#### Department of Planning, Housing and Infrastructure

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# Proposed statutory amendments to support the draft Narrabri Place Strategy

**Explanation of Intended Effect** 

September 2024



# Acknowledgement of Country

The Department of Planning, Housing and Infrastructure acknowledges that it stands on Aboriginal land. We acknowledge the Traditional Custodians of the land, and we show our respect for Elders past, present and emerging through thoughtful and collaborative approaches to our work, seeking to demonstrate our ongoing commitment to providing places in which Aboriginal people are included socially, culturally and economically.

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# 1 Purpose of this Explanation of Intended Effect

This Explanation of Intended Effect describes and provides justification for proposed amendments to the *Narrabri Local Environmental Plan 2012* (Narrabri LEP 2012). The changes identify the precincts outlined within the draft 'Narrabri Place Strategy' and include provisions for land within each of those precincts that will be rezoned under the Narrabri LEP 2012. The Explanation of Intended Effect also identifies three miscellaneous sites to be amended under the Narrabri LEP 2012 to better reflect current uses with zone objectives.

Technical investigations have been carried out to support the strategic planning of the draft Narrabri Place Strategy. The technical investigations provide the justification for a tailored planning framework within the draft Narrabri Place Strategy to:

- Appropriately plan for a diverse range of land use types within the precincts identified within the draft Narrabri Place Strategy, and encourage supporting economic and social development within Narrabri township,
- Provide a planning framework that encourages economic and population growth, offers flexibility and embeds opportunities for innovation whilst minimising possible land use conflicts, and
- o Protect and enhance the unique areas of biodiversity, heritage and cultural values.

This Explanation of Intended Effect describes the proposed amendments to the Narrabri LEP 2012 and the new provisions to be introduced to support development that is consistent with the draft Narrabri Place Strategy. The Explanation of Intended Effect also describes the proposed new self-repealing State Environmental Planning Policy (referred to as the Self-Repealing SEPP) that will give effect to the proposed changes to the Narrabri LEP 2012.

The amendments to the Narrabri LEP 2012 are designed to support the vision for the draft Narrabri Place Strategy as well as implement relevant findings of supporting technical studies.

# 1.1 Key Stakeholders involved within the draft Narrabri Place Strategy

The draft Narrabri Place Strategy is a collaboration between the Department of Planning, Housing and Infrastructure (the Department) and Narrabri Shire Council (Council) to encourage economic and

population growth within Narrabri Shire and encompassing previously completed state and local strategic planning policies.

Within this process both stakeholders have key responsibilities as outlined below:

- Department of Planning, Housing and Infrastructure is responsible for the state-led rezoning being undertaken within Narrabri. The Department leads the planning process, including community and stakeholder engagement, as well as the technical studies required to inform the preparation of the draft place strategy.
- The Department of Regional NSW assessed potential sites for inclusion in the Special Activation Precinct program, and considered government investment for essential infrastructure to service the Special Activation Precincts.
- O Narrabri Shire Council provides and pursues advocacy for the delivery of a draft Place Strategy and associated rezoning of land to achieve expansion for residential and employment as a vision for the future, despite the project no longer proceeding as a Special Activation Precinct, following the NSW Government's decision in 2023. Subsequent to this decision, Council supports the delivery of a draft Place Strategy and the associated rezoning of land to achieve a vision for Narrabri that allows for the expansion of housing and employment land.

### 1.2 State-led Rezoning planning framework

A state-led rezoning pathway is when the Department leads the rezoning for large geographical areas or precincts of state significance. The pathway is undertaken under the Rezoning Pathways Program which aims to identify and deliver strategically important areas and employs the core principles of:

