

NARRABRI SHIRE COUNCIL

ABN 95 717 801 656

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be addressed to:

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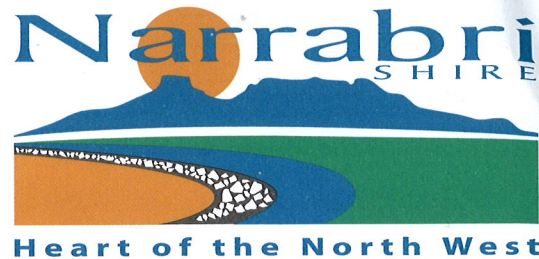
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Our Reference:

NAW:MR

Your Reference:

Contact Name:

Mr Nick Wilton

Telephone:

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Craig Diss
Team Leader - Northern Region
Land Use Planning and Strategy
NSW Department of Planning
PO Box 550
TAMWORTH NSW 2340

Received

6 APR 2011

1 March 2011

North Coast

Dear Sir,

Re: Narrabri Local Environment Plan Amendment 31-35 Cooma Road Narrabri

I refer to the aforementioned matter and make particular reference to a recent application lodged with Council for the spot rezone (Local Environment Plan Amendment) at Lot 18, 19, 20, Section 8 in Deposited Plan 758756 known as 31-35 Cooma Road Narrabri.

Council has considered at its March ordinary Council Meeting, the application made by bath Stewart Surveyors on behalf of Nigel Goodman and further has resolved under minute number 116/2011 and 117/2011 to support the application upon this occasion. During discussions at the Council meeting it was the general consensus that the proposal will have significant economic and social benefits for the Narrabri Shire community, not only through the provision of further additional commercial land supply but also the development shall support the local building and trades industry.

The proposal seeks to amend the Narrabri Local Environment Plan Number 2 from the land-use zone of 2(b) Residential to 3(a) General Business which in turn shall permit with consent commercial uses on the site. It is currently noted that the former use of the site was for the purposes of a service station under existing use right provisions. The proposed spot re-zone appears appropriate given a number of other similar developments within close proximity. Following the recent endorsement of the Growth Management Strategy, it is noted that the land has been identified for the purposes of B4 being mixed use which under the standard instrument permits various types of commercial uses.

In accordance with section 56 of the *Environmental Planning and Assessment Act 1979* please find attached the planning proposal for the Department's consideration, in order to seek approval for the amendment through the 'Gateway determination process'.

Could the Department please advise if the proposal meets the requirements of the 'Gateway process' and further, if this is viewed favourably, the time period for public exhibition under section 56(2)(c), section 57 and the Government Agencies which must be consulted under 56(2)(d) of the Act.

Council also encloses a copy of the relevant mapping required for parliamentary counsel consideration following exhibition of the proposal.

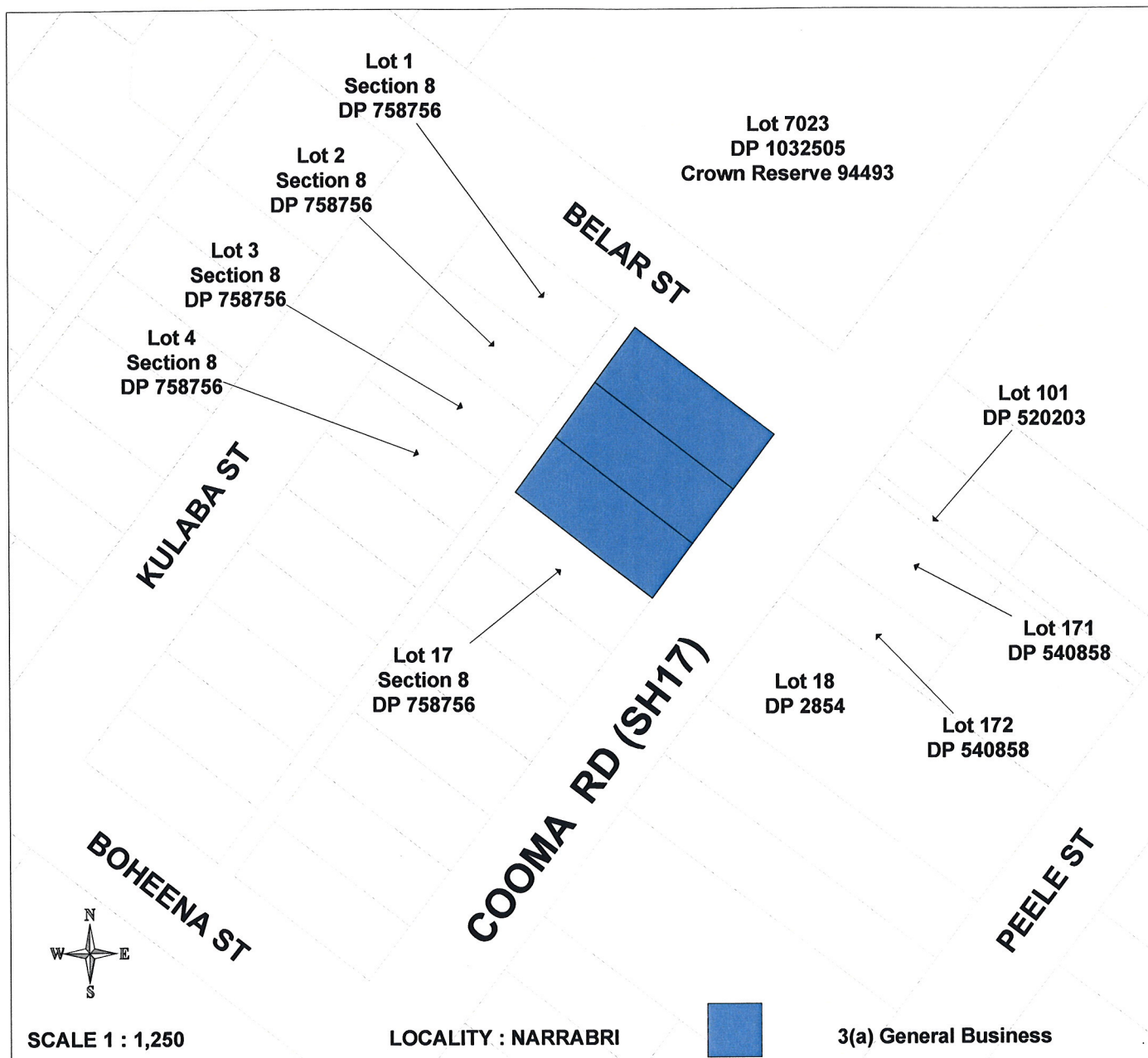
Should you require any further information please do not hesitate to contact myself within Planning and Development Services of Council.

Yours faithfully,

Mr Nick Wilton

MANAGER PLANNING AND DEVELOPMENT SERVICES

Encl: Planning Proposal Gordon Burke Executive Oasis; Council GIS Mapping



ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979

NARRABRI SHIRE COUNCIL

NARRABRI LOCAL ENVIRONMENTAL PLAN No 53

DRAWN BY : P MURPHY DATE : 03 MARCH 2010

SUPERVISING
DRAFTSPERSON P MURPHY

PLANNING
OFFICER N WILTON

COUNCIL
FILE No. P99/01834

DEPARTMENT
FILE No.

CERTIFICATE
PLAN No.

CERTIFICATE ISSUED
UNDER Sec.65 EPA ACT

PLAN PUBLISHED ON THE
NSW LEGISLATION WEBSITE ON :

STATEMENT OF RELATIONSHIP WITH OTHER PLANS

AMENDS NARRABRI LOCAL ENVIRONMENTAL PLAN No 2

CERTIFIED IN ACCORDANCE
WITH THE ENVIRONMENTAL
PLANNING & ASSESSMENT
ACT 1979 & REGULATIONS

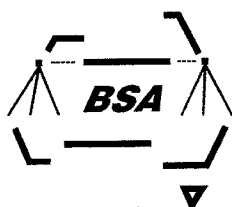
GENERAL MANAGER

DATE

PLANNING PROPOSAL

PROPOSED RE-ZONING SUBMISSION

LOTS 18-20 of Section 8 in DP 758756
31-35 Cooma Road, Narrabri NSW 2390



Bath, Stewart Associates Pty Ltd

**Surveyors, Project Coordinators &
Development Consultants**

239 Marius St, PO Box 403, Tamworth NSW 2340

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PLANNING PROPOSAL

PROPOSED RE-ZONING SUBMISSION

Prepared by:

Company: ***Bath, Stewart Associates Pty Ltd***
A.C.N. 002 745 020
PO Box 403
TAMWORTH NSW 2340

For:

Name: NIGEL GOODMAN
'ALLAMBI'
Browns Lane
TAMWORTH NSW 2340

Subject Land: **Lots 18, 19 & 20 of Section 8 in Deposited Plan 758756**

31-35 Cooma Road , Narrabri NSW 2390
Parish of Cooma
County of White
L.G.A.: Narrabri Shire

Declaration: We hereby certify that we have prepared the contents of this document and to the best of our knowledge it is true in all material particulars and does not, by its presentation or omission of information, materially mislead.

Name: ***BATH, STEWART ASSOCIATES P/L***
per: David Lord

Signature:

Date: 16 January 2011

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PART 1 – OBJECTIVES OR INTENDED OUTCOMES OF THE PROPOSED LEP

The objective or intended outcome of this Planning Proposal is to amend the Narrabri Local Environmental Plan No. 2 by changing the current zone of ***Lots 18, 19 & 20 of Section 8 in DP 758756*** from Zone No. 2(b) (Residential 'B' Zone) to ***Zone No. 3(a) (General Business Zone)***.

PART 2 – EXPLANATION OF PROVISIONS TO BE INCLUDED IN THE PROPOSED LEP

The objectives or intended outcome of this Planning Proposal are to be achieved by amending the Narrabri Local Environmental Plan No. 2 Land Zoning Map 1 to signify the proposed zone. That is amend the colour of ***Lots 18, 19 & 20 Section 8 in DP 758756*** from light scarlet, edged red & lettered 2(b) to light blue, edged black and lettered 3(a).

