

Planning Proposal

Warren Local Environmental Plan 2012:
(Amendment No 2)

Housekeeping amendments

August 2024

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Overview

Introduction

This Planning Proposal (PP) seeks to amend the Warren Local Environmental Plan 2012 (WLEP 2012) via a range of administrative and housekeeping amendments to the instrument and accompanying mapping. These are the first administrative changes proposed since gazettal of the current principal LEP in 2012 and the second proposed amendment to the LEP. The changes will improve efficiencies in interpretation and accuracy of the Plan, align zonings with use and surrounding Shire zonings. The Planning Proposal applies to all land covered by the Warren LEP 2012, with some site-specific amendments, as explained in greater detail below.

Background

Council's current LEP was notified on 21 December 2012. In accordance with section 3.21 of the Environmental Planning and Assessment Act 1979, Council reviewed the current LEP via an LEP Health Check in November 2023 and resolved on 7 December 2023 to accept and pursue the recommendations put forward. It should be noted here that not all of the recommended actions in the LEP Health Check have progressed to this Planning Proposal due to Council

Part 1 Objectives or intended outcome

The table below outlines the intended outcomes of the proposed amendments.

Table 1: Amendment Summary

Proposed amendment	Land to which it applies	Objective/intended outcomes
LEP 1: New temporary workers clause in LEP for large scale infrastructure projects	All land zoned RU1, RU5 & R5 – permissible with consent	Provision of additional housing options to accommodate skilled workers for large scale projects in the LGA, eg. Solar farm, renewable energy projects, extractive industries.
LEP 2: Classified roads to be rezoned to SP2 Infrastructure	LGA extent of the Oxley Highway from Nevertire to Gilgandra – currently various zones across the LGA. Mapping-only amendment.	Protection of essential road infrastructure from inappropriate development permissibility and reinforce the importance of the road corridor.
LEP 3: Combine LEP clauses 6.3 and 6.4 into one clause	Land within 40m of a watercourse including a river, riverfront areas as defined in the LEP and land covered by a watercourse, all as depicted on current LEP maps.	To reduce repetition in planning instruments and simplify assessment procedures for applicants and assessing officers.
LEP 4: Change land use zone at Warren Airport (surrounding airstrips only) from E4 General Industrial to SP2 – Air Transport Facility and Emergency Services Facilities.	Lands immediately surrounding and including the airstrip (Lot 2 DP 1292302). Note - amendment not intended to change the zoning of current businesses at the Airport nor expansion areas adjacent. Mapping-only amendment.	Protection of the boundaries of the Warren Airport from any encroachments as it serves an essential air transport and emergency transport need for the locality.
LEP 5: Include a split zone clause in the Warren LEP	All land in the LGA	Permit subdivision of one allotment unintentionally burdened by two land use zonings and subsequently, two minimum lot sizes.
LEP 6: Include a replacement dwelling clause in the Warren LEP	All land in the following zones where a dwelling house is permissible with consent: RU1 Primary Production, RU5 Village,	Provide a legal mechanism to replace a lawfully constructed dwelling where a natural disaster has destroyed it or left it unliveable.

	RU6 Transition, R1 General Residential, R5 Large Lot Residential,	
LEP A: Residential land expansion: Wilson St rezoning	Lot 3 DP853548 – part zoned RE1 and R5. RE1 portion to be rezoned to R1 General Residential.	Provision of additional serviceable and flood protected residential land.
LEP B: Rezoning of Crown reserve to RE1 Public Recreation	Lots 86, 87, 88 DP 755314 currently zoned E4 General Industrial but includes 2 crown reserves	Crown reserves will not be used for employment/industrial purposes. To be rezoned to RE1 to replace loss of Wilson St RE1 land.

Part 2 Explanation of provisions

This section provides greater detail on the provisions to be amended/introduced and reasonings.

LEP 1: Insert a new LEP clause, permitting accommodation for temporary workers with consent in the RU1, RU5 and R5 zones.

The central west has been experiencing growth in large scale projects including solar & battery farms, extractive industries, mines and the like. Construction times for such projects can vary and accommodating workers during this time is difficult when housing supply is already limited. Permitting accommodation for temporary workers on alternative sites in situations like this can alleviate the need for FIFO construction workers, allowing projects to be delivered timelier with less transport costs whilst also benefitting the community with flow-on increased local expenditure.

The RU1 zoning table includes camping grounds as permissible with consent. However, this only covers tent-style and caravan accommodation. The accommodation preferred for temporary workers is mostly prefabricated, transportable buildings. The LEP does not currently permit these to be placed in the RU1, RU5 or R5 zones for temporary lodgings.

Several Councils have now introduced a new clause into their LEPs due to the same accommodation pressures. The following clause is an example, taken from the Narromine LEP.

5.25A Temporary workers' accommodation in Zones RU1, RU5 and R5

(1) The objectives of this clause are as follows—

- (a) to enable development for the purposes of residential accommodation for temporary workers if there is a demonstrated need to accommodate workers because of the nature of their work or the location of the land on which the work is carried out,*
- (b) to ensure the development is appropriately located,*
- (c) to ensure the development is not likely to have a detrimental impact on the future use of the land,*
- (d) to minimise the impact of the development on local roads and infrastructure.*

(2) This clause applies to land in the following zones—

- (a) Zone RU1 Primary Production,*
- (b) Zone RU5 Village,*
- (c) Zone R5 Large Lot Residential.*

(3) Development for the purposes of relevant residential accommodation is permitted with development consent on land to which this clause applies if the consent authority is satisfied of the following—

- (a) the development is necessary considering the nature of the work or the location of the land on which the work will be carried out,*
- (b) infrastructure provided in connection with the development will, if practicable, continue to be used when the accommodation is no longer required,*
- (c) the development will be designed, sited and managed to—*
 - (i) avoid any significant adverse environmental impacts, particularly impacts on biodiversity, and*
 - (ii) mitigate the risk of hazards, for example floods, bush fires and contamination, to the development, and*
 - (iii) minimise any adverse impacts of the development, including contamination, on the surrounding land.*

(4) Clause 4.2C does not apply to land on which development permitted under this clause is to be carried out.

(5) In this clause—

relevant residential accommodation means residential accommodation used predominantly as a place of residence by persons employed on a short-term, periodic, fixed-term or seasonal basis in connection with the agricultural sector, a rural industry or a large-scale project, and associated amenities.

Council will work with Parliamentary Counsel and DPHI at the time of drafting to determine the most appropriate method of achieving the above outcome.

It is noted here at the time of writing, that DPHI were to be drafting a suite of reforms for the Central West and Orana Renewable Energy Zone (REZ) Councils (including Warren) which is intended to be introduced via an amending SEPP in the second half of 2024. The above amendment remains as part of this Planning Proposal, pending its content and notification of the amending SEPP by DPHI. If the amending SEPP is legislated prior to completion of this Proposal, it is accepted this component may be duly removed.

Addendum:

Council, at its meeting held on 24 October 2024, resolved to include small as well as large developments in the new provisions proposed for temporary workers' accommodation. This is due to the severe lack of short-term accommodation available in the Warren Shire as well as permanent rentals. With the Warren Caravan Park converting to a cabins-only based model and the only other Warren Caravan Park now closed, short term and affordable accommodation is extremely limited. In terms of adding this to the existing proposal, the premise of additional

LEP 2: Classified roads to be rezoned to SP2 Infrastructure

Local Environmental Plans zone key infrastructure and facilities including roads, rail, water & sewerage treatment plants and airports, as SP2 Infrastructure. The Oxley Highway is currently zoned RU1, R1, E1 and RE1 as it crosses the LGA and it links with the SP2-zoned Mitchell Highway at Nevertire to the SP2-zoned Oxley Highway (same road) in the Gilgandra Shire. It is proposed to zone the Oxley Highway extent across the Shire SP2 (Oxley Highway) to protect this key transport link and align its zoning with surrounding similar-zoned (and the same) classified roads.

8

LEP 3: Combine LEP clauses 6.3 and 6.4 into one clause

Simplification of planning rules and regulations is always at the forefront of good planning whilst directing development toward preferred local outcomes. NSW Council have recently seen this with the rationalisation of SEPPs in NSW whilst reducing the number of state policies. Clauses 6.3 and 6.4 both refer to land within 40 metres of the highest bank of a watercourse on land identified as “watercourse” on the LEP maps as well as land identified as “watercourse” on the *Watercourse Map*.

The following table outlines similarities between the two clauses.

Table 2: Clause 6.3 and 6.4 comparisons

Clause 6.3 Riparian Land and Watercourses	6.4 Development on river front areas
(1) The objective of this clause is to protect and maintain the following— (a) water quality within watercourses, (b) the stability of the bed and banks of watercourses, (c) aquatic and riparian habitats, (d) ecological processes within watercourses and riparian areas.	(1) The objectives of this clause are as follows— (a) to support the natural migration of the river channel, including riverine processes, (b) to protect and improve the bed and bank stability of rivers, (c) to maintain or improve the water quality of rivers, (d) to protect the amenity, scenic landscape values and cultural heritage of rivers, (e) to protect public access to riverine corridors, (f) to conserve and protect riverine corridors, including wildlife habitat.
(2) This clause applies to all of the following— (a) land identified as “Watercourse” on the Watercourse Map, (b) all land that is within 40 metres of the highest bank of each watercourse on land identified as “Watercourse” on that map.	(2) Despite any other provision of this Plan, development consent may be granted for development on land in a river front area only for the following purposes— (a) boat building and repair facilities, boat launching ramps, boat sheds, charter and tourism boating facilities or marinas, (b) the extension or alteration of an existing building that is wholly or partly in the river front area if the extension or alteration will be located no closer to the river bank than the existing building, (c) environmental protection works, (d) extensive agriculture and intensive plant agriculture, (e) environmental facilities, recreation areas and recreation facilities (outdoor), (f) water recreation structures.
(3) Before determining a development application for development on land to which this clause applies, the consent authority must consider— (a) whether or not the development is likely to have any adverse impact on the following— (i) the water quality and flows within the watercourse,	(3) Development consent must not be granted for a purpose specified in subclause (2) unless the consent authority is satisfied of the following— (a) that the development will contribute to achieving the objectives for the zone in which the land is located, (b) that the appearance of the development, from both the river and adjacent river front area, will be compatible with the surrounding area,

(ii) aquatic and riparian species, habitats and ecosystems of the watercourse, (iii) the stability of the bed and banks of the watercourse, (iv) the free passage of fish and other aquatic organisms within or along the watercourse, (v) any future rehabilitation of the watercourse and riparian areas, and (b) whether or not the development is likely to increase water extraction from the watercourse, and (c) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.	(c) that the development is not likely to cause environmental harm such as— (i) pollution or siltation of the river, or (ii) an adverse effect on surrounding uses, marine habitat, wetland areas, fauna or flora habitats, or (iii) an adverse effect on drainage patterns, (d) that the development will only cause minimal visual disturbance to the existing landscape, (e) that continuous public access, and opportunities to provide continuous public access, along the river front and to the river will not be compromised, (f) that any historic, scientific, cultural, social, archaeological, architectural, natural or aesthetic significance of the land on which the development is to be carried out and of surrounding land will be maintained.
(4) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that— (a) the development is designed, sited and will be managed to avoid any significant adverse environmental impact, or (b) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or (c) if that impact cannot be minimised—the development will be managed to mitigate that impact.	(4) In this clause— river means a watercourse on land identified as “Watercourse” on the Watercourse Map. river front area means land in Zone RU1 Primary Production, Zone RU6 Transition or Zone R5 Large Lot Residential that is within 40 metres of the highest bank of each watercourse on land identified as “Watercourse” on the Watercourse Map.

Both clauses focus on matters for assessment in the development of land in river or waterfront areas. Clause 6.3 is focused on any development in the riverine corridor and clause 6.4 goes further to define certain uses permissible in river front areas and within watercourses. Several duplications are present.

It is viable to combine the clauses into one, allowing both applicant and assessing officer to review one relevant clause when assessing relevant applications. Both clauses refer to guidance for development within river and waterfront areas, hence the suggested clause name below. While final clause content is dependent on Parliamentary Counsel’s opinion, the following provides an example of a new clause.

6.4 Development on river front and watercourse areas

(1) The objectives of this clause are as follows—

- (a) to support the natural migration of the river channel, including riverine processes,
- (b) to protect and improve the bed and bank stability of rivers,
- (c) to maintain or improve the water quality of rivers,
- (d) to protect the amenity, scenic landscape values and cultural heritage of rivers,
- (e) to protect public access to riverine corridors,
- (f) to conserve and protect riverine corridors, including wildlife habitat.

(2) Despite any other provision of this Plan, development consent may be granted for development on land in a river front area only for the following purposes—

- (a) boat building and repair facilities, boat launching ramps, boat sheds, charter and tourism boating facilities or marinas,
- (b) the extension or alteration of an existing building that is wholly or partly in the river front area if the extension or alteration will be located no closer to the river bank than the existing building,
- (c) environmental protection works,
- (d) extensive agriculture and intensive plant agriculture,
- (e) environmental facilities, recreation areas and recreation facilities (outdoor),
- (f) water recreation structures.

(3) Development consent must not be granted for a purpose specified in subclause (2) unless the consent authority is satisfied of the following—

- (a) that the development will contribute to achieving the objectives for the zone in which the land is located,
- (b) that the appearance of the development, from both the river and adjacent river front area, will be compatible with the surrounding area,
- (c) that the development is not likely to cause environmental harm such as—
 - (i) pollution or siltation of the river, or
 - (ii) an adverse effect on surrounding uses, marine habitat, wetland areas, fauna or flora habitats, or
 - (iii) an adverse effect on drainage patterns,
- (d) that the development will only cause minimal visual disturbance to the existing landscape,
- (e) that continuous public access, and opportunities to provide continuous public access, along the river front and to the river will not be compromised,
- (f) that any historic, scientific, cultural, social, archaeological, architectural, natural or aesthetic significance of the land on which the development is to be carried out and of surrounding land will be maintained.

(4) Before determining a development application for development on land to which this clause applies, the consent authority must consider—

- (a) whether or not the development is likely to have any adverse impact on the following—
 - (i) the water quality and flows within the watercourse,
 - (ii) aquatic and riparian species, habitats and ecosystems of the watercourse,
 - (iii) the stability of the bed and banks of the watercourse,
 - (iv) the free passage of fish and other aquatic organisms within or along the watercourse,
 - (v) any future rehabilitation of the watercourse and riparian areas, and
- (b) whether or not the development is likely to increase water extraction from the watercourse, and
- (c) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.

(5) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that—

- (a) the development is designed, sited and will be managed to avoid any significant adverse environmental impact, or
- (b) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or
- (c) if that impact cannot be minimised—the development will be managed to mitigate that impact.

(6) In this clause—

river means a watercourse on land identified as “Watercourse” on the Watercourse Map.

river front area means land in Zone RU1 Primary Production, Zone RU6 Transition or Zone R5 Large Lot Residential that is within 40 metres of the highest bank of each watercourse on land identified as “Watercourse” on the Watercourse Map.

LEP 4: Change land use zone at Warren Airport from E4 General Industrial to SP2 – Air Transport Facility and Emergency Services Facilities

The Warren Airport is an important transport facility for general aviation, agricultural aviation and emergency services.

The Warren Airport Masterplan 2018-2028 highlights the importance of the Airport to the Warren surrounds and the Warren LSPS includes the following actions:

Action	Responsibility	Timeframe
9.1 Implement the Warren Airport Masterplan	Council	Long-term
9.2 Secure funding from state and federal governments to implement masterplan.	Council, NSW Government, Commonwealth	Long term
9.3 Investigate Warren Airport to be rezoned to reinforce the intention to increase aeronautical related land uses and industries.	Council	Medium term
9.4 Investigate a future rezoning to permit helicopters to land at the site	Council	Medium term
9.5 Warren airport is currently used heavily by RFDS, RAFF and the US Airforce. Investigate how to develop and capitalise on this further.	Council	Medium term

Table 3: extract from Warren Airport Masterplan 2018-2028

At present the Airport is zoned E4 General Industrial which is appropriate for developable area surrounding the Airport. It is proposed to rezone the area immediately surrounding the airstrips to:

SP2 – Air Transport and Emergency Services Facilities.

This new zone progresses **Actions 9.3 & 9.4** above with a dedicated Infrastructure zone, intended to ensure the longevity of the Airport and protect its core functions. The SP2 zoning also allows for helicopters to use the site, which satisfies action 9.4 from the LSPS.

The SP2 zone already exists in the Warren LEP. See below the relevant zoning table.

Zone SP2 Infrastructure

1 Objectives of zone

- To provide for infrastructure and related uses.
- To prevent development that is not compatible with or that may detract from the provision of infrastructure.

2 Permitted without consent

Roads

3 Permitted with consent

Aquaculture; The purpose shown on the [Land Zoning Map](#), including any development that is ordinarily incidental or ancillary to development for that purpose

4 Prohibited

Any development not specified in item 2 or 3

No changes to the above zoning table are required with this zoning amendment at the Airport. Linking the purpose shown on the land zoning map (being Air Transport and Emergency services facilities) covers the current and intended uses immediately adjacent to the airstrip.

Figure 2 below shows the intended zoning boundary which encompasses Lot 2 DP 1292302, and Lots 1-8 (incl) DP 1259706. All of these lots are owned by Warren Shire Council (with the exception of lots 1 and 2 which are privately owned and contain hangars) with lots 5-8 comprising vacant airside lots.

Development on lots 5-8 has been paused following results of a windshear assessment which showed potential for impact from hangars built on these lots at the western end of runway 27/60 (see **Attachment 2** for a summary of the windshear assessment). A more controlled zoning of SP2 is appropriate for these airside lots as well as the area surrounding the runways as shown below. Hangars, aviation and emergency-related buildings will still be permissible with consent in this zone.

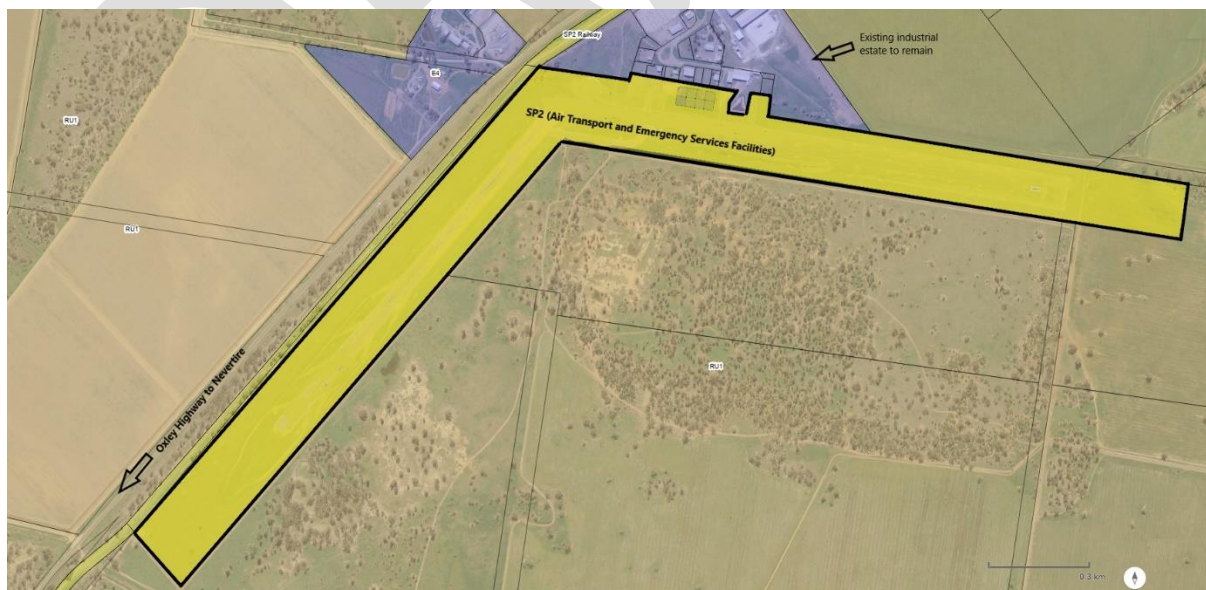


Figure 2: Warren Airport proposed new zone (approx. boundaries). See Part 4 Maps for greater detail.
Source: NSW Planning Portal

LEP 5: Include a split zone clause in the Warren LEP

The Warren LEP maps currently show a number of lots with more than one zoning – known as split zone lots. To ensure minimum lot sizes are met for subdivisions where more than one minimum lot size may apply, a split-zone subdivision clause is to be included in the LEP.

A number of LEPs have a split zone clause – see below for one example from the Narromine LEP.

Note: The following zones have been included within this clause to cater for imminent applications for local subdivisions: **Zone RE1 Public Recreation, Zone E4 General Industrial, Zone SP2 Infrastructure.**

4.1C Exceptions to minimum subdivision lot sizes for certain split zones

(1) *The objectives of this clause are as follows—*

- (a) *to provide for the subdivision of lots that are within more than one zone but cannot be subdivided under clause 4.1,*
- (b) *to ensure that the subdivision occurs in a manner that promotes suitable land use and development.*

(2) *This clause applies to each lot (an **original lot**) that contains—*

- (a) *land in a residential or employment zone, and*
- (b) *land in Zone RU1 Primary Production, Zone RU5 Village, **Zone RE1 Public Recreation, Zone E4 General Industrial, Zone SP2 Infrastructure**, Zone C2 Environmental Conservation or Zone C3 Environmental Management.*

(3) *Despite clause 4.1, development consent may be granted to subdivide an original lot to create other lots (the **resulting lots**) if—*

- (a) *one of the resulting lots will contain—*
 - (i) *land in a residential or employment zone that has an area that is not less than the minimum size shown on the [Lot Size Map](#) in relation to that land, and*
 - (ii) *all of the land in Zone RU1 Primary Production, Zone RU5 Village, **Zone SP2 Infrastructure, Zone RE1 Public Recreation, Zone E4 General Industrial**, Zone C2 Environmental Conservation or Zone C3 Environmental Management that was in the original lot, and*
- (b) *all other resulting lots will contain land that has an area that is not less than the minimum size shown on the [Lot Size Map](#) in relation to that land.*

LEP 6: Include a replacement dwelling clause in the Warren LEP

Warren Council intends to introduce controls to the LEP which permit as many housing options as possible, in line with the recommendations of the Regional Housing Taskforce and the Housing SEPP. In this instance, Council is recommending to include a new optional clause in the LEP to permit dwelling houses be replaced following a natural disaster.

At present the Warren LEP permits replacement of rural zoned 'existing' dwellings under subclause 4.2A (4) as follows:

(4) Development consent may be granted for the erection of a dwelling house on land to which this clause applies if there is a lawfully erected dwelling house on the land and the dwelling house to be erected is intended only to replace the existing dwelling house.

This amendment intends to deal with situations where the dwelling has been obliterated/demolished by natural disaster and technically there is no 'existing' dwelling left to replace.

The LEP is silent on replacement dwellings in other zones however the minimum lot size provisions in zones other than rural do not provide as much of an impediment and dwellings are usually easily replaced through approval.

The clause is detailed below:

5.9 Dwelling house or secondary dwelling affected by natural disaster [optional]

(1) The objective of this clause is to enable the repair or replacement of lawfully erected dwelling houses and secondary dwellings that have been damaged or destroyed by a natural disaster.

(2) This clause applies to land in the following zones—

(a) RU1 Primary Production,

(b) RU5 Village,

(c) RU6 Transition,

(d) R1 General Residential,

(e) R5 Large Lot Residential,

(3) Despite the other provisions of this Plan, development consent may be granted to development on land to which this clause applies to enable a dwelling house or secondary dwelling that has been damaged or destroyed by a natural disaster to be repaired or replaced if—

(a) the dwelling house or secondary dwelling was lawfully erected, and

(b) the development application seeking the development consent is made to the consent authority no later than 5 years after the day on which the natural disaster caused the damage or destruction.

Note that optional clause 5.9 above states that the time to make application with Council to replace the dwelling is 5 years from the date of the natural disaster. This gives a greater and more realistic time to submit an application to Council following a natural disaster.

A key point here is the applicant will be responsible for working with Council to prove the lawful nature of the original dwelling. This ensures the integrity of Council planning decisions is maintained and unlawful dwellings are not given a mechanism to legitimise their use. Additionally, if the original dwelling following merit assessment is deemed to be inappropriate to be replaced in its original location due to, for example, concerns with future flooding, Council may require the applicant to amend the application to relocate the proposed dwelling, to limit future flooding impact.

The above wording of clause 5.9 is appropriate to be included as it is an optional clause from the standard instrument.

