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Contact Name: Hamish McTaggart
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Mr Craig Diss
Team Leader
Planning & Environment
PO Box 550
TAMWORTH NSW 2340

26 February 2015

Dear Mr Diss

Re: Planning Proposal 1/2015 proposed amendment to Schedule 1 of the *Narrabri Local Environmental Plan 2012* to permit with consent development of the purposes of a 'Function Centre' and 'Motel or Hotel Accommodation' at Lot 113 DP 1097382, 177 Riverside Drive Narrabri

I am writing to inform you that Council as the relevant planning authority for Planning Proposal 1/2015 has resolved not proceed with the proposal and request the matter be finalised in accordance with Section 58(4) of the *Environmental Planning and Assessment Act 1979*.

At its February Council Meeting Council reviewed the submissions received through the community consultation for this proposal and agreed with representations made by submitters that the proposal would have an adverse impact on the amenity of the large lot residential Riverbend Estate. As a result Council unanimously resolved not to proceed with the proposal, this resolution is attached (Minute 21/2015).

Accordingly Council requests that the Minister determine the proposal not proceed.

Please find attached a copy of the Council Report in relation to the proposal from the February Council Meeting and the corresponding Council Meeting Minute.

If you have any questions regarding the matter feel free to contact Council's Planning & Development Coordinator Hamish McTaggart on 6799 6863.

Yours sincerely,



Tony Meppem
ACTING DIRECTOR PLANNING & DEVELOPMENT

Enc.



15.4 DIRECTOR PLANNING & DEVELOPMENT REPORT

Subject: Proposed *Narrabri Local Environmental Plan 2012* Amendment – Planning Proposal 1/2015 - 'hotel or motel accommodation' and 'function centre' as development permitted with consent 177 Riverside Drive

Author: Acting Director Planning & Development- Tony Meppem

Conflict of Interest: Nil

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RECOMMENDATION: That Council resolve to:

1. Not to proceed with Planning Proposal 1/2015 (Riverbend) based on the consideration of the submissions received and Council's assessment of the concerns raised with the proposal.
 2. Council write to the Minister in accordance with Section 58(4) of the *Environmental Planning and Assessment Act 1979* requesting the Minister Determine that Planning Proposal 1/2015 not proceed.
 3. Council notify the proponent of the planning proposal and submitters advising of its decision.
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Issues

- The purpose of this planning proposal is to amend the Narrabri Local Environmental Plan 2012 by updating Schedule 1 – Additional Permitted Uses to include 'hotel or motel accommodation' and 'function centre' as development permitted with consent for Lot 113 DP 1097382, 177 Riverside Drive.
- The Narrabri Local Environmental Plan 2012 defines 'function centre' as: 'a building or place used for the holding of events, functions, conferences and the like, and includes convention centres, exhibition centres and reception centres, but does not include an entertainment facility'.
- The Narrabri Local Environmental Plan 2012 defines 'motel or hotel accommodation' as: 'a building or place (whether or not licensed premises under the *Liquor Act 2007*) that provides temporary or short-term accommodation on a commercial basis and that:
 - (a) Comprises rooms or self-contained suites, and
 - (b) May provide meals to guests or the general public and facilities for the parking of guests' vehicles,but does not include backpackers' accommodation, a boarding house, bed and breakfast accommodation or farm stay accommodation'.
- At Its October Meeting Council resolved to adopt Planning Proposal 1/2015 to allow public consultation, report the proposal to NSW Department of Planning for Gateway Determination, proceed to publicly exhibit the proposal in accordance with any Gateway requirements and to utilise its plan making powers under Section 59 of the *Environmental Planning and Assessment Act 1979* to make the plan at the completion of the relevant process if so resolved.
- The NSW Department of Planning issued a Gateway Determination for the proposal on the 12 November 2014. The Gateway Determination required public consultation be undertaken in accordance with Section 56(2)(c) of the *Environmental Planning and*

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Assessment Act 1979, that the proposal be made publicly available for a minimum of fourteen (14) days and consultation be undertaken with the Office of Environment and Heritage (OEH) under Section 56(2)(d) of the *Environmental Planning and Assessment Act 1979* (consultation has been undertaken with OEH who have requested additional information about flood related issues. This was provided 22 January 2015, at the date of this report no response had been received from OEH. Council is able to continue.

