

10.4 PLANNING PROPOSAL 03/2019 - AMEND RU1 PRIMARY PRODUCTION PERMITTED USES**File Number:** 427068**Responsible Officer:** Tony Meppem, Director Development and Economic Growth**Author:** Cara Stoltenberg, Town Planner**Attachments:** 1. DRAFT PP3-19 - RU1 Zone Changes**DELIVERY PROGRAM ALIGNMENT****2. Environment**

Objective 2.2 We will protect our environment through sustainable planning and well-resourced emergency services

Strategy 2.2.4 Decision making will be informed by the principles of Ecologically Sustainable Development and the precautionary principle

EXECUTIVE SUMMARY

The objectives and intended outcomes of the attached planning proposal are:

1. To adjust the land uses permitted with consent in the RU1 Primary Production land use zone under the Narrabri Local Environmental Plan (LEP) 2012 to account for the following:
 - a) To ensure the range of development permitted within the RU1 Primary Production zone accounts for changing land use pressures associated with the growth of mining, construction of the inland rail and potential coal seam gas developments in the region.
 - b) To ensure the LEP 2012 Land Use Table for RU1 Primary Production zone permits with consent an array of development which would be reasonable to carry-out within the zone given its 100-hectare minimum lot size and the opportunity for certain types of development to be located in a way that minimises its impact on sensitive receptors and/or utilises.
 - c) To ensure tourism orientated development at a scale and intensity that would not compromise the establish land use zone objectives of the RU1 Primary Production zone is permitted with consent.
 - d) To provide reasonable opportunity for owners of land in the RU1 Primary Production land use zone to carry-out tourism orientated development so to take advantage of the rural character and qualities of the land, without compromising that character or those qualities.
 - e) To ensure that the types of development permitted and prohibited under the LEP 2012 Land Use Table does not leave Narrabri LGA at competitive disadvantage to consider development applications for a range of land uses within the RU1 Primary Production zone in comparison to LGA's in the North West Region and other rural LGA's across NSW with similar demographics and land use pressures.
 - f) To ensure that the types of development permitted and prohibited under the LEP 2012 Land Use Table does not leave Narrabri LGA at competitive disadvantage to consider

development applications for a range of land uses within the RU1 Primary Production zone in comparison to LGA's to be interconnected by the Melbourne to Brisbane Inland Rail Project.

2. To adjust the land use zone objectives of the RU1 Primary Production zone to account for the recommended changes to the Land Use Table for the zone and changing development pressures affecting this zone arising from the growth of mining, the construction of the inland rail and potential coal seam gas developments in the region.

RECOMMENDATION

That Council:

1. **Endorse the Planning Proposal to amend the provisions of the Narrabri Local Environmental Plan 2012 to modify the RU1 Primary Production Land Use Table and Zone Objectives and forward the Proposal to the Department of Planning and Environment with a request for a Gateway Determination.**
2. **Notify the Department of Planning and Environment of its intention to use the plan making power delegated to Council by the Department to make the proposed amendment to Narrabri Local Environmental Plan 2012.**
3. **Delegate to the General Manager any necessary amendments required to the Planning Proposal as a result of considerations by the Department of Planning and Environment or as a result of the Gateway Determination.**

BACKGROUND

The preparation of a planning proposal is the first step in the New South Wales (NSW) Department of Planning and Environment's (DPE) Gateway Process, the process for making or amending local environmental plans.

The attached planning proposal recommends an amendment to the LEP to modify the RU1 Primary Production Land Use Table and Zone Objectives.

A core objective of Narrabri Shire Council's (Council) Operational Plan is the 'review and development of statutory and non-statutory plans to ensure for orderly and sustainable development'. As part of Council's commitment to this objective Council have been completing a review of the LEP 2012 Land Use Table. The LEP 2012 is the statutory environmental planning instrument applicable to development in the Narrabri Local Government Area (LGA).

The LEP 2012 Land Use Table review has focused on the RU1 Primary Production, IN1 General Industrial and IN2 Light Industrial land use zonings. This planning proposal relates only to the RU1 Primary Production zone, and the changes sought to this zone as an outcome of the LEP 2012 review.

This planning proposal also involves ensuring that the RU1 Primary Production Land Use Table does not leave the Narrabri LGA at a competitive disadvantage to consider development

applications for a range of land uses in this zone in comparison to comparable LGA's within the North West Region and LGA's to be interconnected by the Inland Rail.

This planning proposal has been informed by the LEP 2012 Land Use Table Review, as completed to date, and seeks to give effect to changes to the Land Use Table and Land Use Zone Objectives for the RU1 Primary Production zone recommended by the review.

CURRENT SITUATION

The proposed changes would make the following types of development permissible with consent, where they are currently prohibited development within the RU1 Primary Production zone under the LEP 2012 (there would be no changes to the types of development permitted without consent within the zone):

Land uses which are currently prohibited in the RU1 Primary Production zone which are proposed to become permissible with consent under this planning proposal:

Backpackers' accommodation; Car parks; Caravan parks; Crematorium; Correctional centres; Function centre; Funeral homes; Highway service centre; Industrial retail outlets; Industrial training facilities; Markets; Mortuaries; Truck depots; Veterinary hospital; Warehouse or distribution centre; Any other development not specified in item 2 or 4.

The following Zone Objectives would be added to the current RU1 Primary Production Land Use Zone Objectives under the LEP 2012 (no existing zone objectives would be altered or removed):

Additional Land Use Zone Objectives proposed by this Planning Proposal:

- To allow for tourist and visitor accommodation that does not have an adverse impact on agricultural activities.
- To allow for certain non-agricultural land uses on land with appropriate site qualities and servicing constraints to support such uses.

The planning proposal intends to improve the zone objectives and to specify that defined land uses are permitted with consent unless they are expressly prohibited or permitted without consent. This would have the effect of diversifying the potential land uses within the RU1 Primary Production zone to include appropriate types of commercial and industrial development.

The planning proposal is attached for Council's consideration.

Council can resolve to:

- a) Adopt the planning proposal and seek to make the proposed amendment to the LEP.
- or,
- b) Reject the planning proposal and seek not make the proposed amendment to the LEP.

If Council resolves to adopt the attached planning proposal, then it would be sent to the DPE who would indicate if it considers the planning proposal suitable for exhibition. The DPE may also place conditions on any approval for exhibition, stipulate the timeframe and terms of that exhibition and require consultation with any public authorities that it deems necessary.

The estimated time frame for the LEP amendment process is outlined in the planning proposal (Attachment 1).

FINANCIAL IMPLICATIONS

This item has no financial implications with the work being completed by existing staff.

STATUTORY AND POLICY IMPLICATIONS

This item may result in the amendment of the LEP 2012. The planning proposal is an environmental planning instrument, a statutory legal document affecting land use within the Narrabri Local Government Area.

CONSULTATION

No public consultation has been carried out in relation to this item.

The terms of any consultation required to complete this LEP 2012 amendment will be stipulated by the DPE should it issue a Gateway Determination in relation to the planning proposal.