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LEP A: Rezone part of Lot 3 DP 853548 from RE1 Public Recreation to R1 General Residential

Council has identified flood-protected land inside the Warren levee on Wilson Street as appropriate for residential development. The land is currently zoned RE1 Public Recreation and R5 Large Lot Residential. Refer to Figure 3 below.

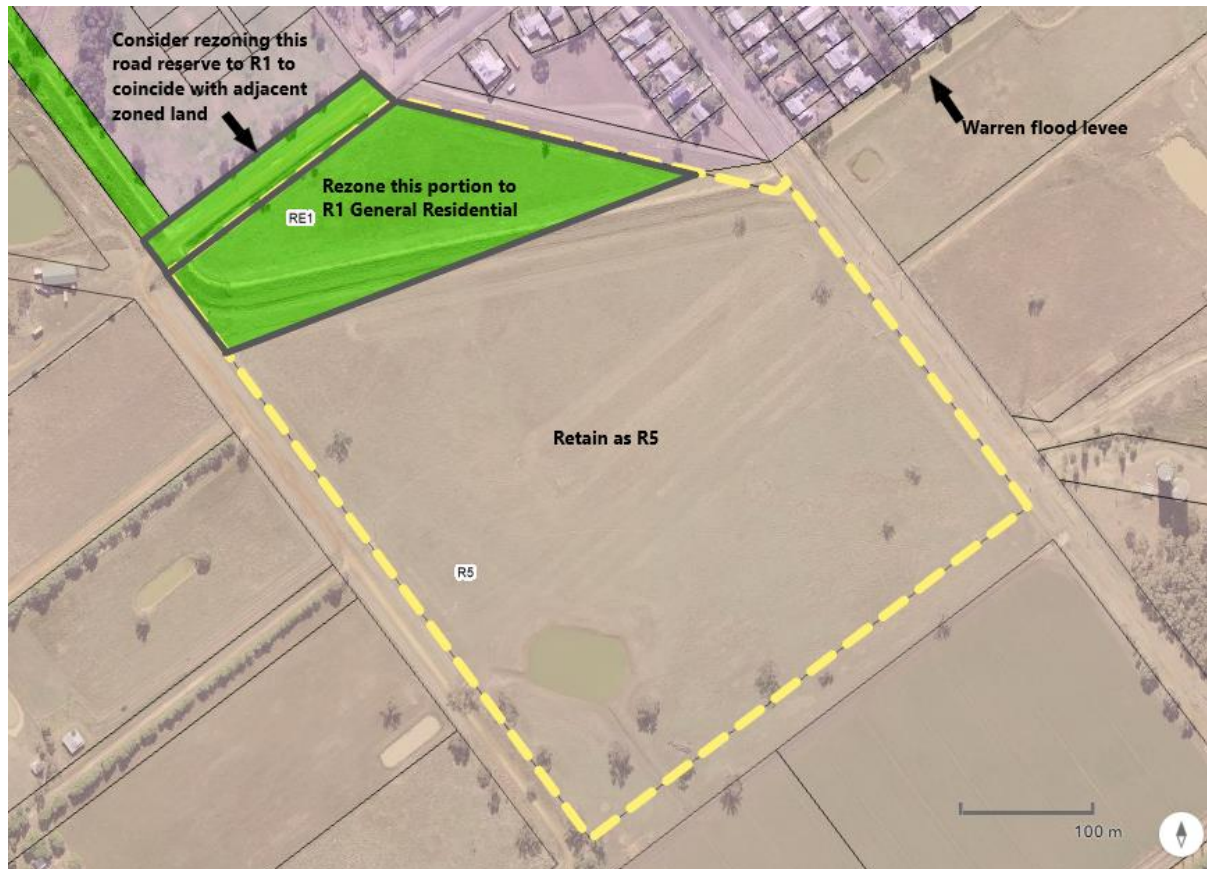


Figure 3: Wilson St Warren, proposed rezoning

The northern portion of the lot zoned RE1 is proposed to be rezoned to R1 General Residential to create additional land for housing. This portion proposed to be rezoned to R1 is approximately 3ha in size. The lot is owned by Council and classified operational. It is suggested with this rezoning to also rezone the Wilson St road reserve to R1 – for ease of map interpretation and in accordance with DPHI Practice Note 10-001.

LEP B: Rezoning of Crown reserve from E4 General Industrial to RE1 Public Recreation

Crown lots 86, 87 & 88 DP 755314 form part of Reserves 89777 & 89778. Reserve 89777 is shown below in orange shading and comprises the southern portion of the 3 lots. Reserve 89778 is shown below in green shading and comprises the northern portion of the 3 lots. These reserves have the following purposes as gazetted by the NSW Government:

Reserve 89777	Local Government Purposes	(9ha)
Reserve 89778	Public Recreation	(5ha)

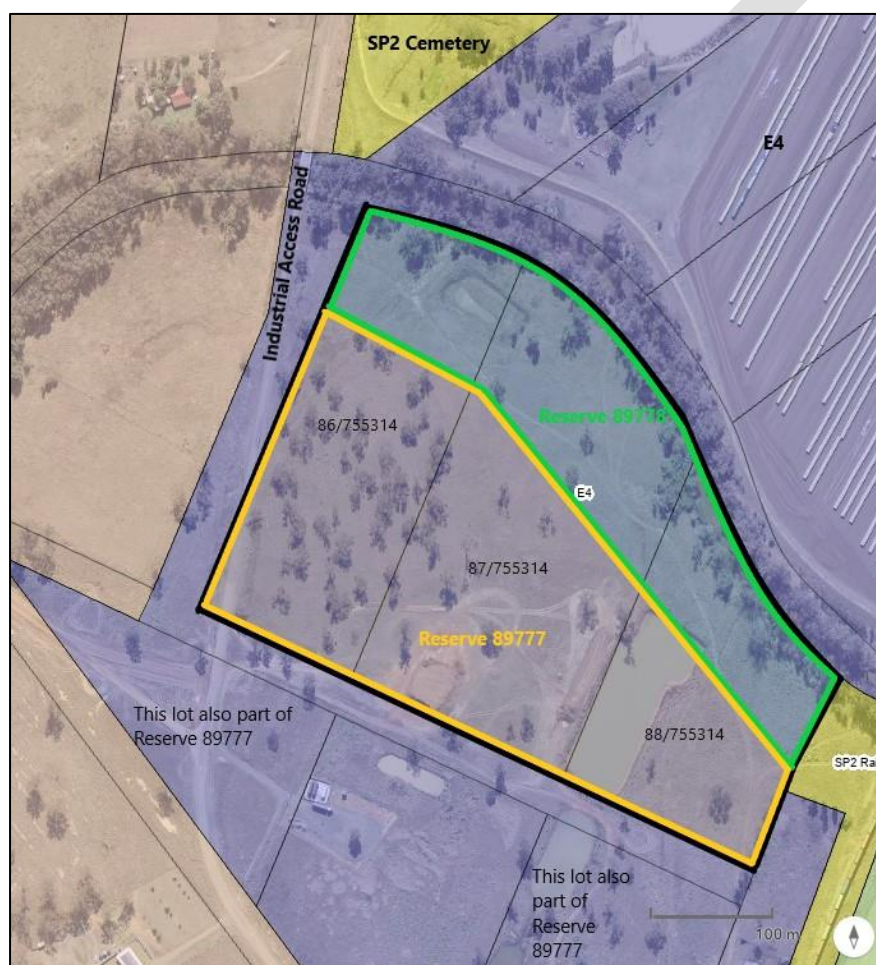


Figure 4: Crown Reserves, Industrial Access Road Warren.
Source: NSW Planning Portal, with amendments.

As such, any uses or developments on these lots need to be in accordance with these purposes.

The land is vacant, flood liable and borders the Gunningbar Creek on the northern boundary. The land is currently zoned E4 General Industrial and does not form part of Council's strategy for future industrial development. The northern portion of the lots which have a purpose of public recreation is approximately 5ha in size.

Accordingly, the northern portion of these lots are proposed to be rezoned to RE1 Public Recreation partly to replace the loss of RE1 land with the Wilson St rezoning (resulting in a net gain of **2ha** of RE1 land) and to correct the land's zoning in accordance with its reserve status. It is acknowledged this rezoning will create split zoned lots, however considering Crown Reserve purposes and reserve boundaries, this is unavoidable.

Figure 5 below shows the land, the reserve to be rezoned and current zoning.

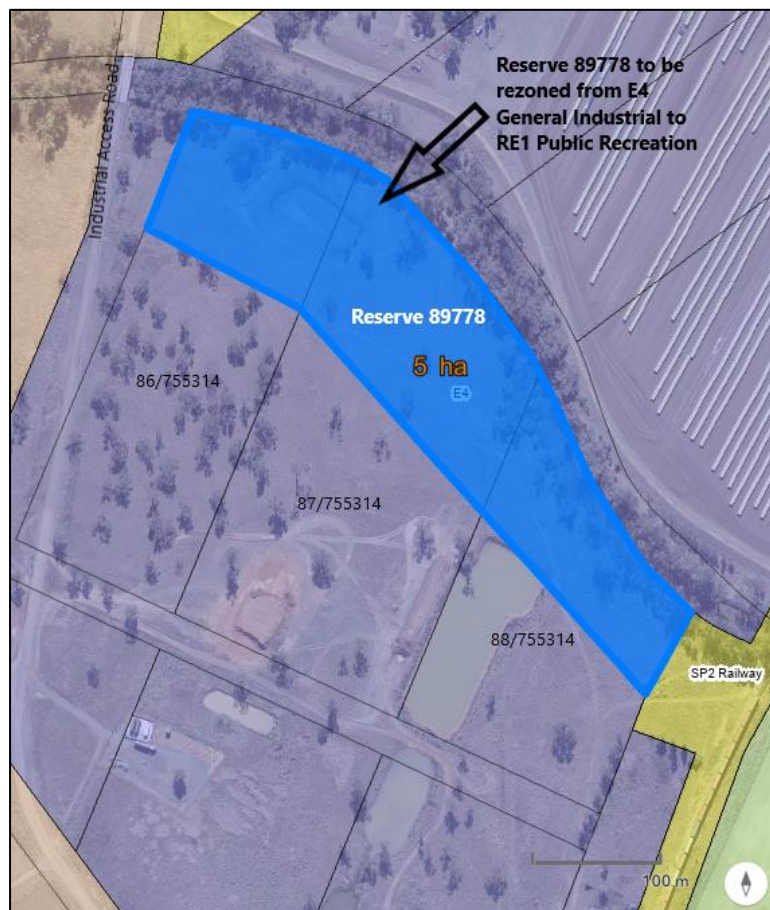


Figure 5: Lots 86-88 DP 755314 & Crown Reserves.
Source: NSW Planning Portal, with amendments.

Part 3 Justification of strategic and site-specific merit

This section requires justification of the proposed changes via assessment of State, Regional and Local plans and a range of environmental and social parameters.

The following information complies with Part 3 of the LEP Making Guideline, 2023.

Section A – need for the planning proposal

3.1 Is the planning proposal a result of an endorsed LSPS, strategic study or report?

The Planning Proposal is the direct result of Warren Council's adopted LEP Health Check, being part of a regular strategic review process required by section 3.21 of the *Environmental Planning and Assessment Act 1979*. In particular, the Airport rezoning is a direct action from the LSPS and Warren Airport Masterplan as it provides protection for the important infrastructure at the Airport and reinforces the site's focus on aeronautical and emergency services.

3.2 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 only way of introducing the above changes, being mostly housekeeping amendments. If the amending SEPP for temporary workers accommodation provisions is notified prior to completion of this Proposal and covers the intent of the changes proposed, this can be removed from the Proposal. Content of this proposal has been through a scoping exercise with the Department, and it was agreed this is the best method of achieving the intended objectives.

3.3 Will the planning proposal give effect to the objectives and actions of the applicable regional or district plan or strategy (including any exhibited draft plans or strategies)?

The Planning proposal gives effect to the actions in the Central West and Orana Regional Plan 2036 as follows:

Direction 21: Coordinate utility infrastructure investment.

Coupled with infrastructure investment is the need to protect infrastructure from inappropriate encroachments. This Planning Proposal seeks to rezone critical infrastructure from adjoining land use zonings to a fit-for-purpose zone, as seen in other

Councils' planning instruments. Examples from this Proposal include the Warren Airport and the Oxley Highway, both of which are proposed to be rezoned to SP2 Infrastructure.

Direction 25: Increase housing diversity and choice

Housing diversity and choice is a critical component of legislation reforms across the country at present and this Proposal includes provisions for replacement dwellings where impacted by a natural disaster. The Wilson St rezoning to R1 also provides additional housing land supply in a predominantly residential and flood-protected area within Warren.

Direction 27: Deliver a range of accommodation options for seasonal, itinerant and mining workforces

Pending the finalisation of the temporary workers provisions in the new REZ package, this action is seen in the recommended new clause for temporary workers. This clause allows for temporary workers for large scale infrastructure/renewable energy/transport projects (as examples) to reside in a temporary location in relocatable-style domiciles where local accommodation options are limited. The new clause allows for this type of accommodation in the RU1, RU5, R5, and possibly RU6 as well, subject to a range of environmental, social and economic assessments. Council has resolved to expand the accommodation options permissible under this clause to permit small scale developments as well. This complies with this direction in that the range of accommodation options for temporary workers is expanded and accommodation stock is increased in currently very low stock conditions.

3.4 Is the planning proposal consistent with a council LSPS that has been endorsed by the Planning Secretary or GCC, or another endorsed local strategy or strategic plan?

The LEP Health Check, completed in 2023, included a thorough analysis of the LSPS actions which has informed the content of this Planning Proposal. Priorities 1-7 and 9 from the LSPS have been referenced in the Health Check. It should be noted that LEP 7 from the recommended actions is now not preferred by Council and hence not included in this Proposal. Refer to Attachment 1 for the LEP Health Check.

3.5 Is the planning proposal consistent with any other applicable State and regional studies or strategies?

The Western Plains Regional Economic Development Strategy (REDS) was updated in 2023 to reflect the following issue relevant to this Proposal:

Housing availability

Stakeholders highlighted concerns about the current shortage of available housing in the region, and the likelihood that it will only worsen in the face of potential future population growth and the need to house workers associated with major projects. The recommendation in this space from the review was:

Improve the region's liveability, access to services and housing availability to enable population and skills growth and enhance community wellbeing.

Comment: This proposal puts forward a rezoning proposal to create additional residential land which is inside Warren’s flood levee and serviceable. Consistent.

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Section B – relationship to the strategic planning framework

3.6 Is the planning proposal consistent with applicable SEPPs?

Table 3 below assesses in detail the SEPPs applicable to this Proposal and whether they are consistent.

Table 4: Consistency with SEPPs

SEPP	Consistency
SEPP (Biodiversity & Conservation) 2021	Applicable. Not directly relevant to the amendments in this proposal. Consistent, any future developments will be assessable against this policy.
SEPP (Building Sustainability Index: BASIX) 2004	Applicable. Not directly relevant to this proposal. Consistent, any future development will be assessable against this policy.
SEPP (Exempt and Complying Development Codes) 2008	Applicable. Consistent, any future development will be assessable against this policy.
SEPP (Housing) 2021	Applicable & relevant. Consistent – any future development will be assessable against this policy.
SEPP (Planning Systems) 2021	Applicable in future with resulting developments if state or regionally significant. Not directly relevant to the changes proposed. Consistent.
SEPP (Industry & Employment) 2021	Not relevant to this proposal.
SEPP (Precincts – Regional) 2021	Not relevant to this proposal.
SEPP (Primary Production) 2021	Relevant to this proposal for lands zoned RU1 Primary Production. Changes proposed are new controls for replacement dwellings on RU1 land which complies, and the temporary workers dwellings controls will be appropriately defined for inclusion by Parliamentary Counsel. Rezoning the Oxley Highway to SP2 Infrastructure will also show a more accurate picture of the critical mass of RU1 land within the LGA. Consistent.
SEPP (Resilience & Hazards) 2021	Not directly relevant to the proposal components regarding LEP clause amendments. Where lands are proposed for rezoning, this SEPP applies. An initial evaluation and pending results of this, potentially a Preliminary Contamination Investigation applies to any lands (such as the Wilson St rezoning) where a change in zoning to a more sensitive use is proposed. Consistent.
SEPP (Resources & Energy) 2021	Not relevant to this proposal.
SEPP (Sustainable Buildings) 2021	Not relevant for this proposal.
SEPP (Transport & Infrastructure) 2021	Applicable. Not directly relevant to this proposal. Any future development to comply with the provisions of this policy.

3.7 Is the planning proposal consistent with applicable Ministerial Directions (section 9.1 Directions) or key government priority?

Table 5 below assesses consistency with Ministerial Directions.

Table 5: Ministerial Directions

Ministerial direction	Consistency
Focus area 1: Planning Systems	
1.1 Implementation of Regional Plans	This Planning Proposal is consistent with the Central West and Orana Regional Plan 2041. Refer to 3.3 in Part 3 above for detail.
1.2 Development of Aboriginal Land Council land	Not applicable to this Proposal.
1.3 Approval and Referral requirements	This proposal does not include provisions to require the concurrence or referral to a Minister or public authority nor cite future applications as designated development. Complies in full.
1.4 Site specific provisions	Not applicable to this Planning Proposal. This Proposal does not allow a particular development to be carried out on any land.
1.4A Exclusion of Development Standards from variation	Complies – this proposal does not introduce exclusions to the application of clause 4.6 in the Warren LEP.
1.5-1.22 (incl)	The site is not included in the areas covered by these directions. Not relevant to this proposal.
Focus area 2: Design and Place	
[This Focus Area was blank when the Directions were made]	

Focus area 3: Biodiversity and Conservation

3.1 Conservation zones	Relevant. Complies – this Proposal does not include provisions that alter any conservation standards that apply to the land. The combination of clauses 6.3 and 6.4 is not reducing the conservation standards that apply to the land, being river front land. The clauses are proposed to be combined to limit multiple clause assessments as part of DA preparation and assessment. The permissibility provisions remain and the integrity of controls for river front land are also maintained. Complies.
3.2 Heritage conservation	Not relevant to this proposal. The general amendments proposed do not diminish or change the existing conservation controls in the Warren LEP.
3.3 Sydney Drinking Water Catchments	Not relevant to this proposal.
3.4 Application of C2 and C3 Zones and Environmental Overlays in Far North Coast LEPs	Not relevant to this proposal.
3.5 Recreation vehicle areas	Relevant. The direction applies as a planning proposal is being prepared by a relevant planning authority. The proposal is consistent with this direction as existing relevant planning provisions will be maintained.
3.6 Strategic Conservation Planning	Relevant. This proposal maintains provisions relating to the protection and enhancement of riparian corridors, including native vegetation and water quality. Complies.
3.7-3.10	Not applicable to this proposal – the subject land is not included in the provisions of the directions.

Focus Area 4: Resilience & Hazards

4.1 Flooding

Relevant. No changes are proposed to the current flood planning controls for Warren. Current provisions have considered and are consistent with the current Flood Risk Management Manual 2023, the Considering flooding in land use planning guidelines 2021 and the NSW Flood Prone Land Policy. The Wilson St rezoning is located within the town flood levee for Warren and as such is afforded the same level of protection as the existing Warren town. The levee is predicted as providing adequate protection from flooding – with the prior Department (DIPNR) commissioning levee gradient sensitivity assessments in 2004 & 2020. These assessments check various flood types – duration, seasonal changes and changes in floodplain vegetation & development to predict whether flood flow distribution would change and alter flood gradients and subsequently, alter where the levee may overtop. Since it's construction, the levee has not overtopped.

The following information is provided in support of consistency/inconsistency with this direction.

(2) A planning proposal must not rezone land within the flood planning area from Recreation to a residential zone. Inconsistent – this proposal intends to rezone from RE1 to R1. Despite this, the following points justify the inconsistency:

- The Planning Proposal is in accordance with the current flood planning controls – being within the flood levee for Warren which has been checked for integrity and sensitivity within the last 5 years.
- The provisions of the planning proposal, involving rezoning the RE1 flood protected land to R1 General Residential, are of minor significance due to the limited flood risk inside the levee.

(3) The planning proposal must not permit development:

(a) in a floodway – complies.

(b) that will result in significant flood impacts to other properties – complies. The land is located within the town levee and subdivision design will ensure overland flows and stormwater are adequately addressed.

(c) in high hazard areas – complies.

(d) which significantly increases dwelling density on the land. Inconsistent – however this is the nature of this part of the planning proposal and the land is afforded an appropriate level of flood protection.

	(e) Permit sensitive developments where occupants cannot evacuate. Complies – evacuation is possible within Warren. (f) to be carried out without development consent except exempt development or agriculture. Inconsistent – the proposal includes the following development in the R1 zone as permitted without consent: Environmental protection works; Home occupations; Roads; Water reticulation systems. Despite this inconsistency, these works will not increase the flood risk on the land or surrounds and this change is not considered significant. (g) which increases govt spending on emergency management services, flood mitigation and the like. Complies. (h) that permits hazardous industries or hazardous storage events which cannot be contained in a flood. Complies. In summary, this development is proposed within the Warren flood levee which affords the same level of protection as the rest of flood-protected Warren. The land, although considered part of the Flood Planning Area, historically has not flooded and appropriate subdivision design in accordance with Council's flood planning controls will produce a viable increase in flood protected and developable residential land.
4.2 Coastal management	Not relevant to this proposal.
4.3 Planning for Bushfire Protection	Relevant. The rezoning of the Wilson St land is not impacted as this land is not bushfire prone. The Remaining proposal components do not conflict with the objectives and actions in this direction – the general amendments do not diminish or change the need for bushfire assessment where already required. The rezoning of part Lots 86-88 DP 755314 from E4 to RE1 on Industrial Access Road will not impact the development potential of the land and hence increase the risk of bushfire. Moving to a more restrictive zone further supports the intent of Planning for Bushfire Protection by limiting risk of life and property to fire. Complies.
4.4 Remediation of contaminated land	Relevant. A Preliminary Contamination Investigation (PCI) will be required for the Wilson St rezoning. As the Warren Airport is moving to a more stringent zoning surrounding the active airside, additional assessment under this Direction not required for this site. Remaining proposed amendments comply with the provisions of this Direction. Complies.

4.5-4.6

Not relevant to the proposal (acid sulfate soils do not impact the Warren LGA and the LGA is not subject to subsidence from prior coal mines).

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Focus Area 5: Transport & Infrastructure

5.1 Integrating Land Use and Transport	Relevant. The Wilson St rezoning is creating newly zoned land for residential purposes. This land complies with this direction by: - Providing additional land for housing which is located in walking distance to schools (Warren Central School across the road/directly north of the site also on Wilson St), public transport and the town centre (both within 300m of the site); - Being serviceable land within the flood levee bank; - Providing housing land in walking/cycling distance to jobs in Warren. Remaining general amendments comply with this direction.
5.2 Reserving Land for Public Purposes	This Direction applies as it is altering a zoning of land for public purposes. The only relevant subclause of this direction is that the removal of the RE1 zoning from the Wilson St land have the approval of the relevant public authority (being Warren Shire Council) and the Planning Secretary. This Planning Proposal includes specific consultation with the Planning Secretary or delegate regarding the altered zoning of land for public purposes. Balancing this deficit (approximately 3ha) is Council's other proposal to rezone E4 General Industrial land to RE1 Public Recreation as it is covered by a Crown Reserve and won't be developed for industrial purposes. There will essentially be a net gain of 11ha for public purposes. Complies. The remaining matters under this direction are not relevant to this PP.
5.3 Development near Regulated Airports and Defence Airfields	Relevant due to Airport zoning amendments. This direction aims to: - Ensure the effective and safe operation of regulated airports and defence airfields; - ensure that their operation is not compromised by development that constitutes an obstruction, hazard or potential hazard to aircraft flying in the vicinity; and - ensure development, if situated on noise sensitive land, incorporates appropriate mitigation measures so that the development is not adversely affected by aircraft noise. This Planning Proposal is not altering the permissive controls at the Warren Airport but rather, protecting the airstrips from encroachment with a land use zone

	more fitting to an Airport (SP2 Infrastructure). To ensure full compliance with this direction, Council has assessed the new zoning table and associated controls to ensure they are congruous with Council's future intent for the airport. In addition to the above, Council has recently commissioned a windshear and turbulence report for newly created lots off Arthur Butler Drive within the Airport boundary. This report provides information to support the new SP2 boundary (see Attachment 2 for the report's executive summary). The report concluded that turbulence is not a limiting factor from the newly constructed hangars at the Airport, however windshear impacts above 17knots at runway 09/27 could limit runway use at the western end. The addition of two hangars next to the approved hangars does not change this predicted windshear impact. With the above consultation, the proposed protective zone of SP2 surrounding the airstrips and Council's intent to ensure limited windshear and turbulence for aircraft, this Proposal complies with this direction.
5.4 Shooting Ranges	Not relevant to this proposal.

