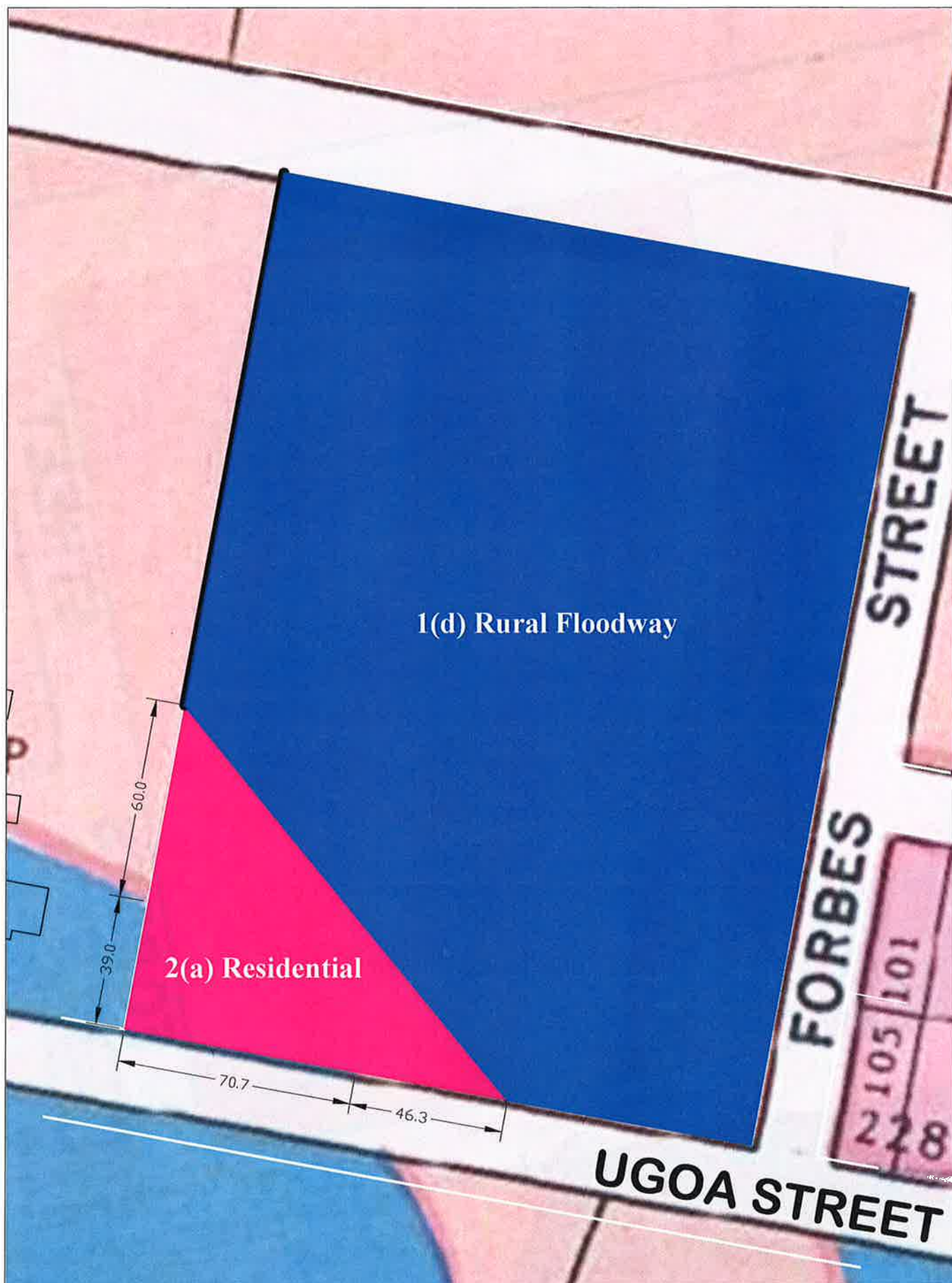


Jocelyn Ullman
Senior Planner

MITCHEL HANLON CONSULTING PTY LTD

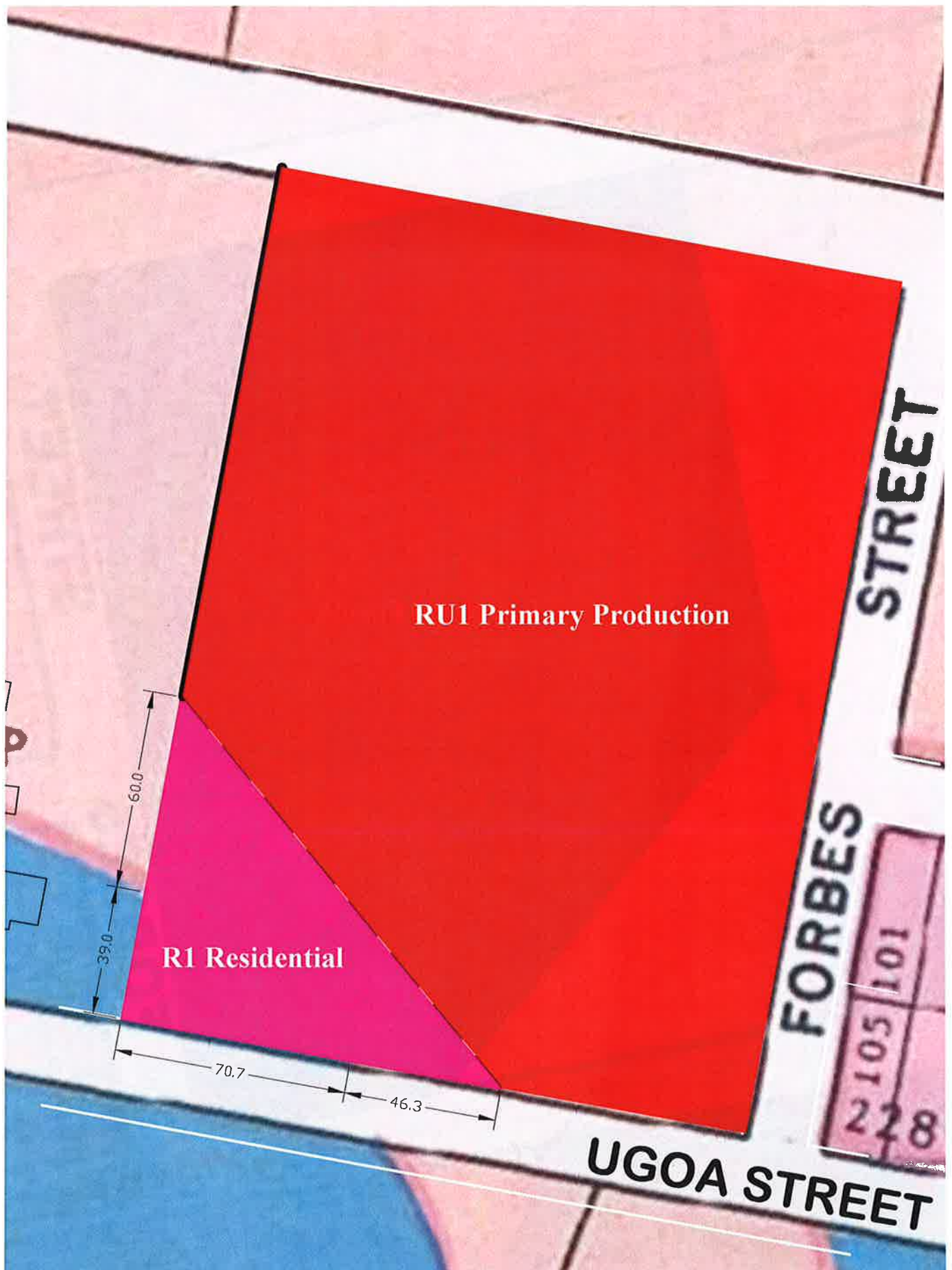
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Proposed Rezoning

Ugoa Street, Narrabri



Proposed Rezoning

Ugoa Street, Narrabri

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Appendix E Mitchel Hanlon Consulting Letter

25th February 2013



Mitchel Hanlon Consulting Pty Ltd

25th February 2013

Our Ref: 12028

The General Manager
Narrabri Shire Council
PO Box 261
NARRABRI NSW 2390

Attention: Nick Wilton

Dear Nick,

RE: Proposed Rezoning
Client: Jocelyn Anne Smith
Location: Ugoa Street, Narrabri
Land: Lot 81, DP 2855

I refer to our previous correspondence dated 12 September 2012 and the Planning Proposal considered by Council at its Ordinary Meeting of the 17 July 2012 regarding the above property.

Following correspondence (dated 31 August 2012) from the Department of Planning and Infrastructure (DPI) and discussions between our client, Jocelyn Ullman from our office and Gina Davis at the DPI the attached Planning Proposal is re-lodged with Council for consideration.

As you are aware DPI suggested that the Planning Proposal be resubmitted following the gazettal of the Narrabri Local Environmental Plan 2012 (NLEP 2012).

The objective of the Planning Proposal is to amend the NLEP 2012 "Lot Size Map – Sheet LSZ_004B" from "AB2" to "Z" for Lot Lot 81 in DP 2855 located at Ugoa Street, Narrabri which is in keeping with the DPI's correspondence.