PART 3 - JUSTIFICATION

Section A – Need for the Planning Proposal

1. Is the Planning proposal a result of any strategic study or report?

The Planning Proposal is not a direct result of a Strategic Study or Report, however, part of the subject lands, namely Lots 19 & 20 Section 8 DP 758756 have been identified in the ***Narrabri Shire Draft Growth Management Strategy*** [2008] as being recommended for a change to Business zone – 'Mixed Use'.

Up until recently, within the ambit of the subject lands operated what would be classified as a typical 'Service Station' type business that distributed fuel, provided amenities, restaurant and convenience facilities. Anecdotal evidence indicates that this business had been operating continuously for more than ten years and we are of the opinion that the existing use rights have not been abandoned. We are of the opinion that the land use of the subject site, for a period greater than ten years has been consistent with the land use of the zone proposed.

2. Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Narrabri Shire Draft Growth Management Strategy [2008] has identified and recommended that various sites along Cooma Road be rezoned to a future Business Zone. Options such as amending Schedule 3 of the current LEP or waiting for the gazettal of a new LEP to change the current zoning of the subject lands were dismissed. Dealing with the planning proposal as a spot rezoning is considered the best option in achieving the desired outcome and will provide an efficient and effective method of fast tracking the rezoning of the subject land from ***Zone No. 2(b) (Residential 'B' Zone)*** to ***Zone No. 3(a) (General Business Zone)***. This planning proposal merely rationalises the long standing land use of the subject site to match that of the correct Zone classification.

3. Is there a net community benefit?

In our opinion there will be a net community benefit as a result of this proposed land rezoning. Whilst the writer is not aware of any specific business that will operate from this site the options available after the rezoning are dramatically increased. A few suggestions offered may be a revamped service station, machinery hire, motel, bottle shop or the potential for a number of smaller businesses that require or benefit from shop front exposure to roads that have moderate to high traffic movements.

As a matter of course with any new development there is employment generated during the construction phase of the project. With the construction component, employment is considered short term, however, with the establishment of a businesses there comes increased and sustained employment opportunities. The Planning Proposal, when reflecting upon the existing Narrabri business community, is considered a relatively small area of land (approximately 3035 square metres). Be as it may there is the potential to increase employment and development opportunities which ultimately provides and generates a net community benefit.

Section B – Relationship to Strategic Planning Framework

1. Is the Planning Proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including exhibited draft strategies)?

No Regional or Sub Regional Strategy has been prepared for this area.

2. Is the Planning Proposal consistent with the local Council's Community Strategic Plan, or other local strategic plan

Yes, it is consistent with the *Narrabri Shire Draft Growth Management Strategy* [2008].

3. Is the Planning Proposal consistent with applicable State Environmental Planning Policies(SEPPs)?

The Planning Proposal is considered to be consistent with the applicable relevant State Environmental Planning Policies (refer to Appendix A) except for :-

No. 32 Urban Consolidation(Redevelopment of Urban Land)

The land affected by the Planning Proposal is inconsistent with the aforementioned SEPP insofar as it is proposed to rezone urban lands. We again reaffirm that the proposed rezoning is in agreement with the Narrabri Shire Growth Management Strategy recommendation and reproduce the following.....

'Existing commercial and light industrial uses such as motels, shops, petrol stations and car repair uses along the Newell Highway which are zoned as a mixture of light industrial, neighbourhood business and residential. These uses should be zoned as Mixed Use under the Standard LEP zonings as it allows for the most flexibility for them whilst not allowing large retail uses to relocate there.'

Appendix 'D' being a copy of **'Map 8.5: Existing Commercial Zone'** of the Strategy shows part of the subject land coloured red, indicating that the existing land use is commercial.

Appendix 'E' being a copy of **'Map 8.6: Recommended changes to Business Zone'** of the Strategy identifies part of the subject land to be zoned as 'Mixed Use'. That part of the subject land not identified in the strategy is:-

- contiguous to and in no manner physically separated from the lands recommended for a zoning change;
- forms a necessary curtilage to the existing buildings located on Lots 19 & 20 Section 8 DP 758756.

In our opinion it appears Lot 18 Section 8 DP 758756 should have been identified as 'commercial' on Map 8.5 and also attract the same recommended zone change, similar to Lots 19 & 20 Section 8 DP 758756 shown on Map 8.6.

The recommended 'Mixed Use' zone to which the Growth Management Strategy refers, is not a current zone identified in the Narrabri LEP No 2. We therefore request for this Planning Proposal that the '3(a) General Business' zone defined in the Narrabri LEP No 2 be adopted as an alternative zone, to the aforementioned 'Mixed Use' zone. We refer to land adjacent to the subject site that is identified for 'Mixed Use' in Map 8.6 of the Strategy and was recently rezoned to '3(a) General Business'. Vide Appendix J

In light of that mentioned above it would appear that the rezoning of the subject lands from 2(b) Residential Land to 3(a) General Business is in agreement with the Narrabri Shire Growth Management Strategy. This would further suggest SEPP 32 is not relevant to this proposal.

No. 33 Hazardous & Offensive Development

The land affected by the Planning Proposal is inconsistent with the aforementioned SEPP with Petrol Stations identified as being potentially hazardous in Appendix 3. The source of hazard listed being related to liquid fuel leaks and spills that could potentially result in possible fires and explosions. We have been advised that the fuel tanks located on the subject lands are presently empty and may in time be decommissioned. A risk assessment beyond that mentioned above has not been undertaken. A Development Application requesting a proposed change of use upon the subject lands may require at that time a risk hazard assessment in accordance with this SEPP.

No. 55 Remediation of Land

A contamination report and site validation report were provided to the Department of Environment, Climate Change & Water to assist the Department in making an assessment of whether the contamination at the subject lands is significant to warrant regulation under the Contaminated Land Management Act.

The Department of Environment, Climate Change & Water 'have determined that the EPA has no reason to believe that the contamination of the subject lands is significant to warrant regulation under the Contaminated Land Management Act' The Department further considered that 'the integrity of all fuel facilities at the site should be confirmed and any further integrity failures promptly repaired or alternatively that the fuel facilities decommissioned in order to prevent any further leakage into the groundwater.' Refer to Appendix 'I'

4. Is the Planning Proposal consistent with applicable Ministerial Directions (s.117 directions)?

The Planning Proposal is considered to be consistent with the applicable Ministerial Directions, under s.117(2) of the Environmental Planning and Assessment Act, 1979. Refer to Table 1 below

	Direction	Response
1.1	Business and Industrial Zones	This direction applies to the Planning Proposal.....' when a relevant planning authority prepares a planning proposal that affects land within an existing or proposed business or industrial zone (including the alteration of any existing business or industrial zone boundary).' The Planning Proposal:- (a) satisfies the objectives of this direction, (b) retains the areas and locations of existing business and industrial zones, (c) does not reduce the total potential floor space area for employment uses and related public services in business zones, (d) does not reduce the total potential floor space area for industrial uses in industrial zones, and (e) maybe inconsistent with that proposed for new employment areas indicated in a strategy that is approved by the Director-General of the Department of Planning. The Planning Proposal may be inconsistent by virtue of (e) above, however, if such inconsistency exists the effect of this policy is considered of minor significance.
1.2	Rural Zones	This direction is not relevant to the planning proposal.
1.3	Mining, Petroleum Production and Extractive Industries	This direction is not relevant to the planning proposal.
1.4	Oyster Aquaculture	This direction is not relevant to the planning proposal.
1.5	Rural Lands	This direction is not relevant to the planning proposal.
2.1	Environment Protection Zones	This direction is not relevant to the planning proposal.
2.2	Coastal Protection	This direction is not relevant to the planning proposal.
2.3	Heritage Conservation	This direction is not relevant to the planning proposal.
2.4	Recreation Vehicle Areas	This direction is not a relevant to the planning proposal.
3.1	Residential Zones	This direction applies to the Planning Proposal.....' when a relevant planning authority prepares a planning proposal that will affect land within: an existing or proposed residential zone (including the alteration of any existing residential zone boundary), any other zone in which significant residential development is permitted or proposed to be permitted.' The subject land has erected thereon buildings and infrastructure associated with commercial land use activities. Without the demolition of this existing infrastructure, compliance with the required provisions listed below to encourage housing would be impossible. These provisions being:- a) broaden the choice of building types and locations

		available in the housing market, and b) make more efficient use of existing infrastructure and services, and c) reduce the consumption of land for housing and associated urban development on the urban fringe, and d) be of good design. The Planning Proposal is inconsistent with this Direction, however, given that the total land area is 3035 square metres and has commercial infrastructure erected thereon the inconsistency is considered of minor significance.
3.2	Caravan Parks and Manufactured Home Estates	This direction is not relevant to the Planning Proposal.
3.3	Home Occupations	This direction is not relevant to the planning proposal.
3.4	Integrating Land Use and Transport	This direction applies to the Planning Proposal.....' when a relevant planning authority prepares a planning proposal that will create, alter or remove a zone or a provision relating to urban land, including land zoned for residential, business, industrial, village or tourist purposes.' The Planning Proposal is inconsistent with this Direction, however, the inconsistency is considered of minor significance due to the long associated land use of the subject site and by its inclusion for rezoning in Narrabri's Local Growth Management Strategy report.
3.5	Development Near Licensed Aerodromes	This direction is not relevant to the planning proposal.
4.1	Acid Sulphate Soils	This direction is not relevant to the planning proposal.
4.2	Mine Subsidence and Unstable Land	This direction is not relevant to the planning proposal.
4.3	Flood Prone Land	This direction applies to the Planning Proposal.....' 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.' The planning proposal does not include provisions that facilitate Flood Prone Land as these provisions already exist in the current instrument and the Interim Flood Plain Management Policy adopted by Council.
4.4	Planning for Bushfire Protection	This direction is not relevant to the planning proposal.
5.1	Implementation of Regional Strategies	This direction is not relevant to the planning proposal.
5.2	Sydney Drinking Water Catchments	This direction is not relevant to the planning proposal.
5.3	Farmland of State and Regional Significance on the NSW Far North Coast	This direction is not relevant to the planning proposal.
5.4	Commercial and Retail Development along the New England Highway, North Coast	This direction is not relevant to the planning proposal.
5.8	Second Sydney Airport: Badgerys Creek	This direction is not relevant to the planning proposal.
6.1	Approval and Referral	This direction is not relevant to the planning proposal

	Requirements	
6.2	Reserving Land for Public Purposes	This direction is not relevant to the planning proposal.
6.3	Site Specific Provisions	This direction applies to the Planning Proposal..... 'when a relevant planning authority prepares a planning proposal that will allow a particular development to be carried out.' The planning proposal is consistent with this direction in that:- a) The site rezoning will allow that land use to be carried out in the zone the land is situated on, or b) rezone the site to an existing zone already applying in the environmental planning instrument that allows that land use without imposing any development standards or requirements in addition to those already contained in that zone, or c) allow that land use on the relevant land without imposing any development standards or requirements in addition to those already contained in the principal environmental planning instrument being amended.
7.1	Implementation of the Metropolitan Strategy	This direction is not relevant to the planning proposal

Section C – Environmental, Social and Economic Impact

1. 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 subject land has been cleared and developed for commercial land use. There is no critical habitat or threatened species, populations or ecological communities or their habitats on the site nor is there any likelihood of attracting same. There does not appear to be a need for a Local Environmental Study.