Focus Area 6: Housing

6.1 Residential zones

Relevant. This direction applies to the proposal because it is altering an existing residential zone boundary to include additional R1 land (Wilson St). The proposal complies for the following reasons:

- Broadened choice of housing options in creating additional residential supply in a tight market;
- Makes efficient use of existing infrastructure including roads, garbage and water services as the Wilson St site is located in a serviceable area and;
- Reduces the consumption of rural land for housing on the urban fringe as the land is already within town limits; and
- Any resulting subdivision will be of good design.

Density controls for the site will be the same as for existing, adjoining R1-zoned land and thus in compliance with part (2) of this direction as density controls are not reduced.

Complies.

6.2 Caravan Parks and Manufactured home estates

This proposal does not contain provisions relating to reduced permissibility of caravan parks and manufactured home estates in current EPIs. Complies.

Focus Area 7: Industry and Employment	
7.1 Employment Zones	Relevant. This direction relates to the encouragement of employment growth and protection of employment zones. This direction is relevant to the proposed zoning change at the Warren Airport (from E4 General Industrial to SP2 Infrastructure). This is effectively reducing zoned employment land however the following is to be noted: - This land should not form part of Council's developable employment lands, nor can it be considered part of Council's developed land bank of employment/industrial land – it is an active airfield which requires protection from encroachment. - This proposal is technically inconsistent with this direction however this proposed rezoning complies with the Warren LSPS and is acting on recommendations from the Warren Airport Masterplan. For these reasons, this proposal complies with the justified inconsistencies for this direction.
7.2 Reduction in non-hosted short-term rental accommodation period	Not relevant to this proposal.
7.3 Commercial and retail development Along the Pacific Highway, North Coast	Not relevant to this proposal.
Focus Area 8: Resources and Energy	
None of the directions under this focus area apply to the proposal.	

Focus Area 9: Primary Production	
9.1 Rural Zones	Direction 1(a) relevant. This proposal is not rezoning land from a rural zone to a residential, employment, mixed use, SP4 Enterprise, SP5 Metropolitan Centre, W4 Working Waterfront, village or tourist zone. Complies.
9.2 Rural Lands	Relevant. This direction has the following objectives: (a) protect the agricultural production value of rural land, (b) facilitate the orderly and economic use and development of rural lands for rural and related purposes, (c) assist in the proper management, development and protection of rural lands to promote the social, economic and environmental welfare of the State, (d) minimise the potential for land fragmentation and land use conflict in rural areas, particularly between residential and other rural land uses, (e) encourage sustainable land use practices and ensure the ongoing viability of agriculture on rural land, (f) support the delivery of the actions outlined in the NSW Right to Farm Policy. This proposal includes rezoning land from RU1 to SP2 Infrastructure (parts of the Oxley Highway). Despite the intent of this direction, this proposal is not reducing the potential of the primary production land to produce food and fibre – it is land already used for the purpose of infrastructure and like for the Airport, is being rezoned to a more protective purpose and to ensure connection to existing SP2 Highway zoned land at both ends, including with Gilgandra Shire. This proposal complies with 2(b) of this direction as it does not adversely affect the operation and viability of existing and future rural land uses.
9.3 Oyster Aquaculture	Not relevant to this proposal.
9.4 Farmland of state and regional Significance on the NSW Far North Coast	Not relevant to this proposal.

Section C – Environmental, social and economic impact

3.8 Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected because of the proposal?

As the majority of this proposal includes the insertion of additional standard clauses and rationalisation of existing clauses, as well as changing lands to a more protective Infrastructure zone, critical habitats, threatened species, ecological communities and their habitats will not be impacted.

The Wilson St rezoning from RE1 to R1 is located on vacant and cleared land within town limits. The Wilson St land is not impacted by the biodiversity values map and does not contain significant tracts of mature vegetation. The site is grassed and contains the Warren flood levee, RE1 land and R5 residual land. The land is not located on a waterway or near the Macquarie Marshes. It does not contain terrestrial biodiversity under the Warren LEP. On this basis, additional assessment for impacts on threatened species, critical habitat and the like is not anticipated.

The land on Industrial Access Road being rezoned from E4 to RE1 is promoting the regeneration of habitat along a riparian corridor as the objectives for the use of the land change from employment to retained public open space.

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

As mentioned above, the additional and modified clauses do not have environmental impacts.

The Wilson St rezoning is here mentioned for the following reasons.

The land contains part of the Warren flood protection levee. The land to be rezoned to R1 is located within the protected area inside the levee. The levee itself requires its own protection from encroachment to limit impacts on its zone of influence, maintain the integrity of the levee and allow regular inspections and maintenance. Council is to maintain ownership of the levee extent on this lot with a buffer area on both north and south sides for machinery and vehicular access.

No other environmental impacts are envisaged.

3.10 Has the planning proposal adequately addressed any social and economic effects?

This Planning Proposal has considered social and economic impacts. The following is put forward in response to this question.

- The addition of new provisions for temporary workers in certain rural zones will alleviate housing shortages for workers on large and small scale infrastructure and regional projects. These provisions will include assessment criteria which considers the surrounding built and natural environment. As the temporary workers accommodation is nominally temporary in nature, large scale economic impacts on the town's rental market are not envisaged, especially when rental supply is at historic lows.
- Administrative changes to the LEP including modifying and adding new clauses do not have social nor economic impacts on the LGA.
- Protective zoning changes at the airport have the benefit of securing this infrastructure from inappropriate encroachments. As the Airport provides transport for emergency services, this is a social benefit for the Shire.
- The addition of residential land with the Wilson St rezoning is commensurate with existing surrounding zones and development. As part of this process Council will conduct public consultation in accordance with the CPP to outline Council's intent for this area. Positive economic effects for the town would be experienced with additional housing supply.

Water

Water is also available to the site from a 150mm uPVC water main from the northern side of Wilson St. Servicing analysis for the land to be rezoned will form part of the assessment at the next stage for infrastructure needs, including sewer. Preliminary engineering advice is that the site, although flat, is readily serviceable for water supply services as well as hydrant supply reticulated from the Macquarie River. See plan below detailing water supply.

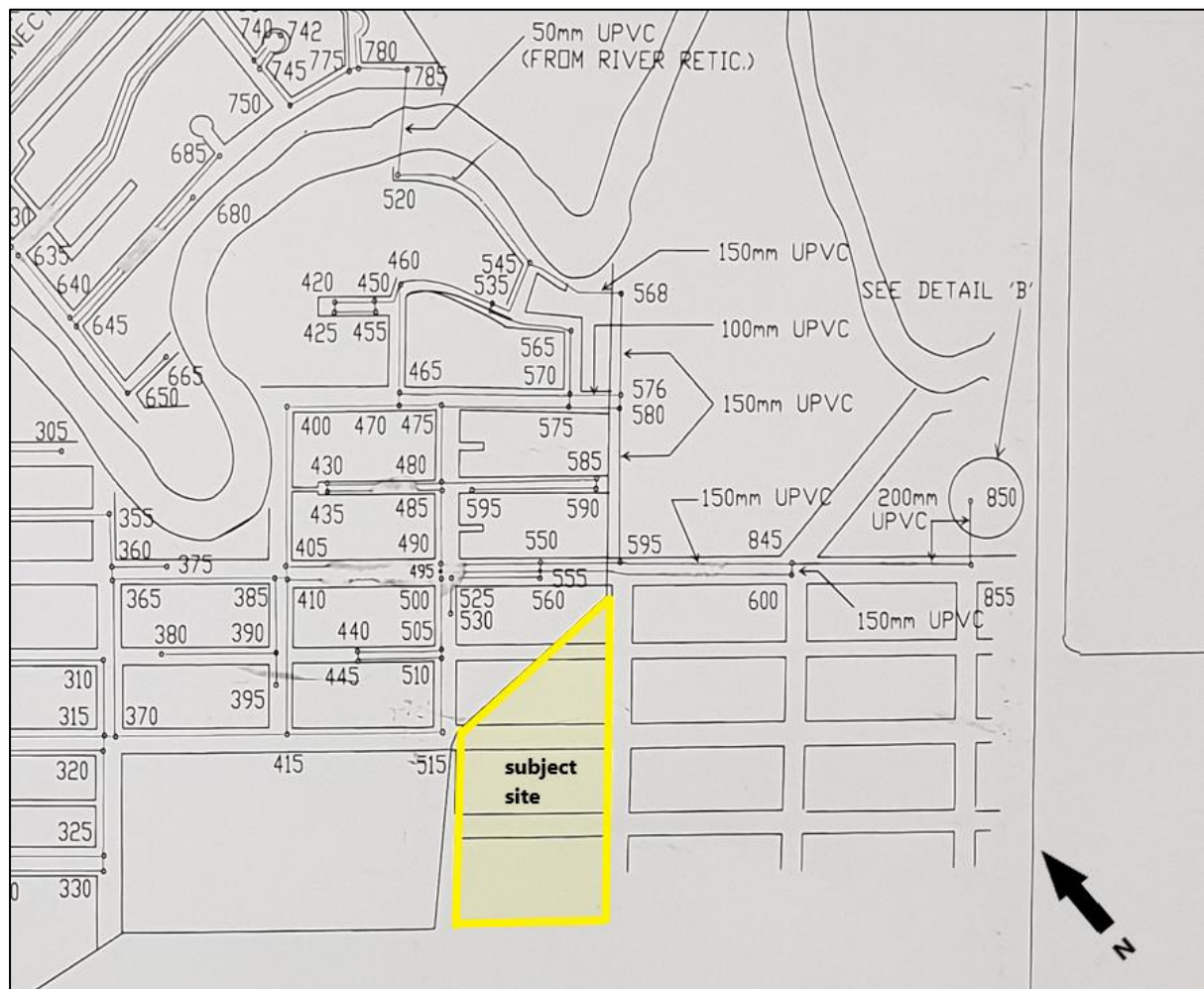


Figure 7 Reticulated Water supply map.
Source: NSW Public Works, Warren Shire Council



Figure 8 River water reticulation south Warren.
Source: Warren Shire Council

The Essential Energy portal shows electricity connections available in the vicinity of the site. A 22kV transmission line avails power to dwellings on the southern side of Wilson St. Similar connections would be available with a new subdivision in this precinct. See plan below.



Road

Road frontage to Wilson St is currently an unsealed urban road with unformed table drains. Adequate road reserve is available to extend the current 2 coat bitumen sealed road to the south-west to service lots on Wilson St. The land naturally drains to the south where piped outlets convey stormwater outside of the flood levee.

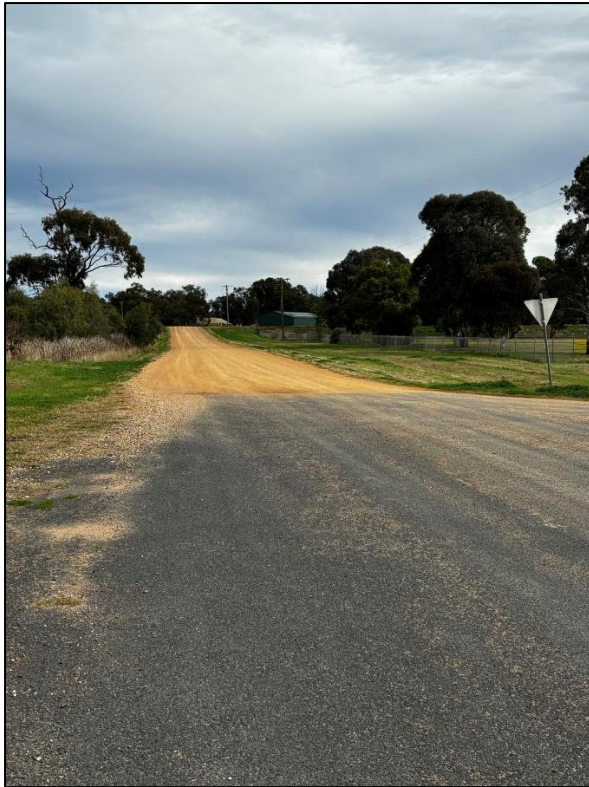


Figure 11: Wilson St looking west at Chester St intersection

Council intends to seek funding in the next round of Federal infrastructure grants for enabling shovel-ready housing developments. Costings, in the meantime, will be sought and prepared for infrastructure upgrades for Wilson St to enable housing lots to be created and developed. Council will also look to review the Contributions for this development to ensure adequate costings are in place for necessary infrastructure & upgrades.

Stormwater

Council's stormwater network provides open swale roadside drains connecting to a series of pumps that operate during periods of heavy inundation. The pumps direct stormwater outside the levee to limit local ponding. Council Engineering staff have indicated the network would cope with additional inflows from the Wilson St subdivision with appropriate design and levelling. Adequate area is available for open or piped roadside drainage along Wilson St.

Telecommunications

On review of the available Statutory Infrastructure Provider (SIP) via the Australian Communications and Media Authority (ACMA) website, NBN Co are the SIP for Warren. Upon review of available NBN Co online information, existing in ground fibre services are available for Warren town, including fibre to the node (FTTN) in Wilson St.

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Section E – State and Commonwealth interests

3.12 What are the views of state and federal public authorities and government agencies consulted in order to inform the Gateway determination??

Administrative changes to the LEP including back zoning and additional clauses will not require consultation with state or commonwealth agencies.

The Wilson St site was originally captured as bushfire prone land and would have required consultation with the NSW Rural Fire Service (vegetation buffer and vegetation category 3). This land, with a review of the bushfire prone land in the Warren Shire, is not captured as bushfire prone and as such, does not require formal referral to the NSW RFS.

See map below.

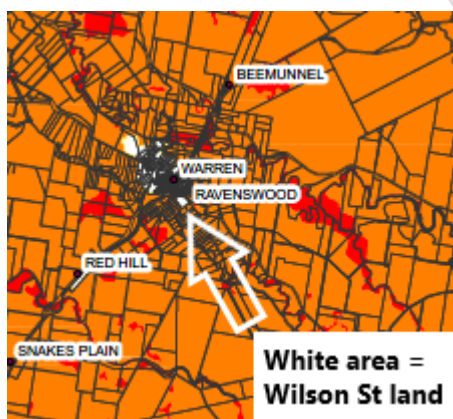


Figure 12: Extract from latest BFPL map Warren LGA showing Wilson St land not bushfire prone.
Source: NSW RFS, with text modified by author.

Part 4 – Maps

Council has arranged with the DPHI GIS team to prepare mapping associated with this LEP amendment. The maps below detail current and intended zones.

LEP2 Classified Roads

Currently the classified Oxley Highway from Nevertire to Collie is zoned in accordance with surrounding land uses including RU1, E4, R1, RU5, E1 and RE1. Connecting roads in adjoining LGA's including Gilgandra, are zoned SP2 Infrastructure for the same classified road.

The Department's digital EPI viewer shows a railway connection to Warren from Nevertire but no roads. See existing map extracts below.

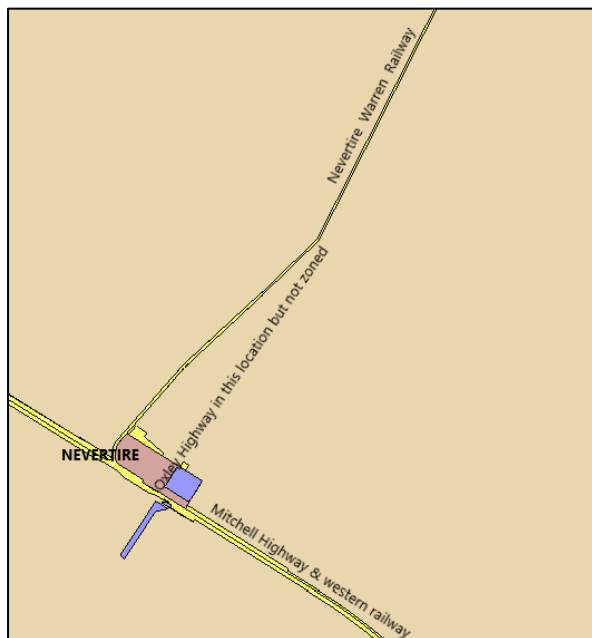


Figure 13: Existing EPI Digital Viewer zoning map showing Nevertire

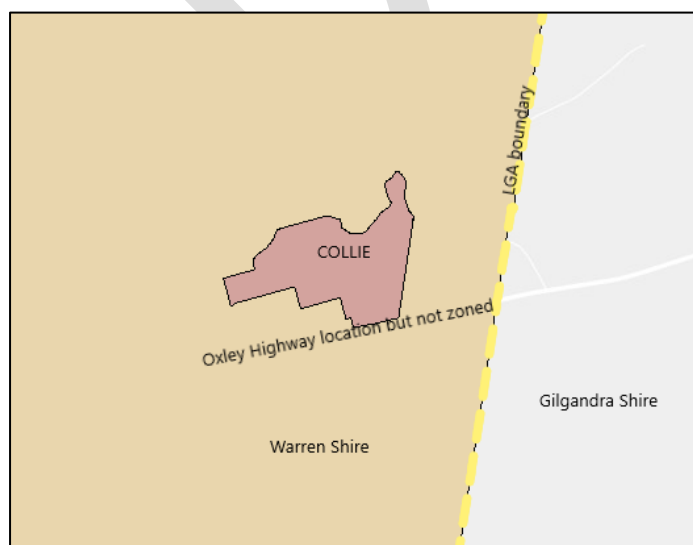


Figure 14: Existing EPI Digital Viewer zoning map showing Collie

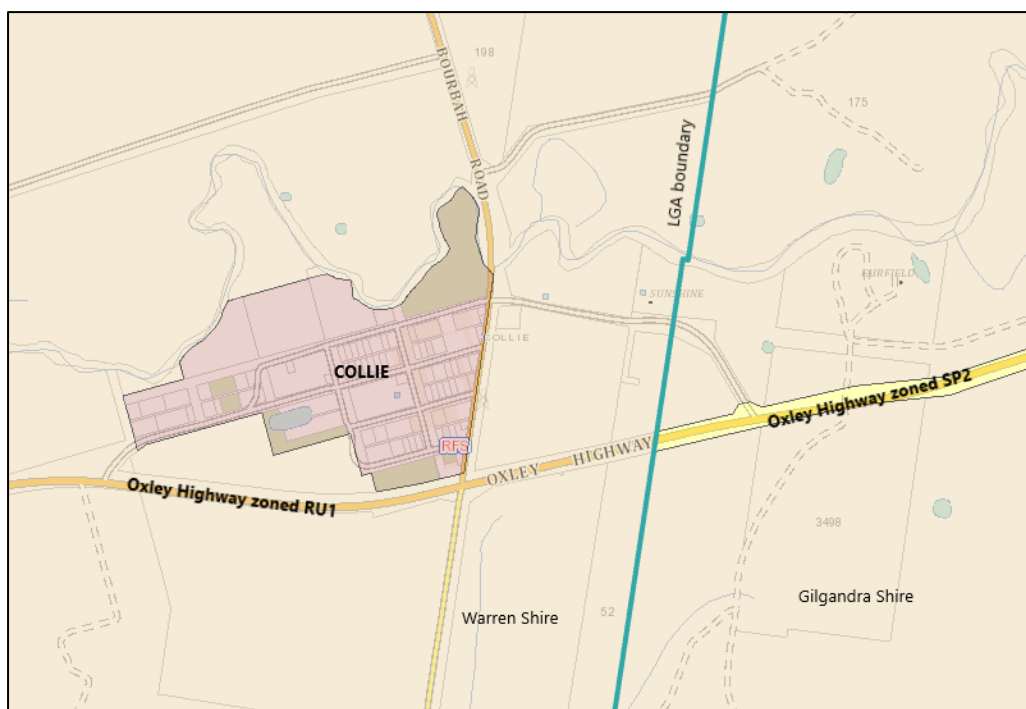


Figure 15: Differences in Oxley Highway zoning across LGAs.
Source: NSW Planning Portal

Proposed maps include zoning the length of the Oxley Highway from Nevertire to the LGA boundary east of Collie to SP2 Infrastructure (Oxley Highway).

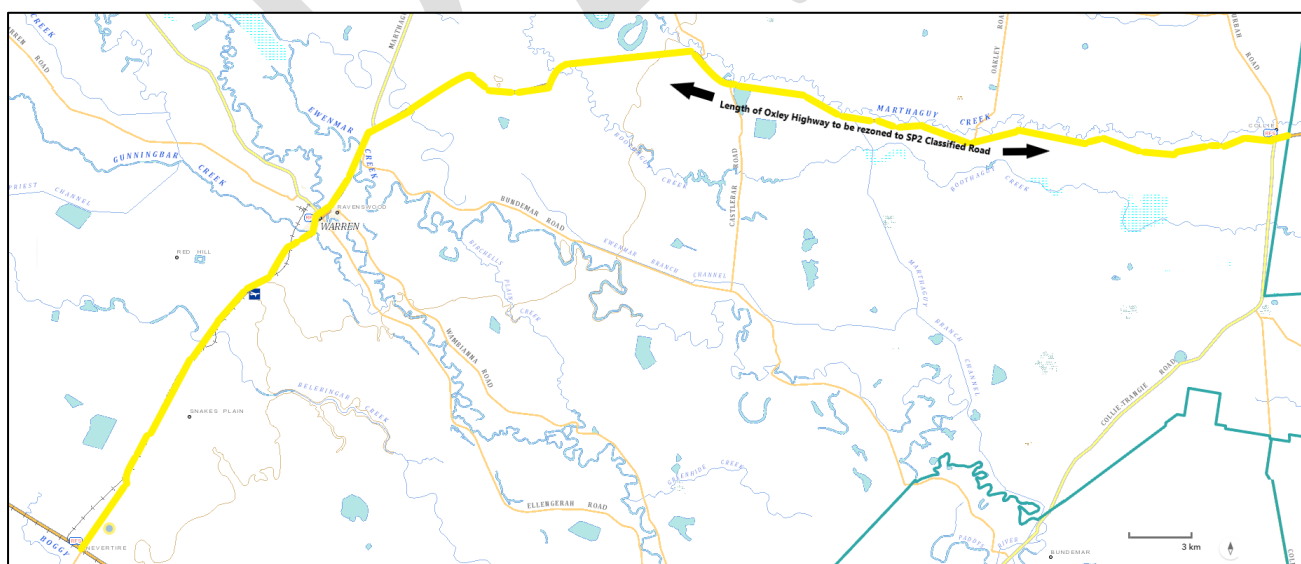


Figure 16: Oxley Highway to be rezoned to SP2.
Source: NSW Planning Portal

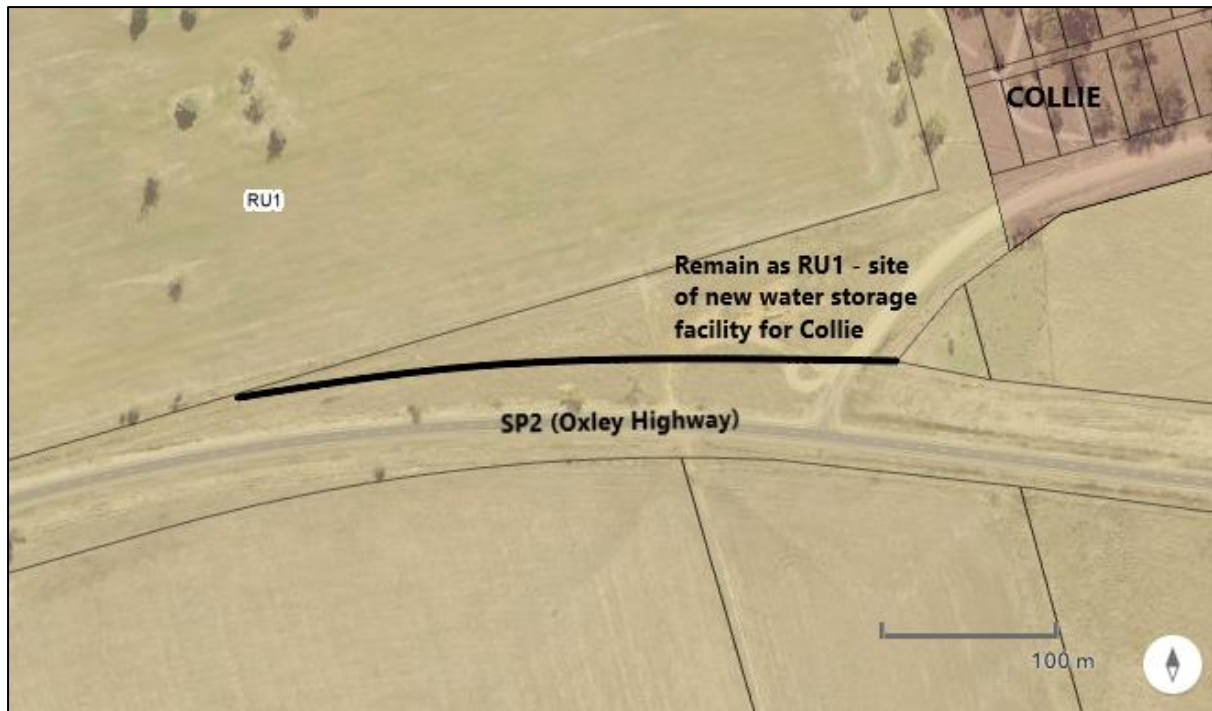


Figure 17: SP2 Oxley Highway zoning boundary Collie, referencing new Collie water storage.
Source: NSW Planning Portal

