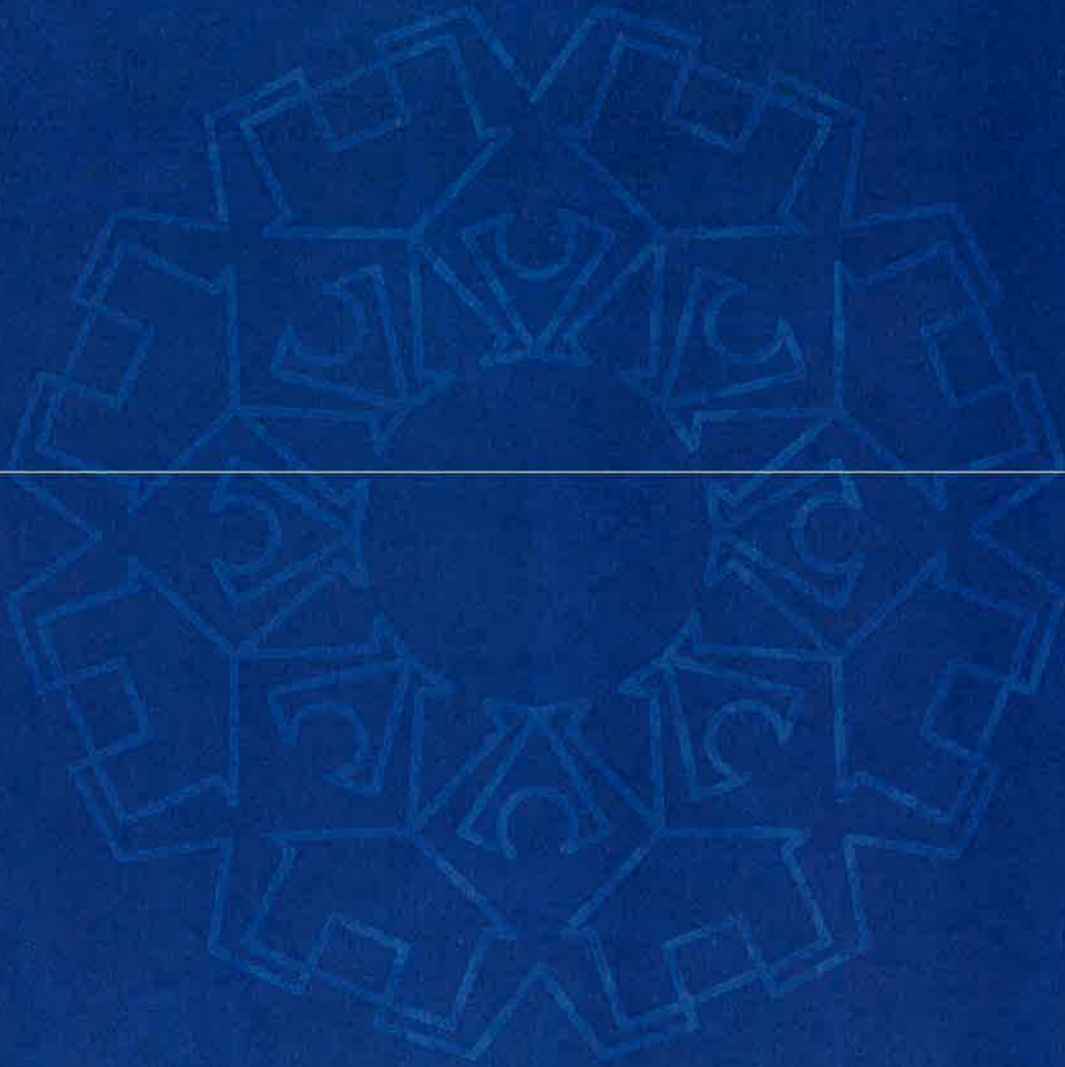




MARCH 2014

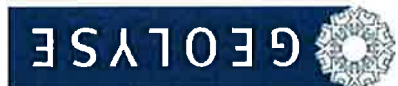
BOGAN SHIRE COUNCIL

PREPARED FOR

PROPOSED CHANGES TO MINIMUM LOT SIZE

PLANNING PROPOSAL





Report Title:	Planning Proposal
Project:	Proposed Changes to Minimum Lot Size
Client:	Bogan Shire Council
Report Ref.:	211054_PP_001A.docx
Status:	Final
Issued:	6 March 2014

Geolyse Pty Ltd and the authors responsible for the preparation and compilation of this report declare that we do not have, nor expect to have a beneficial interest in the study area of this project and will not benefit from any of the recommendations outlined in this report.

The preparation of this report has been in accordance with the project brief provided by the client and has relied upon the information, data and results provided or collected from the sources and under the conditions outlined in the report.

All information contained within this report is prepared for the exclusive use of Bogan Shire Council to accompany this report for the land described herein and are not to be used for any other purpose or by any other person or entity. No reliance should be placed on the information contained in this report for any purposes apart from those stated therein.

Geolyse Pty Ltd accepts no responsibility for any loss, damage suffered or inconveniences arising from, any person or entity using the plans or information in this study for purposes other than those stated above.

DRAWINGS

Drawing TP01 – Title Sheet, Drawing List and Site Locality
Drawing TP02 – Affected Land
Drawing TP03 – Current lot Sizes
Drawing TP04 – Proposed Minimum Lot Sizes
Drawing TP05 – Bush Fire Prone Land
Drawing TP06 – Sensitive Biodiversity

APPENDICES

APPENDIX A

Stakeholder Correspondence

APPENDIX B

Lot Details



ABBREVIATIONS

Abbreviation	Full Name
AHD	Australian Height Datum
AHIMS	Aboriginal Heritage Information Management System
APZ	Asset Protection Zone
ARI	Average Recurrence Interval
DCP	Draft Centres Policy 2009
DoP	NSW Department of Planning
EPA	Environmental Protection Authority
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
ISEPP	State Environmental Planning Policy (Infrastructure) 2007
LEP	Local Environmental Plan
LGA	Local Government Authority
LUS	Western Council's Regional Land Use Strategy 2009
PP	Planning Proposal
RMS	Roads and Maritime Services
Rural Lands SEPP	State Environmental Planning Policy (Rural Lands) 2008
SEPP	State Environmental Planning Policy
SEPP55	State Environmental Planning Policy 55 – Remediation of Land

PROPOSAL

The proposed amendment to the LEP would reduce the minimum lot size to enable dwelling development across the 60 lots; however through careful planning of the appropriate minimum lot size, further subdivision would not be enabled. This would be achieved by applying a variety of minimum lot sizes that necessitates consolidation in order to create viable developable lots.

AMENDMENT REQUIREMENT

The proposed amendment to the LEP seeks to reduce the minimum lot size for the purpose of dwelling development within the RU1 zone. At present, the minimum lot size for both subdivision and dwelling development within the RU1 zone is 600 hectares. It is not proposed that this amendment would result in any change to the ability to subdivide land, as it is not the intention of this amendment to facilitate further subdivision. Given the small size of the 60 lots the subject of this amendment their lack of viable use for other purposes within the RU1 zone, it is intended that dwelling development would be facilitated, with minimal unintended consequences for land resourcing.

UTILITIES

The minimum lot size proposed is provided to ensure adequate capacity within each site to provide on-site effluent disposal. Lots would provide individual harvesting of rainwater, with on-site storage, to provide adequate potable water. It is not anticipated that the development would result in any requirements to extend existing reticulated water or sewer supplies. This approach also ensures that lots currently only accessible from classified roads would be first consolidated with an adjacent lot, and thereby provided with alternate access, prior to being developed – see discussion in following section.

TRAFFIC

The *RTA Guide to Traffic Generating Development* identifies that a standard residential lot is identified to create on average nine (9) additional vehicle movements per day. If all vacant lots were developed (48) at once, this would equate to 432 additional vehicle movements per day. This would be shared amongst a range of road types, including highways and local roads.

The majority of lots affected have frontage to road reserves, but not all of these reserves are developed. Those without frontage to a constructed road reserve would need to contribute to the cost of providing legal access. It is anticipated that this would be addressed via a subsequent DA to develop the lot.

