

Narrabri LEP 2012 Amendment No 3 - Minor Amendments

Proposal Title : **Narrabri LEP 2012 Amendment No 3 - Minor Amendments**

Proposal Summary : **The purpose of Narrabri LEP 2012 Amendment No 3 is to;**
- rectify minor anomalies and insert additional uses in the RU1, RU4, B1, IN1, IN2, & RE1 zone
landuse tables,
- insert a heads of consideration clause relating to the consideration of detached dual
occupancies in the RU1 and RU4 zones,
- rezone Lots 8 & 9, Section 28, DP 758756, Wukuwa St, Narrabri from RE1 to R1, and
- rezone Lot 169 DP 755475, 80 Walton St, Boggabri from SP2 to R1.

PP Number : **PP_2014_NARRB_001_00** Dop File No : **14/08516**

Proposal Details

Date Planning Proposal Received : **27-May-2014** LGA covered : **Narrabri**

Region : **Northern** RPA : **Narrabri Shire Council**

State Electorate : **BARWON** Section of the Act : **55 - Planning Proposal**

LEP Type : **Spot Rezoning**

Location Details

Street :

Suburb : City : Postcode :

Land Parcel : **All land zoned RU1, RU4, B1, IN1, IN2 & RE1 in Narrabri LEP 2012.**

Street :

Suburb : City : Postcode :

Land Parcel : **Lots 8 & 9, Section 28, DP 758756, Wukuwa St, Narrabri from RE1 to R1 and Lot 169 DP 755475, 80 Walton St, Boggabri**

DoP Planning Officer Contact Details

Contact Name : **Gina Davis**

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RPA Contact Details

Contact Name : **Hamish McTaggart**

Contact Number : **0267996863**

Contact Email : **hamishm@narrabri.nsw.gov.au**

DoP Project Manager Contact Details

Contact Name :

Contact Number :

Contact Email :

Land Release Data

Growth Centre :	N/A	Release Area Name :	
Regional / Sub Regional Strategy :		Consistent with Strategy :	
MDP Number :		Date of Release :	
Area of Release (Ha) :		Type of Release (eg Residential / Employment land) :	
No. of Lots :	0	No. of Dwellings (where relevant) :	0
Gross Floor Area :	0	No of Jobs Created :	0

The NSW Government Lobbyists Code of Conduct has been complied with : **Yes**

If No, comment : **The Department of Planning and Environment's Code of Practice in relation to communications and meetings with lobbyists has been complied with to the best of the Region's knowledge. The Northern Region has not met with any lobbyists in relation to this proposal, nor has the Northern Region been advised of any meeting between other Departmental Officers and lobbyists concerning the proposal.**

Have there been meetings or communications with registered lobbyists? : **No**

If Yes, comment :

Supporting notes

Internal Supporting Notes :

External Supporting Notes :

Adequacy Assessment

Statement of the objectives - s55(2)(a)

Is a statement of the objectives provided? **Yes**

Comment : **The objectives and intended outcomes of the Planning Proposal are adequately expressed for the proposed amendment to Narrabri LEP 2012.**

Explanation of provisions provided - s55(2)(b)

Is an explanation of provisions provided? **Yes**

Comment : **The Planning Proposal provides a clear explanation of the intended provisions to achieve the objectives and intended outcomes.**

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **Yes**

b) S.117 directions identified by RPA :

1.1 Business and Industrial Zones
1.2 Rural Zones
1.5 Rural Lands

* May need the Director General's agreement

- 3.1 Residential Zones
- 4.3 Flood Prone Land
- 4.4 Planning for Bushfire Protection
- 6.1 Approval and Referral Requirements
- 6.2 Reserving Land for Public Purposes
- 6.3 Site Specific Provisions

Is the Director General's agreement required? **Yes**

c) Consistent with Standard Instrument (LEPs) Order 2006 : **Yes**

d) Which SEPPs have the RPA identified?

SEPP No 30—Intensive Agriculture
SEPP (Housing for Seniors or People with a Disability) 2004
SEPP (Infrastructure) 2007
SEPP (Major Projects) 2005
SEPP (Mining, Petroleum Production and Extractive Industries) 2007
SEPP (Rural Lands) 2008
SEPP (Affordable Rental Housing) 2009

e) List any other matters that need to be considered :

The New England North West Strategic Regional Land Use Plan applies to the Narrabri LGA.

