



Narrabri Shire Council

PLANNING PROPOSAL

For proposed

AMENDMENT TO PART 6 ADDITIONAL LOCAL PROVISIONS TO INCLUDE ACTIVE STREET FRONTAGE REQUIREMENTS

**Central Business District's Wee Waa, Boggabri &
Narrabri**

Prepared for: Narrabri Shire Council
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1.0 Introduction

Mitchel Hanlon Consulting Pty Ltd has been engaged to prepare a planning proposal to amend the Narrabri Local Environmental Plan 2012 to include an active street frontages clause for the Central Business Districts (CBDs) of Boggabri, Wee Waa and Narrabri. The inclusion of such a clause will require that all future development within the CBD areas will be business and/or retail premises land use on the ground floor ensuring that these areas achieve high amenity, community safety and visual interest.

This planning proposal has been prepared in accordance with the Department of Planning and Infrastructure's 'Guide to Preparing Planning Proposals' (DP&E, 2015a).



2.0 Proposal Objective

The objective of the planning proposal is to amend the Narrabri Local Environmental Plan 2012 (NLEP 2012) to include under Part 6 an “Active Street Frontages” clause. The objective of the clause is to promote land uses on the ground floor of the identified CBD streets of Boggabri (shown in Figure 1), Wee Waa (shown in Figure 2) and Narrabri (shown in Figure 3) that attract pedestrian traffic.

Council have identified a similar provision that is within the current Hurstville Local Environmental Plan.



Narrabri Shire Council
 100-102, 104 & 106
 100-102, 104 & 106
 100-102, 104 & 106
 100-102, 104 & 106

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NARRABRI CBD

Scale 1: 3,000
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3.0 Planning Context

3.1 Narrabri Local Environmental Plan 2012

The CBD's of Boggabri, Wee Waa and Narrabri are currently zoned B2 Local Centre under the Narrabri Local Environmental Plan 2012.

The current zoning of the land is shown in Figure 4 to Figure 6. Narrabri Local Environmental Plan 2012 defines B2 Local Centre as follows:-

Zone B2 Local Centre

1 Objectives of zone

- a) To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area.
- b) To encourage employment opportunities in accessible locations.
- c) To maximise public transport patronage and encourage walking and cycling.
- d) To generally conserve and enhance the unique sense of place of business centre precincts by ensuring that new development integrates with the distinct urban scale, character, cultural heritage and landscape setting of those places.
- e) To ensure that adequate provision is made for infrastructure that supports the viability of business centre precincts.

2 Permitted without consent

Building identification signs; Environmental protection works; Home occupations; Roads; Water reticulation systems

3 Permitted with consent

Boarding houses; Child care centres; Commercial premises; Community facilities; Dwelling houses; Educational establishments; Entertainment facilities; Function centres; Home industries; Information and education facilities; Medical centres; Passenger transport facilities; Recreation facilities (indoor); Registered clubs; Respite day care centres; Restricted premises; Seniors housing; Service stations; Shop top housing; Tourist and visitor accommodation; Any other development not specified in item 2 or 4



4 Prohibited

Agriculture; Air transport facilities; Airstrips; Animal boarding or training establishments; Boat building and repair facilities; Boat launching ramps; Boat sheds; Camping grounds; Caravan parks; Cemeteries; Charter and tourism boating facilities; Correctional centres; Eco-tourist facilities; Electricity generating works; Environmental facilities; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Heavy industrial storage establishments; Helipads; Highway service centres; Home occupations (sex services); Industrial retail outlets; Industrial training facilities; Industries; Jetties; Marinas; Moorings; Open cut mining; Recreation facilities (major); Recreation facilities (outdoor); Research stations; Residential accommodation; Rural industries; Sex services premises; Storage premises; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Water recreation structures; Water storage facilities; Wharf or boating facilities

There are no proposed modifications to the existing provisions or mapping of B2 Local Centre, however new "Active Street Frontages Map" are to be included.



4.0 Explanation of Provisions

This Planning Proposal seeks to introduce under Part 6 of the NLEP2012 an “Active Street Frontages” clause for the CBD’s of Boggabri, Wee Waa and Narrabri.

The introduction of this clause (and accompanying maps) has resulted from recent legal action regarding a proposed “Motel” development in Merton Street, Boggabri where it was considered that the development did not achieve an active street frontage.