Those lots with direct frontage to either the Mitchell or Barrier Highways would require either an alternate access, consent from Roads and Maritime Services (RMS) to enable access to be provided or would be forced to be consolidated with an adjacent lot with its own local access. RMS have commented on the PP (refer **Appendix A**).

Of the 60 lots the subject of this proposal, six (6) lots have no current alternate access with the exception of either the Mitchell Highway (5 lots) or the Barrier Highway (1 lot). A further 6 lots do not have any obvious road frontage and appear land locked. Further investigation would be required to confirm whether these lots have a legal access. This investigation would be completed following the Gateway decision.

TOPOGRAPHY AND SOILS

The site is within the Bogan-Macquarie Subregion of the Darling Riverine Plains Bioregion. The geology and soils within this subregion are described in **Table 1**:

FLOODING

It is understood that the land is affected by flood during large Average Recurrence Interval (ARI) events as it is outside of the established Nyngan levee – see **Figure 2**. Due to the generally flat and low lying nature of the land, it is susceptible to the impacts of flooding.

Council is currently preparing mapping of flood levels in the Nyngan area however the data from this is not available at the time of preparation of this reporting.

If required, a flood assessment would be prepared to determine the impacts of flooding subsequent to the Gateway determination.



Figure 1: Indicative location of Nyngan Levee (Source: Six Maps)

CONTAMINATION

A desktop analysis of prior land uses affecting each of the sites has been completed. This involved a review of topographic maps, aerial photography and Council development application records.

This is further addressed in Part 3, Section B of this PP in the context of *State Environmental Planning Policy 55 – Remediation of Land* (SEPP55).

The review has revealed three lots with potential contamination issues that would require further investigation. Two of the lots are adjacent to one another and housed the former Nyngan waste facility. The third identified lot was formerly used as a saleyards facility. Of the remaining 60 lots, there are no other noted examples of land uses that may result in contaminated land. Further investigation of those lots would be completed following the Gateway decision.

Part 2 - Explanation of Provisions

The proposed outcome would be achieved through the amendment of Lot Size Map LSZ_008A of the *Bogan Local Environmental Plan 2011* by amending the minimum lot size for various parcels of land as outlined below:

- a) for land zoned RU1 - Primary Production with a size between 0 and 2 hectares - to reduce the minimum lot size from the current 600 hectares to 12,500 square metres (20 lots),
- b) for land zoned RU1 - Primary Production with a size between 2 and 4 hectares - to reduce the minimum lot size from the current 600 hectares to 2.25 hectares (13 lots),
- c) for land zoned RU1 - Primary Production with a size between 4 and 8 hectares - to reduce the minimum lot size from the current 600 hectares to 5 hectares (8 lots),
- d) for land zoned RU1 - Primary Production with a size between 8 and 16 hectares - to reduce the minimum lot size from the current 600 hectares to 9 hectares (5 lots),
- e) for land zoned RU1 - Primary Production with a size between 16 and 32 hectares - to reduce the minimum lot size from the current 600 hectares to 17 hectares (6 lots),
- f) for land zoned RU1 - Primary Production with a size between 32 and 64 hectares - to reduce the minimum lot size from the current 600 hectares to 33 hectares (4 lots),
- g) for land zoned RU1 - Primary Production with a size between 64 and 128 hectares - to reduce the minimum lot size from the current 600 hectares to 65 hectares (3 lots), and
- h) for land zoned RU1 - Primary Production with a size between 128 and 170 hectares - to reduce the minimum lot size from the current 600 hectares to 129 hectares (1 lot).

productive potential are of particular value for agricultural use. Larger lots are required to allow the sustainable productive use of the typically moderate to low productivity cropping and grazing lands that dominant the Sub-region.

In preparing the Lot Size Analysis report, surveys were sent to two residents in each LGA seeking their opinion on minimum lot sizes. It should be noted that no responses were received from Bogan Shire; as such it is conceivable that the resulting principles and lot sizes are not representative of the views of the broader population of Bogan Shire. The experience of Council would appear to confirm this view, given the level of interest in the development of a dwellings on smaller RU1 land.

A review of the LUS identifies two key matters for consideration in relation to amend the LEP, being land suitability and the strategic implications of such a change, including supply/demand. Consultation with the DOP (refer **Appendix A**) has also confirmed that supply/demand is a matter to be considered in this document.

There are a range of factors that impact on the suitability of land to be used for residential purposes. These include environmental and locational factors.

Common environmental factors include impacts from flooding, bushfire, soil salinity, steeply sloping land, karst landscapes, groundwater vulnerability, sensitive biodiversity and riparian environments.

Common locational factors include proximity to classified roads or proximity to non-complimentary land uses (such as mining operations, intensive agriculture operations, sewerage treatment plants or airports).

The above factors are all valid when considering the suitability of land for development, particularly residential development. **Table 3** provides commentary of the above matters by reference to the proposed affected land.

Table 3 - Land Suitability

Constraint	Applicability	Response
Flooding	All lots are known to be affected by flooding as they are outside of the Nyngan flood levee.	A flood assessment would be undertaken to confirm the degree of impact of the proposed rezoning
Bushfire	As identified in Figure 1 and Drawing TP05, a number of the lots are identified as being bush fire prone.	A bush fire assessment would be prepared taking account of the bush fire prone nature, and would identify requirements for subsequent development, including the need to identify building envelopes, asset protection zones and building standards in accordance with Australian Standard 3969-2009 'Construction of buildings in bush fire prone areas'
Soil salinity	Soil landscaping mapping is not available for the Nyngan area.	The development of land that is saline for residential purposes is not inappropriate, on the basis that its use for primary production purposes is otherwise constrained.
Steeply sloping land	The land is not steeply sloping	Not applicable
Karst landscapes	The land is not a karst landscape	Not applicable
Groundwater vulnerability	The land is not known to be groundwater vulnerable	Not applicable
Sensitive biodiversity	The LEP mapping confirms that some of the affected sites are mapped as containing sensitive biodiversity, particularly those in close proximity to the Bogan River	Ecological assessments of affected sites would be required as a requirement of any future DA, by virtue of existing LEP provisions. In any event, a broad ecological assessment would be prepared subsequent to the Gateway decision.
Riparian environments	As above	As above

- implement measures designed to reduce land use conflicts
- identify State significant agricultural land for the purpose of ensuring the ongoing viability of agriculture on that land, having regard to social, economic and environmental considerations
- amend provisions of other environmental planning instruments relating to concessional lots in rural subdivisions.

Clause 8 of the Rural Lands SEPP identifies the rural subdivision principles. These are discussed in the context of the PP in **Table 4** below.

Table 4 - Rural Subdivision Principles

Principle	Relevance
the minimisation of rural land fragmentation	The PP would not result in any further fragmentation and larger lots.
the minimisation of rural land use conflicts, particularly between residential land uses and other rural land uses	Given the small size of the lots, and their proximity to town, there is minimal likelihood of conflict arising between dwelling usage and adjacent primary production land uses. The placement of dwellings on the larger lots on the outer edges of the subject area can be controlled via the subsequent development application process, or if considered necessary, via the identification of building envelopes during the PP process.
the consideration of the nature of existing agricultural holdings and the existing and planned future supply of rural residential land when considering lot sizes for rural lands	As no subdivision is proposed it is not considered that the PP would result in any further fragmentation of rural lands. Lots identified within PP are typically physically separated from adjacent operational primary production lands by road reserves. Those lots directly abutting without separation (typically on the eastern side of town) are larger, and proposed minimum lot sizes would ensure that sufficient setbacks are provided between development and adjacent properties. This would be effectively controlled via the DA process for development of these dwellings.
the consideration of the natural and physical constraints and opportunities of land	Given the range of land involved, there is some degree of physical limitation due to the attributes of the land. The primary limitations are the flood affected nature and the bushfire prone status of portions of the land. A flood report would be prepared following the Gateway decision to identify appropriate minimum floor levels for dwellings to ensure safety of occupants. Land identified as bush fire prone would be subject to the provisions of Planning for Bush Fire Protection and Australian Standard 3959-2009 at DA stage. If warranted, building envelopes could be identified during the PP process to confirm adequate developable sites.
ensuring that planning for dwelling opportunities takes account of those constraints	As identified via the above comments, the physical constraints and opportunities of the land have been considered and would be the subject of further studies before the PP is resolved.