- Council has undertaken the community consultation required by the Gateway Determination. The proposal was publicly notified between Friday 21 November 2014 and Friday 19 December 2014 (28 days), this public notification period was later extended to Friday 30 January 2015 after requests from residents. The proposal was publicly notified for a total of seventy (70) days.
- At the conclusion of the public notification period Council had received a total fifty-two (52) submissions objecting to the proposal, a petition opposed to the proposal was also submitted to Council with one-hundred-and-fifty-nine (159) signatures.
- Section 57(8) of the Environmental Planning and Assessment Act 1979 requires the relevant planning authority to consider any submissions made concerning a planning proposal prior to it proceeding to be finalised. As Council is the relevant planning authority for this proposal it must consider the fifty-two (52) submissions received and any issues they raise in relation to the proposal. These submissions have been provided to Councillors under separate cover and are available to the public on Council's website. The predominant issues raised by these submissions have been summarised into a table in this report and the planning merit of these issues commented on by Council's Staff.
- After reviewing the submissions and completing its community consultation requirements Council has the opportunity to:
 - Proceed to process the planning proposal in accordance with the Gateway Determination and previous Council resolution.
 - Make a variation to the proposal in response to issues raised through the community consultation process, notify the NSW Department of Planning of any variation and proceed to process the proposed Narrabri Local Environmental Plan 2012 amendment.
 - Elect not to proceed with the planning proposal in response to issues raised through the community consultation process and notify the NSW Department of Planning of Council's resolution that the matter not proceed.

Background

This planning proposal seeks to create a site specific provision in the Narrabri Local Environmental Plan 2012 to permit development for the purposes of 'motel or hotel accommodation' and 'function centre' at the location of Lot 113 DP 1097382, 177 Riverside Drive Narrabri. These types of development are currently prohibited on the land and should the proposed amendment to the Narrabri Local Environmental Plan 2012 be finalised it will enable the property owner to lodge a development application for this use of the site.

The land to be affected by this proposed amendment to the Narrabri Local Environmental Plan 2012 is currently occupied by a large residential building approved by Council. The use of this building as a bed and breakfast (DA 230/2014) was recently approved by Council Staff under delegated authority. This bed and breakfast is to operate a total of five (5) bedrooms; the maximum allowable for a bed and breakfast under the Narrabri Local Environmental Plan 2012, visitor accommodation providing more than five (5) bedrooms meets the definition of 'Motel or Hotel Accommodation' under the Narrabri Local Environmental Plan 2012, and can only be considered where this type of development is permissible.

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Council considered this planning proposal at its October Meeting where it resolved to support Planning Proposal 1/2015 to allow public input to the proposal, report the proposal to NSW Department of Planning for Gateway Determination, proceed to complete any requirements of the Gateway Determination and undertake steps involved in finalising the proposal and amendment sought to the Narrabri Local Environmental Plan 2012.

A Gateway Determination was issued by the NSW Department of Planning on the 12 November 2014. This Gateway Determination required fourteen (14) days public consultation and consultation with the Office of Environment and Heritage. Council has completed the required community consultation, while consultation with the Office of Environment and Heritage remains ongoing. At the conclusion of the community consultation period Council had received a total of fifty-two (52) submissions were received objecting to the proposal and a petition opposed to the proposal signed by one-hundred-and-fifty-nine (159) individuals.

The submissions received have been separately provided to Councillors and area available to the public on Council's website. The issues raised by the submissions objecting to the proposal have been summarised into the following table for Council's consideration, the table includes comments from Council Staff regarding the issues raised.