Community and Council concerns for the lack of active street frontage of developments within the identified CBD’s has become more of a focus in recent time.

Active Street Frontages means making building edges “active” to the street adding interest, life and vitality to the public realm. This includes such as:

- Frequent doors and windows with few blank windows;
- Narrow frontage buildings giving vertical rhythm to the street scene;
- Articulation of facades with projections such as bays and porches providing a welcoming feeling;
- Lively internal uses visible from the outside, or spilling onto the street.

The proposed change put forward in this Planning Proposal is to include an “Active Street Frontages” clause under Part 6 Additional Local Provisions as outlined below:

“6.8 Active Street Frontages

- (1) The objective of this clause is to promote uses that attract pedestrian traffic along certain ground floor street frontages in Zone B2 Local Centre.*
- (2) This clause applies to land identified as “Active street frontage” on the Active Street Frontages Map.*
- (3) Development consent must not be granted to the erection of a building, or a change of use of a building, on land to which this clause applies unless the consent authority is satisfied that the building will have an active street frontage after its erection or change of use.*



- (4) Despite subclause (3), an **active street frontage** is not required for any part of a building that faces a service lane or is to be used for any of the following:
 - (a) entrances and lobbies (including as part of mixed use development),
 - (b) access for fire services,
 - (c) vehicular access.
- (5) In this clause, a building has an active street frontage if all premises on the ground floor of the building facing the street are used for the purposes of business premises or retail premises."

Council have determined that "business premises" and/or "retail premises" uses achieve the objective of the active street frontage clause. The NLEP2012 includes the following definitions for business and retail premises:

"business premises means a building or place at or on which:

- (a) an occupation, profession or trade (other than an industry) is carried on for the provision of services directly to members of the public on a regular basis, or
- (b) a service is provided directly to members of the public on a regular basis,

and includes a funeral home and, without limitation, premises such as banks, post offices, hairdressers, dry cleaners, travel agencies, internet access facilities, betting agencies and the like, but does not include an entertainment facility, home business, home occupation, home occupation (sex services), medical centre, restricted premises, sex services premises or veterinary hospital.

Note. Business premises are a type of **commercial premises**—see the definition of that term in this Dictionary."

"retail premises means a building or place used for the purpose of selling items by retail, or hiring or displaying items for the purpose of selling them or hiring them out, whether the items are goods or materials (or whether also sold by wholesale), and includes any of the following:

- (a) bulky goods premises,
- (b) cellar door premises,
- (c) food and drink premises,
- (d) garden centres,
- (e) hardware and building supplies,



- (f) kiosks,
- (g) landscaping material supplies,
- (h) markets,
- (i) plant nurseries,
- (j) roadside stalls,
- (k) rural supplies,
- (l) shops,
- (m) timber yards,
- (n) vehicle sales or hire premises,

but does not include highway service centres, service stations, industrial retail outlets or restricted premises.

Note. Retail premises are a type of **commercial premises**—see the definition of that term in this Dictionary.”

“commercial premises means any of the following:

- (a) business premises,
- (b) office premises,
- (c) retail premises.”

As required by the Standard Instrument all forms of Commercial Premises are a permitted with consent land use in the B2 Local Centre zone. As is “Tourist and Visitor Accommodation” which is defined as:

“tourist and visitor accommodation means a building or place that provides temporary or short-term accommodation on a commercial basis, and includes any of the following:

- (a) backpackers’ accommodation,
- (b) bed and breakfast accommodation,
- (c) farm stay accommodation,
- (d) hotel or motel accommodation,
- (e) serviced apartments,

but does not include:

- (f) camping grounds, or



- (g) caravan parks, or
- (h) eco-tourist facilities.”

The inclusion of the proposed Clause “6.8 Active Street Frontages” will enable “tourist and visitor accommodation” to be provided above and/or behind the retail/business premises only maintaining the current streetscape of the core CBD’s of Boggabri, Wee Waa and Narrabri whilst also providing for accommodation in these areas.

The Planning Proposal also includes the introduction of “Active Street Frontage Maps” which depict the areas that proposed Clause 6.8 applies. These Maps are shown in Figure 7 to Figure 9.

There are no other proposed changes to the NLEP 2012.