LEP 4: Warren Airport rezoning

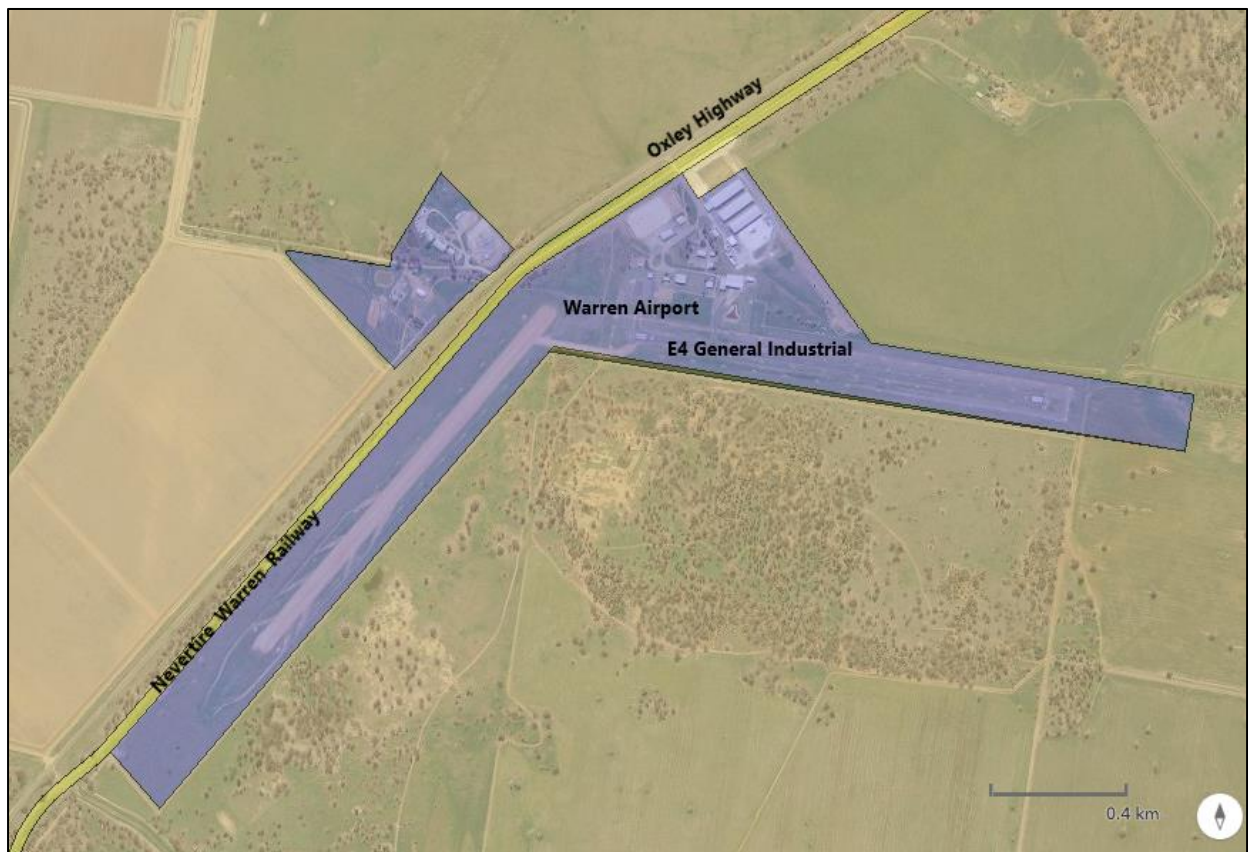


Figure 18: Existing Warren Airport zoning.
Source: NSW Planning Portal

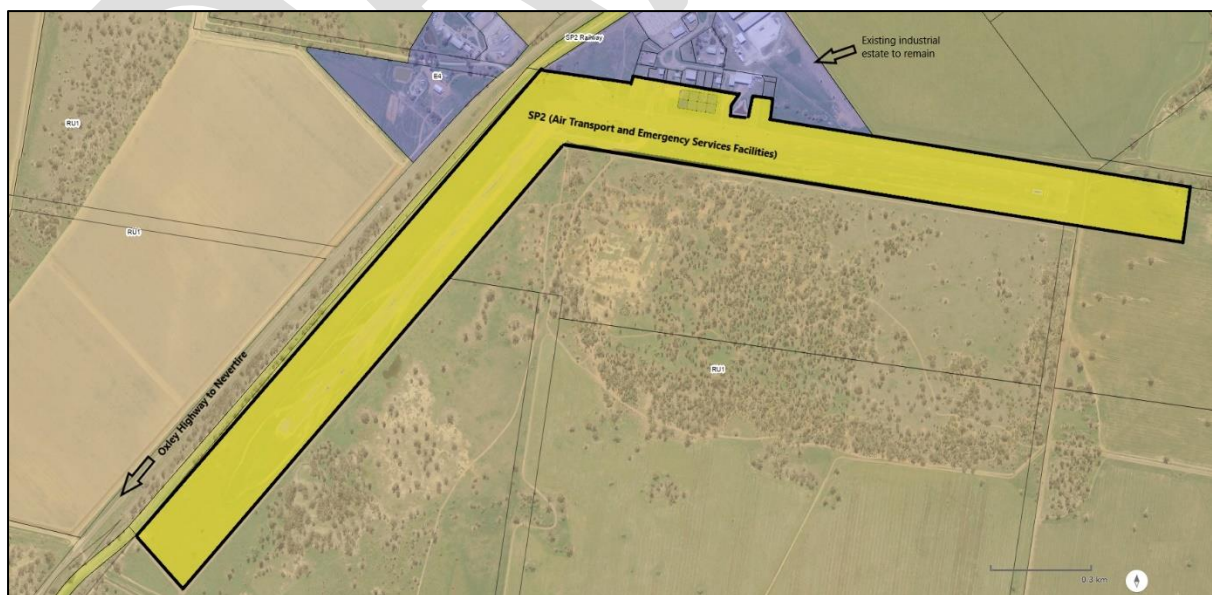


Figure 19: Proposed SP2 zoning boundary Warren Airport

LEP A: Wilson St rezoning

The plan below shows the rezoning proposal of Lot 3 DP 853548 from RE1 Public Recreation to R1 General Residential.

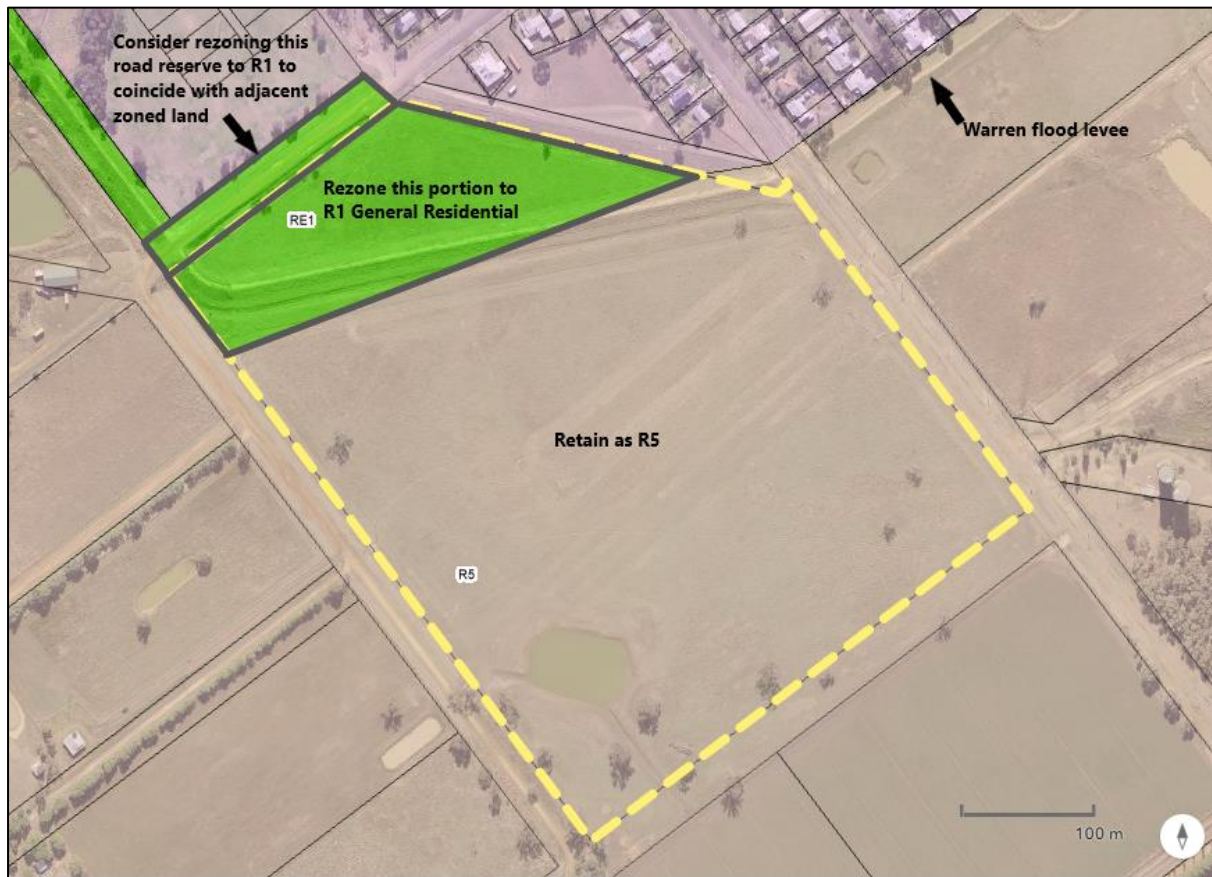


Figure 20: Wilson St rezoning from RE1 to R1
Source: NSW Planning Portal

LEP B: Industrial Access Road Crown Reserves rezoning

Figure 20 below shows the land covered by Crown Reserves 89777 & 89778 currently zoned E4, proposed to be rezoned to RE1 Public Recreation.

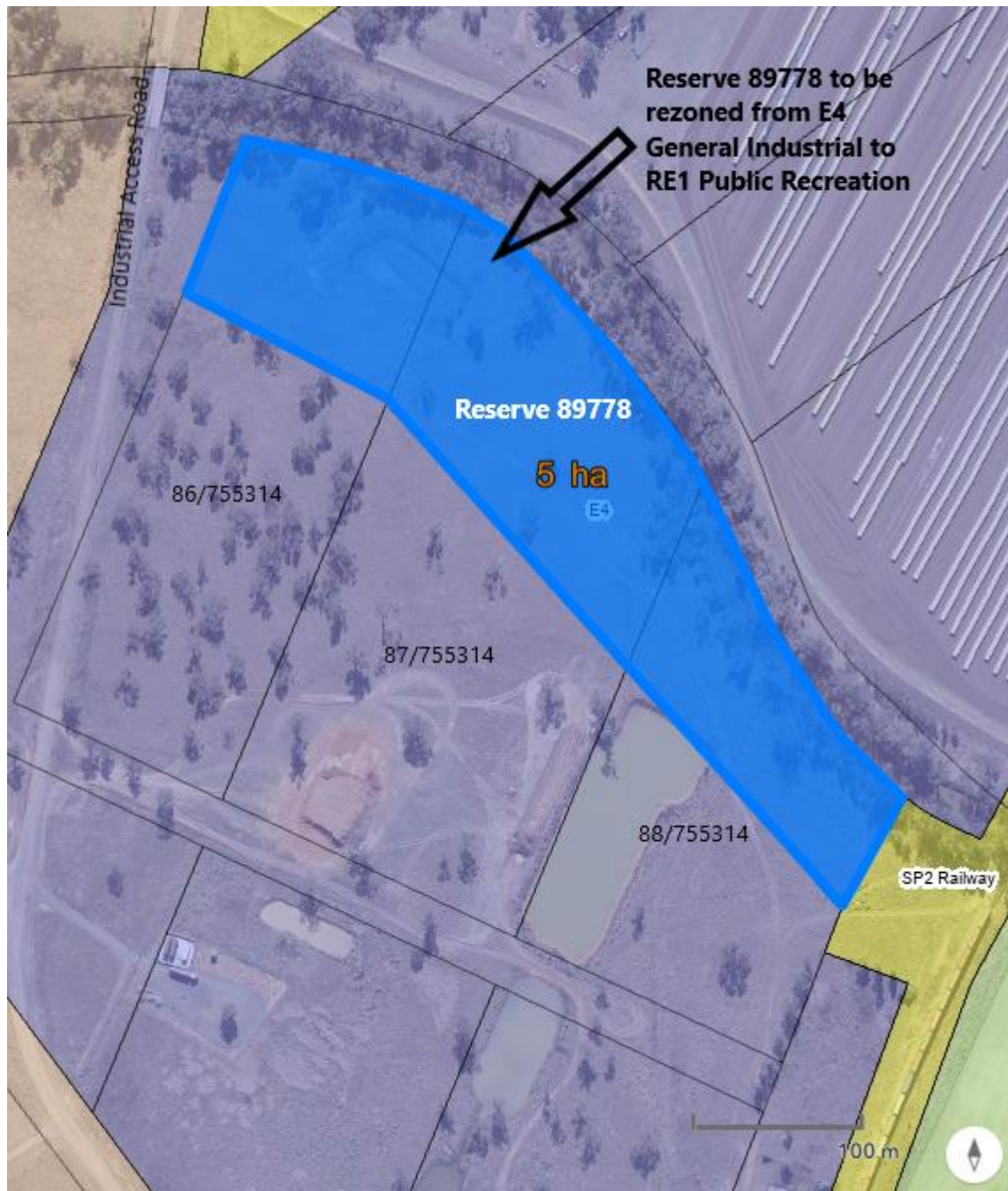


Figure 21: Industrial Access Road Crown Reserve lots
Source: NSW Planning Portal

Part 5 – Community Consultation

Consultation for this Planning Proposal will be conducted in accordance with section 2.22 of the EP&A Act 1979 and Council's Community Participation Plan (CPP).

The following agencies will be consulted:

- **NSW Environment and Heritage** – the Wilson St land, although not strictly floodprone, is a new residential zoning within the Warren town levee. Consultation with Environment and Heritage who advise and oversee the state's floodplain risk and management will provide guidance and knowledge regarding rigorous and appropriate controls and the level of protection currently afforded by the town levee.
- **NSW Crown Lands** (Industrial Access Road rezoning). Council will seek concurrence from Crown Lands as owner of the land.

The Planning Proposal will be publicly exhibited for a minimum period of 28 days.

Part 6 – Project Timeline

The following timeline is proposed as a draft pending results of the gateway determination.

Table 6: Timeline

Project stage	Date
1. Planning Proposal presented to Council	October 2024
2. Lodgement by Council to NSW Planning for Gateway determination	November 2024
4. Gateway determination (formal commencement date)	December 2024
5. Completion of required technical information by Council	February-March 2025
6. Government agency consultation (timeframe pre and post exhibition as required by Gateway determination)	April 2025
7. Public exhibition period (timeframe, commencement & completion dates). <i>*If agency consultation & exhibition able to be run concurrently, timeframe may be reduced here.</i>	May 2025
8. Consideration of submissions (timeframe) & submission of final LEP amendment to the Department to finalise the LEP amendment.	June 2025
9. Council as local plan-making authority arranges with DPHI GIS team for compliant mapping to be prepared, liaises new legislation content with PC and advises DPHI to notify on NSW legislation website.	July 2025
TOTAL	9-10 months

Conclusion

This Planning Proposal puts forward the recommended changes to Warren's LEP as identified in Council's prior adopted LEP Health Check 2023.

The changes are mostly administrative, including additional and simplified LEP clauses, tightened zonings for areas to be protected and the rezoning of one part lot from RE1 to R1 (Wilson St rezoning) to permit additional residential development and one part lot from E4 to RE1 to replace the reduction in public recreation land from the Wilson St rezoning. The changes intend to create additional and diverse housing opportunities, protect important infrastructure and zone for intended use. Changes put forward are in accordance with current state government priorities.

Required information to support the Wilson St rezoning includes concurrence from Crown Lands for the Crown Reserves zoning change and consultation with NSW Environment and Heritage for the Wilson St residential land proposal.

This Planning Proposal satisfies the requirements of section 3.33 of the EP&A Act 1979 and the LEP Making Guidelines, Aug 2023.

Attachment 1: LEP Health Check

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Warren Shire Council

LEP Health Check

2023

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Acknowledgements

Ward Planning and Consulting acknowledges and pays respect to the past, present and emerging Traditional Custodians of the Wiradjuri people as resident in various parts of the Warren Shire and the continuation of cultural, spiritual and educational practices of Aboriginal and Torres Strait Islander peoples.

Ward Planning and Consulting also acknowledges the contribution of Warren Shire Council staff in the preparation of this LEP Health Check.

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Executive Summary

This Local Environmental Plan (LEP) Health Check has been drafted to assist Warren Shire Council to review its main planning instrument – the Warren LEP 2012. Councils are required to regularly review their environmental planning instruments (including LEPs) under section 3.21 of the Environmental Planning and Assessment Act 1979 (EP&A Act).

This health check looks at the state and regional plans appropriate to Warren, as well as imminent policy changes, and suggests changes in line with these new Government plans. The plans assessed include revised NSW State Environmental Planning Policies, the Central West and Orana Regional Plan 2036 and the focus of nearby regional Councils.

Combined with the above, an assessment of Warren's Local Strategic Planning Statement (LSPS) has been completed to identify targeted changes to the LEP. This Health Check also identifies gaps in the current LEP and investigates methods to address these gaps via targeted strategic planning.

This Health Check has relied on prior strategic planning work carried out by or for Warren Shire Council, including the Warren, Nevertire and Collie Village Plans, Community Strategic Plan and Pedestrian Access and Mobility Plan.

A number of recommendations for amendments to the Warren LEP have been made as well as further strategic planning work to inform future changes. These amendments include:

- land release through rezoning (with a focus on employment lands and housing);
- rezoning to protect valuable assets (Airport & state roads);
- planning for infrastructure needs (roads, water and sewerage) and
- flood planning, contributions and protection (Warren).

Council welcomes feedback on the recommendations outlined in this Health Check, as it intends to protect Warren's valuable assets whilst planning for expanded employment and residential land.

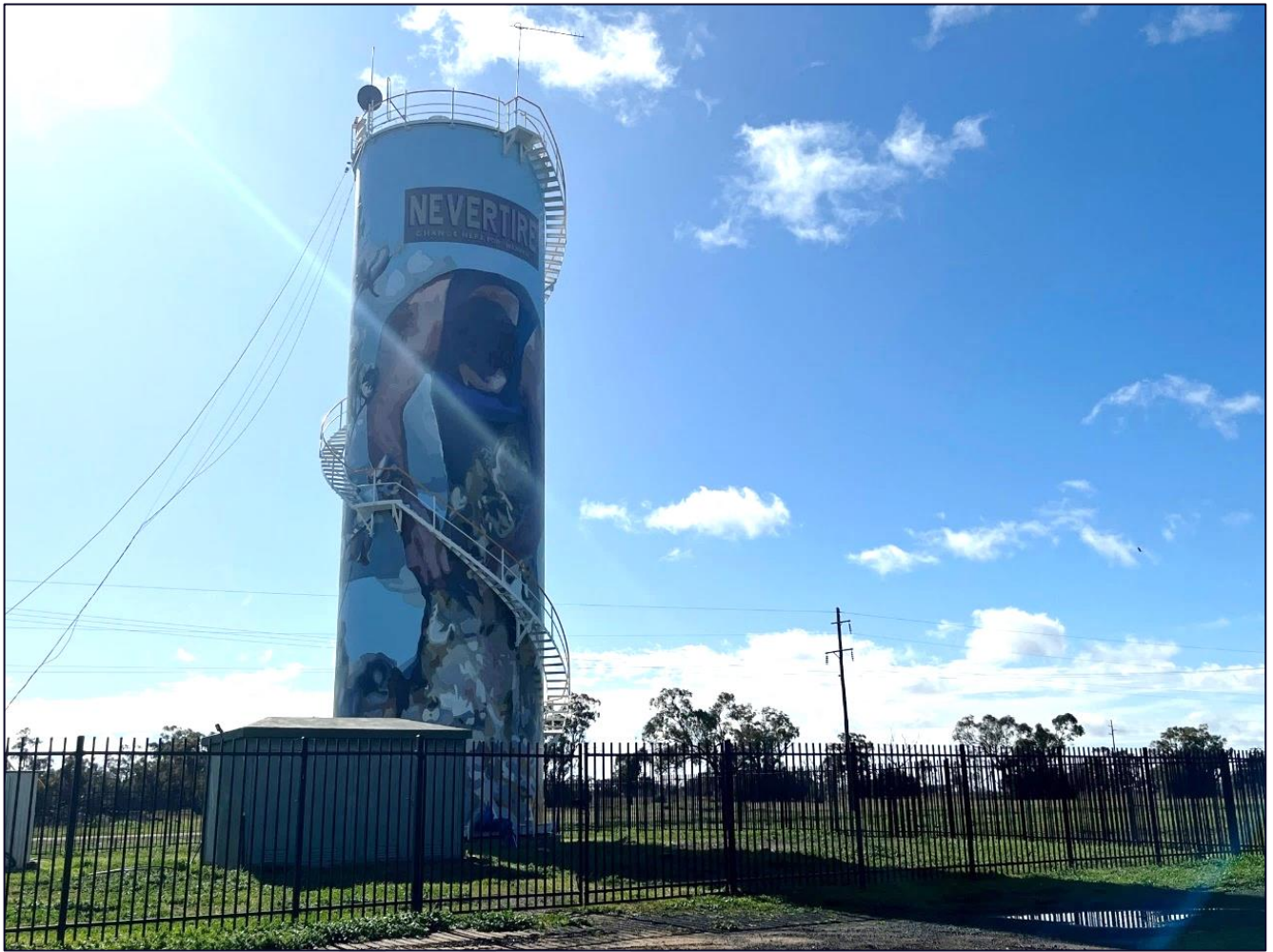


Plate 1: Nevertire Water Tower

1.0 The Warren Shire

Warren Shire is situated in central western NSW and has a highly productive and diverse agricultural industry, excelling in the production of sheep, wool, cattle, grain and cotton. The Warren Local Government Area (LGA) includes the towns of Warren, Nevertire and Collie. Warren is part of the lower Macquarie River catchment and includes the Wambuul Macquarie River and smaller tributaries of the Gunningbar and Ewenmar Creeks. These tributaries feed into the internationally recognized Macquarie Marshes, which cover a large portion of the northern section of the Shire. Warren Shire's population is slightly falling and the town's water supply and wider economy is heavily reliant on water flows in the Macquarie regulated river system.

2.0 State legislation review & changes

NSW Councils follow a standard LEP format with common land use zones and controls. Not all of the standard zones and clauses have been adopted for Warren based on its regional area and local priorities and needs. A number of changes have been made to State Plans and policies, particularly over the last two years. The following table outlines changes recently introduced and the need to implement.



Source: Warren Shire Council facebook, with permissions.