Issue	Planning Comment
Any function centre/motel or hotel accommodation development will increase the amount of vehicle traffic accessing the Riverbend/Rocky Creek Estate.	This proposal does not seek to establish a function centre or motel or hotel accommodation. The proposal will only make it possible for the owner of 177 Riverside Drive to lodge a development application for this type of development on the site. At present the Riverbend Estate road network is in a good condition and not affected by significant traffic volumes. No issues were raised by Council's Engineering Department about any current or future issues with the road network when referred the proposal. Should this proposal proceed and a development application be lodged for the site a detailed traffic assessment will need to be undertaken of the proposal and Council provided with an independent traffic report which identifies anticipated vehicle movements associated with the development and their potential impact on Council's road infrastructure. Should any future development be identified to have an adverse impact on the road network Council may impose conditions on development consent to mitigate its impacts. Such conditions may include (but are not limited to) the requirement for road upgrades, the operator of the development to enter into a Voluntary Planning Agreement to provide a monetary sum toward the maintenance of the road network or the carrying out of regular road maintenance at their expense.

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	Consequently this issue of additional vehicle traffic that may result from any future development of the site is not considered to be an issue that warrants further consideration by Council. As although a future development of the site may affect current traffic volumes in the area, any increase is unlikely to be detrimental to the area and various avenues are available for Council to ensure any road upgrades or additional maintenance required to maintain the road network is carried out at the developers expense.
There is a caveat on the title of the land that prohibits the running of a business.	There is a restriction as to user registered on the title of the land under Section 88B of the <i>Conveyancing Act 1919</i>. A Section 88B instrument is a legal instrument that imposes a restriction on the use of land to the benefit of another party identified by that instrument. The restrictions imposed by these instruments are of relevance only between the party burdened by the restriction and the party benefited and the party by such an instrument has the legal authority to release vary or modify the terms of that easement. The requirements of a Section 88B instrument, where Council is not listed as a beneficiary of a restriction as to user does not affect how Council may resolve to determine a development application. Furthermore a Section 88B Instrument has no influence on an Environmental Planning Instrument, such as the Narrabri Local Environmental Plan 2012. Section 88B restrictions as to user are private matters between property owners and the authority or persons benefited by that restriction. The restriction of the use of this land does not affect Council's ability to consider this proposal, however Council advises individuals affected by private 88B Instruments to contact a Conveyancer to understand how such restrictions may affect their use of a property.
The proposed Narrabri Local Environmental Plan 2012 amendment will permit types of development on the identified land which is inconsistent with the character of the Riverbend/Rocky Creek Estate and will affect the rural residential amenity of the area.	This issue requires careful consideration by Council. Riverbend Estate is a large lot residential subdivision and the area characterised by the privacy, amenity and recreational opportunities offered in what is a relatively tranquil setting. The value and popularity of this area for residential investment is further enhanced by its proximity to Narrabri and the availability of residential services

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	including reticulated water and sewerage services not available to other rural residential development in Narrabri. Maintaining the amenity of this estate has an obvious value to Council due to its popularity, the residential investment it attracts both from local sources and sources outside the immediate area and the unique style of residential living offered in the area, not comparable to that of other Narrabri estates. Although this proposal will not establish a function centre and/or motel or hotel accommodation at 177 Riverside Drive it will permit this type of development to be considered for the site and the lodgement of a development application with Council. By enabling this type of development Council will affect the amenity of the area. This amenity is characterised by the factors listed above and the by permitting an intensified commercial use of a property in the estate other properties in the vicinity of the site will be affected by the change in the dynamic of the operation of the property and an increase of activity which is associated with a commercial operation. Should Council resolve to proceed with the proposal after considering the submissions it should be satisfied that the commercial that will be enabled by the planning proposal will not have a detrimental impact on the amenity of the estate or that any such impact is off-set by the proposal being in the public interest.
Any function centre/motel or hotel accommodation development will create noise impacts for neighbours and may generate antisocial behaviour.	No development application has been lodged for the site. The potential noise impact of any function centre/motel or hotel accommodation development cannot be fully assessed until an application is identifying the extent of the sites proposed use is submitted for assessment. Such an application will need to be accompanied by full details of the sites proposed use and a noise impact assessment prepared by an appropriately qualified consultant. A noise impact assessment would be required to anticipate noise impacts associated with the proposal using industry best practice modelling and recommend noise mitigation to ensure noise from any development on-site will not exceed standard State Government noise guidelines. There are a number of potential noise mitigation methods that could be incorporated into any development

