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**NARROMINE SHIRE COUNCIL ORDINARY MEETING 10 DECEMBER 2014**  
**CORPORATE, COMMUNITY & REGULATORY SERVICES REPORT**

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**7. PLANNING PROPOSAL 06/2014: MITCHELL HIGHWAY NARROMINE  
REZONING FROM RU1 TO R5 (Cont'd) (File No 15.001)**

As this could be one of the first rezonings to be gazetted following the introduction of Council's standard LEP in 2011, a planned release program of lots can be considered in the next 3 years if supply is tending to well outstrip demand. The Rural Residential Strategy however does mention that the release program can be viewed flexibly and land can be brought forward to match demand if necessary.

**(e) Options**

Following exhibition, review of the submissions received, Council has the following options from which to choose:

- A. Resolve to proceed with the Planning Proposal to rezone Lot 5122 to R5 from RU1 and notify the Department of Planning and Environment, or
- B. Not proceed with the Planning Proposal to rezone Lot 5122 with reasons specified and notify the Department of Planning and Environment.

**Discussions/Comments**

This Planning Proposal follows from a lengthy past on this lot of previous intensive agriculture approvals to [now] a rezoning proposal. It should be noted that in recommending this proposal in the short term, one of the existing short term sites endorsed for rural residential development in the strategy has been moved back to medium or long term to allow this development to proceed.

**RECOMMENDATION**

That Council adopt Planning Proposal 5/2014 (Department's reference PP\_2014\_NARRO\_002\_00) and forward it to the Department of Planning and Environment to be made under section 59 of the Environmental Planning and Assessment Act 1979.

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**8. PLANNING PROPOSALS (File No 15.001)**

**Introduction**

This report is to present to Council, the applications for planning proposals received to date for consideration. The Council staff assessment reports for the proposals are included as **Attachment No. 5**, and copies of the applications are provided under separate cover.

**Background**

A planning proposal seeks to amend the Local Environmental Plan. Generally, these amendments are to rezone land, change a minimum lot size for dwelling permissibility or to list an item on the heritage register.

**8. PLANNING PROPOSALS (Cont.)**

(File No 15.001)

The proposal must be supported by Council as well as the Department of Planning & Environment and must include information and reports addressing the reasons for, and in support of, the proposal.

To assist in drafting and finalising the applications, Council staff must also prepare a report to Council and the Department demonstrating compliance with planning policies and Ministerial Directions, and manage the redrafting of Councils electronic mapping systems.

In September 2014, Council resolved to collate and forward planning proposals to Council on a three monthly basis in March, June, September and December each year.

**Issues**

Council must consider the merit of each proposal based on strategic justification and intent.

**Assessment**

**(a) *Legal Implications Including Directives and Guidelines***

Planning proposals are submitted to the NSW Department of Planning & Environment Gateway and are required to address and justify compliance with the relevant Act, Regulations, Planning Policies and Ministerial Directions.

The resultant is that the proposal will facilitate a change in legislation, being the Narromine Local Environmental Plan 2011.

**(b) *Financial Implications/Considerations***

Planning proposals are a fee-for-service provided by Council. All costs incurred by Council in the facilitation of the proposals are covered by the fees charged to the applicants of the proposal with the exception of the boundary adjustment proposal which will be funded by Council.

**(c) *Policy Provisions – Council Policy and Practice***

This action does not affect any existing Council policies or practices.

**(d) *Strategic Implications – Implications for Long Term Plans/Targets***

This item relates to item E1.2 and G2 of the Community Strategic Plan and E1.2.1.2, G1.1.1.1 and G1.1.1.2 of the Delivery Program Strategy.

8. PLANNING PROPOSALS (Cont.)

(File No 15.001)

(e) *Options*

Council must choose to either support or not support each proposal.

Discussions/Comments

a) *PP01/2015 Amend Minimum Subdivision Lot Size (Tomingley)*

This proposal seeks to amend the minimum subdivision lot size from 400ha to approximately 80ha on the lot to facilitate a subdivision along a river line which transverse the property.

This proposal has site-specific merit and the proposal is the best way of achieving the intended outcome.

b) *PP02/2015 Rezone from RU1 to R5 (Eumungerie Road)*

This proposal has site specific merits for the following reasons:

- It is identified as a preferred lot within the Narromine Shire Rural Residential Lands Strategy 2013
- The lot can gain access from an existing access from the Eumungerie Road.
- The site presents itself as a logical expansion of rural residential land as it is located near existing rural residential development.

c) *PP03/2015 Boundary Adjustments*

This proposal presents a new clause to be inserted into the Narromine LEP to permit small-scale boundary adjustments in rural and large lot residential zones. The method of achieving this is via a planning proposal to the Department of Planning and Environment as a change to Council's LEP is needed.