Narrabri Local Environmental Plan 2012

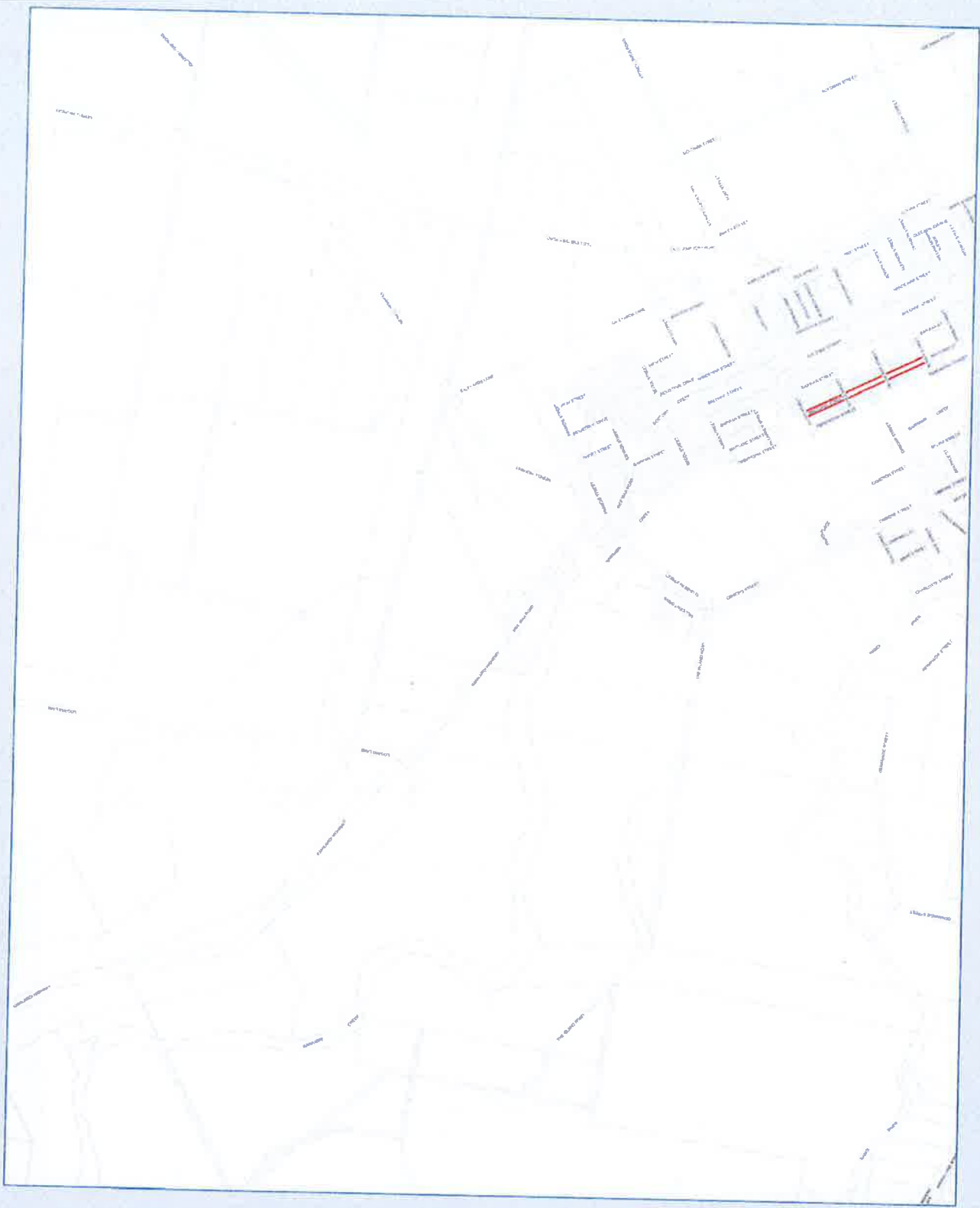
Active Street Frontages Map - Sheet ASF_004A

- Active Street Frontage
- Cadastral 18032011
© Land & Property Information (LPI)
- TOWNSHIP OF NARRABRI



Projection: GDA 1984
MCA Zone 55
Scale: 1:20,000 @ A3

Map Generation Number: 8730_C04U_A3F_g04A_020 to 201





5.0 Justification

5.1 Need for Planning Proposal

Is the planning proposal a result of any strategic study or report?