2. Are there any other likely environmental effects as a result of the Planning Proposal and how are they proposed to be managed?

With the exception of potential flooding there are no other likely environmental effects envisaged as a result of the planning proposal.

This planning proposal is not located on land that is affected by any land use planning constraints, identified as bushfire prone land or subject to potential landslip. The subject lands are considered to be affected by a 1 in 100 year average recurrence interval flood event as evidenced by the levels shown in the table 2.

Table 2

FLOOD EVENT	ESTIMATED FLOOD LEVEL	SITE LEVEL RANGE
1 in 100 year	213.7	212.91 - 213.73
1 in 50 year	213.3	212.91 - 213.73
1 in 20 year	212.8	212.91 - 213.73

Levels shown are reduced to the Australian Height Datum.
Flood Levels provided by Narrabri Shire Council.

Under the adopted Narrabri Interim Flood Plain Management Policy, with regard to the all commercial buildings whether new or additions, these applications are considered on merit. There also appears no condition that specifies floor levels must be above the 1 in 100 year flood height or the provision of a freeboard.

3. How has the Planning Proposal adequately addressed any social and economic effects?

The planning proposal will facilitate effective economic development within a reasonable period of time due to the following:

- It has the potential to increase the supply and potential variety of commercial space that is available in Narrabri.
- Socially, adaptable reuse of the existing underutilised lands will potentially revitalise the site that indicates and adds a vibrancy to the local area.
- The Planning Proposal is in general agreement with the Narrabri Growth Management Strategy which recommends rezoning the land to Mixed Use.

Section D – State and Commonwealth Interests

1. Is there adequate public infrastructure for the Planning Proposal

Adequate public infrastructure is provided for the planning proposal. Any additional demand on community services will be addressed through Council's Section 94 Plan which will apply to this site.

2. What are the views of State and Commonwealth Public Authorities consulted in accordance with the gateway determination, and have they resulted in any variations to the Planning Proposal?

State and Commonwealth public authorities will be consulted following the outcomes of the gateway determination. Consultation will be carried out in accordance with section 57 of the EP&A Act. It is our understanding Council intends to seek comment from the Roads & Traffic Authority with regard to this proposal.

PART 4 – Community Consultation that is to be Undertaken

Under Section 57(2) of the Environmental Planning and Assessment Act, before community consultation is undertaken, the Director-General of the Department of Planning must approve the form of planning proposals to comply with the gateway determination.

We are of the view that this site meets the criteria as a 'low impact planning proposal' in its "Guide to Preparing Local Environmental Plans" and thus this planning proposal should be exhibited for 14 days.

We suggest that the planning proposal should be advertised in the following manner:-

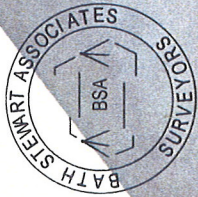
- advertisement in the local daily newspaper;
- exhibited material will be on display at Council's Chambers throughout the duration of the exhibition period;
- exhibition material will also be made available on Council's website throughout the duration of the exhibition period;
- letters will be issued to adjoining property owners advising them of the proposed rezoning.

The gateway determination will specify any additional consultation that must be undertaken on the planning proposal.

APPENDIX A

The following consideration of State Environmental Planning Policies that apply to **Lots 18, 19 & 20 Section 8 in DP 758756** documented in Annexure T of Narrabri Council's Planning Certificate Section 149(2) of the EP & A Act 179, dated 8.10.2009 &/or as researched are listed below

	SEPP	Consistent	Comments
No. 1	Development Standards	Yes	Not relevant
No. 4	Development without Consent & Miscellaneous Exempt & Complying Development	Yes	Not relevant
No. 6	Number of Storeys in a Building	Yes	Not relevant
No. 15	Rural Land sharing Communities	Yes	Not relevant
No. 21	Caravan Parks	Yes	Not relevant
No. 22	Shops & Commercial Premises	Yes	Not relevant
No. 30	Intensive Agriculture	Yes	Not relevant
No. 32	Urban Consolidation(Redevlopment of Urban Land)	No	Refer to Section B 3.
No. 33	Hazardous & Offensive Development	No	Refer to Section B 3.
No. 36	Manufactured Home Estates	Yes	Not relevant
No. 44	Koala Habitat Protection	Yes	Not relevant
No. 50	Canal Estate Development	Yes	Not relevant
No. 55	Remediation of Land	No	Refer to Section B 3.
No. 60	Exempt & Complying Development	Yes	Not relevant
No. 62	Sustainable Aquaculture	Yes	Not relevant
No. 64	Advertising & Signage	Yes	Not relevant
No. 65	Design & Quality Residential Flat Development	Yes	Not relevant
	Affordable Rental Housing		
	Building Sustainability Index: BASIX 2004	Yes	Not relevant
	Exempt & Complying Development Codes 2008	Yes	Not relevant
	Seniors Living 2004	Yes	Not relevant
	Major Developments 2005	Yes	Not relevant
	Mining Petroleum Production & Extractive Industries 2007	Yes	Not relevant
	Rural Lands 2008	Yes	Not relevant
	Temporary Structures	Yes	Not relevant



ESTIMATED FLOOD LEVEL

1 IN 100 YEAR	213.7
1 IN 50 YEAR	213.3
1 IN 20 YEAR	212.8

Flood levels provided by
Narrabri Shire Council

NOTE:

DIMENSIONS SHOWN ARE BY TITLE DIAGRAM
AND MAY CHANGE UPON SURVEY.
THE ORIGIN OF THE VERTICAL DATUM IS P.M. 62509
WITH AN ORTHOMETRIC HEIGHT [RL] OF 211.794
REDUCED TO THE AUSTRALIAN HEIGHT DATUM AS
PUBLISHED BY THE DEPARTMENT OF LANDS.

BELAR STREET

STREET

ROAD

COOMA



CLIENT:

MR NIGEL GOODMAN

BATH STEWART ASSOCIATES

CONSULTING SURVEYORS

239 Marius Street, Tamworth NSW 2340

P.O.Box 403

Tamworth NSW 2340

Phone: 02 6766 5966

Fax: 02 6766 5140

Email: office@bathstewart.com.au

Description:

PROPOSED REZONING OF LOTS 18-20 OF SECTION 8 IN DP 758756

Our Ref: 10245V01

Drawing: 10245 Dwg Detail

Date: 30.9.2010

L.G.A.: NARRABRI

Locality: NARRABRI

Scale: 1: 400

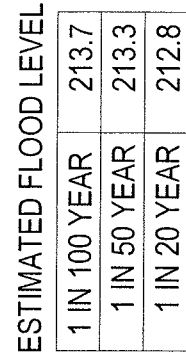
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Parish: COOMA

