

Narromine Local Environmental Plan 2011 - Rezone land and amend minimum lot size - Lot 145 DP 755110 Tomingley Cemetery Road, Tomingley

Proposal Title :	Narromine Local Environmental Plan 2011 - Rezone land and amend minimum lot size - Lot 145 DP 755110 Tomingley Cemetery Road, Tomingley		
Proposal Summary :	Amend the Narromine Local Environmental Plan 2011 to rezone land at Lot 145 DP 755110 Tomingley Cemetery Road, Tomingley from zone RU1 Primary Production to zone R5 Large Lot Residential and amend the minimum lot size from 400 hectares to 5 hectares.		
PP Number :	PP_2015_NARRO_005_00	Dop File No :	15/07293

Proposal Details

Date Planning Proposal Received :	01-May-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 :	Tomingley Cemetery Road		
Suburb :	Tomingley	City :	Tomingley
		Postcode :	2830
Land Parcel :	Lot 145 DP 755110		

DoP Planning Officer Contact Details

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RPA Contact Details

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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 Regional Strategy :	Consistent with Strategy :

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MDP Number :

Date of Release :

Area of Release
(Ha) :

Type of Release (eg
Residential /
Employment land) :

No. of Lots : 0

No. of Dwellings : 0
(where relevant) :

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 objective clearly states the purpose of the planning proposal is to rezone land at Lot 145 DP 755110, Tomingley Cemetery Road, Tomingley and amend the minimum lot size to permit use of the land for a rural residential purposes (the erection of a dwelling on the land).**

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 145 DP 755110 from zone RU1 Primary Production to zone R5 Large Lot Residential on land Zoning Map Sheet LZN_005A and amending the minimum lot size from 400 hectares to 5 hectares on Lot Size Map Sheet LSZ_005A.**

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

3.1 Residential Zones

4.4 Planning for Bushfire Protection

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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 a residential zone or contain provisions that will increase the permissible density of land in a rural zone. The planning proposal is inconsistent with the Direction as it proposes to rezone land from rural to residential and seeks to increase the permissible density of land (from 0 to 1 dwelling).

The Narromine Rural Residential Land Use Strategy identifies the land as Candidate Area 12, being a suitable site for consideration for rural residential land use. The Strategy recommends a minimum lot size of 5 hectares.

The inconsistency is of minor significance as the proposal is justified by the Narromine Rural Residential Land Use Strategy, endorsed 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 on the land. The Direction requires the planning proposal be consistent with the rural planning principles and rural subdivision principles in SEPP (Rural Lands) 2008.

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

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 housing that will make efficient use of infrastructure and services and reduce the consumption of land for housing and associated urban development on the urban fringe. The subject site is located to the east of the town centre, adjacent to the Tomingley Racetrack. The planning proposal is supported by the endorsed Narromine Rural Residential Land Use Strategy which determines the site is suitably located in relation to local infrastructure and services. The planning proposal is consistent with this Direction.

4.4 Planning for Bushfire Protection: The Ministerial Direction is relevant to the planning proposal as the site is subject to a buffer from bush fire 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.

SEPP 44 Koala Habitat Protection: The SEPP 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 SEPP is relevant to the planning proposal. The Narromine Rural Residential Land use Strategy notes that a preliminary assessment is required. A condition will be imposed on the Gateway Determination to ensure compliance with the requirements of the SEPP.

SEPP (Rural Lands) 2008: The SEPP is relevant as the planning proposal affects rural land. The planning proposal is inconsistent with the principles of the SEPP, however the planning proposal is supported by the endorsed Narromine Rural Residential Land Use Strategy.

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

If No, explain :

Mapping Provided - s55(2)(d)

Is mapping provided? **No**

Comment : **Prior to public exhibition the planning proposal is to be amended to include an adequate locality map. A condition will be imposed on the Gateway determination requiring the preparation of an amending Land Zoning Map Sheet LZN_005A and Lot Size Map Sheet LSZ_005A in accordance with the Standard Technical requirements for LEP maps - to be submitted with the planning proposal under Section 59.**

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : **Council's proposed community consultation is acceptable. The planning proposal shall be exhibited 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 was notified on 9 December 2011.**

Assessment Criteria

Need for planning proposal : **The planning proposal is required to permit the erection of a dwelling on the land. The planning proposal is supported by the endorsed Narromine Rural Residential Land Use Strategy.**

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Consistency with strategic planning framework :

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

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 and infrastructure, potential land use conflicts, proximity to urban areas and the history of subdivision and fragmentation of land.

A supply and demand analysis was also carried out in selecting the Candidate Areas and in developing the land release program. The subject site was identified as a key candidate area for short term release (0-10years) with a recommended minimum lot size of 5 hectares.

The planning proposal is consistent with the endorsed strategic planning framework.

Environmental social economic impacts :

The site is identified as vulnerable land on Groundwater Vulnerability Map WCL_005 (Narromine LEP 2011). A condition will be imposed on the Gateway determination requiring consultation with the NSW Office of Water to consider the impacts of the planning proposal on groundwater.

The Narromine Rural Residential Land Use Strategy identifies the land is affected by a buffer zone from bush fire prone land on an adjoining allotment. A condition will be imposed on the Gateway determination requiring consultation with the 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**
Other

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

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

If no, provide reasons :

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 :

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Documents

Document File Name

DocumentType Name

Is Public

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**
- 3.1 Residential Zones**
- 4.4 Planning for Bushfire Protection**

Additional Information :

1. Prior to undertaking public exhibition, Council is to amend the Planning Proposal to include an adequate locality map identifying Lot 145 DP 755110, Tomingley Cemetery Road, Tomingley.

2. 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 must be made publicly available for a minimum of 28 days; and
- (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 (Department of Planning & Infrastructure 2013).

3. Consultation is required with the following public authority under section 56(2)(d) of the EP&A Act 1979 and/or comply with the requirements of the relevant section 117 Directions:

- NSW Rural Fire Service
- NSW Department of Primary Industries - Office of Water

4. Council is to ensure that the planning proposal satisfies the requirements of State Environmental Planning Policy (SEPP) 55 – Remediation of Land. An initial site contamination investigation report may be required to demonstrate that the land is suitable for rezoning to the proposed zone. Any information obtained from preliminary review of the subject land, or from initial site contamination investigation report shall accompany submission of the planning proposal under section 59 of the EP&A Act.

5. 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).

6. Prior to submission of the Planning Proposal under section 59 of the EP&A Act 1979 the relevant Land Zoning Map and Lot Size Map that apply to the subject land are to be prepared compliant with the Department's 'Standard technical requirements for LEP maps'.

7. 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 permit use of the land for rural residential purposes, and will permit the erection of a dwelling on the land. The planning proposal is supported by the endorsed Narromine Rural Residential Land Use Strategy, endorsed by the Department on 8 August 2013 and will provide a rural residential development opportunity to meet identified demand in the town of Tomingley.

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Signature:			
Printed Name:	<u>Jessica Holland</u>	Date:	<u>14.5.15</u>

Endorsed
Wyamsey 14/5/15
TL