Business Retention and Expansion Program

In partnership with the NSW Department of State and Regional Development and the local business community, the Narrabri Shire Council conducted a Business Retention and Expansion Survey in the Boggabri, Wee Waa and Narrabri areas from April to June 2015 (Creating Growth P/L, 2006).

The aim of the survey was to look at the current needs, wants and opportunities of the local businesses and to then develop strategies and actions to:

- Mitigate identified business constraints and concerns and;
- Take advantage of the identified opportunities.

Whilst the Reports from the survey of Boggabri, Wee Waa and Narrabri do not specifically raise the issue of “active street frontages” there is a consistent common theme that strategies be implemented to:

- Improve the image and perception of each town; and
- Enhance the presentation of the local business areas.

It is considered that the proposed “active street frontages” clause will assist in achieving the desired themes identified through the Business Retention and Expansion Program by promoting business and retail premises uses that attract pedestrian traffic along the ground floor in the core CBD areas of Boggabri, Wee Waa and Narrabri. These types of uses add interest life and vitality to the public realm which in turn enhances the presentation of the CBD.

Boggabri and Wee Waa Business Community Marketing Plans

In 2010 Hailey Enterprises Pty Ltd prepared individual Community Marketing Plans for the towns of Boggabri and Wee Waa. Like the Business Retention and Expansion Program, the Marketing Plans do not specifically consider “active street frontages” but identify such things as “retail mix” providing a key opportunity for these towns to remain active and thrive into the future.

The Marketing Plans promote uses such as browsing and café outlets to not only service the locals but also increase the towns appeal to tourism



visitors.

As identified above it is considered that the proposed "active street frontages" clause will assist in achieving the opportunities identified in the Marketing Plans.

Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The planning proposal is the most appropriate method for amending the Narrabri Local Environmental Plan 2012.

Council Planning and Development officers have given consideration to inclusion of specific design requirements for all proposed development in core CBD areas in the Draft Narrabri Shire Development Control Plan 2015, which is yet to be advertised. However, it is considered that the issue is of sufficient concern that the provisions would be better placed within the LEP.



5.2 Relationship to Strategic Planning Framework

Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional Strategy?

Strategic Regional Land Use Policy

The Department of Planning and Infrastructure released the Strategic Regional Land Use Policy for the New England and North West in September 2012 (NSW DP&I, 2012b).

One of the issues identified in this Strategy is the need to maintain local character. The Strategy identifies that *"the local character and overall liveability of rural centres and townships is often one of the key features that make rural and regional settlements attractive to current and future residents."*

The Strategy goes on further to state *"Throughout the region new development opportunities need to enhance, rather than detract from, the unique and distinct local character. Developments that satisfy a short term need but create long term problems by degrading the quality of the environment and overall liveability of a settlement should not be supported"*.

Following on from the statement above the Strategy contains the Policy Response Objective:

- Build cohesive and liveable communities by ensuring towns and villages are well designed, liveable and provide a range of housing types.

The Planning Proposal is consistent with the Regional Strategy, as it will take the broader context of the importance of local character and provides a statutory mechanism for this issue to be taken into consideration in the core CBD of Boggabri, Wee Waa and Narrabri.

Is the planning proposal consistent with the local Council's Community Strategic Plan or other local strategic plan?

As outlined above the Planning Proposal is consistent with Business Retention and Expansion Program and the Boggabri and Wee Waa Business Community Marketing Plans.

Is the planning proposal consistent with applicable State Environmental Planning Policies?

There are no State Environmental Planning Policy's (SEPP) applicable to matter of active street frontage or urban design principles.



Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

Table 1: Planning Proposal Consistency with Ministerial Directions

MINISTERIAL DIRECTIONS	PROVISIONS	IMPLICATIONS
1. Employment and Resources		
1.1 Business & Industrial Zones	Not applicable to this Planning Proposal.	The Planning Proposal does not propose to modify or change the existing Business or Industrial zones throughout the Shire. The Planning Proposal introduces a new "Active Street Frontage" clause to ensure that all future development within the core CBD's of Boggabri, Wee Waa and Narrabri only include business and/or retail premises on the ground floor.
1.2 Rural Zones	Not applicable to this Planning Proposal.	The subject sites are not within an existing or proposed rural zone.
1.3 Mining, Petroleum Production & Extractive Industries	Not applicable to this Planning Proposal.	The Planning Proposal does not relate to the rezoning of land with a known future associated with the Mining, Petroleum Production and Extractive Industries.
1.4 Oyster Aquaculture	Not applicable to this Planning proposal.	The Planning Proposal does not relate to a Priority Oyster Aquaculture Area.
1.5 Rural Lands	Not applicable to this Planning Proposal.	The subject sites are not within an existing or proposed rural or environment protection zone.