County: WHITE

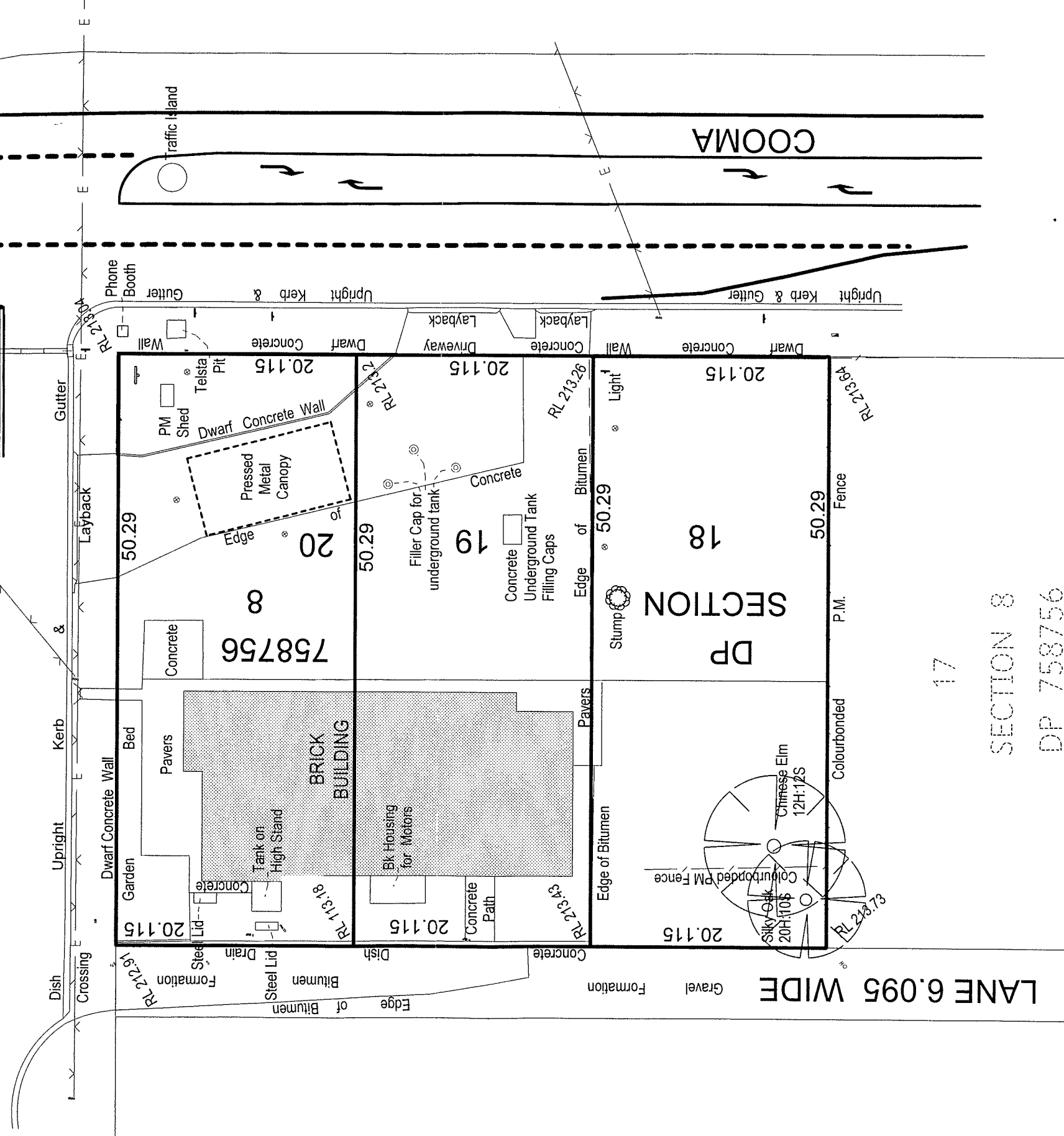
Pty Ltd
Inc in NSW
A.C.N. 002 745 020

APPENDIX B



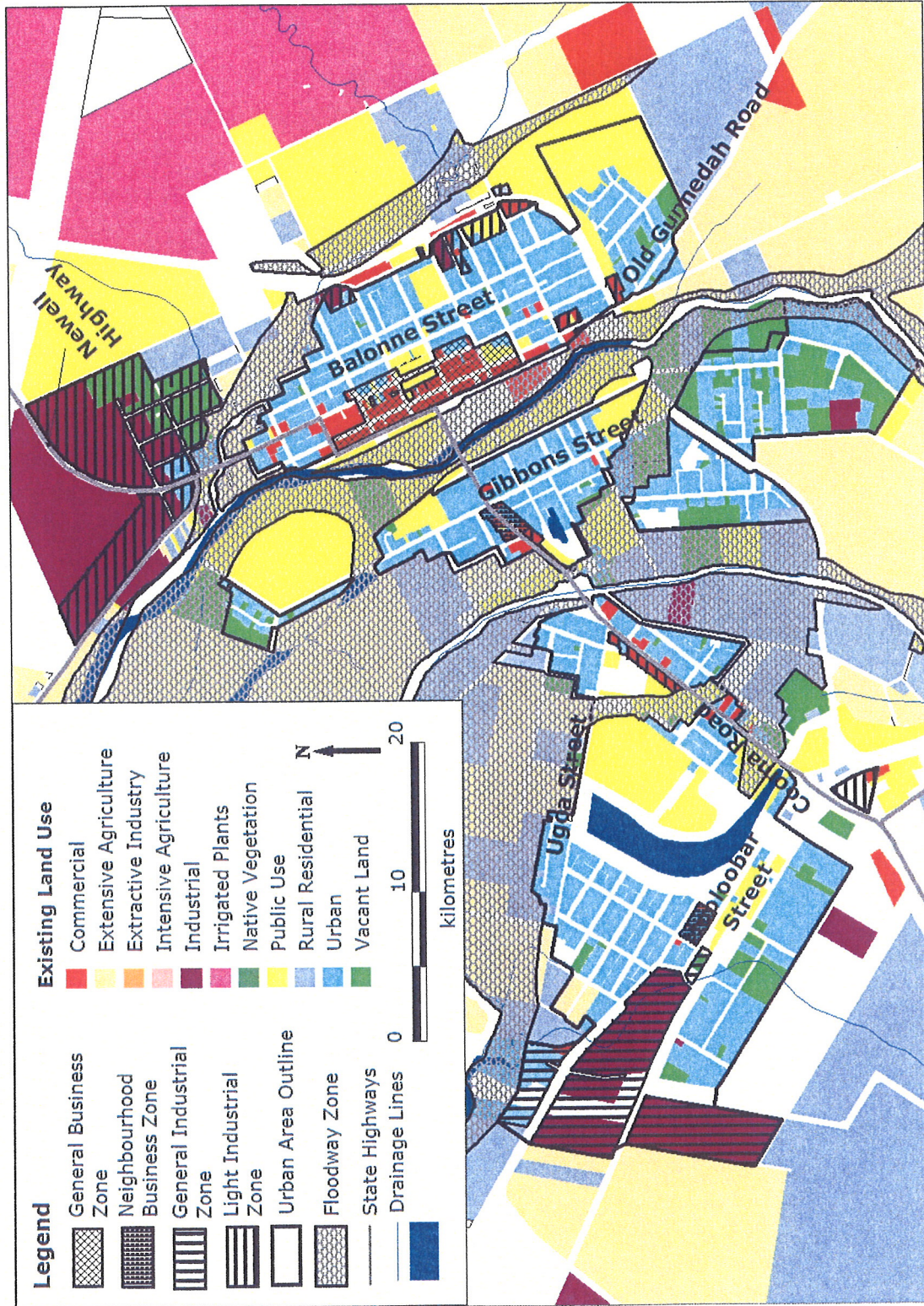
Upright Kerb & Gutter

STREET



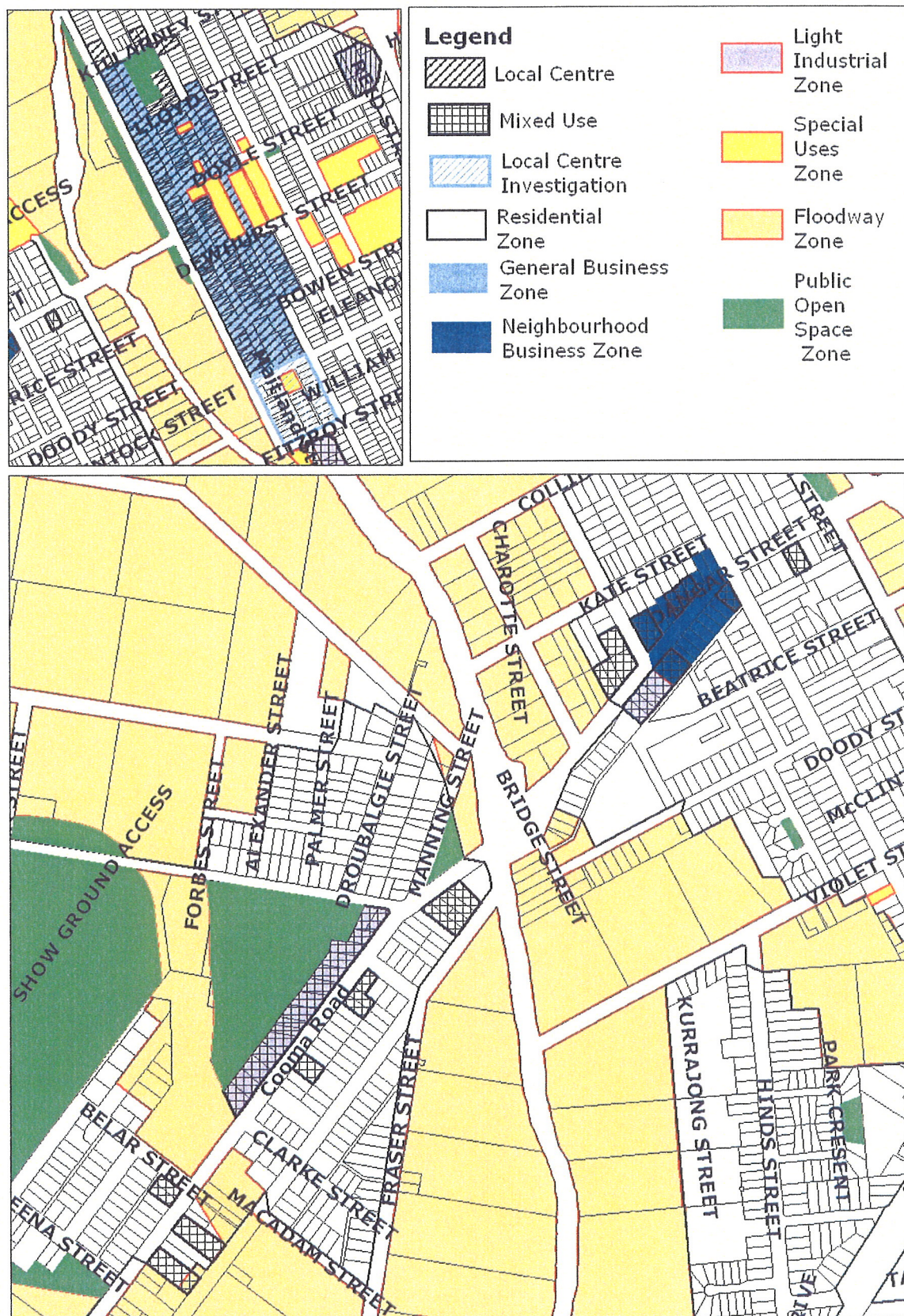
County: WHITE

Narrabri Shire Growth Management Strategy



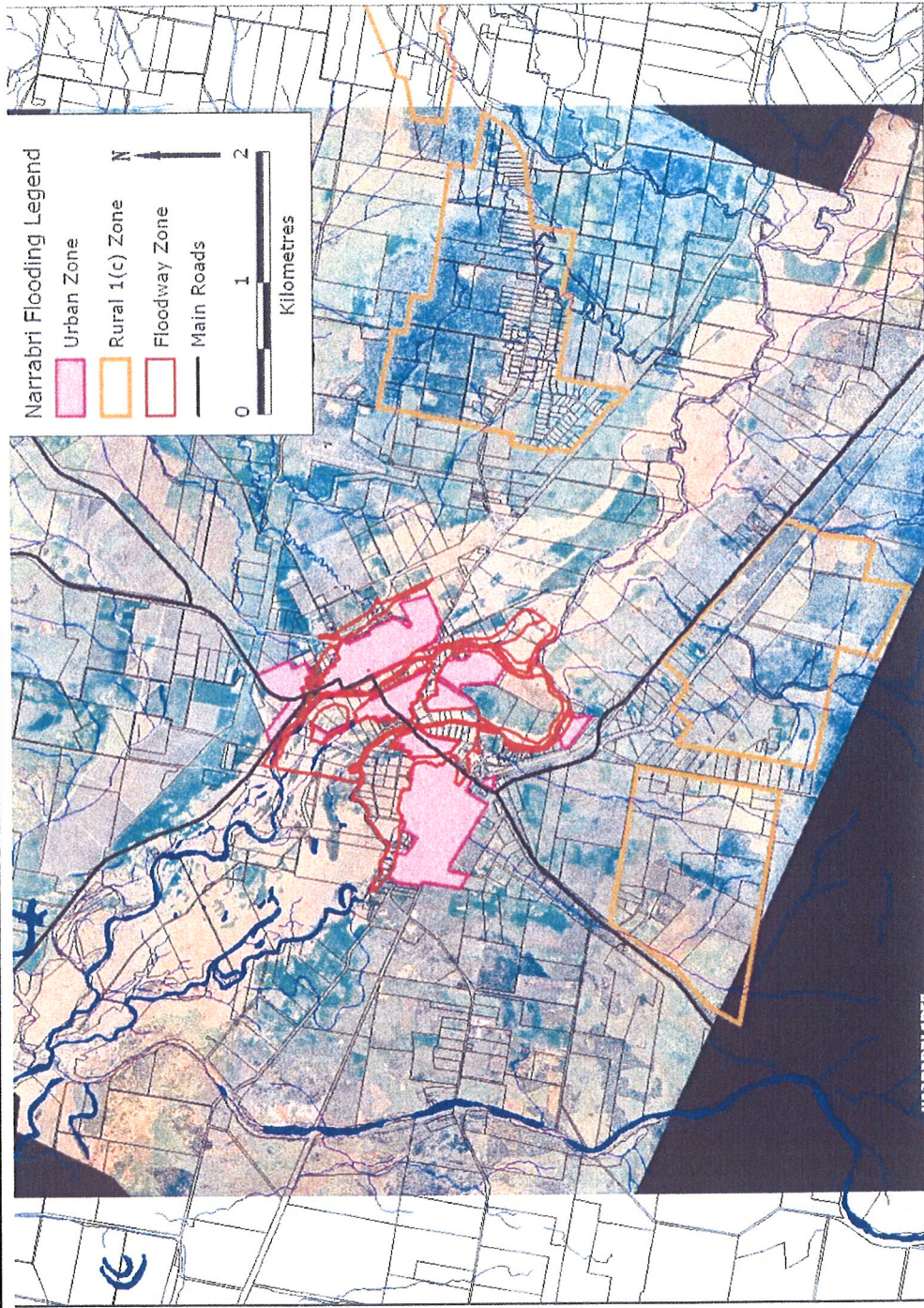
Map 8.5: Existing Commercial Zone - Narrabri

Narrabri Shire Growth Management Strategy



Map 8.6: Recommended Changes to Business Zone - Narrabri

Narrabri Shire Draft Growth Management Strategy



Map 7.3: Narrabri Flooding - 1998 Flood
Source: Department of Lands & Council GIS



Map 8.9: Flooding in Narrabri

**PLANNING CERTIFICATE UNDER SECTION 149(2)
ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979**

SHIRE OF NARRABRI, POST OFFICE BOX 261, NARRABRI

Certificate No: 119/2010

Applicants full name and postal address.

Applicants Ref No:

Assessment No: 04538-00000000-000

Hozack Clisdell
PO Box 235
ULLADULLA NSW 2539

DESCRIPTION OF LAND

Lot No: 18 Section: 8 Plan: DP758756
Lot No: 19 Section: 8 Plan: DP758756
Lot No: 20 Section: 8 Plan: DP758756

Street: COOMA ROAD NARRABRI

Owner: ROBYN AMY TABNER

Owners Address: 16 HOBBS LANE MILTON NSW 2390

(a) Where a local environmental plan, a deemed environmental planning instrument or a draft local environmental plan has been placed on exhibition pursuant to Section 66(1)(b) of the Act, restricts, or purports to restrict, the purpose for which development may be carried out on the land --- State: (i) the name of the instrument; (ii) the purposes for which development may be carried out in accordance with that instrument without development consent and with development consent; and (iii) the purposes for which the carrying out of development is prohibited under that instrument.	REPLY (i) Narrabri Local Environmental Plan No. 2 (Town of Narrabri) as amended. Published in Government Gazette 6th June, 1986. (ii) See Annexures Attached. (iii) See Annexures Attached.
(b) Where the land is identified as being within a zone (within the meaning of an instrument referred to in paragraph a))- State: (i) the name of the instrument of the zone; (ii) the purpose for which development may be carried out within that zone without development consent and with development; and; (iii) the purposes for which the carrying out of development is prohibited within that zone.	(i) Local Environmental Plan No. 2, Town of Narrabri, as amended. Zone: 2(b) Residential "B" See Annexures Attached. See Annexures Attached. In addition to the controls contained in Local Environmental Plan No. 2, Town of Narrabri, as amended, clause 29 of the <i>Environmental Planning and Assessment (Savings and Transitional) Regulation 1998</i> sets out further circumstances where development consent will be required for particular development. These circumstances may include development that does not require consent under Local Environmental Plan No. 2, Town of Narrabri, as amended. A copy of clause 29 is attached.
(c) Advise any matter relating to a State Environmental Planning Policy or a regional environmental plan applying to the land, or to a draft State Environmental planning policy or draft regional environmental plan applying to the land, which the Minister has, generally or in any particular case, notified the Council should be specified in the certificate.	See Annexure "T" Clause 29 of the Environmental Planning and Assessment (Savings and Transitional) Regulation 1998 affects the provision of certain State environmental planning policies and how they apply to the land. A copy of clause 29 is attached and should be read in conjunction with the State environmental planning policies listed.
(d) Where the application for the certificate states that the land is vacant, state whether the erection of a dwelling-house on that land is prohibited by reason of a development standard relating to a minimum area on which a dwelling-house may be erected.	Dwelling house proposals subject to merit assessment and Building Code of Australia requirements.

(e) Whether an item of environmental heritage is situated on the land.	Check schedule 1 of LEP.
(f) State whether or not the demolition of any building on the land requires development consent to be obtained.	Yes
(g) State whether or not any development control plan applies to the land.	Yes - See Annexure DCP
(h) If a contributions plan that is expressed to apply to the land has been approved under Part 4 of this Regulation, the name of the plan (whether or not the plan is in force).	Yes. Narrabri Shire Council Section 94 Contributions Plan.
