

Narrabri LEP 2012 - Rezoning of land at Boggabri for Industrial purposes

Proposal Title : Narrabri LEP 2012 - Rezoning of land at Boggabri for Industrial purposes

Proposal Summary : The Planning Proposal aims to rezone various parcels of land at Boggabri from RU1 Primary Production to IN1 General Industrial and from IN1 General Industrial to RU1 Primary Production to align with the recommendations of the Narrabri Growth Management Strategy - Boggabri Strategic Planning Review (NGMS-BSPR).

PP Number : PP_2017_NARRB_001_00 **Dop File No :** 17/05682

Proposal Details

Date Planning Proposal Received : 27-Apr-2017 **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 : Boggabri **City :** **Postcode :** 2382

Land Parcel : Lot 76 DP755475 - 13853 Kamilaroi Hwy, Lot 77 DP 755475, Kamilaroi Hwy, Lots 78 DP 755475, 13907 Kamilaroi Hwy, Lots 200, 201, 254 & 253 DP 755475, 80 Vine Rd, Lots 218 & 219 DP DP 755475, 14019 Kamilaroi Hwy, Lot 7004 DP 1028500, 14 Caloola Rd & Lot 1 DP 578315 & Lot 1 DP 908028, 51 Vine Lane Boggabri

DoP Planning Officer Contact Details

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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 :	No
MDP Number :		Date of Release :	
Area of Release (Ha) :	34.00	Type of Release (eg Residential / Employment land) :	Employment Land
No. of Lots :	0	No. of Dwellings (where relevant) :	0
Gross Floor Area :	0	No of Jobs Created :	675

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.**

Have there been meetings or communications with registered lobbyists? : **Yes**

If Yes, comment : **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.**

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 explanation of provisions clearly outlines the intent of the Planning Proposal.**

Justification - s55 (2)(c)

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

b) S.117 directions identified by RPA :

1.1 Business and Industrial Zones

* May need the Director General's agreement

1.2 Rural Zones

1.5 Rural Lands

4.3 Flood Prone Land

Is the Director General's agreement required?

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

d) Which SEPPs have the RPA identified?

SEPP No 44—Koala Habitat Protection

SEPP No 55—Remediation of Land

SEPP (Rural Lands) 2008

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

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

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

If No, explain :

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment :

The Planning Proposal does contain mapping that identifies the subject areas. Prior to exhibition however, it will be necessary for maps that clearly show the current and proposed zonings of the two sites to be prepared.

Prior to seeking a Parliamentary Counsel opinion for the Plan, LEP mapping prepared in accordance with the Department's technical mapping guidelines will also need to be prepared.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment :

The Planning Proposal recommends a 21 day consultation period including direct notification of adjoining landowners and any affected community organisations. As the Planning Proposal is consistent with the NGMS - BSPR, a 14 day community consultation period is considered adequate.

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 5 month timeframe for the Planning Proposal with the LEP expected to be ready for submission to the Department for notification by August 2017. To ensure an adequate period to finalise the proposal and consult with

relevant agencies, a 9 month period to complete the proposal is recommended.

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 purpose of the Planning Proposal is to implement the recommendations of the NGMS-BSPR which was approved by the General Manager, Northern Region in May 2015.

In January 2014, Council conducted a community workshop involving relevant community members and stakeholders to identify issues related to the future direction of Boggabri in relation to its residential and industrial land needs in light of the rapidly expanding local mining sector. Two of the main concerns raised by the community and business sector were the inadequacy of the existing zoned industrial area at Boggabri and the need to zone additional land suitable for industrial purposes as a replacement. These issues form the basis of the NGMS-BSPR and as such, the intent of the Planning Proposal and are discussed in further detail below.

1. The existing industrial zoned area consisting of Lot 7004 DP 1028500, 14 Caloola Rd, Boggabri and Lot 1 DP 578315 & Lot 1 DP 908028, 'Harvenvale', 51 Vine Lane Boggabri totals 41ha in area. This industrial land is considered inadequate as a result of servicing constraints and limited access from Caloola Rd. The NGMS-BSPR and therefore the Planning Proposal, recommends that these parcels of land be rezoned to RU1 Primary Production to offset the rezoning of an alternate industrial area. The rezoning of this land to RU1 will better reflect the existing and likely future uses of the land and will minimise any potential landuse conflict issues with future adjoining residential use.

2. The NGMS-BSPR also recommended the rezoning of 75ha of land from RU1 to IN1. The 'North Boggabri Industrial Investigation Area' consists of lots Lot 76 DP755475 - 13853 Kamilaroi Hwy, Lot 77 DP 755475, Kamilaroi Hwy, Lots 78 DP 755475, 13907 Kamilaroi Hwy, Lots 200, 201, 254 & 253 DP 755475, 80 Vine Rd and Lots 218 & 219 DP DP 755475, 14019 Kamilaroi Hwy and forms the second aim of the Planning Proposal.

It has been estimated that approximately 6% of the the North Boggabri industrial investigation site is currently identified as being part flood liable under the Narrabri LEP 2012. Council resolved to retain this portion of the site in the investigation area due to the minor area of flood liable land and because the accuracy of the existing flood mapping in this location is not certain due to works that have occurred to the Kamilaroi Highway along the eastern boundary of the site. This site also adjoins the Northern Rail Line and the Kamilaroi Highway and is subject to an Aboriginal Land Claim. As a result, it is recommended that prior to public exhibition, consultation be undertaken with the Australian Rail Track Corporation and the NSW Roads and Maritime Services in relation to access and potential land use conflict issues, and with NSW Department of Industry - Lands regarding the Aboriginal land claim. Consultation at this time should also be undertaken with the Office of Environment and Heritage regarding the flooding issues discussed above.

