

Narromine Local Environmental Plan 2011 - rezone land and amend minimum lot size Lot 52 DP 661453

Proposal Title : **Narromine Local Environmental Plan 2011 - rezone land and amend minimum lot size Lot 52 DP 661453**

Proposal Summary : **Amend the Narromine Local Environmental Plan 2011 to rezone land at Lot 52 DP 661453 Eumungerie Road, Narromine from zone RU1 Primary Production to zone R5 Large Lot Residential and amend the minimum lot size from 400ha to 5ha.**

PP Number : **PP_2015_NARRO_002_00** Dop File No : **15/01711**

Proposal Details

Date Planning Proposal Received : **16-Jan-2015** LGA covered : **Narromine**

Region : **Western** RPA : **Narromine Shire Council**

State Electorate : **DUBBO** Section of the Act : **55 - Planning Proposal**

LEP Type : **Spot Rezoning**

Location Details

Street : **Eumungerie Road**

Suburb : **Narromine** City : **Narromine** Postcode : **2821**

Land Parcel : **Lot 52 DP 661453**

DoP Planning Officer Contact Details

Contact Name : **Jessica Holland**

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RPA Contact Details

Contact Name : **Kylie Rowe**

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DoP Project Manager Contact Details

Contact Name : **Wayne Garnsey**

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Land Release Data

Growth Centre : Release Area Name :

Regional / Sub Consistent with Strategy :

Regional Strategy :

Narromine Local Environmental Plan 2011 - rezone land and amend minimum lot size Lot 52 DP 661453

MDP Number :

Date of Release :

Area of Release (Ha) : **125.00**

Type of Release (eg Residential / Employment land) : **Residential**

No. of Lots : **0**

No. of Dwellings (where relevant) : **21**

Gross Floor Area : **0**

No of Jobs Created : **0**

The NSW Government Lobbyists Code of Conduct has been complied with : **Yes**

If No, comment :

Have there been meetings or communications with registered lobbyists? : **No**

If Yes, comment :

Supporting notes

Internal Supporting Notes :

External Supporting Notes :

Adequacy Assessment

Statement of the objectives - s55(2)(a)

Is a statement of the objectives provided? **Yes**

Comment : **The statement of objectives clearly states the purpose of the planning proposal is to rezone land at Lot 52 DP 661453, Eumungerie Road, Narromine and amend the minimum lot size to permit subdivision of land for rural residential purposes (21 lots).**

Explanation of provisions provided - s55(2)(b)

Is an explanation of provisions provided? **Yes**

Comment : **The explanation of provisions clearly states the objective of the planning proposal will be achieved by amending the land use zone in respect of Lot 52 DP 661453 from zone RU1 Primary Production to zone R5 Large Lot Residential on Land Zoning Map Sheet LZN_004 and amending the minimum lot size from 400 hectares to 5 hectares on Lot Size Map Sheet LSZ_004.**

Justification - s55 (2)(c)

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

b) S.117 directions identified by RPA :

1.2 Rural Zones

* May need the Director General's agreement

1.5 Rural Lands

2.3 Heritage Conservation

Is the Director General's agreement required? **Yes**

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

d) Which SEPPs have the RPA identified?

SEPP No 44—Koala Habitat Protection

**SEPP No 55—Remediation of Land
SEPP (Rural Lands) 2008**

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

1.2 Rural Zones: The Ministerial Direction is relevant to the planning proposal as the proposal affects land within an existing rural zone. The Direction requires a planning proposal must not rezone land from a rural zone to residential zone or contain provisions that will increase the permissible density of the land within a rural zone. The planning proposal is inconsistent with this Direction as it proposes to rezone land from rural to residential and seeks to increase the permissible density of the land.

The Narromine Rural Residential Land Use Strategy identifies the land as Candidate Area 1, considered as suitable for the supply of rural residential land in consideration of the criteria set out within the Strategy. The criteria includes consideration of land use constraints, the existing pattern of rural residential development, location of servicing infrastructure, potential land use conflicts, proximity to the urban area of Narromine, the operations of the Narromine Airport and history of subdivision and fragmentation of rural land.