Have inconsistencies with items a), b) and d) being adequately justified? **Yes**

If No, explain :

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment :

The Planning Proposal has included identification and zoning maps that clearly show the subject lands to be rezoned. The mapping is considered to be adequate for exhibition purposes.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment :

Council has identified a 28 day exhibition period for the proposal. This is considered to be appropriate.

Additional Director General's requirements

Are there any additional Director General's requirements? **No**

If Yes, reasons :

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **Yes**

If No, comment :

The Planning Proposal and accompanying documentation are considered to satisfy the adequacy criteria by:

- 1. Providing appropriate objectives and intended outcomes;**
- 2. Providing a suitable explanation of the provisions proposed by the LEP to achieve the outcomes;**
- 3. Providing an adequate justification for the proposal;**
- 4. Outlining a proposed community consultation program; and**
- 5. Providing a project time line.**

Council is seeking an authorisation to exercise its plan making delegations. As the Planning Proposal deals only with matters of local significance, it is considered appropriate that an authorisation to exercise its plan making delegations be issued to Council.

While Council has provided a project time line which outlines the basic steps involved in the LEP, it does not give an indication of the overall timeframe. Verbal discussions with Council staff indicate that they expect the LEP to be ready for submission to the Department for notification within 9 months of the Gateway Determination date.

A revised project time line that addresses all the additional steps to be completed by Council, including referral to Parliamentary Counsel, if an authorisation to exercise delegation is issued, will need to be included in the Planning Proposal prior to public exhibition.

The Planning Proposal will also need to be amended prior to public exhibition to delete the heads of consideration clause in relation to detached dual occupancies in the RU1 and RU4 zones. The Planning Proposal does not need to include a definitive clause but rather just the intended outcomes of such a clause that will be drafted by Parliamentary Counsel at a later date.

Proposal Assessment

Principal LEP:

Due Date :

Comments in
relation to Principal
LEP :

Narrabri LEP was made in December 2012.

Assessment Criteria

Need for planning
proposal :

The proposal to amend the LEP is not the subject of a specific strategic study or report.

The need for the Planning Proposal arose after it became evident through operational experience that the LEP would benefit from a series of minor changes to the land use tables for Zones RU1, RU4, B1, IN1, IN2 & RE1 to permit additional landuses that are suitable, and in some cases, currently operating within these zones. One of these landuses, detached dual occupancies in the RU1 and RU4 zones, has necessitated Council to also propose the insertion of a heads of consideration clause to guide this type of development. The Planning Proposal has included proposed wording for this clause, however final wording will be resolved by Parliamentary Counsel.

The Planning Proposal also seeks to amend Narrabri LEP 2012 to correct several map zoning errors that had been carried over from the previous LEP. The zoning of Lots 8 & 9, Section 28, DP 758756, Wukuwa St, Narrabri will be rezoned from RE1 to R1 to reflect the residential use of the land and Lot 169 DP 755475, 80 Walton St, Boggabri will be rezoned from SP2 to R1 to correct a mapping error.

Proposed changes made to the landuse tables for Zones RU1, RU4, B1, IN1, IN2 & RE1, the insertion of a heads of consideration clause relating to detached dual occupancies in the RU1 and RU4 zones and the rezoning of the subject lots are all considered appropriate and will help to ensure the ongoing effective use of Narrabri LEP 2012.

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Consistency with strategic planning framework :

Whilst no Regional Strategies apply to the Narrabri LGA, the New England North West Strategic Regional Land Use Plan does apply. The Planning Proposal is considered to be consistent with the provisions of the Regional Land Use Plan.

The Planning Proposal has been identified as being consistent with all applicable SEPPs and section 117 Directions except the following;

4.3 Flood Prone Land

This Direction is relevant as Lots 8 & 9, Section 28, DP 758756, Wukuwa St, Narrabri are identified as flood prone land. The proposal is however considered to be justifiably inconsistent and a matter of minor significance as the land is already being used for residential purposes, with each lot being fully serviced and containing a single residential dwelling. For this reason, consultation with the Office of Environment and Heritage is also considered unnecessary in this case.