Source: State Environmental Planning Policy (Rural Lands) 2008

As a result of the above, it is considered that the PP satisfies the intent of the Rural Subdivision Principles.

State Environmental Planning Policy 55 – Remediation of Land

Clause 6 of the *State Environmental Planning Policy 55 – Remediation of Land* (SEPP55) requires that a planning authority must take consideration of the contamination status of land the subject of proposed zoning or rezoning proposal.

A draft LEP may be inconsistent with this direction only if:

council can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General), that the provisions of the draft LEP that are inconsistent are of minor significance.

In consideration of the above, informal consultation with the NSW Trade and Investment Resources & Energy has identified no concerns with the proposed change of the MLS to RU1 lands identified within this PP – refer **Appendix B**.

On the basis that T&I, R&E is identified no objections, it is considered that this draft LEP is of minor significance and that the draft LEP may therefore be inconsistent with this Direction.

Direction 1.5 – Rural Lands

Direction 1.5 states at section (3) that the directive is relevant where:

- (a) a relevant planning authority prepares a planning proposal that will affect land within an existing or proposed rural or environment protection zone (including the alteration of any existing rural or environment protection zone boundary) or
- (b) a relevant planning authority prepares a planning proposal that changes the existing minimum lot size on land within a rural or environment protection zone.

Part (b) of the above is relevant to this project.

Section 6 of Directive 1.5 states:

A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the provisions of the planning proposal that are inconsistent are:

- (a) justified by a strategy which:
 - (i) gives consideration to the objectives of this direction,
 - (ii) identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites, and
 - (b) is of minor significance.

Part (5) of Direction 1.5 states that where this directive applies, the draft LEP must be consistent with the Rural Subdivision Principles listed in the Rural Lands SEPP. This is discussed in **Table 4** above, and the PP demonstrates compliance with these principles. The PP is therefore acceptable in the context of Direction 1.5(5).

Direction 4.3 – Flood Prone Land

Direction 4.3 relates to Flood Prone land and is considered to be relevant to the PP. Direction 4.3 states at Section (3) that:

This direction applies when a relevant planning authority prepares a planning proposal that creates, removes or alters a zone or a provision that affects flood prone land.

The direction is considered to apply to the land on the basis that the PP would alter a zone or provision that affects flood prone land. Clauses 4-8 provide the framework outlining what Council must do where the Direction applies.

Section 9 of Direction 4.3 states:

A planning proposal may be inconsistent with this direction only if the relevant planning authority can satisfy the Director-General (or an officer of the Department nominated by the Director-General) that:

- (a) the planning proposal is in accordance with a floodplain risk management plan prepared in accordance with the principles and guidelines of the Floodplain Development Manual 2005,
- or
- (b) the provisions of the planning proposal that are inconsistent are of minor significance.

Direction 6.1 – Approval and Referral Requirements

Ministerial Direction 6.1 – Approval and Referral Requirements applies to all Planning Proposals forwarded for Gateway Determination by a local authority.

To be compliant with Direction 6.1, a Planning Proposal must be consistent with the following provisions:

"A planning proposal must:

- (a) Minimise the inclusion of provisions that require the concurrence, consultation or referral of development applications to a Minister or public authority, and
- (b) Not contain provisions requiring concurrence, consultation or referral of a Minister or public authority unless the relevant planning authority has obtained the approval of:
 - The appropriate Minister or public authority, and
 - The Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General), prior to undertaking community consultation in satisfaction of section 57 of the Act, and
- (a) Not identify development as designated development unless the relevant planning authority:
 - Can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the class of development is likely to have a significant impact on the environment, and
 - Has obtained the approval of the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) prior to undertaking community consultation in satisfaction of section 57 of the Act".

The proposed amendment to minimum lot sizes does not include specific provisions that would trigger a need for concurrence, consultation, or referral to the State Government.

Should future development seek to develop lots without alternative access other than via a classified road, RMS consultation would be required as the relevant roads authority. As previously stated, the intent of the PP is to ensure that access via classified roads is not provided, and this would be controlled via the minimum lot size provisions, ie, those lots without alternate access would have a minimum lot size applied that requires consolidation with an adjoining lot in order to enable development. In the six instances where this is the case, adjacent land has access to a unclassified road.

Direction 6.3 – Site Specific Provisions

Ministerial Direction 6.3 – Site Specific Provisions applies to all Planning Proposals forwarded for Gateway Determination by a local authority.

To be compliant with Direction 6.3, a Planning Proposal must be consistent with the following provisions:

- (a) A planning proposal that will amend another environmental planning instrument in order to allow a particular development proposal to be carried out must either:
 - Allow that land use to be carried out in the zone the land is situated on, or
 - Rezone the site to an existing zone already applying in the environmental planning instrument that allows that land use without imposing any development standards or requirements in addition to those already contained in that zone, or
 - Allow that land use on the relevant land without imposing any development standards or requirements in addition to those already contained in the principal environmental planning instrument being amended.
- (b) A planning proposal must not contain or refer to drawings that show details of the development proposal".

(c) encouraging the conservation and recovery of native fauna and flora and their habitats.

(2) This clause applies to land identified as "High Biodiversity Sensitivity" and "Moderate Biodiversity Sensitivity" on the *Terrestrial Biodiversity Map*.

(3) Before determining a development application for development on land to which this clause applies, the consent authority must consider whether or not the development:

(a) is likely to have any adverse impact on the condition, ecological value and significance of the fauna and flora on the land, and

(b) is likely to have any adverse impact on the importance of the vegetation on the land to the habitat and survival of native fauna, and

(c) has any potential to fragment, disturb or diminish the biodiversity structure, function and composition of the land, and

(d) is likely to have any adverse impact on the habitat elements providing connectivity on the land.

(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.

As identified in **Drawing TP06**, areas of the land the subject of this PP is marked as containing sensitive biodiversity.

Notwithstanding this, the proposed approach to reduce minimum lot sizes would carefully control overall yield to ensure that the land is not overdeveloped. In many cases, the land would need to be first consolidated with adjacent land in order to achieve the proposed minimum lot sizes for dwelling development. This ensures that impacts would be appropriately managed. In addition, it is proposed that an ecological assessment would be undertaken to determine the extent of likely impact.

It is anticipated as a result of the requirement to consolidate lots prior to development that the overall yield of developable lots as a result of this PP would be around 25-30. Given the approximately 900 hectare area covered this is a very low density development level. Development impacts can be appropriately managed through the DA process to ensure that impacts to the natural environment are mitigated and managed.

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

The proposed land would, in some instances, facilitate the development of land that has access only from classified roads. Consultation with RMS has identified (refer **Appendix B**) that the draft LEP (ISEPP) and ensure opportunities to access the classified road network are only available via local roads and not directly from dwelling lots.

Clause 101 of the ISEPP states:

(1) The objectives of this clause are:

(a) to ensure that new development does not compromise the effective and ongoing operation and function of classified roads, and

(b) to prevent or reduce the potential impact of traffic noise and vehicle emission on development adjacent to classified roads.