Table 1: State Planning amendments

NSW Planning changes	Relevance to Warren	Recommended changes	Priority ranking
State Environmental Planning Policy (SEPP) Changes. Note: These changes have been in effect for over 12 months however have been included for legislation change summary purposes.			
SEPP (Primary Production) 2021 This SEPP replaced the following SEPPs: - State Environmental Planning Policy (Rural Lands) 2008 - State Environmental Planning Policy 30 – Intensive Agriculture (SEPP 30) - State Environmental Planning Policy 52 – Farm Dams and Other Works in Land and Water Management Plan Areas (SEPP 52) - State Environmental Planning Policy 62 – Sustainable Aquaculture (SEPP 62). - State Environmental Planning Policy (Rural Lands and Rural Development) 2019	Very relevant in Warren LGA. Aims include: - Facilitating orderly economic use of primary production land - Reduce land use conflict - identify state significant agricultural land - simplify regulatory processes for certain small-scale low risk artificial waterbodies & routine maintenance - encourage sustainable agriculture - better checks & results for oyster aquaculture & designated aquaculture	No changes recommended from this SEPP. The most relevant parts for Warren include housing for livestock during natural disasters and farm dams and works by irrigation corporations.	5 – no changes to LEP.
SEPP (Housing) 2021 This SEPP replaced the following SEPPs: - State Environmental Planning Policy (Affordable Rental Housing) 2009 (ARHSEPP) - State Environmental Planning Policy (Housing for Seniors and People with a Disability) 2004 (Seniors SEPP) - State Environmental Planning Policy No 70 – Affordable Housing (Revised Schemes) (SEPP 70)	Mainly relevant to Warren for Seniors housing, caravan parks and affordable housing options. Housing SEPP was also result of NSW Housing Strategy: Housing 2041. SEPP is meant to be driving development of affordable & diverse housing.	No land use/LEP changes put forward from this SEPP. Prompt to check this SEPP when Council receives enquiries & applications for: - various forms of affordable housing, social housing - secondary dwellings - Group homes/co-living/boardings houses/build-to-rent - seniors & people with a disability housing - short-term rental accommodation	5 – no changes to LEP.

NSW Planning changes	Relevance to Warren	Recommended changes	Priority ranking
- State Environmental Planning Policy No 21 – Caravan Parks - State Environmental Planning Policy No 36 – Manufactured Home Estates.		– manufactured home estates – caravan parks – temporary emergency accommodation	
SEPP (Transport and Infrastructure) 2021 This SEPP replaced the following SEPPs: – SEPP (Infrastructure) 2007 – SEPP (Educational Establishments and Childcare Facilities) 2017 – SEPP (Major Infrastructure Corridors) 2020 – SEPP (Three Ports) 2013 Latter 2 SEPPs did not apply to Warren. Commenced on 1 March 2022	Infrastructure component is most relevant to Warren. ‘Chapter 2 – Infrastructure’ contains planning rules and controls from the Infrastructure SEPP for infrastructure in NSW, such as for hospitals, roads, railways, emergency services, water supply and electricity delivery. • ‘Chapter 3 – Educational establishments and childcare facilities’ contains planning provisions from the Education and Childcare SEPP for child-care centres, schools, TAFEs and Universities.	No land use changes from introduction of this SEPP. Prompt to check this SEPP when Council receives enquiries for: – Solar Farms & electricity generating works – Flood mitigation work – Health Services Facilities – Development within or near rail corridors – Electric vehicle facilities – Shooting ranges – Stormwater management systems – Telecommunications systems – Waste/recycling facilities – Educational establishments and child care facilities – Traffic generating developments and referrals. Refer to SEPP for other specific infrastructure & transport matters.	5 – no changes to LEP
SEPP (Resilience and Hazards) 2021 This SEPP replaced the following SEPPs: – SEPP (Coastal Management) 2018 – SEPP 33 – Hazardous and Offensive Development – SEPP 55 – Remediation of Land No major policy changes introduced – SEPPs rolled into one.	Hazardous and offensive development and remediation of land (contamination) most relevant to Warren.	No recommended changes	N/A

NSW Planning changes	Relevance to Warren	Recommended changes	Priority ranking
SEPP (Biodiversity and Conservation) 2021 This SEPP replaced the following SEPPs: - SEPP (Vegetation in Non-Rural Areas) 2017 - SEPP (Koala Habitat Protection) 2020 - SEPP (Koala Habitat Protection) 2021 - Murray Regional Environmental Plan No 2—Riverine Land - SEPP No 19—Bushland in Urban Areas - SEPP No 50—Canal Estate Development; plus some Sydney region SEPPs.	The vegetation clearing permit sections and koala habitat protections are relevant to Warren	No recommended changes	N/A
SEPP (Industry and Employment) 2021 This SEPP replaced the following SEPPs:- SEPP (Western Sydney Employment Area) 2009 SEPP 64 – Advertising and Signage	The advertising provisions are relevant to Warren	No recommended changes	N/A
SEPP (Planning Systems) 2021 This SEPP replaced the following SEPPs: - SEPP (State and Regional Development) 2011 - SEPP (Aboriginal Land) 2019 - SEPP (Concurrences and Consents) 2018	All parts relevant to Warren	No recommended changes. Prompt to check this SEPP when Council receives enquiries for: - state significant development (usually mining) - regionally significant development (capital investment value starting from 5 million)	N/A
SEPP (Resources and Energy) 2021 This SEPP replaced the following SEPPs: - SEPP (Mining, Petroleum Production and Extractive Industries) 2007 - Sydney Regional Environmental Plan No. 9 - Extractive Industries (No 2 – 1995)	The Mining provisions are relevant – including gravel pits	No recommended changes Prompt to check this SEPP when Council receives enquiries for mining or local gravel pits.	N/A
New SEPP to be introduced			

NSW Planning changes	Relevance to Warren	Recommended changes	Priority ranking
SEPP (Sustainable Buildings) 2022 This SEPP commenced operation on 1 October 2023. This SEPP aims to produce more sustainable new builds and decrease the reliance on potable mains water supplies.	Applies to the Warren LGA for BASIX residential and non-residential provisions.	Changes introduced for increased energy efficiency & delivery of sustainable buildings in basix-impacted developments. No recommended changes as the SEPP overrides any local provisions.	N/A



Source: Warren Shire Council Facebook, with permissions

New State initiatives/studies released																																	
Changes proposed/implemented	Relevance to Warren	Recommended/implemented changes	Priority Ranking																														
Employment zone reform Following a consultation and review period, the Business and Industrial (B and IN) zones were replaced with new Employment (E) zones. This commenced on <u>26 April 2023</u> with a self-repealing SEPP. Additionally, the Dept Planning is looking into guidelines to develop local employment land strategies, incorporating industrial, commercial lands including how and where they should expand. As this is still in the development stage, it is noted here for future checks.	These changes are all relevant to Warren. Warren LEP automatically changed with business and industrial zones becoming Employment zones.	Changes which occurred are shown below: <table><thead><tr><th>Existing zone</th><th></th><th>Employment zone</th></tr></thead><tbody><tr><td>B1 Neighbourhood Centre</td><td>➡</td><td>E1 Local Centre</td></tr><tr><td>B2 Local Centre</td><td>➡</td><td>E1 Local Centre</td></tr><tr><td>B3 Commercial Core</td><td>➡</td><td>E2 Commercial Centre</td></tr><tr><td>B5 Business Development B6 Enterprise Corridor B7 Business Park</td><td>➡</td><td>E3 Productivity Support</td></tr><tr><td>IN1 General Industrial IN2 Light Industrial</td><td>➡</td><td>E4 General Industrial</td></tr><tr><td>IN3 Heavy Industrial</td><td>➡</td><td>E5 Heavy Industrial</td></tr><tr><td>B4 Mixed Use</td><td>➡</td><td>MUI Mixed Use</td></tr><tr><td>IN4 Working Waterfront</td><td>➡</td><td>W4 Working Waterfront</td></tr><tr><td>B8 Metropolitan Centre</td><td>➡</td><td>Proposed SP5 Metropolitan Centre</td></tr></tbody></table>	Existing zone		Employment zone	B1 Neighbourhood Centre	➡	E1 Local Centre	B2 Local Centre	➡	E1 Local Centre	B3 Commercial Core	➡	E2 Commercial Centre	B5 Business Development B6 Enterprise Corridor B7 Business Park	➡	E3 Productivity Support	IN1 General Industrial IN2 Light Industrial	➡	E4 General Industrial	IN3 Heavy Industrial	➡	E5 Heavy Industrial	B4 Mixed Use	➡	MUI Mixed Use	IN4 Working Waterfront	➡	W4 Working Waterfront	B8 Metropolitan Centre	➡	Proposed SP5 Metropolitan Centre	2 – high priority, however changes were automatically uploaded to legislation website 26 April 2023. No changes to be initiated by Council staff – more an education process and changes to 10.7 planning certificates when issued.
Existing zone		Employment zone																															
B1 Neighbourhood Centre	➡	E1 Local Centre																															
B2 Local Centre	➡	E1 Local Centre																															
B3 Commercial Core	➡	E2 Commercial Centre																															
B5 Business Development B6 Enterprise Corridor B7 Business Park	➡	E3 Productivity Support																															
IN1 General Industrial IN2 Light Industrial	➡	E4 General Industrial																															
IN3 Heavy Industrial	➡	E5 Heavy Industrial																															
B4 Mixed Use	➡	MUI Mixed Use																															
IN4 Working Waterfront	➡	W4 Working Waterfront																															
B8 Metropolitan Centre	➡	Proposed SP5 Metropolitan Centre																															
Housing The NSW Government has announced Housing reform policies intended to address undersupply of social and affordable housing and incentives to attract private investment in new housing.	With a new State Government, planning law changes which affect Warren include: - Reducing the minimum lot size to 400m2 for dual occupancies being delivered as a complying development by LAHC, AHO, Community Housing Providers and Aboriginal Community Housing Providers.	Strategic work in identifying new land for general residential is a high priority for Council. Supply of RI land is at critically low levels. Any operational land owned by Council in a residential zone is to be put forward for development and funded through grants where available. Following identification of preferred new residential lands, Council to initiate Planning Proposal to rezone the land.	1 – with a local housing supply shortage and incentives available, this is a high priority for Council.																														

	- Social and affordable housing providers will be exempt from attracting state infrastructure contributions. At the time of writing, these changes will be implemented in late 2023.		
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Disaster Recovery Recent flooding and natural disasters have initiated a range of recovery programs which relate to land use planning. This includes a focus on flood-free short-term accommodation in the form of caravan parks, granny flats and rebuilding after natural disaster support.	As with most river towns, the threat of larger scale flood is of concern and planning for flood mitigation is prudent. Planning for other natural hazards is also very relevant and forms part of any strategic exercise.	Flood Planning, following the recommended steps in the recently updated NSW Flood risk management manual 2023. Council to contact the DPE Environment and Heritage Group regarding grants program. A financial commitment from Council is also required to complete the required studies. To be workshopped and determined by Council. See Floodplains NSW Environment and Heritage	1 – Important to continue the process of assessing flood risk, levee adequacy and any recommended upgrades. Resulting developer confidence in assessed flood-free areas.
Agritourism New planning provisions have been released to help farmers protect their land for food production as well as utilize agritourism on farm to diversify income streams. The changes relate to land within zones RU1, RU2 & RU4.	Changes are relevant to Warren considering vast range of agricultural industries. The nexus for Warren between agriculture and the Macquarie Marshes is also very relevant.	Changes have been passed on to local government in the form of model clauses, complying and exempt development changes.	N/A – changes have been incorporated into all NSW Council LEPs.

3.0 Regional Level

3.1 Central West & Orana Regional Plan

The Central West and Orana Regional Plan 2036 highlights priorities for land use planning in this region and looks at a range of economic stimuli whilst protecting existing businesses, residents and the environment. Warren is included in this Plan with its focus areas being agribusiness, transport/logistics and manufacturing. Other sectors of Tourism (Macquarie Marshes), Aged Care and Health are further opportunity areas for the Warren Shire.

The following relevant directions have been taken from the CW&O Regional Plan – numbering reflects that in the adopted plan.

Direction 2: Grow the Agribusiness sector and supply chains

The plan recognizes the importance of agricultural land to the LGA and supporting industries which are critical to supply chains. The influx of seasonal workers and related demands on housing are also highlighted in this Plan. Protecting existing industries in the field of agriculture and planning and zoning for further supporting industries is a focus area for Warren. The map below from the Regional Plan shows the vast amount of land covered by irrigated agriculture in the Shire and Biophysical Strategic Agricultural Land (BSAL), focused along the major waterways and waterbodies.

BSAL has been mapped by the Department of Planning and Environment and identifies the best quality soil and water resources across NSW. This mapping is intended to trigger an additional layer of assessment when a mining proposal is requested within this identified area; particularly coal seam gas proposals.

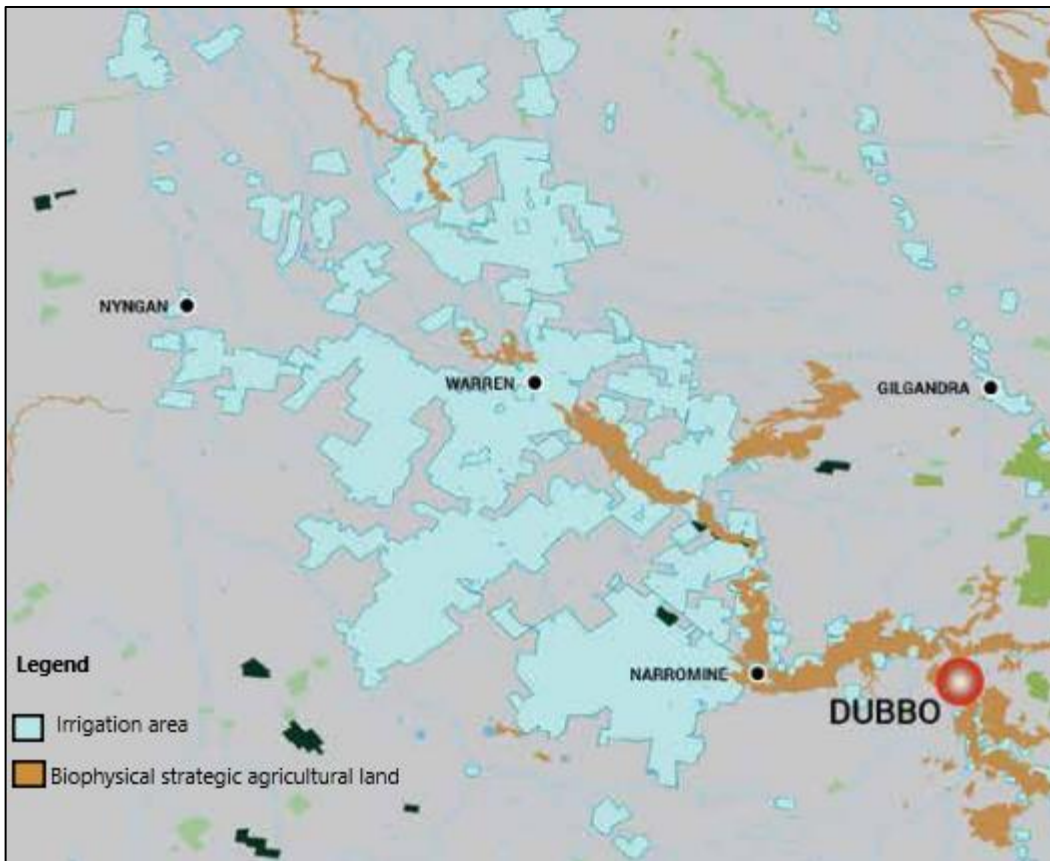


Plate 2: Irrigation areas and BSAL.

Source: Central West & Orana Regional Plan 2036, Agriculture

Direction 3: Develop advanced manufacturing and food processing sectors

Taking advantage of co-location crop sources, the above sector has opportunity to grow in Warren. The Regional Plan highlights a tyre recycling plant in Warren which is to use world-first technology known as destructive distillation to recycle car and truck tyres into oil, carbon and steel. The plant was intending to process up to 19,000 tonnes per year, around three per cent of the end-of-life tyres generated annually in Australia. Full utilization of this Plant is yet to be realized however the concept is positive.

The First Green Tyre Recycling Plant



The first Green Distillation Technologies processing plant is located 5 kms north of Warren in Western New South Wales, which is North West of Dubbo on the Oxley Highway, the main trunk route between Brisbane and Melbourne.

The plant occupies approximately 2 hectares of the 21 hectare site leaving space for expansion and other projects, synergistic industries and tyre storage within the limits imposed by the NSW Environment Protection Authority.

GDT originally established a pilot plant in Warren in 2009 to prove the technology and its capacity to build a commercial facility.

At full capacity a commercial plant will be capable of processing 19,000 tonnes per year. This represents approximately 3% of the

end-of-life tyres that are generated in Australia every year.

Plate 3: extract from recycling plant article.

Source: <https://www.gdtc6.com/tyre-recycling/>

Direction 4: Promote and diversify regional tourism markets

Nature and eco-tourism is already promoted in the Warren Shire, being the gateway to the Macquarie Marshes. The Window on the Wetlands Centre in Warren provides a base for visitors to stop and collect information/directions prior to visiting the internationally-recognized wetlands. Providing for on-farm ecotourism experiences such as farm stays and food stalls which address potential for land use conflict and support conservation outcomes is a sustainable outcome from this direction.



Plate 4: Located in Nevertire, The Rural Trader is an example of repurposing an older building for retail tourism. Image: www.homestolove.com.au

Direction 21: Coordinate utility infrastructure investment

Planned future urban expansion needs to be accompanied by servicing plans to ensure cost-effective water, sewer, waste and stormwater management and supply. The Regional Plan forecasts that water supply for a number of LGAs including Warren, will be deficient by more than 50% by 2036. Likewise, the *Macquarie-Castlereagh Regional Water Strategy 2023* identifies that Warren relies on water supplies from the Macquarie River as well as groundwater and reducing supply risk is a primary focus for Government.

Whilst the scope of this Health Check does not cover specific servicing requirements, it is highlighted here for its importance with future zoning and shovel-ready land availability.

Direction 24: Collaborate and partner with Aboriginal communities

The Regional Plan highlights the importance of collaborating with local Aboriginal communities to prioritize land use implications of all the directions above. The Warren Local Aboriginal Land Council and any other recognized local First Nations groups are to be included early in any consultation regarding land uses which impact or contribute to the well-being of First Nations people.

Direction 25: Increase housing diversity and choice

This is a priority for all LGAs across the region. Whether it is social housing, seniors housing, affordable housing or permitting a range of lot sizes in a range of serviceable locations, housing supply needs to increase to meet demand across the board. At present (and indeed across the country) there is limited housing supply and therefore limited choice in local housing markets.

Direction 27: Deliver a range of accommodation options for seasonal, itinerant and mining workforces

This is a common housing supply issue for regional towns reliant on seasonal workers. Unless the workers can be housed on farm, workers often opt to live and work in separate towns, where supply is available. Changes are mentioned below and include provisions for secondary dwellings in rural zones.

Direction 28: Manage rural residential development

Effectively managing the supply of rural residential lands is a priority for all Councils, but particularly for those with competing productive agricultural lands and attractive water frontages such as Warren.

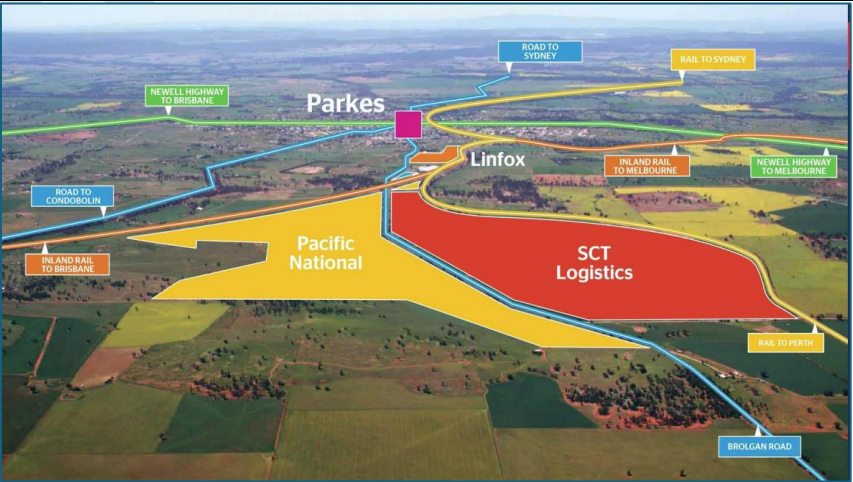


Plate 4: Wambuul Macquarie River from Macquarie Park, Warren. Sporting fields in background.

3.2 Regional Councils – their developments and ideas for Warren

This section is intended to highlight positive planning and developments planned in the region from which Warren can identify appropriate (if any) LEP changes.

Table 2: Regional Council focus

Council & directions	Warren	Images
Parkes & the Special Activation Precinct/Logistics Centre The Parkes Special Activation Precinct is a 4,800 hectare site at the intersection of the Inland Rail (running north-south) and the Trans-Australia Railway (east-west). The National Logistics Hub is also housed in this precinct – intending to provide suppliers with access to 80% of Australia’s markets within 12 hours by road or rail. Where opportunities exist, Warren can market itself as being within 200 km of Parkes with raw commodities in the LGA available to be shipped direct to this precinct by road, possibly rail with intermodal facilities allowing transport via most efficient means.	<i>Proximity to logistics centre for raw materials haulage & connection to Inland Rail.</i>	 Parkes National logistics Centre. Source: www.lgnsww.org.au

Forbes Shire has developed its own industrial land from existing supply and marketed the land through its own online channels. Most of these lots are now sold. The Forbes 2018-2030 Agricultural Strategy addresses the need to retain and build on existing productive agricultural lands, consider larger value-added developments such as abattoirs and cotton gins and utilize the Central West Livestock Exchange (saleyards) to its most efficient means. The successful food event Grazing Down the Lachlan which incorporates gourmet food and the backdrop of the Lachlan River is also highlighted as part of its marketing and branding directions.

Warren:
Infrastructure improvements and enabling infrastructure grants will be key to unlocking future land potential.

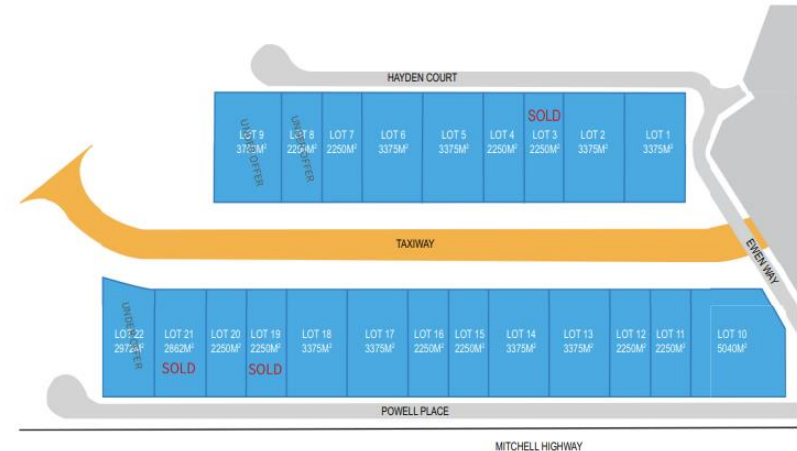
Recommendation:
LEP 1: Consider introducing a temporary workers clause into the LEP for large scale infrastructure projects (such as



Central West Livestock Exchange. Source: www.forbes.nsw.gov.au

Narrromine Shire Council

Narrromine is similar to Warren with a strong agricultural land focus, need for industrial land and a focus on value-added and agricultural support industries. Narrromine also has a recreational aerodrome which hosts aviation events. Narrromine Council is currently developing residential lots at the successful Skypark Estate, fronting the Aerodrome and land to the south. Enabling infrastructure funding is supporting the extension of services to new lands for housing also on the southern side of Narrromine. Most of these lots are now sold. Future land use focus will be on employment lands, leveraging the Inland Rail benefits and logistics and expanding the use of the Aerodrome. Narrromine has also inserted a temporary workers accommodation clause into the LEP to accommodate employees for large-scale construction projects where local accommodation



Narromine Aviation Business Park. Source:
www.narromine.nsw.gov.au

options are limited. This is something from which Warren could benefit, based on knowledge of low local land stocks for residential accommodation and any new transient demand in this area would be unmet.

solar farms) to accommodate the skilled workers for these projects.



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4.0 The Health Check

This section of the check outlines the current planning provisions against the adopted directions in the Warren Local Strategic Planning Statement. Changes to be made or strategic work recommended are included. The Health Check is to be read in conjunction with the recommended changes from state planning policies and advice in section 2 above.

