

Narrabri LEP 2012 (Amendment No 5) - Rezone Lots 1, 4, 5, 8, 39 & 47 DP 754930 from RU1 to RU4

Proposal Title :	Narrabri LEP 2012 (Amendment No 5) - Rezone Lots 1, 4, 5, 8, 39 & 47 DP 754930 from RU1 to RU4		
Proposal Summary :	Narrabri LEP 2012 (Amendment No 5) - Rezone Lots 1, 4, 5, 8, 39 & 47 DP 754930, Kaputar Road, Bullawa Creek, Narrabri from RU1 to RU4 and amend the minimum lot size from 100ha to 10ha.		
PP Number :	PP_2014_NARRB_002_00	Dop File No :	14/12487

Proposal Details

Date Planning Proposal Received :	28-Jul-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 :	Lots 1, 4, 5 & 8 DP 754930, 1489 Kaputar Road, Bullawa Creek, Narrabri		
Street :			
Suburb :		City :	Postcode :
Land Parcel :	Lots 39 & 47 DP 754930, 1557 Kaputar Road, Bullawa Creek, Narrabri		

DoP Planning Officer Contact Details

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RPA Contact Details

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DoP Project Manager Contact Details

Contact Name :
 Contact Number :
 Contact Email :

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Land Release Data

Growth Centre :	N/A	Release Area Name :	N/A
Regional / Sub Regional Strategy :	N/A	Consistent with Strategy :	N/A
MDP Number :		Date of Release :	
Area of Release (Ha) :	190.00	Type of Release (eg Residential / Employment land) :	N/A
No. of Lots :	0	No. of Dwellings (where relevant) :	17
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 :

1.2 Rural Zones

1.5 Rural Lands

* May need the Director General's agreement

4.4 Planning for Bushfire Protection

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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 55—Remediation of Land
SEPP (Rural Lands) 2008**

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

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, zoning and lot size 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 considers the proposal as being relatively low impact. This is considered appropriate and a 14 day exhibition period is recommended.**

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.

Council's project timeline has outlined a 6 month timeframe for the Planning Proposal with the LEP expected to be ready for submission to the Department for notification by January 2015. In order to ensure adequate time to complete the LEP it is recommended that a 9 month timeframe be granted.

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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 land is identified as Rural Small Holdings Investigation Area in Council's Director General approved Growth Management Strategy. Council has resolved to seek the rezoning of the land to RU4 Primary Production Small Lots with 10ha MLS due to landowner interest and to help provide increased housing choice in the area.

The subject land is currently zoned RU1 with a MLS of 100ha. The Planning Proposal aims to rezone the land to RU4 and reduce the MLS to 10ha. This would equate to approximately 17 lots and would mirror the zoning and development potential of the land adjoining its southern boundary.

It is noted that Council included the subject land for rezoning in Narrabri LEP 2012 post exhibition. The Minister's delegate in making the plan however amended the zoning and lot size maps consistent with the exhibited plan and advised Council that this change was too significant post exhibition without further community consultation. The Minister's delegate also recommended that should Council wish to pursue the rezoning it could be done through a separate Planning Proposal.

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 Strategic Regional Land Use Plan.

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

1.2 Rural Zones

This Direction applies as the draft LEP contains provisions that will increase the permissible density of land within a rural zone. The inconsistency of the Planning Proposal with this Direction is considered to be justified as the land was identified as 'Rural Small Holdings Investigation' in the Narrabri Growth Management Strategy 2010 approved by the Director General.

1.5 Rural Land/SEPP (Rural Lands) 2008

This Direction applies as the draft LEP will reduce the minimum lot size (MLS) of land within a rural zone and potentially increase the fragmentation of rural land. The Planning Proposal aims to rezone the subject land from RU1 with a MLS of 100ha to RU4 with a MLS of 10ha. The inconsistency of the Planning Proposal with this Direction is considered to be justified as the land was identified as 'Rural Small Holdings Investigation' in the Narrabri Growth Management Strategy 2010 approved by the Director General.

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.

Environmental social
economic impacts :

The subject land has not been identified as being flood prone and is characterised mostly of cleared grazing land with some small pockets of vegetation consisting mainly of pine and pine regrowth. It is not anticipated that the Planning Proposal will not have any

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significant adverse environmental, social or economic impacts. Council has also undertaken a preliminary contamination assessment of the land and has not identified any past activities likely to have led to any contamination of the land.

Assessment Process

Proposal type : **Routine** Community Consultation Period : **14 Days**

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

Public Authority Consultation - 56(2) (d) : **NSW Rural Fire Service**

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

(2)(a) Should the matter proceed ? **Yes**

If no, provide reasons :

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

If Yes, reasons :

Identify any additional studies, if required. :

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
Planning Proposal - Lots 1, 4, 5, 8, 39 & 47, DP 754930 - Kaputar Road, Bullawa Creek, Narrabri.pdf	Proposal	Yes
Cover letter.pdf	Proposal Covering Letter	Yes
Growth Management Strategy Map.pdf	Map	Yes
Location & Zoning Map.pdf	Map	Yes
Att 4_completed.pdf	Proposal	No
Council Minute 3 June 2014.pdf	Proposal	Yes

Planning Team Recommendation

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

S.117 directions: **1.2 Rural Zones**
1.5 Rural Lands
4.4 Planning for Bushfire Protection

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

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1. The Planning Proposal be supported;
2. The Planning Proposal be exhibited for 14 days;
3. The Planning Proposal be completed within 9 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 to the inconsistencies with section 117 Directions 1.2 Rural Zones and 1.5 Rural Lands as the proposal is consistent with Council's Director General approved Growth Management Strategy;
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; and
7. That an authorisation to exercise delegation be issued to Council.

Supporting Reasons :

The Planning Proposal will implement recommendations from the Narrabri Growth Management Strategy and provide opportunities for rural lifestyle, settlement and housing that will contribute to the social and economic welfare of the community.

Signature:



Printed Name:

Craig Diss

Date:

4 August 2014