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	for the site to ensure noise from a development will not adversely impact the locality these may include, (but are not limited to) the construction of natural and physical barriers to limit noise escaping the site, limiting the hours of operation or the fit-out of the premises with cladding and glazing that limits noise escaping the premise. Consequently Council Staff are satisfied that there are sufficient options to address and manage noise related issues that can be considered at a development application stage and do not warrant Council to abandon the proposal. However, as discussed above a comprehensive noise impact assessment will be undertaken should a development application be lodged and Council has the opportunity to refuse a proposal if noise issues are not satisfactorily addressed.
The sewerage infrastructure will be unable to manage the added burden of a function centre. The area is serviced by a pressure sewerage system and E1 grinder pumps are required to pump waste from individual lots to Council's main.	Council's Engineering Department has provided the following comments in relation to the reticulated sewerage system: This proposal will not establish a function centre or motel or hotel accommodation development. The proposal will only make it possible for the owner to lodge a development application for this type of development on the site. At present issues surrounding sewerage are based on speculation as no firm proposal can be considered by Council until the lodgement of a development application. Lot 113 will be subject to the same conditions regarding the requirements for discharging to the pressure sewer (i.e. grinder pumps). Any proposed increase will be subject to a hydraulic design to ensure peak flows are not exceeded. The possible impact of any future development on Council's sewerage network is not a relevant consideration in determining whether to proceed with this proposal. As mentioned above Council will not be able to fully consider the impact on the sewer system until a development application is lodged and will have various avenues to mitigate current sewer services associated impacts of any development including those listed above.
Future development of the site will affect the Riverbend water supply. The locality is serviced by a trickle feed	Council's Engineering Department has provided the following comments in relation to the reticulated water system:

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	This proposal will not establish a function centre or motel or hotel accommodation development. The proposal will only make it possible for the owner to lodge a development application for this type of development on the site. At present issues surrounding water are based on speculation as no firm proposal can be considered by Council until the lodgement of a development application. Lot 113 will still be subject to a restricted (trickle) flow as per Council Resolution 723/2007. Therefore there will be no impact to current water pressure or volume within the Council main. The possible impact of any future development on Council's potable water network is not a relevant consideration in determining whether to proceed with this proposal. As mentioned above Council will not be able to fully consider the impact on the potable water system until a development application is lodged and will have various avenues to mitigate current water services associated impacts of any development including those listed above.
Any function centre/motel or hotel accommodation development will result in additional pedestrian traffic in the area. There is currently no footpath in the area and the safety of pedestrians sharing the road shoulder with vehicles is a concern.	The Riverbend Estate is a spacious area and a reasonable walking distance from the Narrabri CBD. The site subject to this proposal is approximately 3 kilometres from the Narrabri CBD. Due to the site's location on the outskirts of Narrabri it is unlikely that a number of patrons will seek to walk to/from any potential development on-site. Should this proposal proceed to a development application process further details regarding anticipated site patronage and anticipated mode of transportation for patrons will need to be provided with a traffic management plan accompanying an application. Depending on the intensity of the proposal services such as a curtesy bus may need to be put in place to mitigate the likelihood of patrons walking to and from the site. This is another issue that would be considered further should a development application be lodged for the site. It is considered that issues relating to transport to and from the site can satisfactorily be addressed should the proposal proceed to a development application stage.
The proposal sets a precedent for future land amendments to the	Council's resolution to support this planning proposal does not set a precedent which requires