(i) Whether any application to carry out development on the land was at the time the application for the certificate was lodged, the subject of a notice by the Minister under section 76A(7)(b) of the Act declaring the development to be State Significant development.	Yes. Development to which State Environmental Planning Policy No. 34 – Major Employment Generating Industrial Development and State Environmental Planning Policy No. 48 – Major Putrescible Landfill Sites apply is State significant development. Under Clause 17(1) of the Environmental Planning and Assessment (Savings and Transitional) Regulation 1998, all s. 101 directions in existence before 1 July 1998 are taken to be State significant development. The Minister will determine any applications for coal mines.
(j) State whether the land is or is not affected by the operation of Section 38 or 39 of the Coastal Protection Act 1979, but only to the extent that the Council has been so notified by the Department of Public Works.	No
(k) State whether or not the land has been proclaimed to be a mine subsidence district within the meaning of Section 15 of the Mine Subsidence Compensation Act 1961.	No
(l) State whether or not the land is affected by any road widening or road realignment under - (i) Division 2 of Part 3 of the Roads Act 1993; (ii) any environmental planning instrument; or (iii) any resolution of the Council.	No
(m) State whether or not the Council has by resolution adopted a policy to restrict the development of the land by reason of the likelihood of land slip, bushfire, flooding, tidal inundation, subsidence or any other risk.	Yes, See Annexure "N" Interim Flood Plain Management Policy. See Annexure "S".
(n) State whether:- (i) the land to which the certificate relates is within land declared to be an investigation area or remediation site under Part 3 of the CLM Act.	No
(ii) the land to which the certificate relates is within land declared to be an investigation order or a remediation order within the meaning of the CLM Act.	No
(iii) the land to which the certificate relates is the subject of a voluntary investigation proposal that is the subject of the PA's agreement under Section 19.	No
(iv) the land to which the certificate relates is the subject of a site audit statement within the meaning of Part 4 of the CLM Act.	No
(o) Is the land bushfire prone land (as defined in the Environmental Planning and Assessment Act 1979)?	None of the land is bushfire prone land

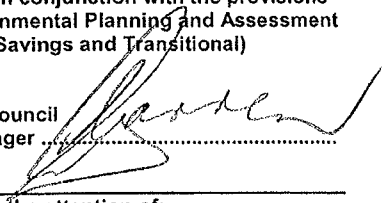
Complying development – zone based requirements (p1) Is the land to which this certificate relates land on which complying development may be carried out State Environmental Planning Policy (Exempt and Complying Development Codes) 2008? The codes SEPP relies on the land use zones established under Standard Instrument - Principal Local Environmental Plan. In circumstances where a council has not yet made a LEP in accordance with the Standard Instrument, the codes SEPP provides that complying development can be carried out on an equivalent zone. The codes SEPP includes a guide to determining the equivalent zones under clause 1.6 (1) and allows the Director General of the Department of Planning to determine the equivalent zones. For Narrabri Shire Council, the Department advised on 27 February 2009 that, until further notice, complying development under the codes SEPP would only be possible in the following zones under Narrabri LEP No.2: 1(a) General Rural 1(u) Rural/Urban 2(a) Residential 2(b) Residential 2(c) Residential	Yes. Complying development under State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 may be carried out on this land, unless the lot is under 450 square metres in area, (excluding any access handle for a battleaxe lot), BUT only subject to the response in relation to item p2, below.
Complying development – land based requirements (p2) Is the land to which this certificate relates land on which complying development may be carried out State Environmental Planning Policy (Exempt and Complying Development Codes) 2008? Under clause 1.19(1) of the Codes SEPP, development cannot be carried out as complying development on land that is an environmentally sensitive area. Further development cannot be carried out as complying development on lands described in clause 1.19(2)(a) – (j) of the Codes SEPP.	No. Complying development under State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 may not be carried out on this land. Reason (if No): The land is excluded land as being identified as flood control lot

The above information has been taken from the Council's records but Council cannot accept responsibility for any omission or inaccuracy.