2. Environment and Heritage

2.1

Environment Protection Zones

Not applicable to this Planning Proposal.

The Planning Proposal does not relate to or impact on a known 'Environment Protection Zone'.

2.2

Coastal Protection

Not applicable to this Planning Proposal.

The subject sites are not within the coastal zone.

2.3

Heritage Conservation

Not applicable to this Planning Proposal.

The Planning Proposal will not affect land in a known heritage conservation area.

2.4

Recreation Vehicle Areas

Not applicable to this Planning Proposal.

The Planning Proposal does not relate to a Recreational Vehicle Area.

3. Housing, Infrastructure and Urban Development

3.1

Residential Zones

Not applicable to this Planning Proposal.

The subject sites are not within an existing or proposed residential zone. The Planning Proposal will continue to enable accommodation to be provided above and/or behind retail/business premises within the core CBD or Boggabri, Wee Waa and Narrabri.



3.2	Caravan Parks and Manufactured Home Estates	Not applicable to this Planning Proposal.	The Planning Proposal does not restrict land available for caravan parks or manufactured home estates.
3.3	Home Occupations	Not applicable to this Planning Proposal.	The Planning Proposal does not relate to home occupations.
3.4	Integrating Land Use and Transport	Not applicable to this Planning Proposal.	The Planning Proposal does not relate to transport access.
3.5	Development Near Licensed Aerodromes	Not applicable to this Planning Proposal.	The Proposal is not in the vicinity of a licensed aerodrome.
3.6	Shooting Ranges	Not applicable to this Planning Proposal.	The Planning Proposal does not relate to or impact on a shooting range.
4. Hazard and Risk			
4.1	Acid Sulfate Soils	Not applicable to this Planning Proposal.	There are no known occurrences of acid sulfate soils in the Narrabri Region.



4.2

Mine Subsidence and Unstable Land

Not applicable to this Planning Proposal.

The land is not identified to be an area affected by mine subsidence or unstable land.

4.3

Flood Prone Land

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 core CBD of Narrabri, Maitland Street is subject to flood related development controls, in particular clause 6.2 Flood Planning of the NLEP 2012. Whilst this direction applies as a result, the Planning Proposal does not propose any modifications to the zone nor does it alter the land uses that can be considered in the zone. Clause 6.2 Flood Planning will remain applicable in addition to the proposed "Active Street Frontage" clause.

4.4

Planning for Bushfire Protection

Not applicable to this Planning Proposal.

The Planning Proposal sites are not identified as bush fire prone as per the Narrabri LEP 2012.

5. Regional Planning

5.1

Implementation of Regional Strategies

This direction applies to land to which a regional planning strategy has been prepared. Whilst the Department of Planning and Infrastructure released the Strategic Land Use Policy for the New England and North West in September of 2012 this Policy is not listed in the Directions as being applicable. Despite this, it is considered that the Planning Proposal is considered to be consistent with this Strategy.

Narrabri Shire is subject to the Strategic Regional Land Use Policy that was released by the Department of Planning and Infrastructure in September 2012. The Planning Proposal is considered to be consistent with this Strategy as outlined in Section 5.2.

Furthermore, the Planning Proposal is considered to be consistent with the objectives of the Business Retention and Expansion Program and the Boggabri and Wee Waa Business Community Marketing Plans.

5.2

Sydney Drinking Water Catchments

Not applicable to this Planning Proposal.

The sites are not within the Sydney drinking water catchment.





5.3	Farmland of State and Regional Significance on the NSW Far North Coast	Not applicable to this Planning Proposal.	The Planning Proposal does not relate to state or regionally significant farmland on the NSW Far North Coast.
5.4	Commercial and Retail Development along the Pacific Highway, North Coast	Not applicable to this Planning Proposal.	The Planning Proposal does not relate to commercial and retail development along the Pacific Highway, North Coast.
5.5	Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA)	Revoked 18 June 2010.	
5.6	Sydney to Canberra Corridor	Revoked 10 July 2008.	
5.7	Central Coast	Revoked 10 July 2008.	