(2) The consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that:

Table 7 - Net Community Benefit Test

EVALUATION CRITERIA	COMMUNITY COSTS AND BENEFITS			
	BASE CASE – CURRENT SITUATION	PLANNING PROPOSAL	QUALITATIVE COMMUNITY BENEFIT PER CRITERIA	QUANTITATIVE COMMUNITY BENEFIT PER CRITERIA
Will the LEP be compatible with agreed State and regional strategic direction for development in the area (e.g. land release, strategic corridors)?	There are no State or regional strategic plans or directions that address Nyngan. The LUS was adopted by Council in 2009. In relation to rural residential lots the LUS identifies the need to: <i>8.4(g) Provide for genuine demand for rural residential development in locations that do not cause conflict for agricultural lands, extractive industries, mines, areas of high potential for mineral and extractive resources and do not undermine future urban expansion options.</i> <i>8.4(h) Use existing rural residential settlement patterns as a guide and assess land in proximity to these areas to gauge its potential suitability for rural residential expansion using the best available information.</i>	The LEP seeks to amend the LEP to reduce the applicable minimum lot sizes to facilitate development of dwellings on land currently zoned RU1 and with a minimum lot size of 400 hectares.	The qualitative benefits of the proposal are: - The creation of additional parcels of land suitable for rural residential development, ensuring adequate long term supply of rural residential land - The increased supply of available rural residential land improves the viability of the town	All lots would be developed at developers cost and there would be no external cost to the community.
Is the LEP located in a global/regional city, strategic centre or corridor nominated within the Metropolitan Strategy or another regional/sub-regional strategy? Is the LEP likely to create a precedent or change the expectations of the landowner or other landholders?	Nyngan is not a strategic centre and is not identified in any Regional/Subregional study.	The proposed LEP relates to 60 lots of varying sizes on the periphery of the town of Nyngan.	The PP may increase the expectations of adjacent land owners to also be able to develop dwellings; however this would be the subject of a further PP that would require Council support. Given the small size of the subject lots, the likelihood of the current scenario being repeated is low.	No external cost to the community



Table 7 - Net Community Benefit Test

EVALUATION CRITERIA	COMMUNITY COSTS AND BENEFITS			
	BASE CASE – CURRENT SITUATION	PLANNING PROPOSAL	QUALITATIVE COMMUNITY BENEFIT PER CRITERIA	QUANTITATIVE COMMUNITY BENEFIT PER CRITERIA
Are there significant Government investments in infrastructure or services in the area whose patronage will be affected by the proposal? If so, what is the expected impact?	There are no significant government investments in the area that would be impacted by the proposal.	The development would give rise to additional dwellings thereby increasing traffic generation within the town. The low number of available lots would not significantly impact on the traffic environment.	No external cost to the community	No external cost to the community
Will the proposal impact on land that the Government has identified a need to protect (e.g. land with high biodiversity values) or have other environmental impacts? Is the land constrained by environmental factors such as flooding?	Parts of the land are identified as flood and bushfire prone and containing sensitive biodiversity – additional reporting would be prepared following the Gateway decision to support the PP in light of these features.	A flood plain risk management plan, a bush fire assessment report and an ecological assessment would be completed following the initial Gateway decision.	Land would be developed that is adequately protected for development purposes.	No external cost to the community. Mitigation costs to be borne by individual developers, such as incorporating bush fire construction measures and elevating buildings above flood levels.
Will the LEP be compatible/ complementary with surrounding land uses? What is the impact on amenity in the location and wider community? Will the public domain improve?	The land is on the periphery of the town of Nyngan and is surrounded by land typically in use for primary production purposes.	The LEP facilitates development of lots for residential purposes, forming a buffer between the current urban area and the surrounding primary production land.	Improved supply of low cost, developable land for residential purposes.	No external cost to the community
Will the proposal increase choice and competition by increasing the number of retail and commercial premises operating in the area?	No current commercial or retail land use.	The LEP would not increase retail or commercial function.	No external cost to the community	No external cost to the community
If a stand-alone proposal and not a centre, does the proposal have the potential to develop into a centre in the future?	Not relevant to this Planning Proposal.			No external cost to the community
What are the public interest reasons for preparing the draft plan? What are the implications of not proceeding at that time?	The PP is driven by interest from local residents to develop low cost, accessible land for residential purposes.	Dwelling development would be permissible on the lots as a result of the LEP.	Public Interest is best served by providing affordable and accessible land for residential development.	Potential migration from the town if suitable low cost land is not available for development.
Net Community Benefit =				
			Positive	Positive

Source: Draft Centres Policy 2009

Part 4 – Mapping

The PP would require the amendment of Local Environmental Plan Map LZN_008A to reduce minimum lot sizes. **Drawing TP04** demonstrates the proposed applicable minimum lot sizes.

Table 8 - Stakeholder Consultation

Stakeholder	Response
NSW Department of Planning and Infrastructure	The Department is supportive of Council achieved appropriate and justifiable land use planning outcomes for the LGA, particularly a mix of residential land uses to meet market demands. The following matters are to be taken into consideration - Ministerial Section 117 Directions - 1.2 Rural Zones - 1.3 Mining, Petroleum Production and Extractive Industries - 1.5 Rural Lands - 3.1 Residential Zones - 4.3 Flood Prone Land - State Environmental Planning Policies - Mining, Petroleum Production and Extractive Industries - No 55 Remediation of Land - Rural Lands Western Council's Sub Regional Land Use Strategy Council needs to consider consistency with the land use outcomes contain in the Director General approved LUS. Consideration of supply and demand for the proposed residential use is also required, noting that there is large area already zone R5 – Large Lot Residential with a minimum lot size of 4000m² identified in the Local Environmental Plan on the western side of Nynagan.
NSW Roads and Maritime Services	Amendment should adopt/reference clause 101 of the State Environmental Planning Policy (Infrastructure) 2007 and ensure opportunities to access the classified road network are available via local roads
NSW Trade and Investment Resources & Energy	The Minerals Resources Branch has no concerns regarding the proposed change of minimum lot size to the RU1 (Primary Production) lots surrounding the town of Nynagan.
NSW Department of Primary Industries	The following issues recommended for consideration: - Consideration of water demand and water sources is recommended, to ensure that lots have sufficient water to meet the demands of a rural residential land use (refer to NOW factsheet 'How much water do I need for my rural property'; - Consideration of impact of additional demand on water extraction from Bogan River, from those lots with direct frontage - If connection to the reticulated sewer network is not provided, use of aerated wastewater systems is recommended; thereby minimising potential impact to groundwater and surface water sources - Development within 40 metres of watercourses will be required to address the NSW Office of Water "Guidelines for Controlled Activities on Waterfront Land";
NSW Department of Primary Industries	DPI recommend that a local study be prepared considering the provision of residential development opportunities in and around Nynagan, including ensuring the protection of agricultural lands from conflict. Some factors that should be addressed in the study include: • The suitability of the areas for further increased housing density that considers the environment and social impacts on the town. This may also impact on preferred sizing of such lots and their ability to absorb impacts on the site and not impact those lands that are adjacent especially lands used or primary production. There is no logic in what has been submitted in the report to Bogan regarding the lot sizes and location. • Ensure that future growth of the town through land supply for housing, industry etc. is not impeded by the heapfrogging of residential development over lands may be more suitable. The current areas need to be shown why they should be considered to be a priority as opposed to areas that might be more logical for such development if it can be justified.

References

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- Morgan, G. and Terrey, J. 1992, *Nature conservation in western New South Wales*, National Parks Association, Sydney
-
- NSW Department of Planning (DOP). 2009a, A Guide to Preparing Local Environmental Plans, DOP, Sydney.
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- NSW Department of Planning (DOP). 2009a, A Guide to Preparing Planning Proposals, DOP, Sydney
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BOGAN SHIRE COUNCIL PLANNING PROPOSAL

SCHEDULE OF DRAWINGS			
SHEET	TITLE	REV.	DATE
02C_TP01	TITLE SHEET, DRAWING LIST, AND SITE LOCALITY	C	18/11/2013
02C_TP02	AFFECTED LAND	C	18/11/2013
02C_TP03	LOT SIZES	C	18/11/2013
02C_TP04	DEVELOPMENT STATUS	C	18/11/2013
02C_TP05	BUSH FIRE PRONE LAND	C	18/11/2013
02C_TP06	BIODIVERSITY SENSITIVITY	C	18/11/2013



SITE LOCALITY
NOT TO SCALE

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NO.	DATE	DESCRIPTION	REVISION
A	18/06/13	REV	DW
B	18/06/13	REV	DW
C	18/11/13	REV	DW