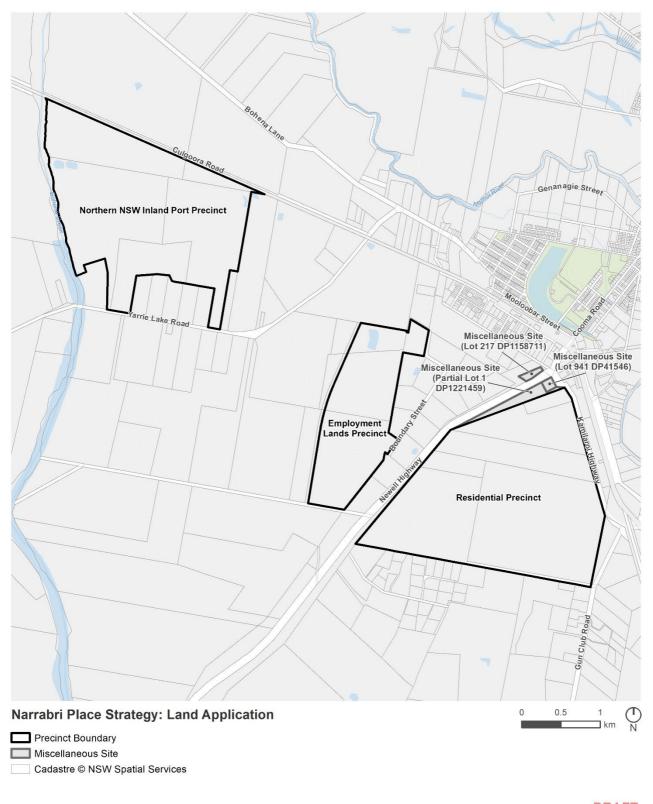
- Self-governance The Department will play a role where it provides significant and meaningful public benefits and aligns with state policies and land-use strategies.
- Transparency The Department will implement strong probity measures to provide transparency and confidence in how it makes decisions that commit state resources and funding.
- Criteria-based assessment The Department will commit resources where candidate sites demonstrate a strong focus across the four defined key criteria:
  - How well the proposal demonstrates public benefits, including through housing supply and alignment with state policies and land-use strategies,
  - The proposal's contribution to affordable and social housing outcomes,
  - How well impediments to delivery are understood and whether there is a pathway to resolution, and

- Whether infrastructure is available or funding is committed for critical infrastructure.
- Housing-focused Priorities and pathways will be determined by how well a candidate site meets the assessment criteria, the complexity of issues, the extent of planning activities completed, timeframes for rezoning, strategic importance and the geographic scale of the site.
- Clear delivery pathway The implementation of each rezoning pathway is defined with clear outputs, indicative timeframes and governance procedures.
- Flexibility The criteria and approach are flexible and can adapt to the evolving priorities
  of the government of the day.

## 1.3 Land to which the Self-Repealing SEPP applies

It is proposed to amend the Narrabri LEP 2012 to rezone certain lands (Precincts) that are identified within the draft Narrabri Place Strategy as suitable for development, to achieve the vision of the draft Place Strategy. Three additional miscellaneous sites have also been identified to be rezoned under the Narrabri LEP 2012. These lands will remain subject to the Narrabri LEP 2012.

It is proposed to rezone these areas under the Narrabri LEP 2012 via a Self-Repealing SEPP. The land to which the Self-Repealing SEPP applies is identified in Figure 1.



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Figure 1: Land application map

# 2 Proposed planning changes to support the draft Narrabri Place Strategy

## 2.1 Draft Narrabri Place Strategy

The vision of the draft Narrabri Place Strategy seeks to achieve the following:

- Strengthen the relationship with Country and water in Narrabri
- Retail the Narrabri Town Centre as the heart of Narrabri, unlock greater economic growth for the region and allow for the expansion of residential and light industrial land to support the residential and employment populations.
- Development in Narrabri will leverage off existing road and rail infrastructure and the Northern NSW Inland Port.

The draft Narrabri Place Strategy sets out a 20-year vision informed by key principles to guide future development outcomes within the identified precincts, as mapped in Figure 2 and described as follows:

- Residential precinct a proposed residential precinct that has potential for 2,100 dwellings on flood-free land,
- Employment Lands precinct a precinct that supports light industrial activity as well as specialised retail on flood-free land, and
- Northern NSW Inland Port precinct the existing precinct which was rezoned in 2019 with planning led by Council.

Details of the proposed rezoning of these precincts are set out below.