5.8	Second Sydney Airport: Badgerys Creek	Not applicable to this Planning Proposal.	The Planning Proposal is not in proximity to a second airport site at Badgerys Creek.
5.9	North West Rail Link Corridor Strategy	Not applicable to this Planning Proposal	The subject sites are not within the North West Rail Link Corridor.
6. Local Plan Making			
6.1	Approval and Referral Requirements	Not applicable to this Planning Proposal.	Not deemed applicable.
6.2	Reserving Land for Public Purposes	Not applicable to this Planning Proposal.	The Planning Proposal does not relate to land that is reserved for public purpose.
6.3	Site Specific Provisions	Not applicable to this Planning Proposal.	The Planning Proposal does not seek to impose restrictive site specific provisions.
7. Metropolitan Planning			



7.1

**Implementation of a
Plan for Growing
Sydney**

Not applicable to this Planning Proposal.

The sites are not subject to the Metropolitan Plan for Sydney.

7.2

**Implementation of
Greater Macarthur Land
Release Investigation**

Not applicable to this Planning Proposal.

The sites are not subject to the Greater Macarthur Land Release Preliminary
Strategy and Action Plan.



5.3 Environmental, Social & Economic Impacts

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 Planning Proposal will not adversely affect critical habitat or threatened species, populations or ecological communities or their habitats as the Planning Proposal does not involve the rezoning of any land and is for a text amendment only.

Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

The Planning Proposal will not have any environmental effects.

How has the planning proposal adequately addressed any social and economic impacts?

The social and economic impact of the Planning Proposal is predicted to be positive as it will ensure that retail and business premises only can be allowed in the core CBD's of Boggabri, Wee Waa and Narrabri. It is considered that the "active street frontages" clause will ensure that uses that add interest, life and vitality to the public realm are approved within the core CBD which in turn will have a positive impact on the socio-economics of the towns.

5.4 State and Commonwealth Interests

Is there adequate public infrastructure for the planning proposal?

Investigations show that there is adequate existing infrastructure to service the sites.

What are the views of State and Commonwealth public authorities consulted with the gateway determination?

It is proposed that the issues raised by State and Commonwealth public authorities will be addressed during the Planning Proposal public exhibition phase.



6.0 Community Consultation

In accordance with the NSW Department of Planning's Guidelines to Preparing LEPs, upon Gateway Determination adjoining landholders and any affected community organisation will be formally notified of the proposal and invited to provide comment.

In accordance with the prevailing Departmental Guidelines and the provisions of the EP & A Act, the Planning Proposal will also be publicly notified for the prescribed period via:

- Local Newspapers; and
- Council's website <http://www.narrabri.nsw.gov.au/>



7.0 Project Timeline

In accordance with the NSW Planning & Infrastructure “A Guide to Preparing Planning Proposals” a Part 6 Project timeline has been developed. The proposed project timeline is detailed in the table below:

Table 2: Proposed Project Timeline

PLANNING PROPOSAL COMPONENT	PROPOSED TIME PERIOD
Gateway Determination	February 2016
Public exhibition period and agency consultation	March 2016
Consideration of submissions post exhibition	April 2016
Consideration and determination of Planning Proposal	May 2016
Anticipated date of making the plan (under delegation)	June 2016

It should be noted that the above timeframes are estimates only and are subject to change in accordance with any unforeseen developments.



8.0 Conclusion

Mitchel Hanlon Consulting Pty Ltd has been engaged to prepare a Planning Proposal to amend the Narrabri Local Environmental Plan 2012 to include under Part 6 an "Active Street Frontages" clause.

The objective of the clause is to promote land uses on the ground floor of the identified CBD streets of Boggabri, Wee Waa and Narrabri that attract pedestrian traffic.

This Planning Proposal does not propose to make any modifications to the existing zonings within the core CBD's of Boggabri, Wee Waa and Narrabri but seeks to only allow business and/or retail premises on the ground floor fronting Merton, Maitland and Rose Streets. Tourist and Visitor Accommodation will continue to be permissible within these areas above and/or behind the retail/business premises. This will ensure that the current streetscape of existing business within the core CBD areas of the Shire are maintained.



9.0 References

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