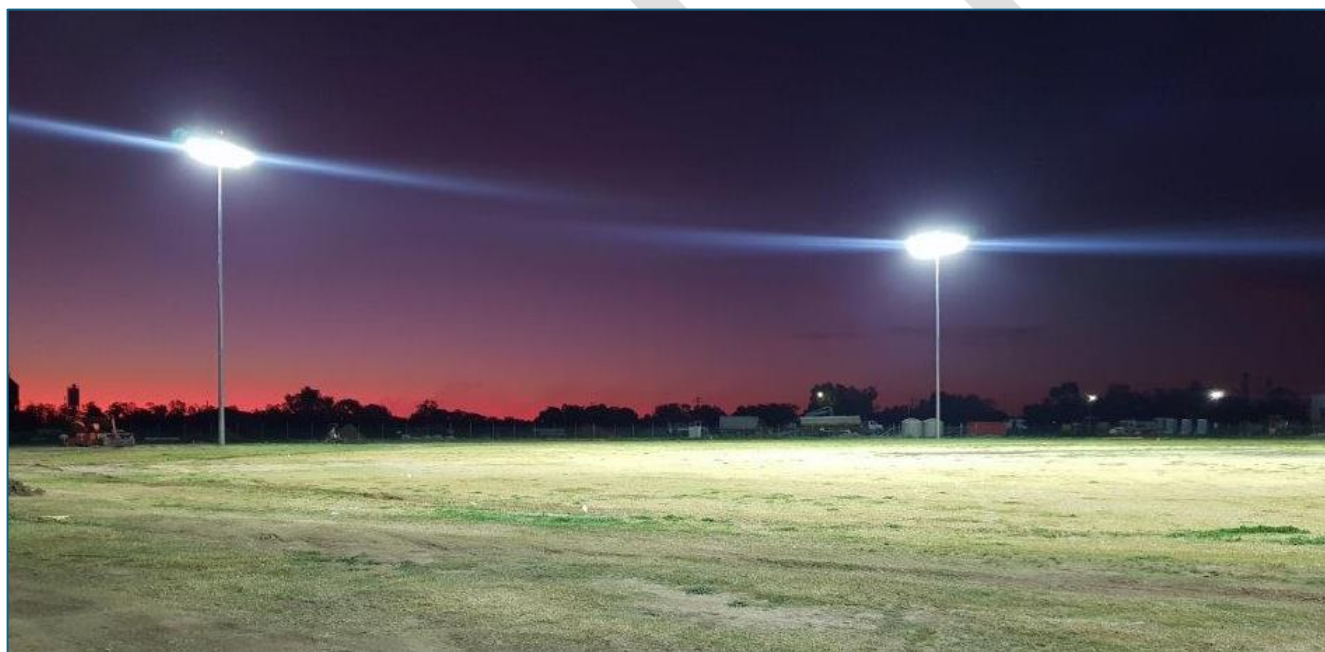


Plate 5: Carter Oval lighting project. Source: Warren Shire Council facebook, with permissions

Table 3: Local Strategic Planning Statement Health Check

Actions	Links to adopted Plans	Recommended changes/comments	Priority
Priority 1: Promote and enhance the identity and unique character of the town			
1.1 Address the community's social infrastructure needs, such as open space, community facilities, key sites, by implementing Council's village enhancement plans for Warren, Nevertire and Collie.	CSP – s.4.2 CW&ORP – Direction 23	Changes recommended in Village Plans can be accommodated by existing LEP provisions. Look at need for SP2 zoning for major roads in towns (eg. Oxley Highway through Warren to Gilgandra). Refer to DPE Practice Note 10-001 for guidance on SP2 zoning areas.	2 – can be changed with next LEP housekeeping amendment
1.2-1.4 Prepare Community Based Heritage Study (CBHS) and Aboriginal Cultural Heritage Studies and implement recommendations in consultation with local communities	CSP – 1.2.5 CW&ORP – Direction 16	CBHS completed – new heritage listings to be put to Council prior to listing in LEP. Currently no heritage items listed in Warren LEP. Consult with local Lands Council regarding Aboriginal & Torres Strait Islander Heritage Study & funding streams available.	3 – LEP changes to come following consultation and later completion of Aboriginal Cultural Heritage work.
1.5-1.6 Investment Prospectus & opportunities to work with local businesses to promote the towns	CSP – 2.1 CW&ORP – Direction 10	Investment prospectus completed. Current town zonings appropriate to promote business expansion & development. Promote the efforts of local business people in revitalizing key buildings and promoting visitation.	3 – continued promotion of local businesses
Priority 2 – Encourage a connected, active and healthy community			
2.1-2.2 Physical/active & social infrastructure for community well-being	CSP – 3.2, 3.4 CW&ORP – Direction 29	Current zonings for town parks, showground, community infrastructure to be reviewed against intended direction. Recommendation: LEP 7: Change zoning of the Showground & Racecourse and surrounds from RE2 Private Recreation to RE1 Public Recreation and review	2 – with next LEP review.

		permissible uses for the REI zone to ensure current and future uses are permissible with consent.	
2.5 Plan and provide an integrated and accessible network of open space	CW&ORP – Direction 29	Recommendations in Village plans do not conflict with LEP provisions for open space connectivity. No changes to LEP required.	N/A
Priority 3 – Provide contemporary services and local infrastructure for the community and businesses to prosper			
3.1-3.2 Identify & map the Flat Land Freight Route and investigate feasibility of heavy vehicle bypass	CSP – 3.1.1 CW&ORP – Direction 18, 19	This review was carried out by Council in 2020 with an application lodged for reclassification of roads encompassing the freight route. Essentially, roads are being requested to be reclassified to regional roads due to increased & varied heavy vehicle usage. Recommendation LEP 2: Ensure roads impacted are zoned SP2 infrastructure. Major roadways in all LGAs are zoned SP2 to protect them from inappropriate developments in areas dedicated for road and rail transport. Other minor roads remain zoned as for adjoining land. Refer to DPE Practice Note 10-001 for guidance.	2 – with next LEP review. At this stage only the Oxley Highway put forward for zoning change. Liaise with Dept Transport.
3.6 Investigate feasibility of multipurpose CBD entrepreneurial start-up space	CSP – 2.1.1, 2.3.3 CW&ORP – Direction 10	Since drafting of LSPS, spaces have been utilized within CBD offices for start-ups. Low demand at present – if space becomes available, Council to investigate.	5 – due to low demand/enquiries.
Priority 4 – Protect and promote the importance of the Macquarie Marshes			
4.2 Investigate current land use zoning of lands surrounding the Macquarie Marshes to manage environmental risks and to support adjoining and nearby landowners to manage their lands	CSP – 4.1.1 CW&ORP – Directions 4 & 13	Current zonings within Macquarie Marshes include EI which is the marshes itself (now named C1 – Conservation); RU6 Transition and RU1 Primary Production. These zonings considered adequate at this stage. Additional map layers to trigger various assessments for developments include Macquarie Marshes, Buffer Area and Watercourse (mapped on	3 – with next major LEP review.

		tNSW legislation). Surrounding zone mostly includes RU1 Primary Production. Controls are comprehensive and cover both permissible developments and the right to farm as well as protection of riparian lands, wetlands and the biodiversity contained within. See section 3.3.1 for commentary & further recommendations on this section.	
4.3 Investigate ways to better connect the Macquarie River corridor through to the Warren town centre to encourage higher quality open spaces	CSP – 2.2.2 CW&ORP – Directions 4 & 13	Ensure objectives of employment zones incorporate accessibility provisions. Action: Prioritise works on connectivity of community facilities, town CBD and natural features (river) through wide pathways and seating. Refer to Warren PAMP (Pedestrian Access Mobility Plan) for detail	2 – Pedestrian Access & Mobility Plan completed, requires funding and works to be commenced.
Priority 5 – Protect and manage natural areas and natural resources, particularly water security and waste management			
5.2 Implement the recommendations from the Regional Water Strategy and amend Warren LEP as required.	CSP–4.3.2 CW&ORP – Directions 11 & 21	Regional Water Strategy released in Oct 2023. Limited imminent changes for Warren with respect to land use planning with the related exception of town water supply security through dedicated guarantee supply within Burrendong Dam.	N/A – monitor progress on secured water supply, especially for additional employment lands as well as housing.
5.3 Investigate the need to amend the Warren Shire LEP to provide buffers for existing and proposed water infrastructure and water reserves to protect urban water supply and industry access.	CSP – 4.3.2 CW&ORP – Directions 11 & 21	This action requires a multi-faceted approach to securing water for Warren township and surrounding residences who rely on town water supplies as well as local employment-generating businesses. The Warren LEP/DCP has the ability to limit multiple frontages to the Macquarie River regulated river water source through subdivision design. Changes to Council's DCP where direct water frontages may be possible through subdivision are a priority as well as	2 – will require consultation between state agencies and Council for higher order town water supply issues

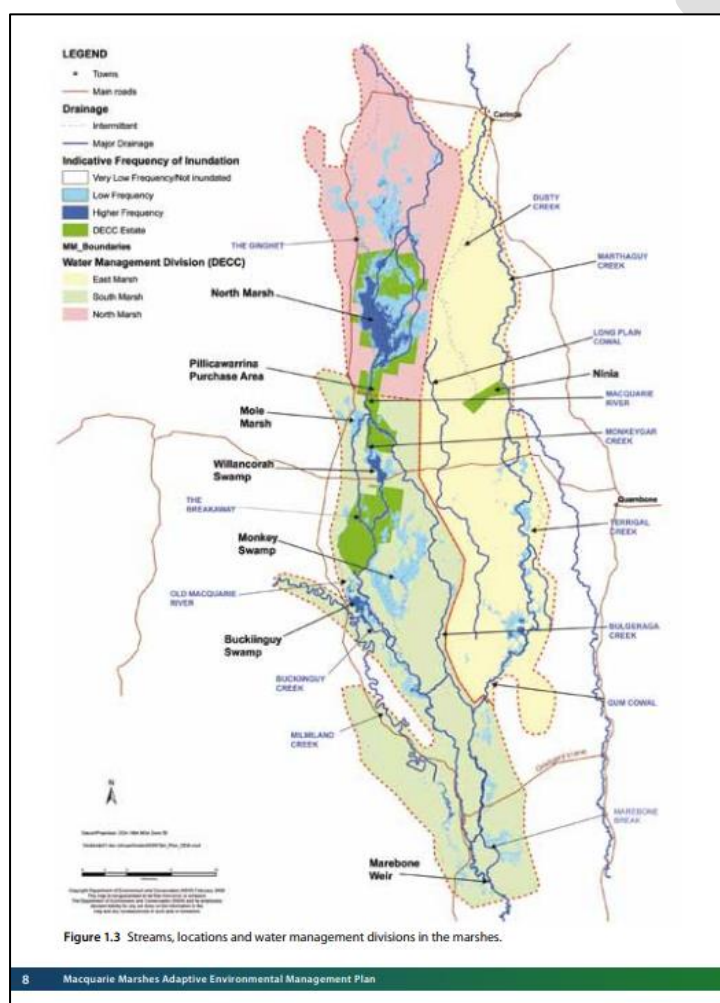
		determining whether clauses in Council's LEP can be modified, noting the state-mandated wording.	
Priority 6 – Be responsive and adaptive to climate change			
6.2 Plan for the uptake of renewable energy production by identifying the right locations to minimise land use conflict	CW&ORP – Directions 9 & 15	Crucial to this is to first check whether feed-in infrastructure has capacity to accept additional loads without major losses. For large renewable energy developments, Council is already aware of a network undersize issue and until additional capacities are realized, developments of this scale will be limited. Note: solar farms/wind farms and the like are not specifically defined in the standard instrument nor permissible with consent in the RUI zone. Despite this, the SEPP (Transport & Infrastructure) 2021 defines electricity generating works and solar energy systems and includes permissibility provisions. DPE's Large Scale Solar Energy Guideline 2022 identifies this and highlights the use of s.2.361(b) of the SEPP TI 2021. See Appendix 1 for more detail on this topic. Continue to lobby Govt and private enterprise for enabling infrastructure to support such projects.	3 – be responsive to movements at state investment level and lobby for infrastructure upgrades.
Priority 7 – Increase industry diversification			
7.3 Ensure LEP and DCP facilitate irrigated agriculture in sustainable locations	CW&ORP – Directions 1-6	Irrigated agriculture is captured as <i>intensive plant agriculture</i> in the Warren LEP, with the exception of <i>extensive agriculture</i> which can include irrigated fodder and pasture crops. Extensive agriculture and intensive plant agriculture are permissible without consent in the RUI zone. This is considered appropriate as other controls are in place to limit and buffer any of these developments from the Marshes – these are shown in clauses 6.6-6.8 of the Warren LEP.	N/A

Priority 9 – Capitalise on the existing facilities at Warren Airport and promote further expansion			
9.3 Investigate Warren Airport to be rezoned to reinforce the intention to increase aeronautical related land uses and industries; and 9.4 Investigate a future rezoning to permit helicopters to land at the site	CSP – 4.1.1 CW&ORP – Direction 20	Warren Airport is currently zoned E4 General Industrial. This differs from most regional airports/aerodromes which are covered by a special purpose zone. Focus here is needed to protect the integrity of the airstrip/s and essential infrastructure on site with a part-rezoning to SP2 with the remainder still captured under industrial to encourage expansion and development adjacent to the airport. Changes here will have the added bonus of surety for investors with Council being proactive in protecting the airstrip and outlining appropriate industries to co-locate with the airport. As for roads, the DPE Practice Note 01-001 is to be followed in the rezoning of the Airport. Regarding helicopters, the special purpose zones above can cater for varied aircraft utilizing the Airport. The Airport's Operational & Management Plan would need to be modified with user groups consulted if helicopters were to begin using the site.	1 – with next planning proposal & LEP review.

4.1 The Macquarie Marshes

The Macquarie Marshes are included in their own section due to their internationally-recognized significance as a major inland wetland and their unique controls in the Warren LEP. The Macquarie Marshes cover an area of 19,850 hectares and are one of 66 wetlands listed in Australia as a Wetland of International Importance (<https://www.dcceew.gov.au/water/wetlands>).

The Macquarie Marshes are located within the LGAs of Warren and Coonamble and comprise Northern and Southern Nature Reserves as well as coverage on a number of private properties within these LGAs. It can be seen in the Map below that although the Marshes cover a vast portion of the lower reaches of the Macquarie, only part is formally listed under the Ramsar convention due to their strict criteria for wetlands of significance.



The Marshes contain and contribute to the vast species of wetland flora and fauna including some ecologically endangered species. The Commonwealth Government has committed to ensuring the wetland is protected from degradation through listing the wetland as a Ramsar site and ensuring water supply to the wetlands is maintained.

Plate 6. Extract from Macquarie Marshes Adaptive Environmental Management Plan

Source: www.environment.nsw.gov.au

4.1.1 LEP Map Layers and Clauses

The Warren LEP includes certain zonings and provisions which aim to protect the integrity and biodiversity of the wetlands whilst permitting sustainable use of the land for agriculture.

RUI (Primary Production) – this zone is not unique to the wetlands however its placement over much of the land area recognizes the need for local landholders to produce an income through agriculture on the land whilst protecting the wetlands. The zoning table and objectives below are from Warren’s LEP for the RUI zone.

Zone RUI Primary Production

1 Objectives of zone

- *To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.*
- *To encourage diversity in primary industry enterprises and systems appropriate for the area.*
- *To minimise the fragmentation and alienation of resource lands.*
- *To minimise conflict between land uses within this zone and land uses within adjoining zones.*
- *To protect, enhance and conserve agricultural land in a manner that ensures that the primary role of land is for efficient and effective agricultural pursuits, managed in accordance with sustainable natural resource management principles.*
- *To protect water resources in the public interest.*
- *To protect areas of local, state, national and international significance for nature conservation, including areas with rare plants, wetlands and significant habitat.*
- *To permit rural industries that do not have a significant adverse impact on existing or potential agricultural production on adjoining land.*
- *To conserve and protect the Macquarie Marshes by encouraging and managing appropriate land uses and agricultural activities.*

2 Permitted without consent

Building identification signs; Business identification signs; Environmental protection works; Extensive agriculture; Forestry; Helipads; Home occupations; Intensive plant agriculture; Roads; Water reticulation systems

3 Permitted with consent

Air transport facilities; Airstrips; Animal boarding or training establishments; Aquaculture; Bed and breakfast accommodation; Boat launching ramps; Boat sheds; Camping grounds; Cellar door premises; Cemeteries; Community facilities; Correctional centres; Depots; Dwelling houses; Eco-tourist facilities; Environmental facilities; Extractive industries; Farm buildings; Farm stay accommodation; Flood mitigation works; Freight transport facilities; Heavy industrial storage establishments; Heavy industries; Home-based child care; Home occupations (sex services); Industrial training facilities; Information and education facilities; Intensive livestock agriculture; Jetties; Landscaping material supplies; Open cut mining; Recreation areas; Recreation facilities (major); Recreation facilities (outdoor); Roadside stalls; Rural industries; Rural workers’ dwellings; Secondary dwellings; Truck depots; Veterinary hospitals; Water recreation structures; Water supply systems

4 Prohibited

Any development not specified item 2 or 3

This is also a ‘closed’ zoning table which means that any other developments not listed as permissible with or without consent are prohibited.

RU6 Transition – this is a zone not used for every LEP but common where Council needs to allow for a transition from one land use to another which may have inherent conflicts.

Like for the RU1 zone, the RU6 zone contains provisions for sustainable agricultural practices whilst protecting the wetlands.

Zone RU6 Transition

1 Objectives of zone

- *To protect and maintain land that provides a transition between rural and other land uses of varying intensities or environmental sensitivities.*
- *To minimise conflict between land uses within this zone and land uses within adjoining zones.*
- *To permit certain rural land uses that are compatible with the Macquarie Marshes Nature Reserve.*
- *To conserve and protect the Macquarie Marshes by encouraging and managing appropriate land uses and agricultural activities.*

2 Permitted without consent

Building identification signs; Business identification signs; Environmental protection works; Extensive agriculture; Roads

3 Permitted with consent

Agriculture; Airstrips; Animal boarding or training establishments; Bed and breakfast accommodation; Boat launching ramps; Boat sheds; Camping grounds; Community facilities; Dwelling houses; Eco-tourist facilities; Environmental facilities; Farm buildings; Farm stay accommodation; Forestry; Helipads; Home-based child care; Home occupations (sex services); Industrial training facilities; Information and education facilities; Jetties; Oyster aquaculture; Recreation areas; Research stations; Roadside stalls; Rural workers' dwellings; Secondary dwellings; Sewerage systems; Tank-based aquaculture; Truck depots; Water recreation structures

4 Prohibited

Any other development not specified in item 2 or 3

This is also a 'closed' land use table – as mentioned above, a more restrictive or controlled type of zoning.

C1 (National Parks and Nature Reserves) – this zone covers the land formally recognized as National Park and part of the Macquarie Marshes. This land is owned by National Park & Wildlife Service or is otherwise a recognized Nature Reserve.

Zone C1 National Parks and Nature Reserves

1 Objectives of zone

- *To enable the management and appropriate use of land that is reserved under the [National Parks and Wildlife Act 1974](#) or that is acquired under Part 11 of that Act.*
- *To enable uses authorised under the [National Parks and Wildlife Act 1974](#).*

• To identify land that is to be reserved under the [National Parks and Wildlife Act 1974](#) and to protect the environmental significance of that land.

• To identify and protect the Macquarie Marshes Nature Reserve.

2 Permitted without consent

Uses authorised under the [National Parks and Wildlife Act 1974](#)

3 Permitted with consent

Nil

4 Prohibited

Any development not specified in item 2 or 3

This is a limited use closed zone with permitted uses restricted to those authorized under the National Parks and Wildlife Act 1974.

Council has been advised that NSW National Parks and Wildlife (NSWP&W) will soon be reviewing the current Macquarie Marshes Plan of Management. Throughout this process Council will be responsible for ensuring the above protection controls remain consistent with the approach taken by NSW NP&W regarding the management of their land and surrounding land uses in the vicinity of the Park.

4.1.2 LEP Clauses

Additional to zones, a number of clauses specific to wetlands and the marshes have been included in the Warren LEP. These are clauses 6.6–6.8 and are shown below:

6.6 Development on land in the Macquarie Marshes Nature Reserve

(1) The objective of this clause is to conserve and protect the wetland values of the Macquarie Marshes Nature Reserve by encouraging and managing appropriate land uses and agricultural activities.

(2) This clause applies to the land identified as “Macquarie Marshes” on the [Macquarie Marshes Map](#).

(3) Before determining a development application for development on land to which this clause applies, the consent authority must consider—

(a) whether or not the development is likely to have any adverse impact on the following—

- (i) the growth and survival of native fauna and flora,*
- (ii) the provision and quality of habitats for indigenous and migratory species,*
- (iii) the surface and groundwater characteristics of the site, including water quality, natural water flows and salinity,*
- (iv) any wetland in the vicinity of the proposed development, and*

(b) the condition and significance of native flora and whether such native flora should be substantially retained, and

(c) whether the development is likely to create a diversion of water from land in Zone E1 National Parks and Nature Reserves, and

(d) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.

(4) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that—

(a) the development is designed, sited and will be managed to avoid any significant adverse environmental impact, or

(b) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or

(c) if that impact cannot be minimised—the development will be managed to mitigate that impact.

6.7 Development within buffer area for the Macquarie Marshes Nature Reserve

(1) The objective of this clause is to manage development that may have adverse environmental impacts on the Macquarie Marshes.

(2) This clause applies to the land identified as “Buffer Area” on the [Macquarie Marshes Map](#).

(3) Development for the following purposes that is carried out on land to which this clause applies is declared to be designated development—

- (a) artificial waterbodies,
- (b) earthworks,
- (c) intensive livestock agriculture,
- (d) intensive plant agriculture.

(4) In this clause, earthworks does not include ploughing, scarifying, tilling or tipping associated with agriculture.

6.8 Prohibited development on land in Zone RU6

(1) Development consent must not be granted for development for the following purposes on land in Zone RU6 Transition—

- (a) artificial waterbodies,
- (b) earthworks.

(2) In this clause, earthworks does not include ploughing, scarifying, tilling or tipping associated with agriculture.

These clauses have been specifically written for the Warren LEP and aim to permit developments which have little to no impact on the health and vigor of the Marshes and prohibit incompatible land uses.

In addition to the above, a number of standard LEP clauses can apply to developments proposed within and near to the Marshes. These include:

Clause 6.1 – Earthworks

Clause 6.3 – Riparian land and Watercourses

Clause 6.4 – Development on river front areas

These clauses are common across NSW LEPs and provide another trigger for environmental assessment of developments in certain locations.

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Plate 7: Common reedbed in the Northern section, Macquarie Marshes. Photo credit: Tim Ralph 2010. Source: www.environment.nsw.gov.au

4.1.3 Comparison with Coonamble LEP zones & clauses

As mentioned above, the Macquarie Marshes cover the LGAs of Warren and Coonamble. Whilst it is recognised that the majority of the marshes are included in the Warren LGA and as such, the Warren LEP should be cognisant of a broader range of potential impacts, a comparison of controls included in both LEPs is shown below.

LEP Provision	Warren	Coonamble
Land Use Zones		
RU1 Primary Production	☑	☑
EI/CI Conservation	☑	☑
RU6 Transition	☑	
Clauses		
6.1 Terrestrial biodiversity		☑
6.3 Wetlands		☑
6.3 Riparian land and Watercourses or 6.2 Water Protection *Note, the Warren LEP Watercourse clause is the same as the Coonamble Water Protection clause with Warren having one additional subclause, being: <i>(3)(c) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.</i>	☑	☑
6.4 Groundwater Vulnerability		☑
6.4 Development on riverfront areas	☑	
6.6 Development on land in the Macquarie Marshes Nature Reserve	☑	
6.7 Development within buffer area for Macquarie Marshes Nature Reserve	☑	
6.8 Prohibited development on land in zone RU6	☑	

As can be seen above, the Warren LEP has a variety of development controls over lands which include parts of the Macquarie Marshes. These controls are considered adequate and include necessary protections for both the Marshes and buffer areas. Council has historically worked with the Department of Environment & Heritage to ensure the Marshes receive adequate protections in line with the Ramsar listing.



Plate 8: Window on the Wetlands Centre, Warren

Source: www.warren.nsw.gov.au

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4.1.4 Recommendations for LEP clauses

Clause 6.3 Riparian Land and Watercourses and Clause 6.4 Development on riverfront areas

Both of these clauses have very similar objectives. See below.

Clause 6.3	Clause 6.4
(l) The objective of this clause is to protect and maintain the following— (a) <u>water quality</u> within watercourses, (b) the <u>stability</u> of the bed and banks of watercourses, (c) aquatic and riparian habitats, (d) <u>ecological processes</u> within watercourses and riparian areas.	(l) The objectives of this clause are as follows— (a) to support the natural migration of the river channel, including <u>riverine processes</u> , (b) to protect and improve the bed and bank <u>stability</u> of rivers, (c) to maintain or improve the <u>water quality</u> of rivers, (d) to protect the amenity, scenic landscape values and cultural heritage of rivers, (e) to protect public access to riverine corridors, (f) to conserve and protect riverine corridors, including wildlife habitat.