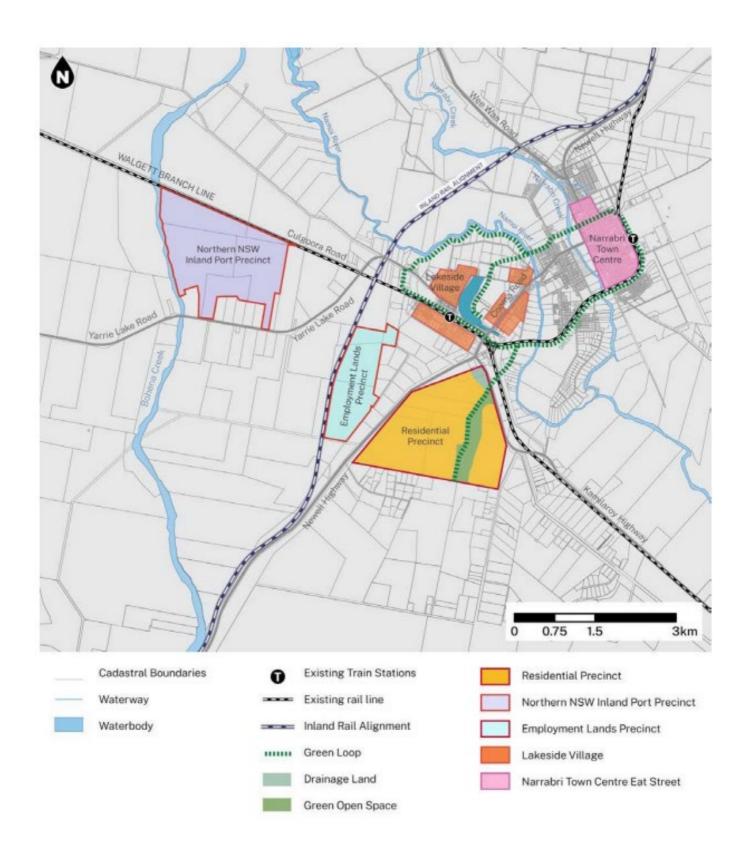


Figure 2: Narrabri Structure Plan

The precincts that make up lands to which the proposed Self-Repealing SEPP (Narrabri precincts) applies, include:

- Residential precinct Situated on land within the triangular section of land between the Kamilaroi Highway and Newell Highway, the Residential precinct aims to future proof Narrabri's growth with a vision for a contiguous and compact community on flood-free land that is not only complementary to, but a genuine extension of Narrabri. Concentrating on community, the residential growth area will be centred around key anchor land uses comprising residential (mixed dwelling typologies), health services, a neighbourhood centre (e.g. retail and local services), and educational establishments (e.g. school). These anchor land uses will be instrumental in achieving the strategic aims of the growth precinct that include residential accommodation and community amenities.
- Employment Lands precinct The Employment Lands precinct is located on the boundary of the Narromine to Narrabri Inland Rail route, east of Yarrie Lake Road, south of Culgoora Road and west of Newell Highway. The Employment Lands precinct is envisaged to strengthen and support the land uses located within the Inland Port and facilitate a transitional industrial link between more intensive land uses within the Inland Port and proposed residential land uses in the Residential precinct. The intent for the Employment Lands precinct is to fill critical gaps identified by the local business community and provide relief in terms of suitable land supply and location for light industrial land uses. The unconstrained flood-free nature of this area provides a suitable alternative to support ongoing employment activities for the town of Narrabri.
- Northern NSW Inland Port precinct The Northern NSW Inland Port precinct is located south of Culgoora Road, north of Yarrie Lake Road and to the east of Bohena Creek and was rezoned under in 2019 to leverage off existing rail infrastructure and create an Inland Port.
- There is the potential to improve the layout of the precinct by including a parcel of land that will widen access from Yarrie Lake Road, which is illustrated in Figure 3 and Figure 4. As identified within the draft Narrabri Place Strategy, these precincts aim to improve liveability and deliver supporting employment uses, with the view to:
- o Develop, attract and retain workforce talent,
- Facilitate the retention of families and youth through increased housing opportunities and support key workers in diversified housing options,
- o Provide for diverse investment opportunities,
- o Address climate resilience, and
- Improve Narrabri as a visitor destination.

These precincts have been strategically chosen following an analysis of several environmental constraints, including but not limited to flooding, water supply, Inland Rail and landfill, biodiversity, and Indigenous cultural heritage sites. Both the Residential precinct and Employment Lands precinct are located out of the flood zone to protect residential dwellings, health facilities, education land uses, and light industrial activities. The draft Place Strategy supports the preservation of areas of high environmental and Aboriginal heritage significance in the precincts, particularly along the Bohena Creek boundary of the Northern NSW Inland Port precinct.

## 2.2 Local Planning Directions

Any future changes to the Narrabri LEP 2012 and processes for assessment of applications for development within the Narrabri precincts will be informed by the Narrabri Place Strategy. This will be actioned by:

- Issuing a new Ministerial Local Planning Directions under sections 9.1 of the *Environmental Planning and Assessment Act 1979* (the Act) to implement the draft Narrabri Place Strategy. This will ensure that future development within the precinct must consider the structure plan identified within the draft Narrabri Place Strategy.
- Introducing new provisions in the Narrabri LEP 2012 to require a consent authority to consider
  the Narrabri Place Strategy prior to granting development consent for development within the
  Narrabri precincts. The draft Narrabri Place Strategy will be required to be considered when
  assessing a planning proposal applying to land within the draft Narrabri Place Strategy
  precincts until such time a site specific DCP for the area has been implemented.