A supply and demand analysis was also carried out in selecting the Candidate Areas and development of an appropriate land release program. The subject site was identified as a key candidate area for short term release of land for rural residential purposes with a recommended minimum lot size of 5 hectares. The inconsistency with the Direction is justified by the Narromine Rural Residential Land Use Strategy, endorsed on 8 August 2013.

1.5 Rural Lands: The Ministerial Direction is relevant to the planning proposal as the planning proposal affects land within a rural zone and seeks to amend the minimum lot size. The Direction required the planning proposal be consistent with rural planning principles and rural subdivision principles in SEPP (Rural Lands) 2008.

The planning proposal is inconsistent with the Direction. The inconsistency with the Direction is justified by the endorsed Narromine Rural Residential Land Use Strategy.

2.3 Heritage Conservation: The Ministerial Direction requires a planning proposal to include provisions that facilitate the conservation of heritage items and areas. The planning proposal does not affect any identified items or places of environmental heritage and does not amend the existing provisions for heritage conservation.

3.1 Residential Zones: The Ministerial Direction is relevant to the planning proposal as the planning proposal affects land within a proposed residential zone. The Direction requires the planning proposal include provisions that encourage the housing that will broaden the choice of building types and locations available to the housing market, make more efficient use of existing infrastructure and services, reduces the consumption of land for housing and associated urban development on the urban fringe and be of good design.

The planning proposal is supported by the endorsed Narromine Rural Residential Land Use Strategy which justifies the proposed zoning of the land and identifies the land as suitable for rural residential purposes and is therefore consistent with this Direction.

4.4 Planning for Bushfire Protection: The Ministerial Direction is relevant to the planning proposal as the eastern boundary of the site is subject to a buffer zone from bushfire prone land on the adjoining property. A condition will be imposed on the Gateway Determination to consult with the NSW Rural Fire Service to comply with the requirements of the Direction at Section 59.

SEPP 44 Koala Habitat Protection: The Ministerial Direction is relevant as the subject site is identified as potential koala habitat. The planning proposal outlines that prior to any development assessment, an assessment will be conducted as to the presence of core koala habitat and if necessary, a plan of management will be prepared. This is acceptable.

SEPP 55 Remediation of Land: The Ministerial Direction is relevant to the planning proposal. The Narromine Rural Residential Lands Strategy identifies that the subject site may be subject to contamination and a preliminary analysis for past contamination uses will be required when lodging a planning proposal. The planning proposal identifies that there are no known contamination issues on the site as the site has historically been used for grazing purposes. This information is acceptable to allow the proposal to proceed.

SEPP (Mining, Petroleum Production and Extractive Industries) 2007: The SEPP applies as the subject site is within the vicinity of an existing quarry. Clause 13 of the SEPP contains provisions which relate to the compatibility of proposed development with mining, petroleum production or extractive industry. These provisions will be considered as part of the assessment of a development application. There are no further considerations as part of the planning proposal.

SEPP (Rural Lands) 2008: The SEPP is relevant as the planning proposal affects rural land. The planning proposal is inconsistent with the principles of this SEPP as the proposal seeks to rezone rural lands for residential purposes and increase the permissible density of the land, however the planning proposal is supported by the endorsed Narromine Rural Residential Land Use Strategy.

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

If No, explain : **The planning proposal is consistent with the endorsed Narromine Shire Rural Residential Lands Strategy 2013.**

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : **Adequate locality maps are provided. A condition will be imposed on the Gateway Determination requiring the preparation of an amending Land Zoning Map LZN_004 and LSZ_004 in accordance with the Standard Technical Requirements for LEP maps.**

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : **Council's proposed community consultation is acceptable. Council intends to publicly exhibit the planning proposal for a period of 28 days.**

Council proposes community consultation that will include notification in the local newspaper and Council's website. Hard copies of the planning proposal will be available for viewing at Council's Administration office. Adjoining landowners will be notified by direct correspondence in accordance with the Department's Guide to Preparing LEPs.