4.4 Planning for Bushfire Protection

This Direction is relevant as the Planning Proposal will affect land that is identified as bushfire prone land. The Direction requires the RPA to consult with the Commissioner of the NSW Rural Fire Service after a Gateway Determination has been issued. Until this consultation has occurred the consistency of the proposal with the Direction remains unresolved.

6.2 Reserving Land for Public Purposes

This Direction applies as the Planning Proposal will reduce the area of land available for public purposes or reservations. The Planning Proposal aims to rezone Lots 8 & 9, Section 28, DP 758756, Wukuwa St, Narrabri from RE1 to R1 and Lot 169 DP 755475, 80 Walton St, Boggabri from SP2 to R1. The inconsistency arises as Council has not yet obtained the approval of the Director General. This inconsistency is considered to be of minor significance as Lots 8 & 9, Section 28, DP 758756, Wukuwa St, Narrabri will be rezoned to reflect the residential use of the land and Lot 169 DP 755475, 80 Walton St, Boggabri will be rezoned to correct a mapping error and reflect the surrounding residential zoning.

Environmental social economic impacts :

No significant adverse environmental, social or economic impact has been identified as resulting from the proposal.

Assessment Process

Proposal type : **Routine** Community Consultation Period : **28 Days**

Timeframe to make LEP : **9 months** Delegation : **RPA**

Public Authority Consultation - s56(2)(d) : **NSW Rural Fire Service**

Is Public Hearing by the PAC required? **No**

(2)(a) Should the matter proceed ? **No**

If no, provide reasons :

Resubmission - s56(2)(b) : **No**

If Yes, reasons :

Identify any additional studies, if required. :

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If Other, provide reasons :

Identify any internal consultations, if required :

No internal consultation required

Is the provision and funding of state infrastructure relevant to this plan? **No**

If Yes, reasons :

Documents

Document File Name	DocumentType Name	Is Public
Council cover letter.pdf	Proposal Covering Letter	Yes
Council resolution.pdf	Proposal	Yes
PLANNING PROPOSAL.docx	Proposal	Yes
Attachment 4 - Evaluation criteria.pdf	Proposal	No

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

S.117 directions:

- 1.1 Business and Industrial Zones**
- 1.2 Rural Zones**
- 1.5 Rural Lands**
- 3.1 Residential Zones**
- 4.3 Flood Prone Land**
- 4.4 Planning for Bushfire Protection**
- 6.1 Approval and Referral Requirements**
- 6.2 Reserving Land for Public Purposes**
- 6.3 Site Specific Provisions**

Additional Information : **It is recommended that:**

- 1. The Planning Proposal be supported;**
- 2. The Planning Proposal be exhibited for 28 days;**
- 3. The Planning Proposal be completed within 6 months;**
- 4. That the RPA consult with the Commissioner of the NSW Rural Fire Service in accordance with the requirements of S117 Direction 4.4 Planning for Bushfire Protection;**
- 5. That the Director General (or his delegate) agree that the inconsistencies with section 117 Directions 4.3 Flood Prone Land and 6.2 Reserving Land for Public Purposes are of minor significance;**
- 6. That the Director General (or his delegate) note the current inconsistency with section 117 Direction 4.4 Planning for Bushfire Protection and that it is anticipated this inconsistency will need to be resolved prior to the proposal being finalised;**
- 7. That an authorisation to exercise delegation be issued to Council; and**
- 8. That a revised project time line (that addresses all the additional steps to be completed by Council due to an authorisation to exercise delegation being issued) be included in the Planning Proposal prior to public exhibition.**
- 9. That the Planning Proposal be amended prior to exhibition so that it only contains a plain English explanation of the intent of the proposed detached dual occupancy in Zones RU1 and RU4 clause.**

Supporting Reasons : **The Planning Proposal will make various corrections and amendments that are considered important in allowing the LEP to operate effectively and accurately.**

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Signature:



Printed Name:

Erny Diss

Date:

3/6/14