#### 2.3 Current land use zoning

Currently, land identified within the draft Narrabri Place Strategy is zoned under Narrabri LEP 2012 for the following purposes:

- Residential precinct The land is currently zoned RU1 Primary Production and comprises rural-residential properties, farmland and rural business land uses.
- Employment lands precinct The land is currently zoned RU1 Primary Production.
   Current land uses comprise rural farming and the precinct adjoins rural residential properties to the east along Newell Highway.
- Northern NSW Inland Port precinct The Northern NSW Inland Port precinct is currently zoned SP1 – Freight Transport Facility, Heavy Industrial Storage Establishment, High Technology Industry, Transport Depot, Truck Depot and SP2 – Rail Infrastructure Facility to support rail infrastructure associated with the Walgett Railway Line and support a mix

of freight and related industrial development. It also contains land currently zoned RU1 Primary Production. The precinct is predominantly characterised by agricultural land uses, with scattered dwellings. The precinct is also zoned C3 – Environmental Management along the western boundary to support the preservation areas of high vegetation, environmental value and Aboriginal Heritage significance associated with Bohena Creek.

The land subject to the Special Activation Precinct planning process, presently mapped in the Narrabri LEP as "Complex Area" will be removed in line with the NSW Government's decision to not proceed with the project.

The current land use zoning is shown in Figure 3.

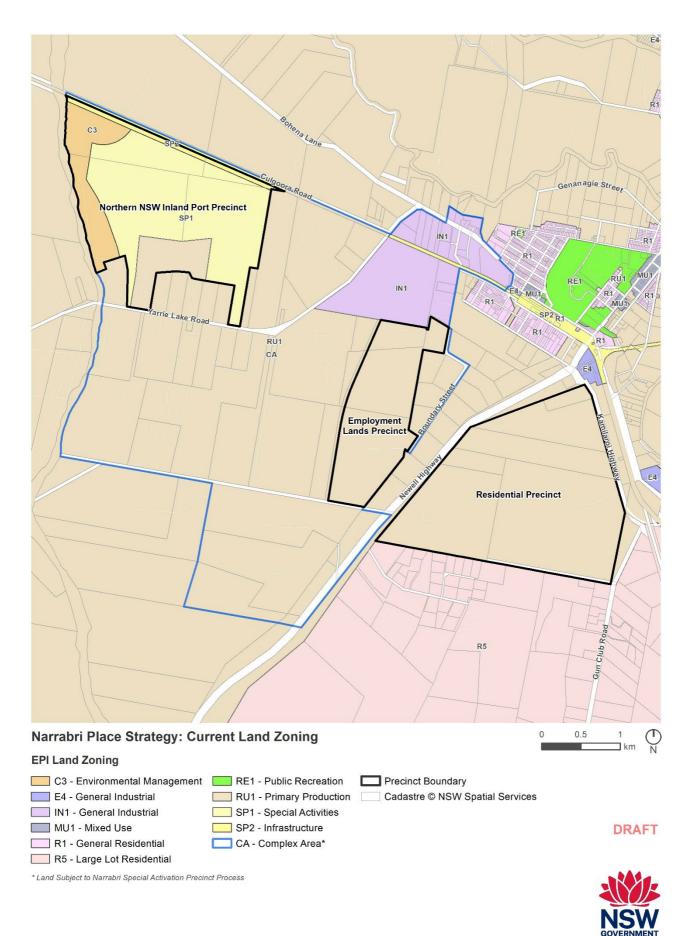


Figure 3: Current land zoning

# 2.4 Proposed land use zoning

The proposed land use zoning strategy is identified in Figure 4 and the proposed land uses are outlined below. The proposed land use zones align with the Employment Zones Reform which came into effect in the Narrabri LEP 2012 on 1 December 2022.

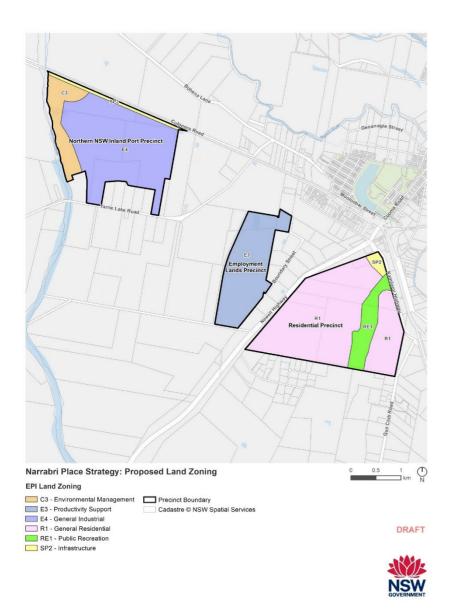


Figure 4: Proposed land zoning

#### 2.4.1 Residential Precinct

The **Residential precinct** will be predominantly zoned **R1 – General Residential Zone**, a zone that currently applies to land under the Narrabri LEP 2012. The objectives of the zone are:

- a. To provide for the housing needs of the community.
- b. To provide for a variety of housing types and densities.
- c. To enable other land uses that provide facilities or services to meet the day to day needs of residents.