PROJECT

PLANNING PROPOSAL

APPROVAL AUTHORITY

NSW Planning & Infrastructure

CLIENT

BOGAN SHIRE COUNCIL

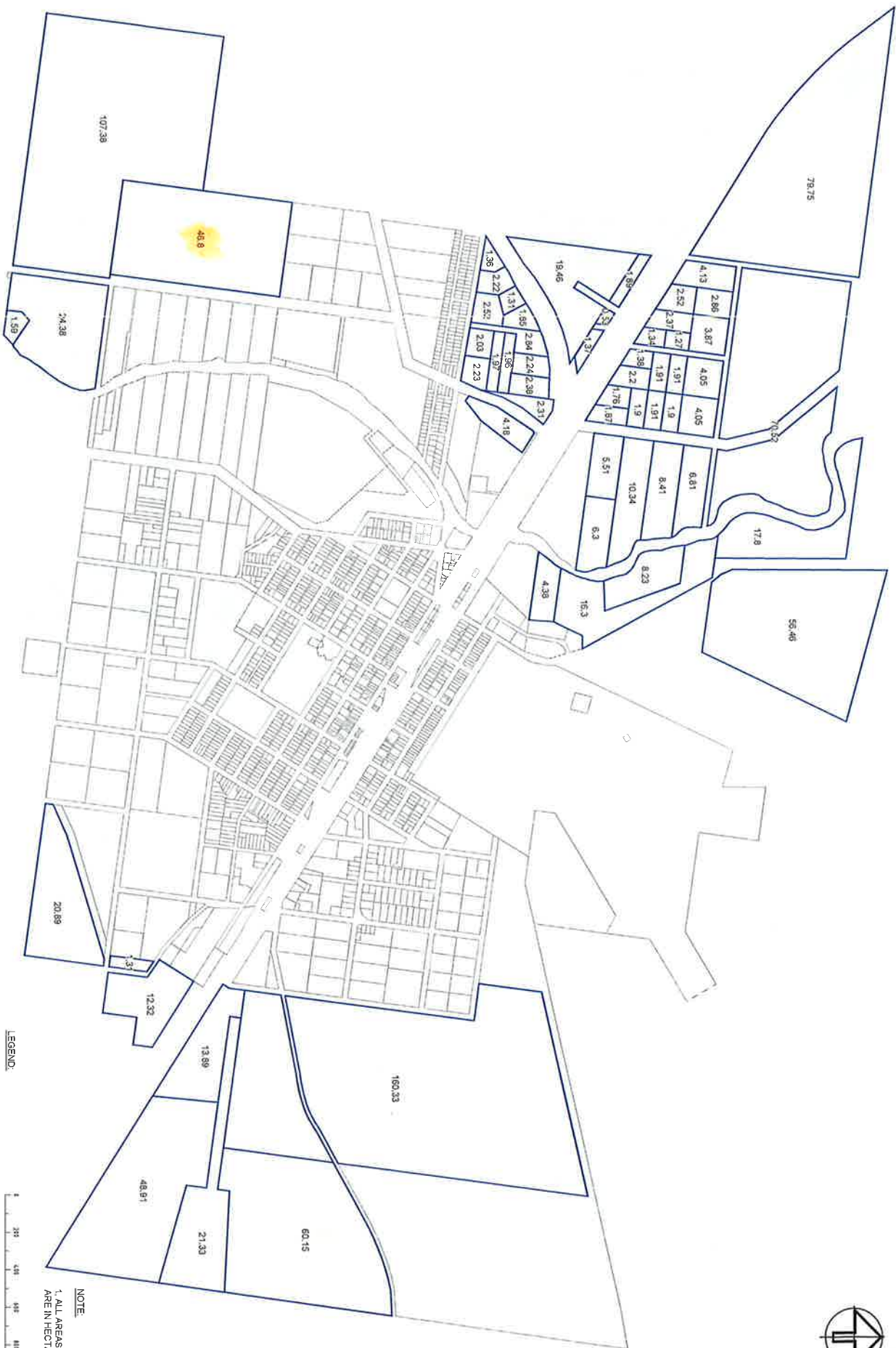
DRAWING

TITLE SHEET, DRAWING LIST,
AND SITE LOCALITY

PROJECT NUMBER 211054

REVISION 02C_TP01

REV. C



LEGEND:

 AFFECTED LAND

 SCALE 1:20000 (A3)

100 900 1000 1002

LEGEND:

PLATE 1

PRINTING
NUMBER:

PROJECT NUMBER	211054	DRAWING NUMBER	02C_TP03	REV.	C
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BOGAN SHIRE COUNCIL



NSW
GOVERNMENT

Planning &
Infrastructure

APPROVAL AUTHORITY

PLANNING PROPOSAL

12345678910111213141516171819202122232425262728293031323334353637383940414243444546474849505152535455565758596061626364656667686970717273747576777879808182838485868788899091929394959697989910010110210310410510610710810911011111211311411511611711811912012112212312412512612712812913013113213313413513613713813914014114214314414514614714814915015115215315415515615715815916016116216316416516616716816917017117217317417517617717817918018118218318418518618718818919019119219319419519619719819920020120220320420520620720820921021121221321421521621721821922022122222322422522622722822923023123223323423523623723823924024124224324424524624724824925025125225325425525625725825926026126226326426526626726826927027127227327427527627727827928028128228328428528628728828929029129229329429529629729829930030130230330430530630730830931031131231331431531631731831932032132232332432532632732832933033133233333433533633733833934034134234334434534634734834935035135235335435535635735835936036136236336436536636736836937037137237337437537637737837938038138238338438538638738838939039139239339439539639739839940040140240340440540640740840941041141241341441541641741841942042142242342442542642742842943043143243343443543643743843944044144244344444544644744844945045145245345445545645745845946046146246346446546646746846947047147247347447547647747847948048148248348448548648748848949049149249349449549649749849950050150250350450550650750850951051151251351451551651751851952052152252352452552652752852953053153253353453553653753853954054154254354454554654754854955055155255355455555655755855956056156256356456556656756856957057157257357457557657757857958058158258358458558658758858959059159259359459559659759859960060160260360460560660760860961061161261361461561661761861962062162262362462562662762862963063163263363463563663763863964064164264364464564664764864965065165265365465565665765865966066166266366466566666766866967067167267367467567667767867968068168268368468568668768868969069169269369469569669769869970070170270370470570670770870971071171271371471571671771871972072172272372472572672772872973073173273373473573673773873974074174274374474574674774874975075175275375475575675775875976076176276376476576676776876977077177277377477577677777877978078178278378478578678778878979079179279379479579679779879980080180280380480580680780880981081181281381481581681781881982082182282382482582682782882983083183283383483583683783883984084184284384484584684784884985085185285385485585685785885986086186286386486586686786886987087187287387487587687787887988088188288388488588688788888989089189289389489589689789889990090190290390490590690790890991091191291391491591691791891992092192292392492592692792892993093193293393493593693793893994094194294394494594694794894995095195295395495595695795895996096196296396496596696796896997097197297397497597697797897998098198298398498598698798898999099199299399499599699799899910001001100210031004100510061007100810091010101110121013101410151016101710181019102010211022102310241025102610271028102910301031103210331034103510361037103810391040104110421043104410451046104710481049105010511052105310541055105610571058105910601061106210631064106510661067106810691070107110721073107410751076107710781079108010811082108310841085108610871088108910901091109210931094109510961097109810991100110111021103110411051106110711081109111011111112111311141115111611171118111911201121112211231124112511261127112811291130113111321133113411351136113711381139114011411142114311441145114611471148114911501151115211531154115511561157115811591160116111621163116411651166116711681169117011711172117311741175117611771178117911801181118211831184118511861187118811891190119111921193119411951196119711981199120012011202120312041205120612071208120912101211121212131214121512161217121812191220122112221223122412251226122712281229123012311232123312341235123612371238123912401241124212431244124512461247124812491250125112521253125412551256125712581259126012611262126312641265126612671268126912701271127212731274127512761277127812791280128112821283128412851286128712881289129012911292129312941295129612971298129913001

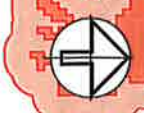
id	DATE	DRAWING ORDER	OFFICIAL BY	DETAIL
A	04/00/13	BY	DW	ISSUED TO CLIENT
B	26/00/13	BY	DW	ADDITION OF BUILDING PROPOSE LAND
C	16/11/13	BY	DW	ADDITION OF BLOOM SITE SUBMITTANCE