The *Environmental Planning and Assessment Amendment Act 1997* commenced operation on the 1st July 1998. As a consequence of this Act the information contained in this certificate needs to be read in conjunction with the provisions of the *Environmental Planning and Assessment (Amendment) Regulation 1998*, *Environmental Planning and Assessment (Further Amendment) Regulation 1998* and *Environmental Planning and Assessment (Savings and Transitional) Regulation 1998*.

Date: 08 October 2009

Narrabri Shire Council
for General Manager



Any request for further information in connection with the above should be marked for the attention of:

Fee \$40.00

Mr Glen Warren

Receipt No: 67155

Phone: (02) 6799 6855

ANNEXURE TO PLANNING CERTIFICATE UNDER SECTION 149(5)

Environmental Planning and Assessment Act 1979

Certificate Ref: **119/2010**
File Ref: **P99/01834**

PURSUANT TO SECTION 149(5): the application requests advice as to whether the matters raised by the enquiries hereunder affect the land described in the subject application.

Name of Applicant: **Hozack Clisdell**

Address: **PO Box 235**
ULLADULLA NSW 2539

Owner of Property: **ROBYN AMY TABNER**

Lot: **18** Section: **8** DP**758756**
Lot: **19** Section: **8** DP**758756**
Lot: **20** Section: **8** DP**758756**

Street No/Name: **COOMA ROAD**

Locality: **NARRABRI**

INFORMATION REQUESTED	
REPLY	
(a) Is the land affected by a Residential District Proclamation?	NO
(b) Is the land affected by a Tree Preservation Order?	NO
(c) Has any development consent with respect to the land been granted within the previous two (2) years?	NO
(d) What is the current approved use of the property?	NOT KNOWN
(e) Is the current use of the property in accordance with such approval?	NOT KNOWN
(f) Is the land affected by a resolution of the Council to seek amendment to any environmental planning instrument or draft environmental planning instrument applying to the land?	YES

The above information has been taken from the Council's records but Council cannot accept responsibility for any omission or inaccuracy.

Date: **08 October 2009**

Shire of Narrabri

Fee Paid \$100.00

For General Manager.....

Receipt No: **67155**

Any request for further information in connection with the above should be marked for the attention of Mr Glen Warren.

Phone No: (02) 6799 6855

NARRABRI SHIRE COUNCIL

Local environmental plan no. 2 for Narrabri
Published in government gazette 6th June

ZONE NO. 2 (b) (RESIDENTIAL "B" ZONE)

1. Objectives of zone

The objective is to provide residential areas close to the town's commercial areas, having a mixture of detached dwellings and residential flat buildings to provide a higher residential density than that within the Residential "A" Zone. Shops and other retail outlets are prohibited within Residential "B" Zone to prevent the intrusion of these uses, which should be confined to the nearby commercial area. Other purposes which are prohibited are considered incompatible with the objective of the zone.

2. Without development consent

Dwelling-houses.

3. Only with development consent

Any purpose other than a purpose included in Item 2 or 4.

4. Prohibited

Abattoirs; advertising structures; bulk stores; camping grounds; car repair stations; caravan parks; cemeteries; clubs registered under the Registered Clubs Act 1976; commercial premises; crematoria; educational establishments (except museums); extractive industries; funeral parlours; galleries and academies; generating works; helipads; heliports; holiday cabins; hotels; industries (other than home industries); institutions; junk yards; liquid fuel depots; mines; motels; motor showrooms; offensive or hazardous industries; piggeries; or any other intensive keeping of animals; places of assembly; public buildings; recreation establishments; recreation facilities; refreshment rooms; retail markets; retail plant nurseries; roadside stalls; sawmills; service stations; shops; stock and sale yards; stock homes; taverns; timber yards; transport terminals (other than terminals used for the purpose of garaging not more than one bus); veterinary hospitals; veterinary surgeons; warehouses; waste disposal; wholesale markets.

Division 3 General

29 Certain activities require development consent under amended Environmental Planning and Assessment Act, 1979

(1) This clause applies to development consisting of:

(a) a prescribed activity proposed to be carried out within the area of a council, or

(b) the subdivision of land within the area of a council,

including development proposed to be carried out in connection with an existing use, but not including development referred to in subclause (2).

(2) This clause does not apply to development of the kind referred to in subclause (1) that consists of:

(a) any activity that, immediately before the appointed day, was specified in item 6 of Part A of the Table to section 68 of the unamended Local Government Act 1993 (relating to the use and occupation of uncompleted buildings), or

(b) any prescribed activity (other than an activity referred to in paragraph (a) that, immediately before the appointed day, was exempted, excluded or suspended from the requirement for approval under the unamended Local Government Act 1993:

(i) by the *Local Government (Approvals) Regulation 1993*, as in force immediately before the appointed day, or

(ii) by a local approvals policy in force under the unamended Local Government Act 1993 (being a local approvals policy that is still in force at the time the development application for development consent is made), or

(iii) by or under the provisions of any Act, including the provisions of an environmental planning instrument of a kind referred to in section 28 of the unamended Environmental Planning and Assessment Act 1979, or

(c) any subdivision of land that, immediately before the appointed day, was exempted from the requirements for approval under the repealed Local Government Act 1919 by or under the provisions of that or any other Act, including the provisions of an environmental planning instrument of a kind referred to in section 28 of the unamended Environmental Planning and Assessment Act 1979, or

(d) any development:

- (i) carried out by the Crown, or
- (ii) carried out by any person prescribed by the regulations under the amended Environmental Planning and Assessment Act 1979 for the purposes of section 115M of that Act (referred to in section 115H (a) of that Act) in relation to Crown building work,

being development that constitutes an activity within the meaning of Part 5 of that Act, or

- (e) any prohibited development, or
 - (f) any development for which development consent was required, immediately before the appointed day, by an environmental planning instrument or that is required by any new provisions of an environmental planning instrument made before or on the appointed day, or, in the case of an environmental planning instrument that was in the course of preparation before the appointed day but not made before or on the appointed day and before 1 October 1998, or
 - (g) any activity within the meaning of Part 5 of the Act:
 - (i) in respect of which an application for approval to a determining authority within the meaning of that Part has been made, but not finally determined, immediately before the appointed day, or
 - (iii) which was approved by a determining authority within the meaning of that Part before the appointed day and that commences pursuant to that approval not later than 3 years after the appointed day.
- (3) Development to which this clause applies may not be carried except with development consent.
- (4) Development consent may not be granted in relation to development for a prescribed activity that involves the erection of a building unless the requirements of Division 4 of Part 1 of Chapter 7 of the unamended Local Government Act 1993 have been complied with.
- (5) The requirements relating to the notification of proposed development under the amended Environmental Planning and Assessment Act 1979 (including any requirements applied by clause 32 (1)) do not apply to a development application for development for which the requirements referred to in subclause (4) are required to be complied with.
- (6) Subclauses (4) and (5) apply only if a local approvals policy (being a local approvals policy with respect to the notification of applications for approvals)

is in force under the unamended Local Government Act 193 at the time the development application for development consent is made.

- (7) This clause has effect despite the existing provisions of any environmental planning instrument made before the appointed day, but is subject to any new provisions of an environmental planning instrument made before, on or after the appointed day.
- (8) The consent authority for the purposes of development to which this clause applies is the council unless, by or under the Act, some other person is the consent authority for the purposes of that development.
- (9) Despite Part 9 of the amended Environmental Planning and Assessment Regulation 1994, the fee for an application to carry out development of the kind to which this clause applies, being the erection of a building within the meaning of the unamended Local Government Act 1993, is the fee determined in accordance with an order under clause 33.
- (10) In this clause:

Existing provision means a provision made before the appointed day.

New provision means a provision made on or after the appointed day.
- (11) This clause ceased to have effect on 1 July 2000.

ANNEXURE "N"

You are advised that the major part of the town of Narrabri, except for irregular portions of Narrabri West, can be affected by flooding. The incidence of flooding is as shown on the Flood Inundation Map, Municipality of Narrabri, prepared by the former Water Resources Commission of NSW. This is available for examination at the Council's Office in Maitland Street, Narrabri. In addition, a more detailed floodplain study, the Narrabri Floodplain Management Study, 1996, is available. The study shows approximate ground levels, calculated floor levels, calculated floor levels and flood levels in most residential, commercial and industrial properties in Narrabri.

It is essential that these maps are examined in order to establish if your property is affected by the 1:100 year flood. The requirements for new development in flood affected properties are set out in Narrabri's Interim Flood Plain Management Policy (Annexure "S").

PUBLISHED IN GOVERNMENT GAZETTE 6TH JUNE, 1986

PART III

SPECIAL PROVISIONS

DIVISION 1 – Development generally

Development of flood prone land

10. (1) This clause applies to land to be inundated 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) 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.

Height of buildings

11. A person shall not erect a building containing more than 2 storeys above ground level without the consent of the Council.

Suspension of certain laws

12. (1) For the purpose of enabling development to be carried out in accordance with this plan (as in force when the development is carried out) or in accordance with a consent granted under the Act -
- (a) section 314 (1) (c) of, and Schedule 7 to, the Local Government Act 1919; and
 - (b) any covenant, agreement or instrument imposing restrictions as to the erection or use of buildings on land (other than land within Zone No. 2(a), 2(b) or 2(c) for certain purposes or as to the use of land for certain purposes, to the extent necessary to serve that purpose, shall not apply to any such development.
- (2) Pursuant to section 28 of the Act, before the making of this plan -

- (a) the Governor approved of subclause (1); and
- (b) the Minister for the time being administering the provisions of the Local Government Act 1919 referred to in that subclause concurred in writing in the recommendation for the approval of the Governor of subclause (1) in so far as that subclause relates to those provisions.

Control of development on major road frontages

13. (1) This clause applies to land within Zone No. 1 (a).
- (2) A hotel, motel or caravan park shall not be erected on an allotment of land to which this clause applies unless the allotment has an area of not less than 4 hectares and a major road frontage of not less than 200 metres.
- (3) A building shall not be erected on an allotment of land to which this clause applies if the distance between the proposed building and the nearest alignment of a main or arterial road would be less than –
- (a) where the building is erected for the purpose of a hotel, motel or caravan park – 46 metres; or
 - (b) where the building is erected for any other purpose – 18 metres.