The following uses will be permitted without consent:

Environmental protection works; Home occupations; Roads

The following uses will be permitted with consent:

Attached dwellings; Boarding houses; Building identification signs; Business identification signs; Business premises; Camping grounds; Caravan parks; Car parks; Centre-based child care facilities; Community facilities; Dwelling houses; Educational establishments; Exhibition homes; Exhibition villages; Flood mitigation works; Function centres; Group homes; Health services facilities; Home businesses; Home industries; Home-based child care; Hostels; Information and education facilities; Kiosks; Markets; Multi dwelling housing; Neighbourhood shops; Oyster aquaculture; Places of public worship; Pond-based aquaculture; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Residential accommodation; Residential flat buildings; Respite day care centres; Restaurants or cafes; School-based child care; Semi-detached dwellings; Seniors housing; Sewage reticulation systems; Shops; Shop top housing; Take away food and drink premises; Tank-based aquaculture; Tourist and visitor accommodation

The following uses are prohibited:

Farm stay accommodation; Rural workers' dwellings.

All other uses will be prohibited.

Land within this precinct has also been identified for open space purposes to create local parks and will be zoned **RE1 – Public Recreation Zone** as reflected in the existing Narrabri LEP 2012. Council will be the acquisition authority for this land, as identified in table 1 and mapped in Figure 5.

Type of land shown on Map	Authority of the State
Zone SP2 Infrastructure and marked "Drainage"	Council
Zone RE1 Public recreation and marked "Local Open Space"	Council

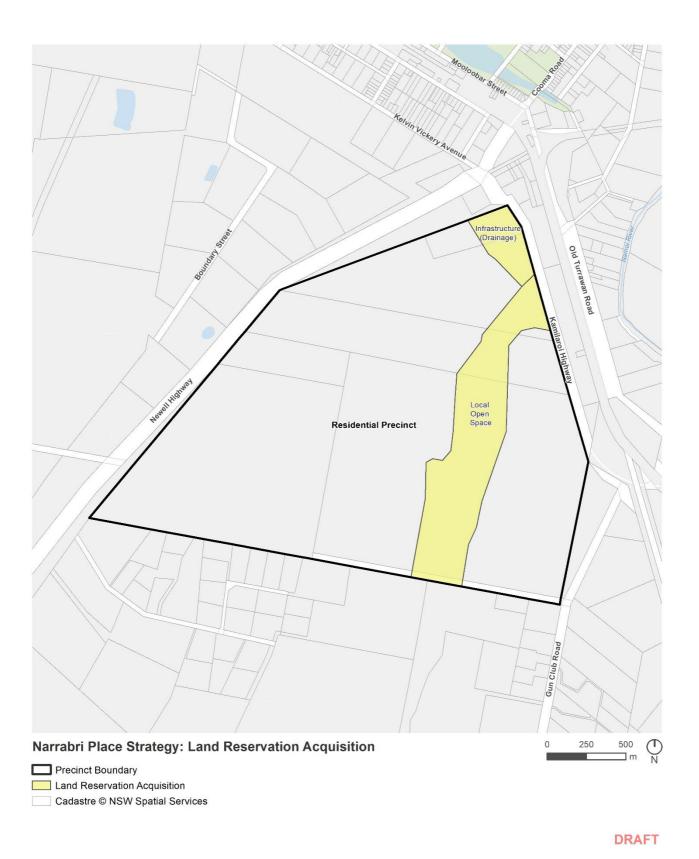


Figure 5: Land acquisition map



Land identified in the Biodiversity Study within the Residential precinct as containing very high biodiversity value will be located within the RE1 – Public Recreation zone and will be acquired by Council. Areas identified as containing high biodiversity value will be zoned as R1 – General Residential and subject to the Biodiversity Conservation Act 2016 and Biodiversity Offset Scheme under the *Biodiversity Conservation Act 2016* may apply to these areas if the development is likely to significantly affect threatened species. Applications for development or clearing approvals must set out how impacts on very high and high value biodiversity will be avoided and minimised. Impacts that cannot be avoided can be offset by the purchase and/or retirement of biodiversity credits or payment to the Biodiversity Conservation Fund.