It is requested that the fees for re-lodging this Proposal be waved as our client has already paid Council a substantial fee previously without a final outcome due to the release of the draft NLEP 2012.

We look forward to the enclosed Proposal being positively considered by Council.

Please do not hesitate to contact myself if you wish to discuss the proposal.

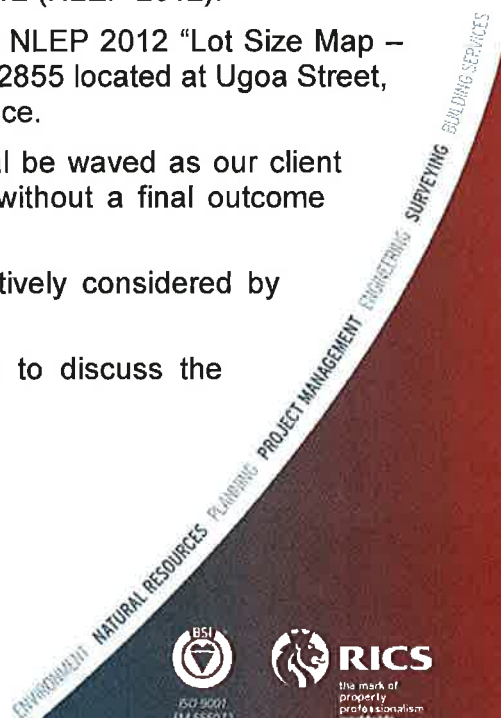
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121 Bridge Street, PO Box 1568 Tamworth NSW 2340

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ABN 51104 893 726



Rezoning – Lot 81, DP 2855 Ugoa Street, Narrabri

Jocelyn Anne Smith

Yours faithfully,

Jocelyn Ullman
Senior Planner
MITCHEL HANLON CONSULTING PTY LTD

Encl.

- Three copies of Planning Proposal



Appendix F Department of Planning and Infrastructure Letter

21st March 2013

Contact: Gina Davis
Phone: 02 6701 9687
Fax: 02 6701 9690
Email: gina.davis@planning.nsw.gov.au

Our ref:
Your ref:
File:

Mr Pat White
General Manager
Narrabri Shire Council
PO Box 261
Narrabri NSW 2390

21 March 2013

Att: Mr Nick Wilton

Dear Mr White

Subject: Planning Proposals – Planning Proposal - Lot 81 DP 2855, Ugoa St, Narrabri

I refer to your email dated 15 March 2013 regarding the submission for preliminary comment of an amended Planning Proposal (PP) for Lot 81 DP 2855, Ugoa St, Narrabri. The information provided has been assessed for adequacy and in regards to previous advice provided to Council on the PP. The Department's updated document 'A guide to preparing planning proposals' (a copy is attached) now sets out the format in which a PP must be submitted. This new format includes the following parts;

Part 1 – A statement of the objectives and intended outcomes. The PP has satisfied the requirements for this part.

Part 2 – An explanation of the provisions that are to be included in the proposed instrument. The PP has satisfied the requirements for this part.

Part 3 – The justification for the objectives and outcomes. The PP has satisfied the requirements for this part.

Part 4 – Maps to identify the intent of the PP and the area to which it applies. Whilst the formatting of the maps is adequate, a proposed lot size of 2ha is not supported as it would contravene the recommendations of Council's Growth Management Strategy which recommends that only a single dwelling be permitted with consent on lots within this area. A minimum lot size of 3ha is therefore recommended for the subject lot.

Part 5 – Details of the community consultation. The PP has satisfied the requirements of this part.

Part 6 – A project timeline to detail the anticipated timeline for the plan making process. Part 6 forms a new component of the PP and more detail can be found by reference to page 18 of the attached document. The preliminary PP has not included a project timeline.

It is noted that Council has not formally accepted the Department's issue of plan making powers under section 23 of the Act. Whilst Council is still able to accept these delegations, a request to do so should be supported by a resolution of Council. Until such time as the Department is notified of Council's intentions regarding the issue of delegations, the Gateway will be processed in the traditional manner without delegations. The enclosed Planning Circular PS 12-006 provides more detail in regards to how the issue of delegations to Council affects the Gateway process.

Whilst Council's original resolution to support the PP appears to meet the requirements to obtain a Gateway Determination, Council must also be fully satisfied that the original intent of the application that was supported at its meeting on 17 July 2012 is in keeping with the intent of the new proposal.

Once the above amendments have been made to the PP, the Department will be in a position to formally accept the submission of the PP for a Gateway Determination.

Please don't hesitate to call if you require further information in regards to any of the above.

Yours sincerely



Gina Davis
Senior Planner
Northern Region – Tamworth Office

encl: *'A guide to preparing planning proposals'*
Planning Circular PS12-006 *'Delegations and independent reviews of plan-making decisions'*