ORANGE
GEOLYSE

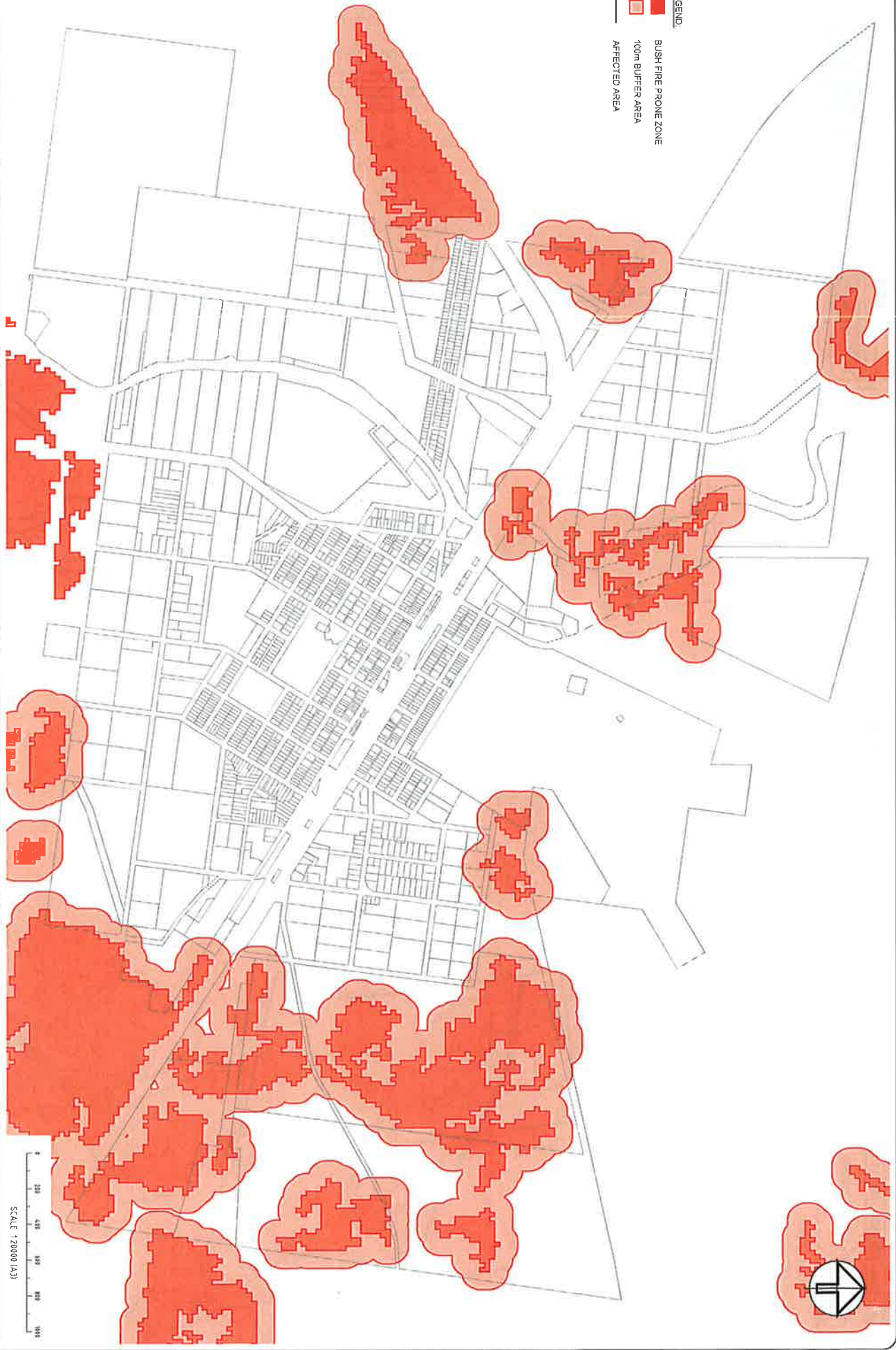
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Ph. (022) 6393 5000
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- LEGEND**
- BUSH FIRE PRONE ZONE
 - 100m BUFFER AREA
 - AFFECTED AREA





GEOLYSE

ORANGE

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144 PLOTTED STREET
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NO	SITE	LOCALITY	DATE	DETAILS
A	10400013	WV	ENV	ISSUED TO CLIENT
B	2020013	WV	ENV	ADDITION OF BUSH FIRE PRONE LAND
C	1841013	WV	ENV	ADDITION OF BUSH FIRE PRONE LAND

PLANNING PROPOSAL

PLANNING PROPOSAL 211054

APPROVAL AUTHORITY

 **Planning & Infrastructure**

CLIENT

BOGAN SHIRE COUNCIL

SKETCH

BUSH FIRE PRONE LAND

PROJECT NUMBER 211054
SUBJECT 02C, TP05
REF. C

Appendix A

STAKEHOLDER CORRESPONDENCE

OEH's generic recommendations for local government strategic planning, many of which will have already been addressed by Council in the current LEP and should be considered for any proposed changes.

Information regarding the proposed amendment states that the intent is to facilitate the reduction in the applicable minimum lot size of approximately sixty RU1 – Primary Production lots surrounding the town of Nyngan to facilitate dwelling development. Maps attached to the Bogan LEP 2011 indicate that the subject lots currently have a minimum lot size of 600 hectares.

The information also states,

Council do not seek to facilitate further subdivision via this amendment and would therefore seek to amend the Local Environmental Plan minimum lot size map to facilitate dwelling development but not generate the possibility of further subdivision. Some consolidation of lots may be required to achieve proposed minimum lot sizes.

It is unclear from the current information provided to OEH how a reduction in minimum lot size will facilitate dwelling development without further subdivision or whether there is an intent to rezone lots to enable this. The planning proposal document should therefore include, at a minimum:

- Clear maps showing the current LEP zoning and minimum lot sizes for all affected lots,
- Clear maps showing any proposed changes to LEP zoning and minimum lot sizes
- Exactly how many lots are to be affected, and how many will result from the proposed amendment
- An analysis of the impacts of any proposed changes to zoning and/or settlement intensity on biodiversity and Aboriginal Cultural Heritage, with particular reference to the matters included in Clause 7.4 of the Bogan LEP 2011.

OEH would prefer not to see the intensification of land use in areas where there is significant native vegetation, which is likely to increase the pressures of development and settlement on biodiversity in rural lands. Several of the subject lots have areas of High or Moderate Biodiversity Sensitivity (Bogan LEP 2011 – Terrestrial Biodiversity Map 008) particularly associated with the Bogan River corridor and other areas of native vegetation. Ideally these areas would receive an Environmental Zoning under the LEP but as a minimum they should be protected from any intensification of land use.

If additional information relating to the proposed amendment to the LEP indicates that areas within the OEH's responsibility require further investigation, we may provide future input. Should you require further information about this submission please contact Terry Mazzer, Conservation Planning Officer on (02) 6883 5302, or terry.mazzer@environment.nsw.gov.au.

Yours sincerely,



SONYA ARDILL
Team Leader, Planning
North West Region

1. Implement appropriate Environmental Zonings

The zone, E1 'National Parks and Nature Reserves', should be applied to all of the OEH estate within the LGA. We also encourage Councils to apply other environmental and water ways zones in appropriate areas.

The E1 zoning is intended to apply to all lands acquired under the *National Parks and Wildlife Act 1974* (NP&W Act), and therefore is not limited to only the 'National Park' and 'Nature Reserve' classifications.

The OEH is also strongly supportive of the implementation of appropriate environmental zonings to other areas identified to have high biodiversity or Aboriginal cultural sensitivity. Private and public lands with high conservation values, including those providing linkages or corridors, can be protected in LEPs through appropriate zoning and/or via overlays with associated development controls. Councils should implement land use zonings such as E2-E4 and W1-W2 to provide as much protection as possible to biodiversity and ecological communities. Specific advice regarding the use of these zones is included in Practice Note previously forwarded to Council.

In particular, we advocate the application of the E2 zone to areas of private or Crown lands that are presently managed primarily for conservation (such as crown reserves or areas under conservation covenants).

We also recommend that Travelling Stock Reserves (TSRs) with known conservation values are included in E3 zones at a minimum, although E2 zoning would be preferred. Mapping of TSRs, including identified conservation values, is available via the Grassy Box Woodlands Conservation Management Network. This mapping can be accessed via <http://gbwcmn.net.au/node/6>.