#### 2.3.2 Employment Lands Precinct

The Employment Lands precinct will be zoned E3 – Productivity Support, a land use zone that will be introduced to the Narrabri LEP 2012. The objectives of this zone are:

- a. To provide a range of facilities and services, light industries, warehouses and offices.
- b. To provide for land uses that are compatible with, but do not compete with, land uses in surrounding local and commercial centres.
- c. To maintain the economic viability of local and commercial centres by limiting certain retail and commercial activity.
- d. To provide for land uses that meet the needs of the community, businesses and industries but that are not suited to locations in other employment zones.
- e. To provide opportunities for new and emerging light industries.
- f. To enable other land uses that provide facilities and services to meet the day to day needs of workers, to sell goods of a large size, weight or quantity or to sell goods manufactured on-site.

The following land uses will be permitted without consent:

Building identification signs; Business identification signs; Home industries; Roads

The following uses will be permitted with consent:

Animal boarding or training establishments; Boat building and repair facilities; Business premises; Centre-based child care facilities; Community facilities; Depots; Function centres; Garden centres; Hardware and building supplies; Hotel or motel accommodation; Industrial retail outlets; Industrial training facilities; Information and education facilities; Intensive plant agriculture; Landscaping material supplies; Light industries; Local distribution premises; Markets; Mortuaries; Neighbourhood shops; Office premises; Oyster aquaculture; Passenger transport facilities; Places of public worship; Plant nurseries; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Research

stations; Respite day care centres; Rural supplies; Service stations; Specialised retail premises; Storage premises; Take away food and drink premises; Tank-based aquaculture; Timber yards; Vehicle body repair workshops; Vehicle repair stations; Vehicle sales or hire premises; Veterinary hospitals; Warehouse or distribution centres; Wholesale supplies.

All other uses will be prohibited.

#### 2.3.3 Northern NSW Inland Port Precinct

Land within the **Northern NSW Inland Port precinct** currently zoned as SP1 – Special Activities will be rezoned to E4 – General Industry, an existing land use zone in the Narrabri LEP 2012. The objectives of the zone are:

- a. To provide a range of industrial, warehouse, logistics and related land uses.
- b. To ensure the efficient and viable use of land for industrial uses.
- c. To minimise any adverse effect of industry on other land uses.
- d. To encourage employment opportunities.
- e. To enable limited non-industrial land uses that provide facilities and services to meet the needs of businesses and workers.

The following land uses will be permitted without consent:

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

The following land uses will be permitted with consent:

Depots; Freight transport facilities; Garden centres; General industries; Goods repair and reuse premises; Hardware and building supplies; Industrial retail outlets; Industrial training facilities; Landscaping material supplies; Light industries; Local distribution premises; Neighbourhood shops; Oyster aquaculture; Plant nurseries; Rural supplies; Take away food and drink premises; Tank-based aquaculture; Timber yards; Vehicle sales or hire premises; Warehouse or distribution centres; Any other development not specified in item 2 or 4

The following land uses will be prohibited:

Agriculture; Air transport facilities; Airstrips; Amusement centres; Animal boarding or training establishments; Boat building and repair facilities; Boat launching ramps; Boat sheds; Camping grounds; Caravan parks; Cemeteries; Centre-based child care facilities; Charter and tourism boating facilities; Commercial premises; Community facilities; Correctional centres; Ecotourist facilities; Educational establishments; Entertainment facilities; Environmental facilities; Exhibition homes; Exhibition villages; Farm buildings; Forestry; Function centres; Health services facilities; Helipads; Highway service centres; Home businesses; Home occupations;

Home occupations (sex services); Home-based child care; Information and education facilities; Jetties; Marinas; Mooring pens; Passenger transport facilities; Public administration buildings; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Research stations; Residential accommodation; Respite day care centres; Restricted premises; Stock and sale yards; Tourist and visitor accommodation; Veterinary hospitals; Water recreation structures; Wharf or boating facilities.

No changes to zoning are proposed to the land currently zoned SP2 Infrastructure – Rail Infrastructure and C3 – Environmental Management as land subject to these zones will retain their primary function.

#### 2.5 Other matters

#### 2.5.1 Consent authority

The consent authority, for the purposes of this Plan is (subject to the Act), the Council.

#### 2.5.2 Development Control Plan

The Narrabri Development Control Plan (Narrabri DCP) will be updated by Council to guide development on these sites.

#### 2.5.3 Minimum of lot size control in the Residential precinct

A new minimum lot size control is proposed to apply to residential development in the Mount Kaputar residential precinct. The minimum lot size control proposed in this precinct is 450 square metres to promote a diversity of low to medium housing typologies as identified within the draft Narrabri Place Strategy. This flexibility will allow for the delivery of housing to support population growth and changing demographics, including transient workforces and smaller households as well as larger, traditional residential blocks. The proposed minimum lot size will not apply to land zoned for residential purposes elsewhere in Narrabri.