Key difference: Clause 6.4 has more detail and seeks to maintain public access to river corridors and protect scenic and cultural aspects.

Clause 6.3 is linked to the 'Watercourse' LEP map and outlines minimum requirements for Council to consider when assessing a Development Application on land within 40m of a watercourse. Clause 6.4 goes into further detail regarding the types of developments permitted within 40m of a watercourse and public access requirements.

It is recommended with the next administrative review of the LEP that these clauses be combined (or one removed) due to their mirrored objectives and outcomes. Both clauses require the applicant to consider the impact of land uses within 40m of watercourses. The effect of combining these clauses into one is time savings for both applicants and Council with less assessment of repetitive clauses.

It is also suggested that the land uses extensive agriculture and intensive plant agriculture continue to be permissible without consent in the RUI zone except within 40m of the high bank of any watercourse. This ensures continued protection of the riparian corridor. This can be effected through amended DCP controls as an alternative if combining the LEP clauses proves time consuming for limited benefit..

Recommendation

LEP 3: combine LEP clauses 6.3 and 6.4 into one clause which encompasses protection and conservation of lands within and near waterways/riparian lands.

Residential Land – strategic directions

Whilst a full assessment of supply and demand for residential land is outside the scope of this study, recent Council evidence points toward similar indicators of low housing supply stock and high demand. In this instance and as mentioned above, Council is to look at residential supply stocks and demand and identify areas best suited for residential expansion. The NSW Government is committed to ensuring residential land supplies are meeting demand, especially where land stocks are low. Further information on this can be seen in [Appendix 2](#).

Recommendation

SI: Council investigate funding opportunities for residential land supply strategic work. Where funding not available, dedicate resources to completion of this work to support future land use zoning changes.

Industrial Land

As for residential land, a full assessment of industrial and employment land supply and demand is outside the scope of this study. Despite this, strategic work of this nature is an important planning tool and one that the NSW Government is also prioritising. This ensures there are employment options for existing residents and land readily available for existing and new businesses to expand or develop.

Recommendation

SI: Council investigate funding opportunities for a strategy which assesses industrial and employment land supply and future directions. Where funding not available, dedicate resources to completion of this work to support future land use zoning changes.



Plate 9: Nevertire grain facility with direct rail loading adjacent to the Mitchell Highway. This site enjoys benefits of co-location of road and rail.

4.2 Warren Airport

Council developed an Airport Masterplan in 2018 which set future directions for the Warren Airport based on a SWOT analysis and consultation.

The vision for the Airport is:

- to identify and develop aviation related opportunities that encourage employment, business and social benefits, and
- seek to establish regular passenger transport by a hub and spoke air service arrangement, utilising regional hub airports, to multiple destinations.

Building on the above, the Warren LSPS identifies the following actions at the Airport:

Action	Responsibility	Timeframe
9.1 Implement the Warren Airport Masterplan	Council	Long-term
9.2 Secure funding from state and federal governments to implement masterplan.	Council, NSW Government, Commonwealth	Long term
9.3 Investigate Warren Airport to be rezoned to reinforce the intention to increase aeronautical related land uses and industries.	Council	Medium term
9.4 Investigate a future rezoning to permit helicopters to land at the site	Council	Medium term
9.5 Warren airport is currently used heavily by RFDS, RAFF and the US Airforce. Investigate how to develop and capitalise on this further.	Council	Medium term

As mentioned above in the review of LEP clauses, a new and appropriate land use zone at the Warren Airport will reinforce the intended future use of the Airport for air transport and related industries.

This zone is used at regional airports with the LEP mapping further defining the intended uses within the zone.

For example, the Dubbo Airport is zoned SP2 Infrastructure and the mapping shows the intended use as “Air Transport and Emergency Services Facilities”. See image below of Dubbo Airport map description.

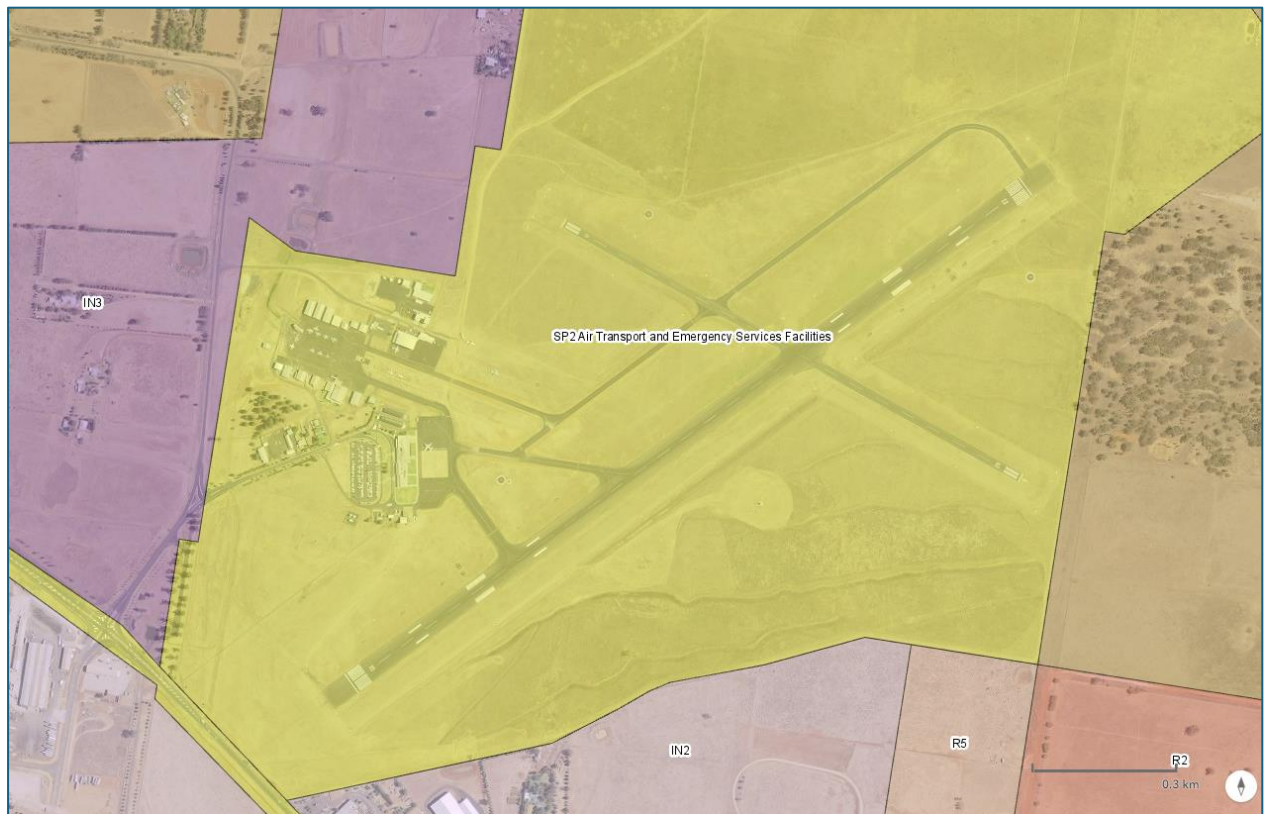


Plate 10: Dubbo Regional Airport zone. Source: NSW Planning Portal

Smaller recreational-based Aerodromes in Narromine and Temora also have used SP2 to protect the core airport infrastructure with compatible zonings surrounding the Aerodromes.

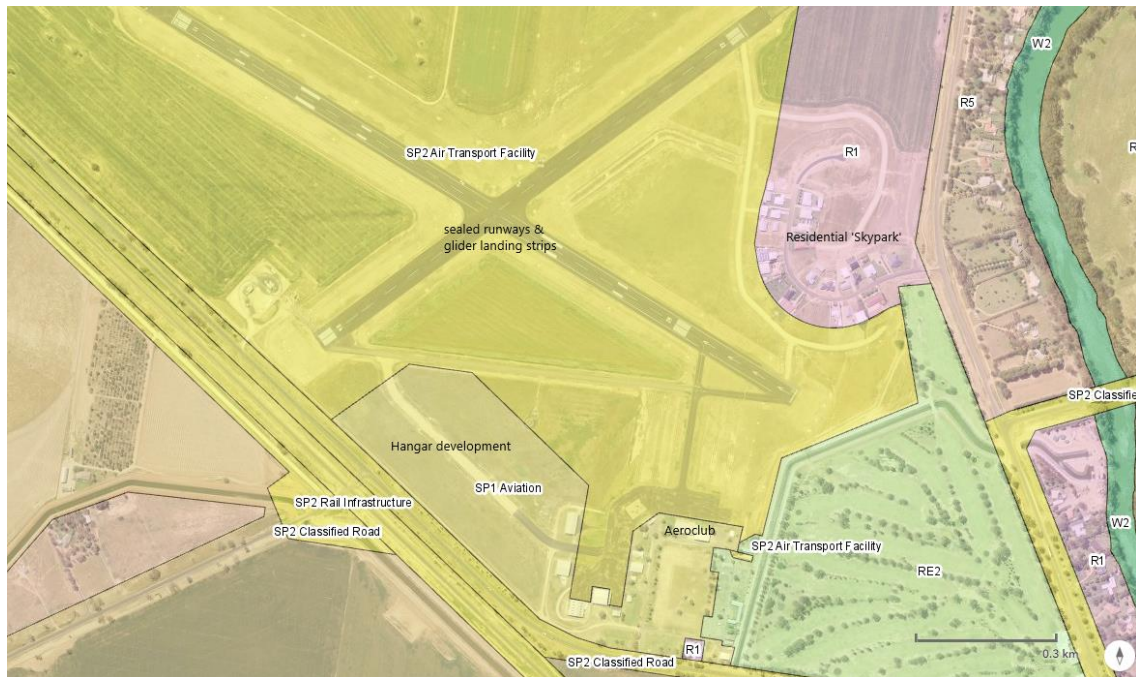


Plate 11: Narromine Aerodrome zones. Source: NSW Planning Portal

Broader use of the land for a hangar development prompted Narromine Council to rezone part of their Aerodrome to SP1 Aviation, to permit the development of commercial hangars and Aviation-related industries fronting taxiways. Additionally, the residential 'Skypark' subdivision was zoned R1 General Residential with a DCP and covenants ensuring that this subdivision was primarily for dwellings with hangars in backyards. Taxiways at the rear of the dwellings allow aircraft access to the airstrip.

Zoning implications for Airport

The boundary of the SP2 zone is to envelop the runways, any taxiways proposed and area for the new terminal building and AvGas facility. If available, the Obstacle Limitation Surface or OLS for the Airport is to guide the boundary of the SP2 zoning to ensure development is limited where the OLS could be impinged or where adjacent to runways and taxiways. The integrity and useability of the Airport for its core function is to be at the forefront of any zoning changes or changes to permissibility.

The remainder of the Airport land with limited airport frontage is to remain in the E4 General Industrial zone to maximise use of the land for broader industrial uses. These recommended changes are in accordance with the DPE LEP Practice Note 10-001 (Zoning for Infrastructure in LEPs) 2010.

Council also needs to look to adjoining lands for expansion of the E4 zone where bulky goods, warehousing and value-added agricultural businesses can co-locate. This is something that needs to be planned, driven by Council and available funding opportunities, and sites offered to businesses intending to capitalize on the co-location of any combination of rail/road/air transport. A DCP Chapter devoted to the Airport and its own design guidelines for hangar and industrial lots as well as future lot layout and servicing guidelines is recommended.

A review of the Airport Masterplan is also recommended, being half way through the lifetime of the plan. This allows obsolete legislation references to be updated and latest Council and community directions and government funding priorities to be reflected in the plan. Review of the masterplan is to include land tenure options for investors to ensure Council retains majority ownership of the Airport for future security of this infrastructure. Options include long term leasehold, community title and buffer areas between lots and the Airport.

Recommendation

LEP 4: Change land use zone at Warren Airport (airside section only) from E4 General Industrial to SP2 – Air Transport Facility and Emergency Services Facilities. Retain wider surrounding land as E4 General Industrial. Note: Consider retaining Lots 1-8 DP 1259706 in E4 General Industrial zoning if Council has expressed intentions for these lots to be developed for industry.

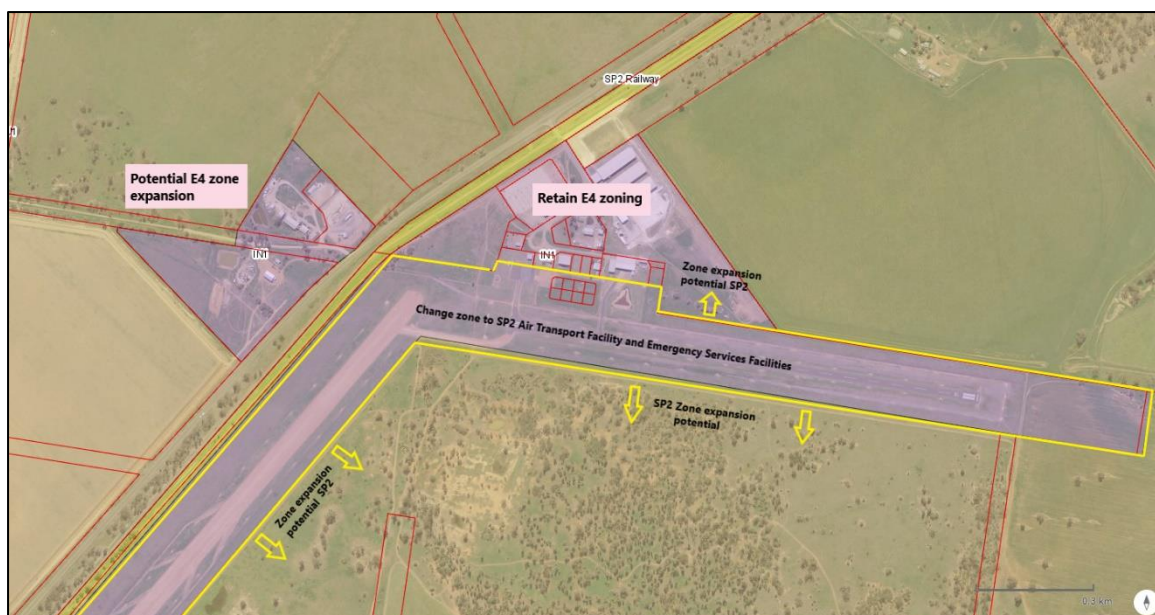


Plate 12: Warren Airport suggested zoning changes. Note, the above changes are subject to review of the Airport Obstacle Limitation Surface Plan, the Airport Operational Management Plan

Basemap: NSW Planning Portal.



Plate 13: Warren Airport. Image taken from boundary fence & shows AvGas facility adjacent to runway. August 2022.



Plate 14: Arthur Butler Drive, looking south-west toward hangar. Recent upgrading of Arthur Butler Drive and fencing as well as overhead electricity connections. Image taken August 2022.

4.3 General LEP Amendments

This section has been included to pick up on clauses relevant to the Warren Shire worthy of inclusion with the next LEP amendment.

4.3.1 Split Zone Clause

This clause is used when an allotment which contains two (2) zones is proposed to be subdivided or developed. The inherent problem with this scenario is the lot has two minimum lot sizes and technically one lot may not meet the minimum lot size with the subdivision proposed. A split zone clause can be introduced to permit the subdivision of the lot whilst meeting the relevant minimum lot sizes for each zone. An example clause is shown below:

4.1C Exceptions to minimum subdivision lot sizes for certain split zones

(1) The objectives of this clause are as follows—

- a) to provide for the subdivision of lots that are within more than one zone but cannot be subdivided under clause 4.1,*
- b) to ensure that the subdivision occurs in a manner that promotes suitable land use and development.*

(2) This clause applies to each lot (an original lot) that contains—

- a) land in a residential or employment zone, and*
- b) land in Zone RU1 Primary Production, Zone RU5 Village, Zone C2 Environmental Conservation or Zone C3 Environmental Management.*

(3) Despite clause 4.1, development consent may be granted to subdivide an original lot to create other lots (the resulting lots) if—

a) one of the resulting lots will contain—

- i) land in a residential or employment zone that has an area that is not less than the minimum size shown on the [Lot Size Map](#) in relation to that land, and*
- ii) all of the land in Zone RU1 Primary Production, Zone RU5 Village, Zone C2 Environmental Conservation or Zone C3 Environmental Management that was in the original lot, and*

b) all other resulting lots will contain land that has an area that is not less than the minimum size shown on the [Lot Size Map](#) in relation to that land.

Recommendation

LEP 5: Include a split zone clause in the Warren LEP to cater for unintended scenarios where an allotment is burdened by 2 land use zonings.

4.3.2 Secondary Dwellings in Rural Zones

Council's LEP does not currently include provisions for secondary dwellings in rural zones. This inclusion represents another housing option in a rural Council's planning controls and can be included with Council's next LEP amendment.

Secondary dwellings offer a smaller, subservient domicile option in the rural zone, much like a granny flat. This is recommended to be included in the RU1 zone for Warren.

secondary dwelling means a self-contained dwelling that—

- (a) is established in conjunction with another dwelling (the *principal dwelling*), and
- (b) is on the same lot of land as the principal dwelling, and
- (c) is located within, or is attached to, or is separate from, the principal dwelling.

Council can include maximum floor area provisions to distinguish this dwelling from the main dwelling on site as well as include a maximum distance from the principal dwelling.

An example clause is shown below:

5.5 Controls relating to secondary dwellings on land in a rural zone

If development for the purposes of a secondary dwelling is permitted under this Plan on land in a rural zone—

- a) the total floor area of the dwelling, excluding any area used for parking, must not exceed whichever of the following is the greater—*
 - i) 100 square metres,*
 - ii) 70% of the total floor area of the principal dwelling, and*
- b) the distance between the secondary dwelling and the principal dwelling must not exceed 400 metres.*

Recommendation

LEP 6: Include a secondary dwelling clause for rural zones in the Warren LEP.

5.0 Summary of Recommended LEP changes

LEP 1: Consider introducing a temporary workers clause into the LEP for large scale infrastructure projects (such as solar farms) to accommodate the skilled workers for these projects. DPE is currently devising drafting guidelines for such a clause – refer to local DPE team for any updates.

LEP 2: One classified roads to be rezoned to SP2 Infrastructure in consultation with DPE and RMS/TfNSW. Only one road in Warren recommended for this change at this stage – Oxley Highway from Nevertire towards Gilgandra. This ties in with current Oxley Highway zoning within Gilgandra Shire.

NOTE: Major roadways in all LGAs are zoned SP2 to protect them from inappropriate developments in areas dedicated for road and rail transport. As this would be a mapping change only, this would be a Basic LEP amendment and fast-tracked by DPE.

LEP 3: Combine LEP clauses 6.3 and 6.4 into one clause which encompasses protection and conservation of lands within and near waterways/riparian lands.

LEP 4: Change land use zone at Warren Airport (surrounding airstrips only) from E4 General Industrial to SP2 – Air Transport Facility and Emergency Services Facilities. Note: Consider retaining Lots 1-8 DP 1259706 in E4 General Industrial zoning if Council has expressed intentions for these lots to be developed for industry.

LEP 5: Include a split zone clause in the Warren LEP to cater for unintended scenarios where an allotment is burdened by 2 land use zonings.

LEP 6: Include a secondary dwelling clause for rural zones in the Warren LEP.

LEP 7: Change zoning of the Showground & Racecourse and surrounds (Lot 7032 DP 1020887 & Lot 7307 DP 1163530) from RE2 Private Recreation to RE1 Public Recreation and review permissible uses for the RE1 zone to ensure current and future uses are permissible with consent.

6.0 Summary of recommended strategic work

S1: Land use Strategy which assesses land supply of residential and employment lands with a view to identifying additional lands for housing and employment.

The Strategy would need to assess:

- Demographics of the town and villages;
- Current vacant land supply for housing and employment lands;
- Infrastructure needs to support the land supply including roads, water, sewerage, stormwater (the basics of a full Servicing Strategy as mentioned below).
- Development constraints through map layering exercises with a view to recommending appropriate sites for new zones, including back-zoning where appropriate. Utilize DPE resources including various updated guideline documents.

S2: Flood Planning which follows the process outlined in the NSW Flood Risk Management Manual 2023. Warren has a Local Flood Emergency Plan and a Flood Frequency Analysis – the information in these plans can feed into the Flood Study and Risk Management Study & Plan. The process is shown in the diagram below, sourced from the aforementioned Manual.

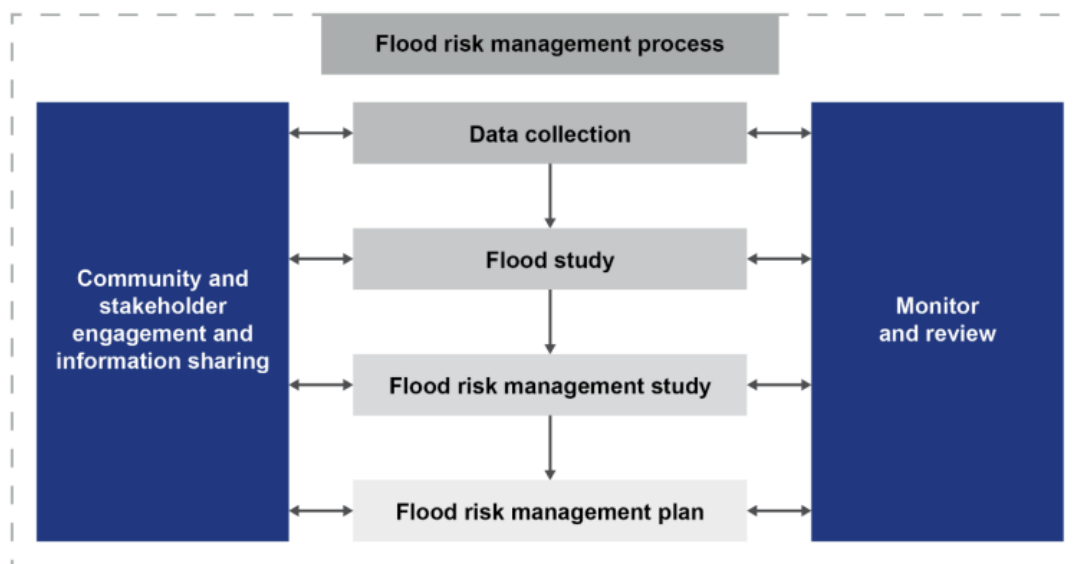


Figure 2 Flood risk management process

Above image taken from DPE Flood risk management manual 2023.

Flooding remains an imminent threat for the Warren LGA and whilst this threat is widely known and mostly accepted, it is the increasing scale of this threat along the floodplain that is currently unquantified. Warren also has the added disbenefit of its location in the lower Macquarie floodplain, meaning impacts and changes upstream can directly affect local flood levels.

Council has options here to apply for funding from the NSW Government to commence the above Flood Study and Risk Management process (currently funded at a \$2 for \$1 rate with state and local contributions) as well as request updates to regional floodplain studies where wider flows and implications can be assessed and management options put forward.

The benefits of commencing the flood study and risk management process are:

- Smoother pathways for Council to rezone land for housing and employment;
- Additional funding avenues opened for levee upgrades, additional or upgraded pumps, bridge works all in accordance with an adopted study and plan;
- Ability of Council to lobby the Insurance Council of Australia to request reduced premiums based on specific property flood risk rather than blanket postcode approach.

S3: Areas identified for value-added agricultural/industrial developments

This is one strategic exercise mentioned often for rural Councils – the opportunities available for value-added agricultural-related industry.

Whilst the type of industry may not yet be known to Council, areas can be identified or earmarked for potential future large scale industry which needs distance from sensitive receptors. Opportunity areas can be workshopped with Council following a strategic process of map layering. This exercise is advantageous from a marketing perspective – sites identified for future development and land set aside (and later zoned) for a particular purpose. Partnerships here with Regional Development Australia and the Department of Regional NSW would also assist Council with this strategic planning exercise as they are aware of the types of businesses looking to locate regionally and their required infrastructure.

S4: Servicing Strategy

Any new urban and employment land rezonings would benefit from a Servicing Strategy which assesses current infrastructure capacities, projected population and demand and recommends upgrades and new infrastructure based on these findings. Water, sewerage, roads, stormwater and possibly electrical upgrades would need to be assessed individually or as part of a larger Servicing document. This Strategy would be focused initially on the town of Warren, being the largest service centre in the Shire.

The Servicing Strategy can incorporate matters which sometimes conflict with the intent of servicing matters such as significant/historic infrastructure, plantings and trees intended to be retained. Sometimes memorial tree plantings are proposed to be removed due to infrastructure damage – these matters can be identified early and a succession plan workshopped with the community. There are no set rules on the content of a Servicing Strategy so the inclusion of these matters as well as forward planning for technological advancements such as increased mobile coverage and towers for repeaters and charging stations for electric vehicles would be beneficial.