Prohibited development on main or arterial roads

14. Development shall not be carried out on land which is within Zone No. 1(a) and within 400 metres of a main or arterial road for the purpose of liquid fuel depots, offensive or hazardous industries, roadside stores, sawmills, timber yards, utility installations or waste disposal, or for the purpose of access from development for such a purpose to a main or arterial road.

Community use of school sites, etc.

15. Notwithstanding any other provision of this plan, a person may, with the consent of the Council, carry out development for the purpose of –
- (a) the community use of the facilities and sites of schools, colleges and other educational establishments;
 - (b) the commercial operation of those facilities and sites; and
 - (c) community purposes on land used for the purposes of schools, colleges or other educational establishments, whether or not the development is ancillary to any such purpose.

Development by the Crown, a Government Department, etc.

16. The consent authority in respect of an application to carry out development by the Crown, a Government Department, a statutory authority, a public utility undertaking or the Totalisator Agency Board –

(a) shall not refuse to grant its consent to the application; and

(b) shall not attach any conditions to its consent,

except with the approval of the public authority involved or the Minister.

Development of certain land zoned Special Uses "A"

- 16A. (1) In this clause, "recreation area" means –

(a) a children's playground;

(b) an area for sporting activities or sporting facilities;

(c) an area used by the Council to provide recreational facilities for the physical, cultural or intellectual welfare of the community; or

(d) an area used by a body of persons associated for the purposes of the physical, cultural or intellectual welfare of the community to provide recreational facilities for those purposes.

but does not include a racecourse or a showground.

- (2) Nothing in this plan prevents a person, with the consent of the Council, from carrying out development for the purposes of a recreation area on land –

(a) within Zone No. 5(a); and

(b) on which development may be carried out for the particular purpose of aquatic recreation (as indicated on the map).

- (3) Before consenting to development on any land referred to in subclause (2), the Council is to consider –

(a) the need for the development on that land;

(b) the impact of the proposed development on the existing or likely future use of the land;

(c) the need to retain the land for its existing or likely future uses; and

- (d) the effect of the proposed development on the capacity of the land to act as a floodway.

DIVISION 2 – *Subdivision*

Subdivision of land

17. A person shall not subdivide land without the consent of the Council.

Subdivision of land within Zone No. 1(a)

18. The Council shall not grant consent to the subdivision of land within Zone No.1(a) unless the area of each allotment to be created by the subdivision will be not less than 40 hectares.

Subdivision for the purpose of dwellings in Zone No. 1(u)

- 18A. (1) If an allotment is partly within Zone No.1(u) and the rest of the allotment is within Zone No.1(d), the whole of the allotment is taken to be within Zone No.1(u) for the purposes of sub-clauses (2) and (3).
- (2) The Council may consent to the subdivision of land within Zone No.1(u) only if each allotment created will have an area of not less than 1.5 hectares (excluding any land to be used for community purposes) and only where it has taken into consideration:
- (a) the land capability (including soil resources and soil stability), natural constraints and hazards of the land to be subdivided in relation to the density of the allotments proposed to be created;
 - (b) the desirability of providing a range and mixture of allotment sizes; and
 - (c) Whether the design of each allotment to be created by the subdivision is satisfactory for the economic provision of services.
- (3) The Council may consent to the subdivision of land within Zone No.1(u) so as to create a hatchet-shaped allotment only if the allotment will have an area of not less than 1.5 hectares excluding the access corridor of the allotment.
- (4) The Council, in granting consent to the subdivision of land within Zone No.1.(u), may impose a condition that requires each allotment of land created by the subdivision:
- (a) to have direct vehicle access to a road approved by the Council;
 - (b) where the Council is satisfied that suitable arrangements have been made – to have vehicle access to a properly constructed,

drained and sealed road which is of a standard that is adequate to be approved by the Council; or

- (c) if the Council is satisfied the circumstances of the case so warrant – to have vehicle access to a road other than an approved sealed road.
- (5) Consent must not be granted to a subdivision creating an allotment of land within Zone No.1(u) unless the Council is satisfied the allotment will be provided with a properly constructed pipe culvert providing vehicular access between the road and the allotment.
- (6) One, but no more than one, dwelling-house may, with the consent of the Council, be erected on an allotment of land within Zone No.1(u).
- (7) A dwelling-house shall not be erected on an allotment of land within Zone No.1(u) unless the allotment has access to a properly constructed and dedicated public road.

DIVISION 3 – Services

Provision of water supply, sewerage and drainage

19. (1) A person shall not erect a dwelling-house on land (except land within Zone No.1(a) or 1(d) unless and until arrangements satisfactory to the Council have been made for connection to a water supply, drainage and sewerage system, or unless and until arrangements satisfactory to the Council have been made for connection to a water supply and drainage system and a septic tank for sewage disposal on the land.
- (2) A person shall not erect a residential flat building on land unless and until arrangements satisfactory to the Council have been made for connection to a water supply, sewerage and drainage system.
- (3) A person shall not erect a dwelling-house on land within Zone No.1(a) unless and until arrangements satisfactory to the Council have been made for the provision of water supply and facilities for the removal or disposal of sewage and drainage from that land, or unless and until arrangements satisfactory to the Council have been made for the installation of a water supply system and a septic tank for sewage disposal on the land.
- (4) The Council shall not consent to the subdivision of land (other than within Zone No.1(a) unless arrangements satisfactory to the Council have been made for the connection of each allotment to be created by the subdivision to a water supply, sewerage and drainage system.

Provision for improvement of amenities and services

20. As a consequence of the carrying out of development in accordance with this plan (as in force at the time the development is carried out), this plan identifies a likely increased demand for the public amenities and public services as specified in Schedule 2 and stipulates that dedication or a contribution under section 94(1) of the Act may be required as a condition of any consent to that development.

DIVISION 4 – *Dwellings*

Dwelling-houses in Zone No.1(a)

21. (1) A person shall not erect a dwelling-house on an allotment of land within Zone No. 1(a) unless the allotment has an area of not less than 40 hectares.
- (2) Notwithstanding subclause (1), the Council may grant consent to the erection of a dwelling-house on an allotment of land within Zone No.1(a) which has an area of less than 40 hectares but not less than 4 hectares if the General Manager certifies that the allotment is an existing parcel and the Council is satisfied –
- (b) that the erection of a dwelling-house will not create or increase the effect of ribbon development along any main road; and
- (c) that adequate public utility services will be available on the land.
- (3) Nothing in this clause affects the requirements of clause 13 as to the setback of buildings from roads.
- (4) The Council shall –
- (a) enter particulars of all decisions on applications for consent as referred to in this clause in a register;
- (b) show the land affected by those decisions on a map of suitable scale; and
- (c) make that register and map available for inspection by a duly authorised officer of the Department.
- (5) In this clause –
- “existing parcel” means the total area of all adjoining or adjacent land held in the same ownership at the appointed day.

Residential development

- (22) (1) In this clause, a reference to the area of an allotment does not, in the case of a hatchet-shaped allotment, include a reference to the area of the access corridor of the allotment.
- (2) A person shall not carry out development for the purposes of a dwelling-house on an allotment of land within Zone No.2(a), 2(b), 2(c) or 2(d) unless –

- (a) in the case of a hatchet-shaped allotment – the area of the allotment is not less than 650 square metres; or
 - (b) in the case of any other allotment – the area of the allotment is not less than 600 square metres and the allotment has a width of not less than 15 metres at the front alignment of the dwelling-house.
- (3) A person shall not carry out development for the purpose of a residential flat building on an allotment of land within Zone No.2(b), 2(c) or 2(d) unless the allotment has an area of not less than 740 square metres and a width (not including any access corridor) of not less than 18 metres at the front alignment of the building.

Dual occupancy

23. (1) A person may, with the consent of the Council, alter or add to a dwelling-house erected on an allotment of land within Zone No.1(a), 2(b), 2(c) or 2(d) so as to create 2 dwellings, if –
- (a) the area of the allotment on which the dwelling-house is erected is not less than 400 square metres;
 - (b) the floor space ratio of the dwelling-house as altered or added to will be not greater than –
 - (i) the floor space ratio of the dwelling-house before it was altered or added to; or
 - (ii) 0.5 : 1, whichever is the greater; and
 - (c) arrangements satisfactory to the Council have been made for the provision of a water supply and for the disposal of sewerage and stormwater drainage from the land to cater for the use of the dwelling-house for 2 dwellings.
- (2) The area occupied by a garage or carport shall not be taken into account when calculating floor space ratio for the purpose of subclause (1).
- (3) The provisions of this plan relating to residential flat buildings do not apply to a building altered or added to or proposed to be altered or added to pursuant to this clause.
- (4) In this clause –
- “floor space ratio”, in relation to a building, means the ratio of the gross floor area of the building to the area of the allotment on which the building is erected.

LOCAL ENVIRONMENTAL PLAN NO. 2 FOR NARRABRI.
PUBLISHED IN GAZETTE 6TH JUNE 1986.

Annexure "Q" page 1

DIVISION 5 – Heritage conservation

Items of the environmental heritage

24. (1) A person shall not in respect of a building, work, relic or place that is an item of the environmental heritage –

- (a) demolish, renovate or extend the building or work;
- (b) damage or despoil the relic or any part of the relic;
- (c) excavate any land for the purpose of exposing or removing the relic;
- (d) erect a building on the land on which that building, work or relic is situated or the land which comprises that place; or
- (e) subdivide the land on which that building, work or relic is situated or the land which comprises that place,

except with the consent of the Council.

(2) The Council shall not grant consent to a development application in respect of an item of the environmental heritage unless it has made an assessment of –

- (a) the significance of the item as an item of the environmental heritage of the Shire of Narrabri;
- (b) the extent to which the carrying out of the development in accordance with the consent would affect the historic, scientific, cultural, social, archaeological, architectural, natural or aesthetic significance of the item and its site;
- (c) whether the setting of the item, and in particular, whether any stylistic, horticultural or archaeological features of the setting, should be retained; and
- (d) where the item is a building –
 - (i) whether the building constitutes a danger to the users or occupiers of that building or to the public;

- (ii) the colour, texture, style, size and type of finish of any materials to be used on the exterior of the building, the effect which the use of those materials will have on the appearance of the exterior of the building and the similarity of the materials to be used to materials used in other existing buildings in its vicinity;
- (iii) the style, size, proportion and position of openings for any windows and doors which will result from, or be affected by, the carrying out of the development; and
- (iv) the pitch and form of the roof, if any.