#### 2.5.4 Biodiversity protection

Land mapped as very high and high value vegetation within the Residential precinct will be zoned R1 – General Residential and RE1 – Public Recreation zone, with biodiversity conservation and management controls to be integrated into the development control plan.

Within the Northern NSW Inland Port Precinct, areas of very high and high value vegetation will not be able to be developed and/or cleared unless vegetation is offset in accordance with the Biodiversity Offsets Scheme operating under the *Biodiversity Conservation Act 2016*.

#### 2.5.5 Development above flood-prone land

A large portion of land identified within the draft Narrabri Place Strategy is subject to flooding. Adequate provisions for flood management within the Residential and Employment Lands precincts will be introduced to guide the development assessment process, with sufficient land dedicated for flood and stormwater management and flood planning controls under the Narrabri DCP to support development on flood prone land.

All development, located within the flood planning area, as identified within Part 5.21 Flood Planning of the Narrabri LEP 2012 requires the consent authority to satisfy itself that certain flooding matters are appropriately addressed for all development types. This includes the requirement that all development must align with recommendations outlined within the *Considering Flooding in Land Use Planning Guideline* and the *Flood Risk Management Manual*.

#### 2.5.6 Bushfire management

Future development on bush fire prone land must demonstrate compliance with *Planning for Bush Fire Protection 2019* or measures to be taken with respect to the development to protect persons, property and the environment from danger that may arise from a bush fire. This requirement does not apply to subdivisions of land that could lawfully be used for residential or rural residential purposes or certain development for a special fire protection purpose or State significant development.

#### 2.5.7 Protection of Indigenous Heritage

Identified Indigenous cultural heritage sites within the precincts will be managed in consultation with local Aboriginal representatives. They will be protected, maintained and enhanced to preserve the significance of sites, culturally significant vegetation and artefacts.

The protection of Aboriginal cultural heritage is legislated under the *National Parks and Wildlife Act* 1974. Consideration of the potential for Indigenous heritage significance will be integrated into the Development Control Plan and identified throughout the development assessment process.

The draft Narrabri Place Strategy incorporates Indigenous planning and design considerations ensuring each precinct has a sense of place, history and spirit when we pass it onto the next generation. Buffers and the interface between development and areas of high heritage or cultural values will be managed by the consent authority through the development assessment process.

#### 2.5.8 Protection of non-Indigenous Heritage

Adequate provisions for the protection of non-Indigenous heritage will be identified throughout the development assessment process. Consideration of the potential for non-Indigenous heritage significance will be integrated into the Development Control Plan.

It is intended that buffers and the management of interface between development and areas of high heritage or cultural values will be managed by the consent authority through the development assessment process.

#### 2.5.9 Provision of essential services

The majority of land identified within the precincts has limited essential service availability. As per Clause 6.5 of Narrabri LEP 2012, development consent must not be granted to development unless the consent authority is satisfied that services which are essential for the development (e.g. the supply of water and electricity, disposal and management of sewage) are available or that adequate arrangements have been made to make them available when required.

#### 2.5.10 Savings provision

Clause 1.8A of the Narrabri LEP 2012 will be amended to ensure that the proposed amendments will not apply to a development applications that have been lodged but not yet determined prior to the commencement of these proposed amendments. This allows for those development applications to be assessed and determined against the controls that were in force at the time the development application was lodged.

#### 2.5.11 Existing use rights

Landowners with an existing planning approval to carry out development which will no longer be permitted as a result of the proposed rezoning of the Narrabri precincts may still be able to continue to carry out those uses and have the benefit of existing use rights under sections 4.65 to 4.70 of the Act. Lawful land uses and existing development consents (if established) could benefit from an existing or continuing use right to continue to use the land for the previously lawful use. Under section 4.55 of the Act modifications to existing uses can be sought, provided the use are permissible.

# 3 Miscellaneous sites

# 3.1 Background and current land use zoning

In conjunction with the three precincts identified within the draft Narrabri Place Strategy, three miscellaneous sites are also to be rezoned under the Narrabri LEP 2012 from RU1 – Primary Production to E4 – General Industrial. The three sites are identified below:

- o Lot 217, DP 41546 Current land uses comprise of a service station
- o Lot 941, DP 1158711 Current land uses comprise of a Transport for NSW depot
- Lot 1, DP 1221459 (partial) A slither of land between the proposed Residential precinct and Transport for NSW depot

The three sites were identified through consultation with Transport for NSW and Council, with the proposed amendments aim to better align current land uses with the objectives of the E4 – General Industrial zone.

The locational context of the three miscellaneous sites is identified in figure 1.