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Narrabri Local Environmental Plan 2012 land use table.	It to entertain or support future planning proposals for the Riverbend Estate or other areas of town. Council as the relevant planning authority for the Narrabri Local Environmental Plan 2012 and has the authority to determine any planning proposal seeking the amendment of this plan. This proposal has been considered and supported for Gateway Determination for reasons outlined in the October Council report the most prominent of which being to support the investigation of a financially sustainable use of the large uncompleted dwelling located on the site. The process for considering a Local Environmental Plan amendment is different to the development application process. A decision to support a planning proposal does not set a precedent for the future, as any planning proposal is to be considered on its own merit by the relevant planning authority. Should an authority resolve not to support a proposal there is no legal appeals avenue that looks to previous decisions to establish its findings. Should Council continue to progress this proposal it will not establish any precedent that requires consideration when determining any future planning proposal.
Narrabri currently has a sufficient number function centres and entertainment developments. Should the site be developed for the purpose of a function centre it will compete with established development including the Council managed Crossing Theatre.	Council's involvement in the Crossing Theatre or the proposals potential impact on other businesses by increasing competition is not a relevant consideration. It is inappropriate to prevent a new business from entering a market to protect established competitors. Greater market diversity provides consumers with more choice and competitive prices. Prohibiting potential business growth and development to protect the interests of current businesses is not in the public interest.
The area has an unreliable power supply. Any development that puts extra demand on this infrastructure may further affect the reliability of this infrastructure and result in more blackouts for residents.	Reticulated electricity is available to the entire Riverbend/Rocky Creek Estate. The maintenance of this infrastructure is the responsibility of Essential Energy. Any future development of the site is unlikely to have a significant impact on the electricity network and issues with the services reliability should be referred to the service provider.
The proposed development will devalue neighbouring properties.	The potential increase or decrease in the value of properties is not a relevant environmental impact. The impact of a Local Environmental Plan or

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	potential development on property values is not something that should influence a planning authority's consideration of the merit of a proposal.
The planning proposal contains insufficient information about the owners intended development for the site.	The planning proposal is consistent with the State Governments requirements and contains all information which needs to be submitted to support a planning proposal. Any future development of the site by the owner is subject to a further planning process and a development application will need to be lodged that provides all relevant information. If insufficient information about a proposal is provided in a development application or significant issues aren't appropriately addressed a development application will be refused.
Should the proposal proceed and a function centre be permitted on the site it is likely that increased littering will occur in the area from patrons on the way to/from functions.	As discussed above it is unlikely that any future development of the site will substantially increase pedestrian traffic, however further investigation will be afforded this issue should a development application be lodged. Should a development be approved for the site the site operator in consultation with Council would be required to sufficient bins for waste collection on the site.
The proposal is inconsistent with Council Policy and Guidelines.	This planning proposal has been prepared in accordance with State Government guidelines. There is no Council policy or guideline that precludes its consideration.
If a Hotel/Motel is part of the proposal rooms may be used by prostitutes who advertise their services in the local paper.	This concern has no relevance to the consideration of this planning proposal and is based on speculation. The Narrabri Local Environmental Plan 2012 has separate provisions relating to the operation of 'sex services premises' which prevent the operation of such an activity on the site.
Whether Council will need to contribute money to the upgrade of infrastructure in the Rivebend area to support the development of the site.	The cost of any future development of the site will be managed by the developer. This includes the cost of any infrastructure to be upgraded through the development application process. Any undertakings by Council to contribute to the cost of infrastructure would require a separate resolution by Council and there has been no reasoning suggested to Council or reasoning which Council is aware of that would justify such an outcome.
Council's Growth Management Strategy did not suggest a need to	The Narrabri Shire Growth Management Strategy was prepared in 2009 to provide a strategic