Additional Director General's requirements

Are there any additional Director General's requirements? **No**

If Yes, reasons :

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **Yes**

If No, comment :

Proposal Assessment

Principal LEP:

Due Date :

Comments in
relation to Principal
LEP :

Narromine Local Environmental Plan 2011 was notified on 9 December 2011.

Assessment Criteria

Need for planning
proposal :

The planning proposal is required to permit the subdivision of the subject land for rural residential purposes. The planning proposal is supported by the endorsed Narromine Rural Residential Land Use Strategy 2013.

Consistency with
strategic planning
framework :

The planning proposal is consistent with the endorsed Narromine Shire Rural Residential Land Use Strategy 2013.

The Candidate Areas were selected in consideration of the criteria set out within the Strategy, including land use constraints, the existing pattern of rural residential development, location of servicing infrastructure, potential land use conflicts, proximity to the urban area of Narromine, the operations of the Narromine Airport and history of subdivision and fragmentation of rural land.

A supply and demand analysis was also carried out in selecting the Candidate Areas and development of an appropriate land release program. The subject site was identified as a key candidate area for short term release of land for rural residential purposes with a recommended minimum lot size of 5 hectares.

Environmental social
economic impacts :

The subject site is identified as being subject to low, moderate and high groundwater vulnerability and is in the vicinity of a quarry. A condition will be imposed on the Gateway Determination requiring consultation with the NSW Office of Water to consider the impacts.

The planning proposal identifies no known bushfire hazards, heritage significance, biodiversity or contaminated land issues on the subject site. Bushfire consideration will be further considered at section 59 after consultation with NSW Rural Fire Service.

Assessment Process

Proposal type : **Consistent** Community Consultation Period : **28 Days**

Timeframe to make LEP : **12 months** Delegation : **RPA**

Public Authority Consultation - 56(2) (d) : **NSW Rural Fire Service
Transport for NSW - Roads and Maritime Services
Other**

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

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

If no, provide reasons :

Narromine Local Environmental Plan 2011 - rezone land and amend minimum lot size Lot 52 DP 661453

Resubmission - s56(2)(b) : **No**

If Yes, reasons :

Identify any additional studies, if required. :

If Other, provide reasons :

Identify any internal consultations, if required :

No internal consultation required

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

If Yes, reasons :

Documents

Document File Name	DocumentType Name	Is Public
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Planning Team Recommendation

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

S.117 directions: **1.2 Rural Zones**
 1.5 Rural Lands
 2.3 Heritage Conservation

Additional Information : **1. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 (EP&A Act) as follows:**

- (a) The planning proposal is required to be made publicly available on exhibition for 28 days as described in A Guide to Preparing LEPs (Department of Planning and Infrastructure 2013).
- (b) The relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of A Guide to Preparing LEPs.

2. Consultation is required with the following State Agencies under Section 56 (2)(d) of the EP&A Act and/or to comply with the requirements of relevant section 117 Directions:

- (a) NSW Rural Fire Service
(b) Department of Primary Industries - NSW Office of Water
(c) NSW Roads and Maritime Services

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the planning proposal prior to community consultation.

3. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).

4. Prior to submission of the planning proposal under Section 59 of the EP&A Act, LEP maps must be prepared and be compliant with the Department's 'Standard Technical Requirements for LEP maps'.

Narromine Local Environmental Plan 2011 - rezone land and amend minimum lot size Lot 52 DP 661453

5. The timeframe for completing the LEP is to be 12 months from the week following the date of the Gateway determination.

Supporting Reasons :

The planning proposal seeks to facilitate subdivision of the subject site for rural residential purposes (21 x 5 hectare allotments). The planning proposal is supported by the Narromine Rural Residential Lands Strategy 2013, endorsed by the Department on 8 August 2013 and will provide rural residential development opportunities to meet identified demand.

The planning proposal has been prepared in accordance with 'A guide to preparing planning proposals (July 2012)'.

Signature:



Printed Name:

Jessica Holland

Date:

27.1.15

Endorsed
Wgamssey 27.1.15
TL.