The current land use zoning is identified in figure 6.

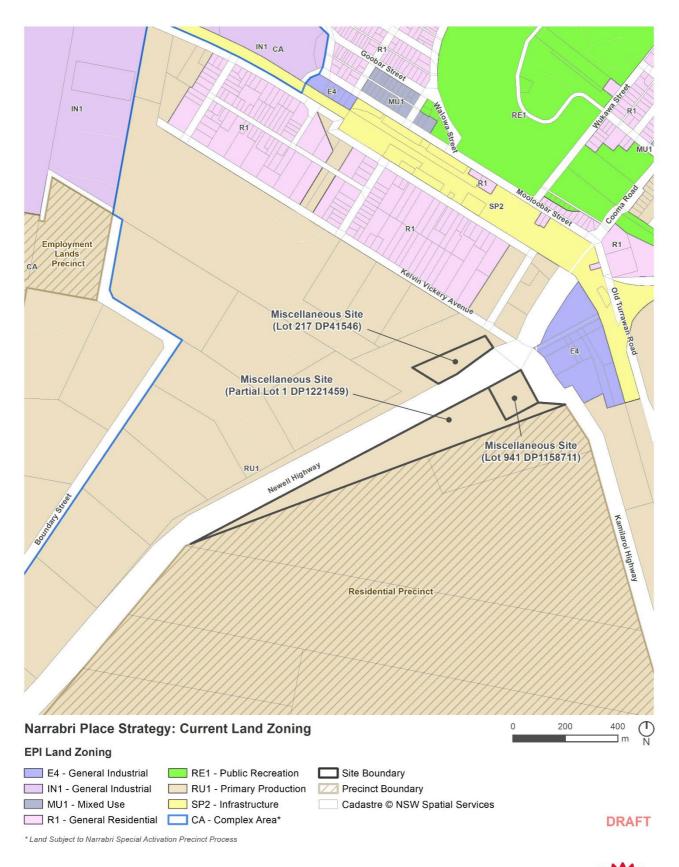


Figure 6: Current land zoning for miscellaneous sites

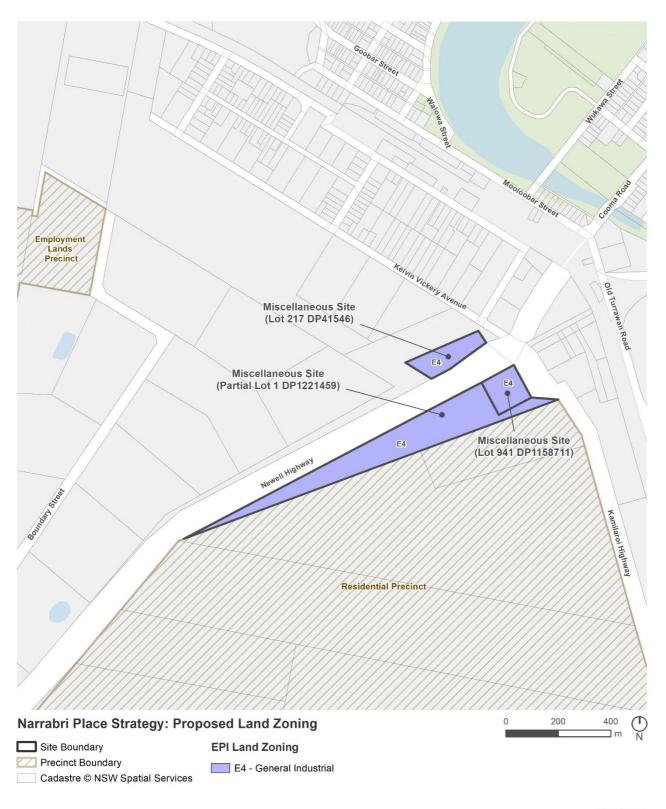


# 3.2 Proposed land use zoning

The proposed land use zones are based on the published land uses zones under the Employment Zones Reform. The proposed land use zoning for all three sites is E4 – General Industry. The land use controls for this zone are identified in section 2.3.3.

Within the E4 – General Industry zone, innominate uses including the service station currently located on Lot 241, DP41546 are permissible with consent.

The proposed land use zoning is identified in Figure 7.



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Figure 7: Proposed land zoning for miscellaneous sites

# 3.3 RU1 - Primary Production

The Department, in collaboration with Council is currently undertaking investigations within the RU1 – Primary Production zone aimed at identifying additional permitted land uses to support greater flexibility and economic growth throughout the Shire. These investigations will enable landowners, with development consent, to undertake an increased variety of land use development.

Investigations are on-going and will be subject to further community consultation at a later date.