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provide for a licensed premise in the Riverside Drive locality.	direction for development in the Shire and help formulate the Narrabri Local Environmental Plan 2012. This document deals with broad strategic planning directions for the Shire such as the identification of current land use issues, anticipated growth and the identification of strategic areas for further investigation for residential, rural residential, commercial and industrial development. This document does not preclude the consideration of this type of planning proposal.
The proposal is not consistent with the NSW Department of Planning's Entertainment Guidelines 2009.	The proposal was referred to the Department of Planning for Gateway Determination. Prior to making a Gateway Determination the Department require a detailed planning proposal to be submitted which considers the Departments relevant strategic planning documents. This planning proposal was provided to the Department of Planning who issued a Gateway Determination. By issuing a Gateway Determination and not requiring any further information (as can be requested) the Department has inferred that they are satisfied with the proposals consistency with their strategic planning documents.
Concern about the proposal leading to risky behaviour and drink driving in the area.	Irresponsible behaviour by individuals is not a relevant planning matter. Unlawful or disorderly conduct will be managed by the NSW Police.
The proposed Narrabri Local Environmental Plan amendment will permit types of development at 177 Riverside Drive that is inconsistent with the R5 Large Lot Residential zoning objectives, which the land is zoned.	The land is primarily zoned R5 Large Lot Residential Zone under the Narrabri Local Environmental Plan 2012, while a small portion of the lot is zoned RU1 Primary Production. This dual zoning is similar across the majority of Riverbend and the potential for development within the RU1 Primary Production zone is limited. Any development of this site would need to be carried out in the R5 Large Lot Residential zone. The objectives of this zone set out in the Narrabri Local Environmental Plan 2012 are as follows: • To provide residential housing in a rural setting while preserving, and minimising impacts on, environmentally sensitive locations and scenic quality. • To ensure that large residential lots do not hinder the proper and orderly development of urban areas in the future. • To ensure that development in the area does not unreasonably increase the demand for public services or public facilities.

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	To minimise conflict between land uses within this zone and land uses within adjoining zones. The amendment sought to the Narrabri Local Environmental Plan 2012 does not directly correlate with these objectives. As the proposal seeks to enable the use of a particular lot for purposes other than housing in rural residential setting the future development of the site may be seen to be in contrast with the first and forth zoning objectives. Prior to proceeding with the proposal Council should consider the possibility that a future use of the site may give rise to land use conflict with adjoining residential land uses and satisfy themselves that any loss of amenity to neighbouring properties likely to result from the type of development to be permitted on the site does not constitute a serious land use conflict.
It is not appropriate to make changes to the Narrabri Local Environmental Plan 2012 so soon after its gazettal.	Environmental Planning Instruments are not static documents and the <i>Environmental Planning and Assessment Act 1979</i> provides a process to review and amend these instruments. Section E1.1 of Council's Operational Plan requires Council Staff to regularly review and develop statutory and non-statutory to enable orderly development. To date Council has passed four (4) separate amendments to the Narrabri Local Environmental Plan 2012 and is in the final stages of processing amendment number five (5). This proposal has been prepared and lodged in accordance with the Department of Planning's requirements and this argument has no relevance to Council's responsibility to consider the proposal.

Current Situation

As the relevant planning authority Council must consider the submissions concerning the planning proposal prior to finalising it, this is a requirement of Section 57(8) of the *Environmental Planning and Assessment Act 1979*. This report has been prepared to enable the Council to consider the submissions and resolve whether to proceed with the proposal. All Councillors have been provided with the submissions, a submission from the proponent outlining reasoning supporting the proposal to proceed and the most recent version of the planning proposal for consideration (these documents have been provided as attachments separate to the business paper due to their size and are available online for any interested person).

After reviewing the submissions and completing its community consultation requirements Council has the opportunity to:

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- Proceed to process the planning proposal in accordance with the Gateway Determination and previous Council resolution.
- Make a variation to the proposal in response to issues raised through the community consultation process, notify the NSW Department of Planning of any variation and proceed to process the proposed Narrabri Local Environmental Plan 2012 amendment.
- Elect not to proceed with the planning proposal in response to issues raised through the community consultation process (the precise reasons for not proceeding with the proposal should be identified by Council) and notify the NSW Department of Planning of Council's resolution that the matter not proceed.

A total of fifty-two (52) submissions were received objecting to the proposal and a petition opposed to the proposal signed by one-hundred-and-fifty-nine (159) individuals. The amount of submissions received demonstrates a significant level of community anxiety toward the proposal. The submissions made to Council raise a variety of issues which are considered in the table above. Of these issues the issue with the most relevance for Council to consider is the impact proceeding with the proposal may have on the amenity of the Riverbend locality. This concern frequently featured in submissions to Council and in determining whether to proceed with the proposal Council must be comfortable that any impact of the proposal on the amenity of the area is not of particular significance or that this impact is outweighed by the proposal being in the greater public interest.