Enquiries to Council have revealed that this new clause will satisfy an unmet viable subdivision approval process where the resulting lots are both presently below the minimum lot size for that zone. For example, an applicant in the RU1 zone intends to adjust the boundary between their 'house block' and one of the adjoining farm lots. For reasons such as channels/crown roads or the like, they intend to excise some of the house block and amalgamate it with the adjoining farm lot. No additional dwelling rights or environmental issues result from the proposal due to its minor nature. This new clause will allow the above scenario to be approved rather than subdividing off a very small unviable farm lot.

8. PLANNING PROPOSALS (Cont.)

(File No 15.001)

- At present there are no provisions in the current LEP for applications such as the one depicted above to be assessed. This is not a mistake as this model clause is optional for inclusion in a Councils' LEP based on need, which has now been identified.
- The new clause proposed is already approved for use by the Department of Planning and Environment.
- With the phasing out of SEPP 1 objections to a development standard (where applications which do not meet with local provisions can be referred to the Department for 'concurrence'), this provides another mechanism for viable proposals to be assessed locally.

RECOMMENDATION

- a) In relation to Planning Proposal 1/2015: That Council support the application to amend the Narromine LEP 2011 by reducing the minimum subdivision lot size on part Lot 46 DP721759 to 80 hectares.
- b) In relation to Planning Proposal 2/2015: That Council support the application to rezone lot DP from RU1 General Rural to R5 Large Lot Residential.

- c) In relation to Planning Proposal 3/2015: That Council support the application to amend the Narromine LEP 2011 by adding proposed clause 4.2D as set out below:

**4.2D Boundary adjustments in certain rural, residential and environmental management zones [local]**

(1) The objective of this clause is to permit boundary adjustments between lots where one or more resultant lots do not meet the minimum lot size and the objectives of the relevant zone can be achieved.

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

Zone RU1 Primary Production

Zone RU3 Forestry

Zone R5 Large Lot Residential, and

Zone E3 Environmental Management

(3) Despite Clause 4.2, development consent may be granted to the subdivision of 2 or more adjoining lots by adjusting the boundary between adjoining lots if one or more lots do not meet the minimum lot size on the Lot Size Map in relation to that land, and the consent authority is satisfied that:

- (a) The subdivision will not create additional lots or the opportunity for additional dwellings, and

CORPORATE, COMMUNITY & REGULATORY SERVICES REPORT (Cont)

8. PLANNING PROPOSALS (Cont) (File No. 15.001)

**RESOLVED** Crs Lambert/Davies

- b. In relation to Planning Proposal 2/2015: that Council support the application to rezone lot DP from RU1 General Rural to R5 Large Lot Residential;
- c. In relation to Planning Proposal 3/2015: That Council support the application to amend the Narromine LEP 2011 by adding proposed clause 4.2D as set out below -

**4.2D Boundary adjustments in certain rural residential and environmental management zones (local)**

- 1) The objective of this clause is to permit boundary adjustments between lots where one or more resultant lots do not meet the minimum lot size and the objectives of the relevant zone can be achieved.
- 2) This clause applies to land in the following zones:  
Zone RU1 Primary Production  
Zone RU3 Forestry  
Zone R5 Large Lot Residential, and  
Zone E3 Environmental Management
- 3) Despite Clause 4.2, development consent may be granted to the subdivision of 2 or more adjoining lots by adjusting the boundary between adjoining lots if one or more lots do not meet the minimum lot size on the Lot Size Map in relation to that land, and the consent authority is satisfied that:
  - a) The Subdivision will not create additional lots or the opportunity for additional dwellings, and
  - b) The number of dwellings or opportunities for dwellings on each lot after the subdivision will be the same as before the subdivision, and
  - c) The potential for land use conflict will not be increased as a result of the subdivision, and
  - d) If the land is in Zone RU1 Primary Production, the agricultural viability of the land will not be adversely affected as a result of the subdivision.
- 4) Before determining a development application for the subdivision of land under this clause, the consent authority must consider the following:
  - a) The existing uses and approved uses of other land in the vicinity of the subdivision,
  - b) Whether or not the subdivision is likely to have a significant impact on land uses that are likely to be preferred and the predominant land uses in the vicinity of the development,
  - c) Whether or not the subdivision is likely to be incompatible with a use on any adjoining lands,
  - d) Whether or not the subdivision is appropriate having regard to the natural and physical constraints affecting the land,