LOCAL ENVIRONMENTAL PLAN NO. 2 FOR NARRABRI.
PUBLISHED IN GAZETTE 6TH JUNE 1986.

Annexure "Q" page 2

SCHEDULE 1

(Cl. 5)

St Cyprian's Church.

Courthouse group (Barwan, Bowen and Maitland Streets) –

Police Sergeant's residence;

Courthouse with picket fence;

Gaol and residence;

Local Court office (former courthouse).

Public School, Barwan Street.

Club House Hotel, 8 Maitland Street.

Bank of N.S.W., 104 Maitland Street.

Post Office, 140 Maitland Street.

Gallipoli House, Bowen Street.

Narrabri West Railway Station and residence.

Maitland Street group –

Faulkners Cordial Factory, Ice Works and Cold Store;
Lodge Namoi.

Annexure DCP

A series of development control plans have been drafted that apply across the whole of the Narrabri Shire Council. These Development Control Plans are:-

(a) Subdivision Code

A guide to the subdivision of land across the whole of the Shire of Narrabri.

(b) Parking Code

A guide to the level of provision, style and quality of parking to be provided with traffic generating development within the Shire.

(c) Industrial Development Code

A guide to the type, style and standards expected of industrial developments within the Shire.

(d) Medium Density Housing Control Plan

A guide to the types, styles and standards of residential flat buildings, townhouses, etc, expected from developers within the Shire area.

(e) Outdoor Advertising DCP

A guide to the controls on outdoor advertising.

(f) Notification DCP

A guide to Council's policy on neighbour notification.

(g) Exempt and Complying Development DCP

Council's guidelines on Exempt and Complying Development.

(h) Section 94 Plan

Council's requirements on contributions under Section 94 of the Environmental Planning and Assessment Act 1979.

ANNEXURE "S"

Narrabri Shire Council

**INTERIM FLOOD PLAIN MANAGEMENT POLICY, ADOPTED
20/10/1987 AND AMENDED 15/3/1998, 28/10/1998, PURUANT TO THE
FLOODPLAIN DEVELOPMENT MANUAL OF DECEMBER 1986
ISSUED BY THE MINISTER FOR PLANNING AND ENVIRONMENT.**

Council has, pending further detailed investigations on Floodplain Management within the Narrabri Shire, adopted the following interim policy relating to Flood Plain Management and Development within the Shire.

- 1 All habitable rooms as described under clause A1.1 of the building Code of Australia, for new houses and residential flat buildings are to be constructed at least 0.5 of a metre above the 1:100 ARI flood level. This does not apply in the Town of Wee Waa, which is protected by the flood levee.
- 2 Alterations and additions to dwelling houses constructed prior to the enactment date for Council's current flood policy adopted in 1981 and requiring the floor levels of houses and residential flat buildings to be 0.5 of a metre above the 1:100 ARI flood level will be considered on an individual merit basis up to an area equal to 50% of the existing floor area of habitable rooms. This provision does not apply to the Town of Wee Waa, which is protected by the flood levee.
- 3 All Commercial and Industrial buildings whether new or additions, are considered on merit generally.
- 4 All buildings materials, for all types of development, that are to be utilised below the 1:100 ARI flood level, must be floodwater tolerant or resistant. Further, Council recommends that all electrical fittings and equipment be installed above the 1:100 ARI flood height for that land.
- 5 In the areas which have been affected by the 1:100 ARI flood landholders land filling in excess of 225mm of material will be required to provide a permanent drain to the street from backyard run off and the backyard be graded to a sump which is to be drained by permanent piping to the street or by concrete dish drains or other approved drainage systems of permanent material, such provisions must not restrict natural drainage from adjoining lands. Where the installation of land filling adversely affects the drainage of the adjoining site or sites a provision for drainage of the adjoining site or sites shall be

incorporated in the drainage system provided by the person carrying out land filling. This provision also applies to the Town of Wee Waa.

- 6 Where, in the opinion of the Director of Environmental Services or Council Planner, Council holds insufficient information to provide reasonably accurate flood information to enable compliance with Item 1 of this Policy, any applicant for the erection of new dwellings or residential flat buildings must provide to Council accurate information as to the level of the land, where the development is to occur and the 1955 flood level for that particular area.
- 7 With respect to new dwellings and residential buildings, where, in the opinion of Council, a proposed development could sustain structural damage by flooding, no work on the development will be allowed to commence until the applicant obtains and submits a Certificate of Structural Adequacy of the proposed dwelling or residential building from a qualified Structural/Civil Engineer.
- 8 With respect to commercial and industrial development, new and existing, in flood liable areas, applications for development are to be accompanied by a Certificate from qualified practising Structural or Civil Engineer stating that the building will not sustain structural damage from the forces and impact of debris associated with flood waters equal to the 1:100 ARI flood, except – with respect to extensions and alterations to commercial buildings, shops, offices, motels, hotels, and the like having a floor area of 50m² or less or industrial buildings including workshops, stores associated with such workshops, warehouses and bulk stores having an area of 100m² or less.

NOTE: Major residential and rural areas of this Shire were affected by the 1955 flood peak. The Council has details of the depth of flooding in Narrabri Township (Narrabri Shire Council 1:100 ARI Flood Contour Map, Town of Narrabri) and the extent of flooding with respect to the 1955 flood at the Town of Boggabri. Council's records relating to Narrabri and Boggabri may be inspected by any interested person. With respect to the residue of the Shire, the Town of Wee Waa is protected by a levee bank which at the time of construction was designed in accordance with the requirements of the then Water Resources Commission of New South Wales, the integrity of the Wee Waa levee bank depends on the future nature of flooding in the area.

With respect to rural areas, Council holds very little information regarding the depth of flooding in portions of the Shire affected by the 1955 flood event and references should be made to the Department of Land and Water Conservation who may hold useful information in this regard.

THE FILLING OF LAND AT NARRABRI WITH FILL OF A GREATER DEPTH THAN 225mm IN AREAS AFFECTED BY THE 1:100 ARI YEAR FLOOD EVENT REQUIRES COUNCIL'S DEVELOPMENT CONSENT PRIOR TO WORK BEING COMMENCED.

ANNEXURE T

The names of each State Environmental Planning Policy applying to the land

- No.1. Development Standards.
- No.4. Development without consent and Miscellaneous Exempt and Complying Development.
- No.6. Number of Storeys in a Building.
- No.8. Surplus Public Land.
- No.9. Group Homes
- No.11. Traffic Generating Developments.
- No.15. Rural Landsharing Communities.
- No.16. Tertiary Institutions.
- No.21. Caravan Parks.
- No.22. Shops and Commercial Premises.
- No.30. Intensive Agriculture.
- No.32. Urban Consolidation (Redevelopment of Urban Land).
- No.33. Hazardous & Offensive Development.
- No.35. Maintenance Dredging of Tidal Waterways.
- No.36. Manufactured Home Estates.
- No.44. Koala Habitat Protection.
- No.48. Major Putrescible Landfill Sites.
- No.50. Canal Estate Development.
- No.55. Remediation of Land.
- No.60. Exempt and Complying Development.
- No.62. Sustainable Aquaculture.
- No.64. Advertising and Signage.
- No.65. Design and Quality of Residential Flat Development.
- ARTC Rail Infrastructure: ARTC Rail Infrastructure 2004
- Building Sustainability Index: BASIX: Building Sustainability Index: BASIX 2004.
- Seniors Living: Seniors Living 2004.
- Major Projects: Major Projects 2005.
- Mining ect.: Mining, Petroleum Production and Extractive Industries 2007.

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**Environment,
Climate Change
& Water**

- 5 OCT 2010

Our reference : DOC10/3838
Contact : Maria Bowen

Mrs Robyn Tabner
C/- Mr Anthony Fondacaro
Hozack Clisdell Lawyers Pty Ltd
PO Box 235,
ULLADULLA NSW 2539

COPY

Dear Mrs Tabner,

**Former Caltex Service Station,
31 to 35 Cooma Road, Narrabri NSW**

I refer to the notification of the former Caltex Service Station located at 31 to 35 Cooma Road, Narrabri (the site) under section 60 of the *Contaminated Land Management Act* (the Act). Thank you for providing the reports titled *Phase 2 Environmental Assessment, Former Caltex Narrabri Service Station* dated 18 August 2010 and *Site Validation Report, Former Caltex Narrabri Service Station* dated 4 August 2010 to assist with our assessment of whether the contamination at the site is significant enough to warrant regulation under the Act.

We have assessed the information provided in accordance with the matters listed in section 12 of the Act and have determined that the EPA has no reason to believe that the contamination of the site is significant enough to warrant regulation under the Act for the following reasons:

- While minor exceedences of benzene, toluene, ethyl benzene and xylene have been encountered in groundwater at the site, there is no known migration of the contamination off-site in the direction of groundwater flow; and,
- Town Water Supply bores near the site are not in use and town water is sourced from bores located on the opposite side of the Namoi River.

Nonetheless, we consider that the integrity of all fuel facilities at the site should be confirmed and any further integrity failures should be promptly repaired or alternatively that the fuel facilities be decommissioned in order to prevent any further leakage of fuel into the groundwater. Additional actions as specified under the *Underground Petroleum Storage Systems Regulation* would be required if the service station is re-opened.

As the site is located in close proximity to town water supply bores, we have advised Narrabri Council of the existence of the soil and groundwater contamination so that any decisions by Council to recommission the town water supply bores adjacent to the site are made on an informed basis. We have also requested that Council notate factual information on the contamination on Council's section 149 certificates in order to provide transparency for future purchasers of the land, and to assist Council in relation to future planning decisions in relation to the site.

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NIGEL GOODMAN

PAGE 02/02

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Should you require further information on this matter please contact Maria Bowen on (02) 9995 5725.

Yours sincerely

NJL 28/9/2010

NIALL JOHNSTON
Manager Contaminated Sites
Environment Protection and Regulation

0 9 18 27 36 Metres