Should Council resolve that the proposal will have an adverse impact on the amenity of the locality and is not in the public interest Council should consider not proceeding with the proposal or seeking to amend the proposal to reduce any impact on the amenity of the locality to an acceptable level. These options and the actions they require are outlined below along with a planning comment which considers the merit of either option.

- Option A Council not proceed with the planning proposal and write to the Minister for Planning under Section 58(4) of the *Environmental Planning and Assessment Act 1979* requesting the matter no longer proceed.

Planning Comment: this is the option recommended to Council, as after reviewing the submissions it is clear there is a significant level of community concern about the impact permitting development for the purpose of function centre and/or motel or hotel accommodation will have on the amenity of the Riverbend area. The extent of any future development of the sites impact on the areas amenity can be somewhat controlled through managing the approval process, however it cannot be disputed that any commercial development of the site will have affect the rural residential context of the locality. Furthermore, after considering the amount of community concern expressed through the public consultation process it is considered that the impact proceeding with the planning proposal before Council will have on the amenity of the area outweighs economic arguments supporting the progression of the planning proposal and it is in the public interest to maintain the amenity of the Riverbend Estate.

- Option B Council vary proposal to reduce its impact on the amenity of the Riverbend locality by removing the change sought to Schedule 1 of the Narrabri Local Environmental Plan 2012 for the inclusion of a 'function centre' as an additional permitted use for Lot 113 DP 1097382, 177 Riverside Drive. Council modify the planning proposal and write to the Department of Planning under Section 58(1) of the *Environmental Planning and Assessment Act 1979* advising that they wish

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to alter the planning proposal to seek the inclusion of 'motel or hotel accommodation' only as an additional permitted use in Schedule 1 of the Narrabri Local Environmental Plan 2012 for Lot 113 DP 1097382, 177 Riverside Drive.

Planning Comment: This option is suggested to Council for consideration should they agree with the assertion that the planning proposal in its current form will have a an adverse impact on the amenity of the Riverbend area, but wish to explore alternate options that enable the lodgement of a development application for a constructive use of the large uncompleted dwelling situated on-site. The argument that this planning proposal should be considered for the investigation for alternate sustainable development to which its bulk, scale and density lends itself was the key reasoning behind Council's previous determination to adoption of the proposal for referral to Gateway Determination. Any future development of the site solely as motel or hotel accommodation will have a substantially less significant impact on the amenity of the area. The use of the site as Bed and Breakfast has previously been approved for the site, the Narrabri Local Environmental Plan 2012 restricts the number of bedrooms that can be operated for commercial purposes to a maximum of five (5), therefore any resolution to adopt the proposal will enable the property owner to consider the expansion of this use to incorporate additional accommodation into the large uncompleted dwelling. The applicant has indicated in writing that they are comfortable Council considering this option when determining whether to proceed with the proposal.

This option has not been recommended by Council Staff as the preferred option as although it will reduce the anticipated impact of the proposal and enable a more reasonable expanded use of the unfinished dwelling on the site It is considered that the level of submitter concern and objection to the proposals impact on the amenity of the Riverbend area warrants Council to put a high value on ensuring that the profile of this area is maintained.

Should Council resolve to undertake this course of action the planning proposal will need to be amendment and the Department of Planning is likely to require it to undergo a second Gateway Determination.

Attachments

Attachment 15.4.a: Submissions made objecting to Planning Proposal 1/2015 (provided under separate cover)

Attachment 15.4.b: Proponents response to issues raised by the Submissions to Planning Proposal 1/2015 (provided under separate cover)

Attachment 15.4.c: Proposal 1/2015 (provided under separate cover)

Financial Implications

This item has no financial implications.

Statutory/Legal Implications

This item has no statutory or legal implications. There is no legal appeals process for the review of the determination of a planning process. The only avenue for review available is through representation to the Department of Planning.