S5: Review of the Warren Development Control Plan (DCP)

The Warren DCP has been in effect since 2012 – a review to update the provisions is therefore due. A DCP provides guidance on developments and expands on the aims of the Local Environmental Plan and objectives of the land use zones. The DCP need not be overly complex and should be written to allow easy interpretation by developers and Council.

Appendix 1: Renewable Energy opportunities

The opportunities for Warren to capitalize on renewable energy projects are currently limited to on-site cost savings. This is due to current network congestion and network undersize issues which is common with distance to the west.

Unfortunately Warren is not part of the NSW Central West and Orana Renewable Energy Zone (REZ) however with future upgrades, the Shire may play host to solar and wind farms in appropriate locations close to the feed-in network.

Currently Council can encourage renewable energy developments with battery storage included for use on site (where costs are not prohibitive). These developments may in time, depending on location, contribute to network supply at times of peak demand.

In addition to the above, a Contributions Plan relating to these types of developments (including guidance for voluntary planning agreements) is a wise and self-supporting investment for Council. Contributions Plans allow Councils to levy contributions for public amenities and services. Most rural Councils devise Plans of this nature in accordance with section 7.12 of the Environmental Planning and Assessment Act 1979. These plans allow Council to apply a fixed levy to developments (usually over a certain price threshold) to contribute to the cost of public amenities and services.

Council to continue to lobby Government on the issue of appropriate infrastructure size and planned future upgrades.

Appendix 2: Residential land expansion

Council has recently identified land suitable for urban expansion following a small-scale strategic exercise. It is highlighted here that this is a broad assessment of housing supply and demand indicators – a full assessment via Local Housing Strategy would produce more rigorous and tested results and recommendations.

Population Change

Warren's population from 2011 to 2021 has declined as seen in the table below.

Year	Total Population
2011	2,758
2016	2,732
2021	2,550

Source: ABS Census Quick Stats (www.abs.gov.au)

The above slow population decline is congruous with that of rural LGAs. Despite the population downturn, housing supply is still very low and with Warren's population likely to fluctuate depending on seasons, Council needs to ensure a rolling supply of residential land to satisfy future demand.

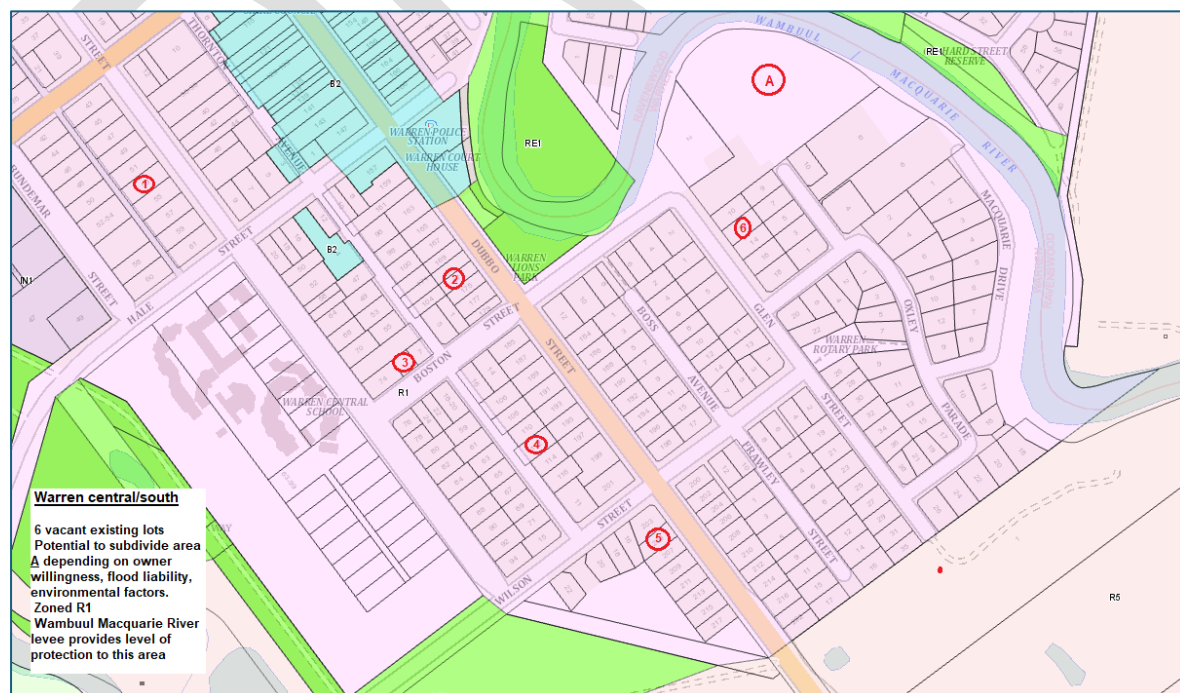
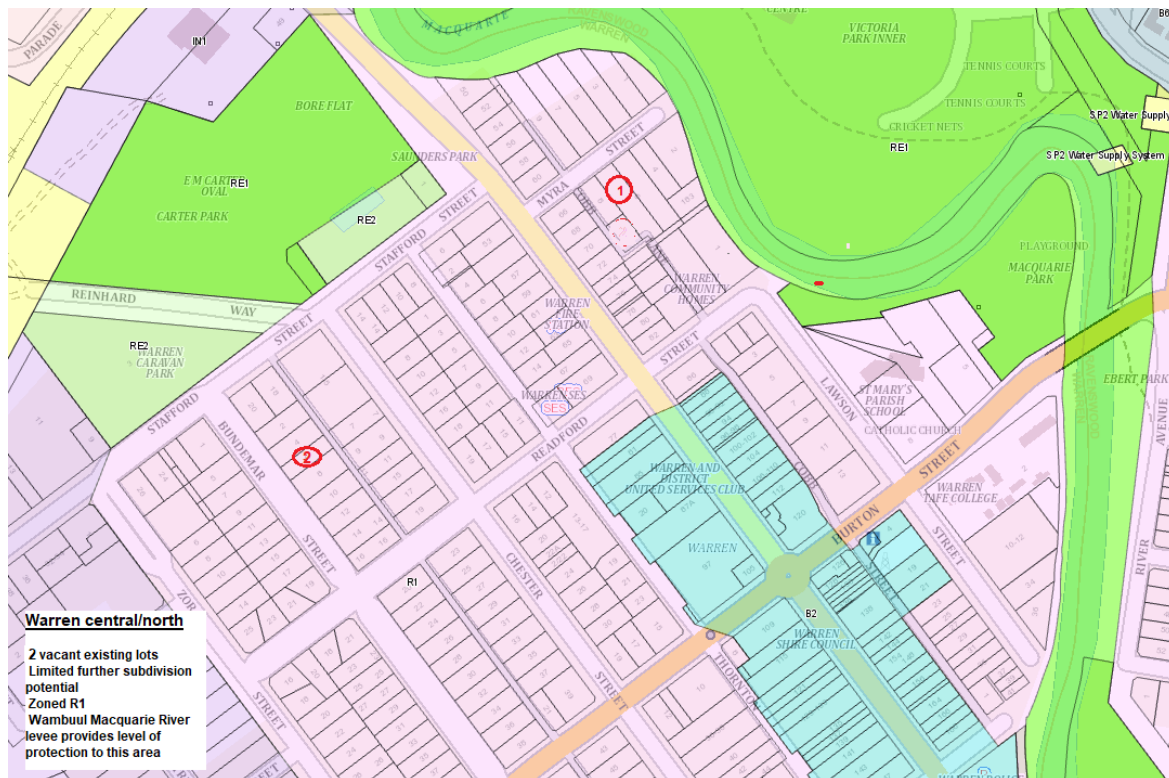
The number of unoccupied private dwellings in 2021 was 180 (at the time of ABS survey). It is not known how many private dwellings in Warren are now occupied, how many are condemned or unliveable, how many have been demolished or how many have been converted to non-residential uses.

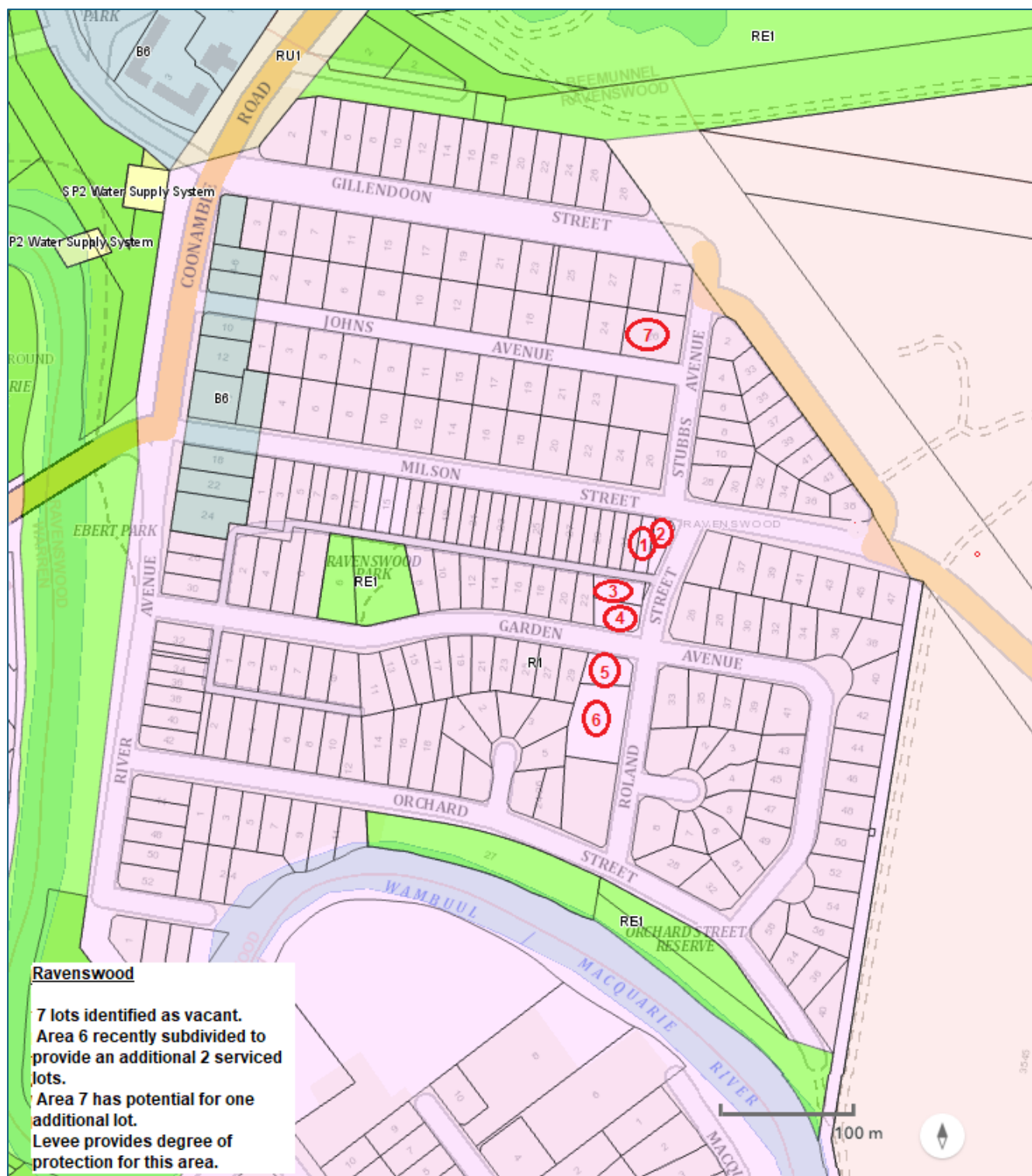
With Warren so reliant on water and subsequent good seasons bringing in workers, as well as sustained feedback of low rental stock in Warren, there is a need for additional dwelling stock in Warren. A Planning Proposal would include additional analysis of to support justification of additional land for residential purposes.

Current available vacant land

Warren currently has a total of 132.29ha ha of zoned residential land. Of this land, only fifteen (15) vacant lots currently exist in Warren. There is potential to subdivide existing vacant lots to provide an additional five (5) residential lots depending on willingness of owners and environmental factors.

At the time of writing there were no vacant residential lots advertised as available for sale. It should be noted that the vacant land stocks have been based on as most recent aerial imagery available at the time.



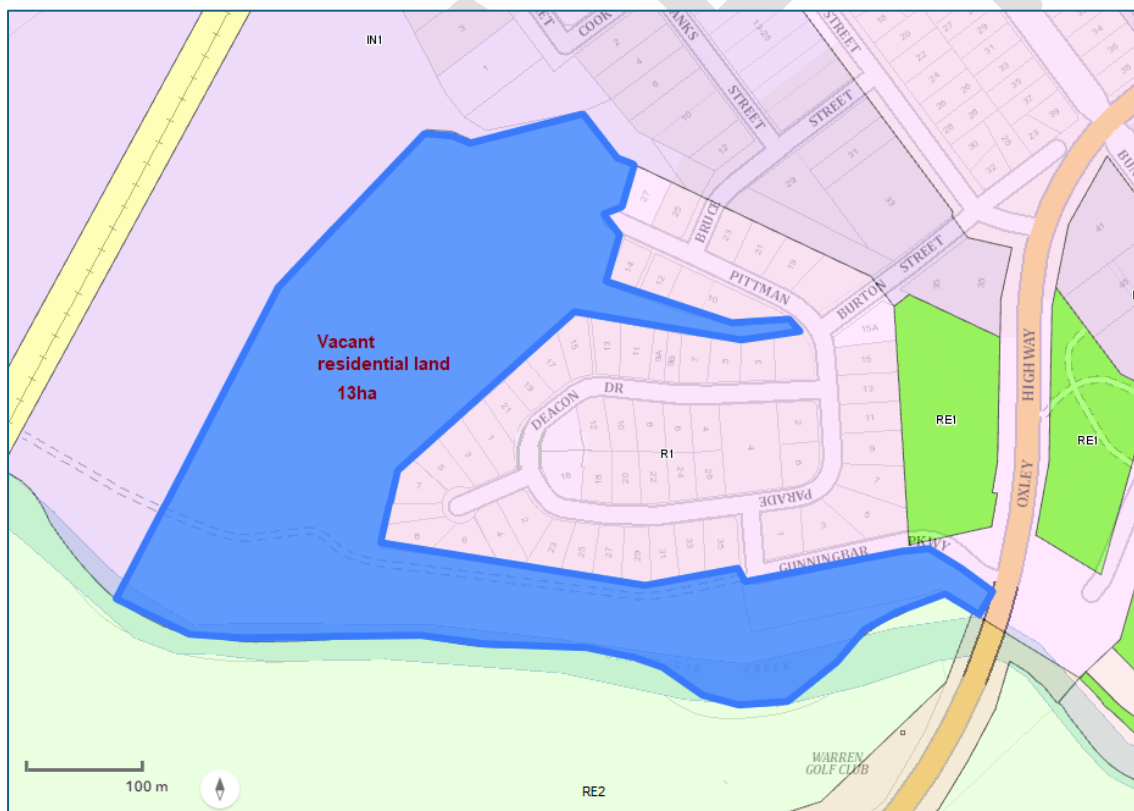


Existing farm dwelling stock

In agricultural areas, existing farm cottages provide accommodation options for new and returning workers. Further assessment and consultation on this would evaluate existing farm stock numbers that contribute to LGA dwelling stock. It should be noted here that not all farm dwellings are offered to the general public as they cater for a specific tenant, usually employed on farm. However, this does alleviate local supply pressures and assists with an important housing market for seasonal workers.

Vacant developable residential land

Council currently owns 13.68ha of vacant and serviced R1 land in Warren and has committed to develop this land in stages to satisfy increasing demand. See plan below.



The next stage of the above Council subdivision is currently being costed and prepared for approval and release. This will release up to 10 lots for sale. Depending on further flood level assessments, full realization of this land for residential development is not certain.



The above land 0.68ha in size, also owned by Council, is available for development. An additional 5-6 lots with road access is possible for this existing lot via subdivision application and approval. Adjacent Lot 2 DP 853548, originally intended for levee construction, could be combined with this area and re-subdivided to unify lot configurations. Searches to determine Lot 2's land classification and any dedications would need to be completed prior to moving on this recommendation.

Additional land for rezoning

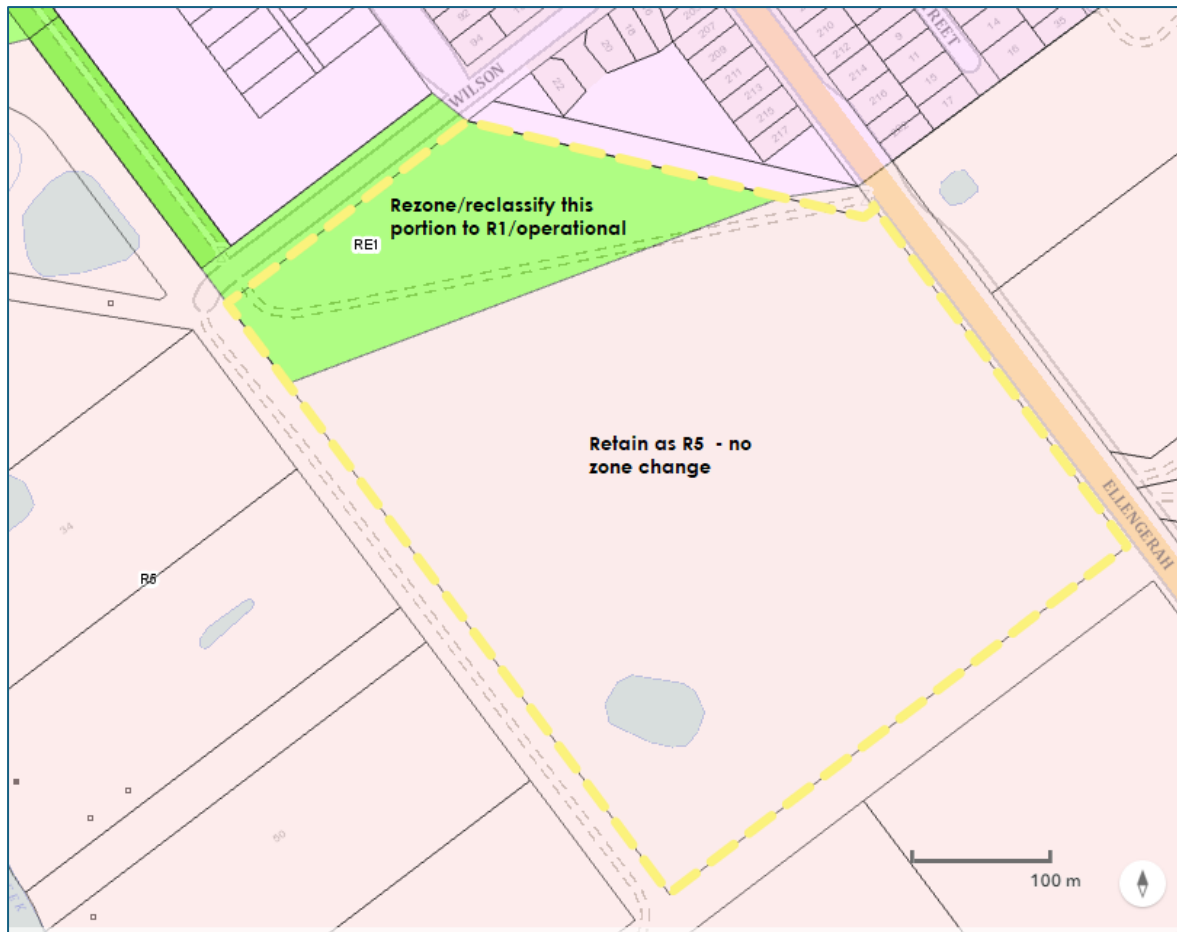
As part of Council's responsibilities of ensuring a rolling supply of appropriately zoned land for residential expansion, the following land has been identified as having development potential with limited environmental impacts.

The plan below shows land partly zoned R5 (Large Lot Residential) and partly zoned RE1 (Public Recreation) in Warren. The town levee traverses the northern portion, leaving a trapezium-shaped public open space area which is protected by the levee with the R5 portion to the south left unprotected.

Any Council land inside the levee should first be investigated for its capacity for development, noting the existing level of flood protection. This land adjoins existing low-density residential lots, the Warren Central School and large lot residential land. This part-lot inside the levee is therefore put forward to be rezoned to R1 General Residential to address the shortfall of vacant residential land. Council, if it intends to retain the open space, can choose to "swap" the RE1 land to a part-portion on the lower side of the levee and retain the remainder as residual R5 land. This would be subject to Council's ability to develop the land for productive and useable open space rather than simply reallocating RE1 zoned land. It should be noted here that the currently zoned RE1 portion does not form part of Council's long term plans for open space development. The levee, however, due to its importance is to retain a level of protection from encroachment by ideally being retained in Council's ownership.

This rezoning may encompass a reclassification as well, if the RE1 land is classified community. This can be combined with the rezoning application.

The land is also captured as bushfire prone and as such, any proposal to rezone the land for a residential purpose will need to address the requirements of Planning for Bushfire Protection 2019 (PBP 2019) and the Ministerial Direction 4.3 Planning for Bushfire Protection.



References

Australian Bureau of Statistics (2018). Australian Bureau of Statistics, Australian Government. [online] Abs.gov.au. Available at: <http://www.abs.gov.au>.

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iPlan Projects (2018) *Village Plan Collie; Nevertire; Warren.*

NSW Department of Planning and Environment (2022) *Central West and Orana Regional Plan 2041*

NSW Department of Planning and Environment (2021) *Housing 2041: NSW Housing Strategy*

Warren Shire Council (2021) *Community Participation Plan*

Warren Shire Council (2017) *Community Strategic Plan*

Warren Shire Council (2012) *Development Control Plan*

Attachment 2: Wind Shear Assessment, Warren Airport 2024 – executive summary

DRAFT

Executive summary

Warren Shire Council are seeking a NASF B (2018) compliant wind shear and turbulence assessment for two existing hangars and two new hangars near the western end of runway 09/27 at Warren Aerodrome, New South Wales.

Synergetics have been contracted to provide a full assessment of windshear and turbulence for the existing and proposed hangars, consistent with the latest guidelines of NASF B (2018). In compliance with the NASF B (2018), assessment is conducted for six wind directions in which the hangars are expected to generate windshear and/or turbulence impacts generated by the hangars, as well as surrounding buildings, at Warren Aerodrome, on the extended centreline of runway 09/27.

For each of the assessed wind directions, the minimum gust wind speeds required to exceed the windshear criterion, above the OLS, in the wake of the development at the locations specified in Paragraph 126 of Attachment A of NASF Guideline B (2018)¹, are summarised in Table 1 and Table 2. Lower values of minimum gust wind speeds may occur at locations below the OLS, for further details the full values assessment tables can be found in the body of this report. Building generated turbulence is not expected to pose a significant limit under NASF B and was assessed for the wind direction with the largest windshear impacts (360°), with the impacts found to be immaterial as shown in Table 3.

Table 1 - Minimum gust wind speed required to exceed the 7 knot "along" windshear criterion, above the OLS, at the locations specified in NASF B (2018).²

Runway	Minimum gust wind speed in knots (value in parenthesis are the crosswind components)					
	337.5°	315°	360°	22.5°	45°	67.5°
09	47 (40)	41 (24)	90 (88)	>100 (>100)	29 (23)	24 (12)

Table 2 - Minimum gust wind speed required to exceed the 6 knot "across" windshear criterion, above the OLS, at the locations specified in NASF B (2018).

Runway	Minimum gust wind speed in knots (value in parenthesis are the crosswind components)					
	337.5°	315°	360°	22.5°	45°	67.5°
09	24 (21)	38 (22)	17 (17)	19 (19)	17 (14)	27 (14)

Table 3 - Minimum wind speed required to exceed the 4 knot turbulence criterion, above the OLS, at the locations specified in NASF B (2018).

Runway	Minimum gust wind speed in knots (value in parenthesis are the crosswind components)					
	337.5°	315°	360°	22.5°	45°	67.5°
09	N/A	N/A	>100 (>100)	N/A	N/A	N/A

¹ Minimum gust wind speeds required to exceed the criteria at other locations (e.g.: between the assessment locations specified in Paragraph 126 of Attachment A of NASF Guideline B (2018)) may be lower than the minimum values reported in this report.

² All tabulated results in this report include the effect of proposed building and other buildings that may interact with it, as per NASF B.

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