

13.3 STATE LIBRARY 2016 – 2019 ASSESSMENT AND COMPLIANCE VISITS**MINUTE 199/2017**

Moved: Cr Campbell

Second: Cr Booby

That Council note the State Library 2016 – 2019 assessment and compliance visits.

CARRIED

MINUTE 200/2017

Moved: Cr Loder

Second: Cr Kneale

That standing orders be suspended at 3.06pm.

CARRIED

MINUTE 201/2017

Moved: Cr Booby

Second: Cr McMahon

That standing orders resume at 3.27pm.

CARRIED

14 DEVELOPMENT & ECONOMIC GROWTH REPORTS**14.1 PLANNING PROPOSAL 2/2018****MINUTE 202/2017**

Moved: Cr Kneale

Second: Cr Loder

That Council:

1. Endorse the Planning Proposal to amend the provisions of the Narrabri Local Environmental Plan 2012 relating to the construction of 'dual occupancies' on land within certain rural and environmental protection zones and forward the Proposal to the Department of Planning and Environment with a request for a Gateway Determination.
2. Notify the Department of Planning and Environment of its intention to use the plan making power delegated to Council by the Department to make the proposed amendment to Narrabri Local Environmental Plan 2012.
3. Delegate to the Director of Development & Economic Growth any necessary amendments required to the Planning Proposal as a result of considerations by the Department of Planning and Environment or as a result of the Gateway Determination.

CARRIED

14 DEVELOPMENT & ECONOMIC GROWTH REPORTS

14.1 DIRECTOR DEVELOPMENT & ECONOMIC GROWTH REPORT

Subject: PLANNING PROPOSAL 2/2018

Director: Director Development & Economic Growth – Tony Meppem

Author: Town Planner – Hamish McTaggart

RECOMMENDATION:

That Council:

1. Endorse the Planning Proposal to amend the provisions of the Narrabri Local Environmental Plan 2012 relating to the construction of 'dual occupancies' on land within certain rural and environmental protection zones and forward the Proposal to the Department of Planning and Environment with a request for a Gateway Determination.
2. Notify the Department of Planning and Environment of its intention to use the plan making power delegated to Council by the Department to make the proposed amendment to Narrabri Local Environmental Plan 2012.
3. Delegate to the Director of Development & Economic Growth any necessary amendments required to the Planning Proposal as a result of considerations by the Department of Planning and Environment or as a result of the Gateway Determination.

Delivery Program Alignment

OUR ENVIRONMENT

- 2.1.2** Planning controls appropriately identify and conserve open spaces and natural environmental areas.
- 2.2.4** Decision making will be informed by the principles of Ecologically Sustainable Development and the precautionary principle.

Background

Council planning staff has become aware of an anomaly in the Narrabri Local Environmental Plan 2012 under which development consent could be granted to development applications involving the construction of 'dual occupancies' on rural land which does not meet the applicable Narrabri Local Environmental Plan 2012 minimum lot size and on which the construction of a 'dwelling house' is prohibited.

Clause 4.2B of the Narrabri Local Environmental Plan 2012 sets out the requirements for the erection of dwellings houses in certain rural and environmental zones. The requirements of this clause effectively restrict the erection of dwelling houses on the affected rural and environmental protection zoned land where that land does not achieve the minimum lot size prescribed, where the land has not historically been benefited with an opportunity for a dwelling house to be erected, or where it is not a lot created by a subdivision approved under the Narrabri Local Environmental Plan 2012 or an environmental planning instrument proceeding this plan under which the erection of a dwelling house would have been permitted with or without consent.

Clause 4.2B of the Narrabri Local Environmental Plan 2012 does not include any requirements for the erection of dual occupancies on rural or environmental protection zoned land. The definitions of the terms 'dwelling house' and 'dual occupancy' are strictly set by the dictionary accompanying this environmental planning instrument. The dictionary does not define a 'dual occupancy' as a type of 'dwelling house', and therefore a consent authority cannot consider the provisions of Clause 4.2B when determining an application for a 'dual occupancy' on rural or environmental protection zoned land. The Narrabri Local Environmental Plan 2012 was previously amended to permit 'dual occupancies' on rural zoned land, while dual occupancies (attached) are permitted with consent on certain environmental protection zoned land.

This means that under the current provisions of the Narrabri Local Environmental Plan 2012 the erection of a 'dual occupancy' may be permissible on rural and environmental zoned land, on which the erection of a 'dwelling house' is prohibited by Clause 4.2B.

This report and the attached planning proposal have been prepared by Council Staff to correct the anomaly and introduce wording into Clause 4.2B that would mean development involving a 'dual occupancy' has the same restrictions prescribed by this Clause for development involving a 'dwelling house'.

Current Situation

The planning proposal is attached (Attachment 14.1.a) for Council's consideration.

Council can resolve to:

- Adopt the planning proposal and seek to make the proposed amendment to the *Narrabri Local Environmental Plan 2012*.
- OR,
- Reject the planning proposal and seek not make the proposed amendment to the *Narrabri Local Environmental Plan 2012*.

If Council resolves to adopt this Planning Proposal, then it would be sent to the Department of Planning and Environment who would indicate if it considers the Planning Proposal suitable for exhibition. The Department may also place conditions on any approval for exhibition, stipulate the timeframe and terms of that exhibition and require consultation with any public authorities that it deems necessary.

The estimated time frame for the Local Environmental Plan amendment process is as outlined in the Planning Proposal.

Financial Implications

Nil.

Statutory and Policy Implications

This item may result in the amendment of the Narrabri Local Environmental Plan 2012. The planning proposal is environmental planning instrument, a statutory legal document affecting land use within the Narrabri Local Government Area.

Consultation**External Consultation**

No public consultation has been carried out in relation to this item.

The terms of any consultation required to complete this Local Environmental Plan amendment will be stipulated by the Department of Planning and Environment should it issue a Gateway Determination in relation to the planning proposal.

Attachments

Attachment 14.1.a Planning Proposal 2/2018