Consistency with strategic planning framework :

The proposal is considered to be consistent with the intent of the NGMS-BSPR.

Regional Strategies

The draft New England North West Regional Plan and the New England North West Strategic Regional Land Use Plan apply to the Narrabri LGA. The Planning Proposal is considered to be consistent with the provisions of both of these plans.

SEPP's

The Planning Proposal has been identified as being consistent with all applicable SEPPs except in relation to:

SEPP (Rural Lands) 2008

SEPP Rural Lands (the RSEPP) contains Rural Planning Principles to guide development on rural land. The proposal is inconsistent with the rural planning and subdivision principles as it proposes to use agricultural land for industrial purposes.

The proposed IN1 land is characterised by small agricultural lots that are not currently used for any significant agricultural pursuits. Being in close proximity to the village of Boggabri has also meant that long term agricultural productivity has been compromised.

Any loss of agricultural land as a result of the Planning Proposal will generally be offset by the rezoning of 41ha of land currently zoned IN1 to RU1 in accordance with the recommendations of the NGMS-BSPR.

The proposal is consistent with all other relevant SEPPs.

Section 117 Directions

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

1.1 Business and Industrial Zones

The proposal is inconsistent with this direction as it proposes to rezone approximately 41ha of existing IN1 zoned land to RU1. This land has never been developed for industrial purposes due to servicing and access constraints. As a replacement, an additional 75ha of land currently zoned RU1 will be rezoned to IN1 in an area fronting the Kamilaroi Highway and more suitable for efficient industrial usage.

This inconsistency is of minor significance as the proposed rezoning implements the recommendations of the 'Narrabri Growth Management Strategy' approved by the Director General in April 2010 and the Addendum 'Boggabri Strategic Planning Review', approved by the General Manager, Northern Region in May 2015.

1.2 Rural Zones

The proposal is inconsistent with this direction as it proposes to rezone approximately 75ha of RU1 zoned land to IN1.

This inconsistency is of minor significance as the proposed rezoning implements the recommendations of the 'Narrabri Growth Management Strategy' approved by the Director General in April 2010 and the Addendum 'Boggabri Strategic Planning Review', approved by the General Manager, Northern Region in May 2015.

1.5 Rural Lands

The proposal is inconsistent with this direction as it proposes to rezone rural land and remove the minimum lot size that currently applies to the subject land.

This inconsistency is of minor significance as the proposed rezoning implements the recommendations of the 'Narrabri Growth Management Strategy' approved by the Director General in April 2010 and the Addendum 'Boggabri Strategic Planning Review', approved

by the General Manager, Northern Region in May 2015.

4.3 Flood Prone Land

The proposal is inconsistent with this direction as it seeks to rezone flood prone land to industrial.

It has been estimated that approximately 6% of the the North Boggabri industrial investigation site is currently identified as being part flood liable under the Narrabri LEP 2012. The inconsistency with this direction is considered to be of minor significance as the land subject to flooding comprises a very small portion of the site, is located at the extremity of the flood planning area and the Kamilaroi Highway acts a physical buffer between the land and the source of any flooding. Any potential development on the subject land will also be subject to the flood planning provisions contained within Narrabri LEP 2012. It is however recommended that the Planning Proposal be referred to the Office of Environment and Heritage for comment.

Environmental social
economic impacts :

It is not anticipated that the Planning Proposal will have any detrimental impact on the social, economic or physical environment.

The subject lands are not classed as bushfire prone, nor do they contain any critical habitat, threatened species populations, ecological communities or their habitats. Neither site is known to contain any areas of potential contamination.

A very small portion of the proposed IN1 zoned land is subject to flooding, however this is able to be adequately dealt with under the flooding provisions contained in NLEP 2012.

Assessment Process

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

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

Public Authority **Office of Environment and Heritage**
Consultation - 56(2)(d) **Transport for NSW - Roads and Maritime Services**
Other

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

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

If no, provide reasons : **Consultation should also be undertaken with the Department of Industry - Lands (Crown Lands) in relation to the Aboriginal Land claim on the site and with the Australian Rail Track Corporation due to the close proximity of the site to the Northern Rail Line.**

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

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

If Yes, reasons :

Documents

Document File Name	DocumentType Name	Is Public
NSC LEP 2012 Amendment - Boggabri_Cover letter.pdf	Proposal Covering Letter	Yes
NLEP 2012 _NGMS-BSPR PP - Council Report.pdf	Proposal	Yes
NLEP 2012 _NGMS-BSPR PP - Planning Proposal.pdf	Proposal	Yes
NLEP 2012_Eval Crit for delegations_completed.pdf	Determination Document	Yes

Planning Team Recommendation

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

S.117 directions: **1.1 Business and Industrial Zones**
 1.2 Rural Zones
 1.5 Rural Lands
 4.3 Flood Prone Land

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

- 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 Planning Proposal be amended prior to exhibition to include mapping that shows the current and proposed zoning of the subject land and remove incorrect references to Lot 7004 DP 1028500 be zoned to IN1 General Industrial.**
- 5. Consultation is required with the following public authorities under section 56(2)(d) of the Act and/or to comply with the requirements of relevant S117 Directions:**
 - (a) Office of Environment and Heritage**
 - (b) NSW Rural Fire Service**
 - (c) NSW Department of Industry - Lands**
- 6. That an authorisation to exercise delegation be issued to Council.**

Supporting Reasons : **It is anticipated that the implementation of the industrial land component of the NGMS - BSPR will benefit the Narrabri LGA immensely as the availability of serviceable industrial land will help to service the needs of the rapidly expanding local mining sector.**

Signature: _____



Printed Name: _____

Craig Diss

Date: _____

8/5/17