2. Avoid development in remnant native vegetation

- Council, through the Land Use Strategy and LEP, can protect biodiversity by avoiding development such as settlement and other land use intensification, in areas of remnant native vegetation.
- Development should be directed to areas that have already been cleared, unless such areas have been identified as having environmental importance (eg targeted by a Catchment Management Authority for revegetation to improve regional connectivity).

Avoiding development in areas of native vegetation will contribute to the achievement of Catchment and State biodiversity targets.

Settlement should also be avoided in locations that are likely to be targeted for investment by the Catchment Management Authority (CMA). Landholders in such areas may receive incentive funding for protection and enhancement of native vegetation or revegetation of cleared areas.

The OEH will not support strategic land use recommendations or LEP provisions that allow further settlement opportunities in these areas, particularly if Council assumes that ongoing management could be effectively controlled by complex DCP rules.

OEH is pleased to note that Bogan Shire Council has incorporated the package of Environmentally Sensitive Area (ESA) mapping and associated Technical and Practice Notes provided previously in the LEP. At the broad strategic level, these maps can be used to identify areas that are most likely to be free from significant land, water or biodiversity constraints, therefore more suited to development.

5. Include a biodiversity overlay and suitable clauses within the LEP

The OEH strongly recommends the use of overlays and associated provisions with the LEP to provide additional protection for biodiversity. It is particularly important to define assessment and development control provisions for those instances where development or settlement intensification cannot be avoided in remnant native vegetation.

LEPs should include objectives and provisions that require a 'maintain or improve' outcome for native vegetation and threatened species whenever clearing of native vegetation or environmentally sensitive areas cannot be avoided

Overlays can also be used to update any existing 'environmentally sensitive lands' provisions in current LEP and therefore meet the requirements of the S117 Directions to at least maintain existing environmental protection standards.

Importantly, the use of such overlays is consistent with the Department of Planning and Infrastructure (DPI) Practice Note PN 09-002V (30 April 2009) on environmental zones¹ which states:

'Local environmental provisions may be applied where zone provisions need to be augmented in order to ensure that special environmental features are considered. For example, rural land that is still principally for agriculture but which contains environmentally sensitive areas may be zoned RU1 or RU2 and the environmental sensitivities managed through a local provision and associated ('overlay') map.

The benefits of this approach include:

- *The intended conservation or management outcomes for land can be clearly articulated in the LEP.*
- *Areas are clearly defined and controls streamlined.*
- *Sub-zones are not created. (These are not permitted under the standard instrument).*

Provisions for environmentally sensitive areas may include multiple natural resource or other features such as acid sulfate soils and riparian land. A local provisions clause may include objectives and, where the sensitivity is a mappable attribute, a map would accompany the provision;

The OEH congratulates Bogan Shire Council on the inclusion of the environmentally sensitive land overlays developed by the former Departments of Water and Energy, Environment and Climate Change, and Primary Industries (Fisheries). These overlays and clauses have been prepared to provide Council with information on resource assets and environmental constraints and how these assets and constraints should be managed during the assessment of development applications. The use of the environmentally sensitive areas overlays supplied by agencies is now common-place in both exhibited and gazetted LEPs.

The use of these overlays and clauses and how these may affect land uses are outlined in the previously mentioned Practice Note and Technical Note. When implemented in this way the layers and clauses do not exclude development. Rather, they act as a flag for values that may be present at a site. Sites should be checked for these potential values prior to any development approval. If the values are present at the site, the impact should be avoided or, if this is not possible, at the very least minimised and mitigated.

Land Use Strategies, LEPs and DCPs should aim to identify and protect culturally sensitive areas, rather than relying on site by site development assessment.

Aboriginal objects, places and areas are protected across all land tenure under the *National Parks and Wildlife Act 1974*. However, Council should not rely on the site by site development assessment process as the only mechanism for considering the impact of development and settlement intensification on Aboriginal cultural heritage.

It is clear from the S117 directions and mandatory clauses in the Standard Instrument that DoP supports a **strategic approach** to the protection of Aboriginal cultural heritage. Provisions to facilitate the strategic conservation of Aboriginal cultural and heritage within a local government area should include a landscape framework for assessing potential impacts and partnership development with local Aboriginal people.

We strongly recommend that Councils develop planning strategies that result in the **avoidance** of impacts to Aboriginal cultural heritage and minimise impacts in instances where avoidance is not possible.

Specifically, it is important to:

- Develop a framework for effective Aboriginal engagement; and
- Identify sensitive and least sensitive areas through:
 - accessing existing Aboriginal site information;
 - cross reference to landscape information;
 - assessment of areas of potential development/settlement intensification;
 - use of the Department's search tools;
 - reports from previous studies.
 - Aboriginal knowledge; and by
 - Undertaking site surveys to ground truth assumptions.

We offer the following advice to aid Council efforts in adequately addressing Aboriginal cultural heritage assessment and protection within strategic planning documents and environmental planning instruments:

1. The Aboriginal Heritage Information Management System

Councils should contact the OEH to seek access to the Aboriginal Heritage Information Management System (AHIMS) prior to the drafting of any new Land Use Strategy or LEP. AHIMS is the State register of known Aboriginal site locations. A data licence agreement between the OEH and Council can be prepared on application. Information about obtaining a data licence is available on the OEH website⁴. Alternatively, the AHIMS Registrar can be contacted by phone on (02) 9585 6513 or (02) 9585 6345 or by email at ahims@environment.nsw.gov.au.

2. Aboriginal Heritage Study

We recommend using the AHIMS data, along with any previous landscape assessments of the occurrence of Aboriginal objects and sensitive areas, to assist in developing effective strategies to assess impacts to Aboriginal sites in areas being considered for future development. The selection of landscape mapping to overlay with AHIMS site data will highlight distribution patterns

FLOODPLAIN MANAGEMENT

Comprehensive flood studies and floodplain management studies should be conducted, and a floodplain risk management plan prepared and adopted, for all urban and rural residential areas.

The OEH considers that it is essential that Councils carry out comprehensive flood studies and floodplain management studies and use these to develop a floodplain risk management plan for all urban and rural residential areas within the local government area. This should be done prior to decision-making to inform the strategic selection of areas for development intensification.

We strongly believe that every Council in NSW should identify the floodplain in all identified urban centres within its administrative areas in order to ensure that the development within the floodplain is consistent with NSW Government's Flood Prone Land Policy and the principles set out in the Floodplain Development Manual (2005). This is also a requirement within the Section 117 Directions. If there is no formal identification of urban floodplains, then at least an effort must be made to identify floodplains through anecdotal evidence and information from historic flooding events.

The OEH has been providing technical policy and financial assistance to Councils to encourage appropriate development to minimise damage to the local environment, life and property.

We strongly recommend the use of overlays of hydraulic hazard categories and associated provisions with the LEP to provide additional protective measures for floodplain values. It is also particularly important to define development control provisions for those instances where development or settlement intensifications are likely to occur within floodplains.

A comprehensive analysis should also be conducted for rural areas to inform the strategic selection of areas for development intensification.

A comprehensive analysis also needs to be conducted for areas outside urban and rural residential areas. This can use existing flooding-related information including:

- flood maps,
- atlases,
- rural flood studies and rural floodplain management studies
- floodplain risk management plans

Council should liaise with the OEH, the NSW Office of Water, and the Department of Industry & Investment – Fisheries. These departments can provide information about legislative compliance and the strategic selection of areas for development intensification prior to decision-making.

As for urban and rural residential areas, development should be consistent with the NSW Government's *Flood Prone Land Policy* and the principles set out in the *Floodplain Development Manual (2005)*.

Again, the OEH strongly recommends the use of possible overlays of hydraulic hazard categories and associated provisions with the LEP to provide additional protective measures for the ecological, social and economic values of floodplains. It is also particularly important to define assessment and appropriate development control provisions for those instances where development or settlement intensifications are likely to occur within rural floodplains.

David Walker
Town Planner
Geolyse
PO Box 1963
ORANGE NSW 2800

Dear Mr Walker

Proposed Amendment to Bogan Local Environmental Plan 2011

Thank you for the referring the above proposal dated 25 September 2013 to the Department of Primary Industries. This response is developed on behalf of the Agriculture NSW Division.