Environmental Implications

The planning proposal seeks to permit development for the purpose of a 'function centre' and 'motel or hotel accommodation' on Lot 133 DP 1097382, while development for the same purposes will remain prohibited on adjoining lots.

This proposal will therefore enable the development of a specific lot in a rural residential locality be undertaken to a density not permitted for adjoining land. In supporting this proposal Council should be satisfied that the density of development proposed for Lot 133 by the proposal can be undertaken without conflicting with the rural residential amenity desired by Council for adjoining properties.

Council Staff consider that the majority of environmental impacts that may be associated with any future development of the site can be mitigated through the management of the development assessment process. Despite this and after reviewing submissions received by Council through the community consultation process Council Staff have formed the opinion that the progression of the planning proposal in its current form will have a significant impact on the amenity enjoyed in the Riverbend Estate locality and that the maintenance of this amenity is of significance to residents and is in the public interest. Therefore it is suggested that proceeding with the proposal in its current form will have an adverse environmental implication.

Operational Plan

SE1.1 Review and develop statutory and non-statutory plans to provide for orderly and sustainable development.

COPY

15.2 DEVELOPMENT APPLICATION 89/2015 – NAMOI WASTE CORP WASTE TRANSFER STATION, ALTERATIONS/ADDITIONS AT 54-56 WEE WAA ROAD NARRABRI**EXECUTIVE SUMMARY***Seeking decision on Development Application 89/2015.***OFFICER RECOMMENDATION:**

1. That Council grant development consent for DA 89/2015 for the continuation of the current use of Lot 7 DP 843, Lot 1 DP 215274, Lot 101 DP 845499, 54-56 Wee Waa Road Narrabri as a Waste Transfer Station, the construction of an office, shed additions and the construction of concrete bay sorting areas, pursuant to Section 80 (1)(a) of the *Environmental Planning and Assessment Act 1979* subject to the recommended conditions of Consent contained in the attached assessment report..
2. That Council notify the submitters of its determination.

MINUTE 20/2015

Moved: Cr Faber

Second: Cr Flower

That Item 15.2 be deferred until the March 2015 Ordinary Council Meeting and until further information is received.

CARRIED**15.4 PROPOSED NARRABRI LOCAL ENVIRONMENTAL PLAN 2012 AMENDMENT – PLANNING PROPOSAL 1/2015 - 'HOTEL OR MOTEL ACCOMMODATION' AND 'FUNCTION CENTRE' AS DEVELOPMENT PERMITTED WITH CONSENT 177 RIVERSIDE DRIVE****EXECUTIVE SUMMARY***Seeking decision on Development Application 1/2015.***MINUTE 21/2015**

Moved: Cr Flower

Second: Cr Lowder

That Council resolve to:

1. Not to proceed with Planning Proposal 1/2015 (Riverbend) based on the consideration of the submissions received and Council's assessment of the concerns raised with the proposal.
2. Council write to the Minister in accordance with Section 58(4) of the *Environmental Planning and Assessment Act 1979* requesting the Minister Determine that Planning Proposal 1/2015 not proceed.
3. Council notify the proponent of the planning proposal and submitters advising of its decision.

CARRIED

NAME	FOR	OPPOSED
Cr Faber	X	
Cr Finlay	X	
Cr Redding	X	
Cr Tough	X	
Cr O'Regan	X	
Cr Booby	X	
Cr Knox	X	
Cr Collyer	X	
Cr Lowder	X	
Cr Flower	X	
Cr Bolton	X	

MINUTE 22/2015

Moved: Cr Faber

Second: Cr Lowder

That standing orders be suspended to conduct the February 2015 Committee Meetings.

CARRIED**MINUTE 23/2015**

Moved: Cr Lowder

Second: Cr Booby

That standing orders resume at 11.45am.

CARRIED**MINUTE 24/2015**

Moved: Cr Faber

Second: Cr Collyer

That the recommendations from the February 2015 Committee Meetings be adopted in seriatim.

CARRIED**9 MAYORAL MINUTE**

Nil