Whilst we recognise that the Bogan Shire Council has not undertaken any strategic work to carefully plan and cater for future housing availability and population change, this amendment provides an opportunity to undertake a review that considers Nyngan's opportunities to encourage growth, and the type of housing that can be offered to its population. Hence we consider that this proposal should be about providing more residential opportunities for the town. The primary industry zone is not there to accommodate residential living opportunities hence the study should consider appropriate residential based zonings. From the information supplied there are lots that are appear to be most appropriate to be classed as large lot residential, while others may be considered to be environmental living being located close to the river or are vegetated.

One of the major areas regarding this amendment is considering how adjacent lands that are genuinely used for primary production are protected from land use conflicts. Consideration of roads, lands such as public reserves or assets etc provide a way for a clear boundary to be drawn between land uses.

The other important issue is related to how such lifestyle development areas shown on the map will be released – priorities in relation to the level of fragmentation that already exists, servicing, and where current planning considers would be most appropriate will help develop a way for these to be logically and systematically released, with consideration to surrounding landholders and land uses.

Overall the areas highlighted requires to be assessed in terms of community needs, housing demands, and what already is available. Some of the factors that should be addressed in this study include:

Roads and Maritime Services

Tony Hendry
Road Safety & Traffic Manager
Western

8 OCT 2013



Yours faithfully

Should you require any further information please contact Andrew McIntyre on (02) 6861 1453

Roads & Maritime welcomes the opportunity to comment on the proposed amendment and looks forward to providing final comments upon completion of the Planning Proposal.

- o The amendment should adopt/reference clause 101 of State Environmental Planning Policy (Infrastructure) 2007 and ensure opportunities to access the classified road network are available via local roads;

To assist in the development of the amendment, Roads & Maritime provides the following:

Thank you for your letter dated 25 September 2013 advising of a proposal to amend the Bogan Local Environmental Plan 2011 and inviting Roads & Maritime Services to provide comment. It is understood that the proposed amendment will allow dwellings to be erected on selected allotments zoned RU1 – Primary Production which are below the minimum allotment size. The amendment will not allow land to be further subdivided and is likely to create opportunity for an additional 35 dwellings on land zoned RU1 in close proximity to Nyngan.

Proposed amendment to Bogan Local Environmental Plan 2011

Dear Mr Walker

Attention: David Walker

Geolyse
PO Box 1963
ORANGE NSW 2800

WST11/00048/02

211054





Department of
Primary Industries
Office of Water

Contact: Tim Baker

Phone: 02 6841 7403

Mobile: 0428 162 097

Fax: 02 6884 0096

Email: Tim.Baker@water.nsw.gov.au

Our ref: ER22611

Dear Mr Walker

Proposed Amendment to Bogan Local Environmental Plan 2011

I refer to your letter dated 25th September 2013 requesting comments on the development of a planning proposal to amend the Bogan LEP 2011. The NSW Office of Water has reviewed the brief outline and recognises the key aspect is to permit dwelling houses on a number of lots adjacent to the town of Nyngan which currently do not meet the Minimum Lot Size requirements. The issues recommended for consideration in the planning proposal include the following:

- Due to the potable and non-potable requirements of rural-residential landuses to generally exceed rainfall collection from roof runoff, it is recognised another water source is required. This can be a key issue in terms of landholders understanding the water demands of larger lot sizes to achieve the general amenity and lifestyle expectations of rural lifestyle developments. A factsheet provided by NSW Office of Water titled "How much water do I need for my rural property" provides information on this issue and can be accessed at the following link: <http://www.water.nsw.gov.au/Water-Licensing/Basic-water-rights/default.aspx> This factsheet indicates an annual demand of 600 000L to maintain 0.1ha in the central west plains. This is particularly an issue in smaller lot sizes which have limited ability to source this water supply. Consideration of water demand and water sources is therefore recommended.

- As the Bogan River is the boundary of a number of the land parcels, each of these lots will have a riparian right to access water for stock and domestic requirements. This will therefore add additional demand on the Bogan River and it is recommended consideration be given to the potential impact on other water users in that area.
- If reticulated sewer is not to be provided the Office of Water recommends the use of aerated wastewater systems. This is to minimise the potential impact to groundwater and surface water sources.

- Potential future developments within 40m of watercourses will be required to address the NSW Office of Water "Guidelines for Controlled Activities on Waterfront Land". It is therefore recommended these be considered for any constraints on potential dwelling envelopes, access roads or other infrastructure. These guidelines can be accessed at the following link: <http://www.water.nsw.gov.au/Water-Licensing/Approvals/Controlled-activities/default.aspx>

Should you have any further queries in relation to this submission please do not hesitate to contact Tim Baker on (02) 6841 7403.

Yours sincerely

Mitchell Isaacs
Manager Strategic Stakeholder Liaison
3 October 2013

www.water.nsw.gov.au | NSW Office of Water

209 Cobra St, Dubbo | PO Box 717 Dubbo NSW 2830 | t 02 6884 2560 | f 02 6884 0096

211054

8 OCT 2013

Council should also refer to the Department's *A Guide to Preparing Planning Proposals* which can be found online at the following link:
<http://www.planning.nsw.gov.au/LinkClick.aspx?fileticket=wddBcTPi2FW%3d&tabid=291&language=en-US>

Should you have any queries in regard to this matter, please contact Megan Jones of the Department's Western Region office in Dubbo on (02) 6841 2180.

Yours sincerely



24.9.13

Ashley Albury
Regional Director
Western Region

Table B.1 – Lot Details

Lot Number	DP	Land Area (ha)	Ownership Status	Land Use
32	DP727147	0.53	DEPARTMENT OF LANDS (CROWN)	Vacant Land
6	DP758803	1.27	FREEHOLD	Vacant Land
103	DP42136	1.31	DEPARTMENT OF LANDS (CROWN)	Vacant Land - Old Tip
4	DP758803	1.31	FREEHOLD	Vacant Land
7	DP758803	1.34	FREEHOLD	Vacant Land
1	DP758803	1.36	FREEHOLD	Vacant Land
701	DP1031015	1.37	DEPARTMENT OF LANDS (CROWN)	Vacant Land
7	DP758803	1.38	FREEHOLD	Vacant Land - subdivision (DA 2005/003)
1	DP180896	1.59	FREEHOLD	Vacant Land
10	DP758803	1.76	FREEHOLD	Vacant Land
5	DP758803	1.85	FREEHOLD	Vacant Land
11	DP758803	1.87	FREEHOLD	Vacant Land
33	DP727147	1.89	DEPARTMENT OF LANDS (CROWN)	Vacant Land
9	DP758803	1.9	FREEHOLD	Vacant Land
4	DP758803	1.9	FREEHOLD	Vacant Land
6	DP758803	1.91	FREEHOLD	Vacant Land
5	DP758803	1.91	FREEHOLD	Vacant Land
3	DP758803	1.91	FREEHOLD	Vacant Land
41	DP617995	1.96	FREEHOLD	Dwelling & Shed - DA 2005/005 - Glass enclosure of existing patio
42	DP617995	1.97	FREEHOLD	Vacant Land
1	DP758803	2.03	FREEHOLD	Shed - Possible dwelling
8	DP758803	2.2	FREEHOLD	Vacant Land
2	DP758803	2.22	FREEHOLD	Vacant Land
2	DP758803	2.23	FREEHOLD	Dwelling
6	DP758803	2.24	FREEHOLD	Dwelling & Shed
7006	DP1020142	2.31	DEPARTMENT OF LANDS (CROWN)	Vacant Land
5	DP758803	2.37	FREEHOLD	Vacant Land
7	DP758803	2.38	FREEHOLD	Dwelling & Shed
3	DP758803	2.52	FREEHOLD	Vacant Land
4	DP758803	2.52	FREEHOLD	Vacant Land
5	DP758803	2.84	FREEHOLD	Dwelling & Shed
2	DP758803	2.86	FREEHOLD	Vacant Land
3	DP758803	3.87	FREEHOLD	Vacant Land
2	DP758803	4.05	FREEHOLD	Vacant Land