

**Narromine Local Environmental Plan 2011 - Amend minimum lot size Part Lot 46 DP
721759 Curringtons Road, Tomingley**

Proposal Title :	Narromine Local Environmental Plan 2011 - Amend minimum lot size Part Lot 46 DP 721759 Curringtons Road, Tomingley		
Proposal Summary :	Amend minimum lot size on part Lot 46 DP 721759, Curringtons Road, Tomingley from 400ha to 80ha to permit subdivision of the land into two allotments (part lot subject to 80ha MLS contains and existing dwelling).		
PP Number :	PP_2015_NARRO_001_00	Dop File No :	15/01711

Proposal Details

Date Planning Proposal Received :	12-Feb-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 :	Curringtons		
Suburb :	Tomingley	City :	Narromine
		Postcode :	2821
Land Parcel :	Part Lot 46 DP 721759		

DoP Planning Officer Contact Details

Contact Name :	Jessica Holland		
Contact Number :	0268412177		
Contact Email :	jessica.holland@planning.nsw.gov.au		

RPA Contact Details

Contact Name :	Kylie Rowe		
Contact Number :	0268899999		
Contact Email :	krowe@narromine.nsw.gov.au		

DoP Project Manager Contact Details

Contact Name :	Wayne Garnsey		
Contact Number :	0268412180		
Contact Email :	wayne.garnsey@planning.nsw.gov.au		

Land Release Data

Growth Centre :		Release Area Name :	
Regional / Sub Regional Strategy :		Consistent with Strategy :	

**Narromine Local Environmental Plan 2011 - Amend minimum lot size Part Lot 46 DP
721759 Curringtons Road, Tomingley**

MDP Number :	Date of Release :
Area of Release (Ha) :	Type of Release (eg Residential / Employment land) :
No. of Lots : 2	No. of Dwellings (where relevant) : 2
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 planning proposal clearly states the objective is to amend the minimum lot size on land at Curringtons Road, Tomingley to permit the subdivision of land into two allotments (part lot subject to 80ha minimum lot size contains an existing dwelling, the remaining land approximately 400ha in area).**

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 minimum lot size in respect of the subject land from AF(400ha) to AC(80ha) on Lot Size Map LSZ_005. No change to zone RU1 Primary Production is proposed.**

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
1.5 Rural Lands
2.3 Heritage Conservation
4.4 Planning for Bushfire Protection**

* May need the Director General's agreement

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 as the planning proposal seeks to amend the minimum lot size on land within an existing rural zone. The Direction requires that the proposal not contain provisions that will increase the permissible density of land within a rural zone. The proposal will result in permitting an additional dwelling house and potential for an attached dual occupancy, as they are permissible with consent.

The land subject to the planning proposal is not identified for future rural residential development within the endorsed Narromine Rural Residential Land Use Strategy and is inconsistent with the Planning Principles applied within the Strategy. Further, the opportunity for the subject land to be used for the purpose of intensive agriculture is identified as low/very low in the Narromine Agricultural Land Use Strategy: Intensive Plant Agriculture.

The matter is not considered to be of minor significance as the proposal permits a significant increase in the permissible density of residential development in an isolated rural setting. Further, the subject land is identified as containing sensitive land and water resources and sensitive biodiversity assets (Narromine LEP 2011).

The adjoining land to the south is within the Parkes Local Government Area. The Parkes Comprehensive Land Use Strategy identifies adjoining land as constrained by moderately high groundwater vulnerability and salinity.

The proposal will essentially create a small 80ha lot for residential purposes in a farming area where the minimum lot size is 400ha. The land is located 40km from narromine and 14km from Tomingley.

1.5 Rural Lands: The Ministerial Direction is relevant as the planning proposal seeks to amend the minimum lot size on land within an existing rural zone. The Direction applies to protect the agricultural production value of rural land and to facilitate the orderly and economic development of rural lands for rural and related purposes. The Direction requires consistency with the Rural Planning Principles and Rural Subdivision Principles contained within the SEPP (Rural Lands) 2008.

The planning proposal is inconsistent with Rural Planning Principles (a), (b),(e), (g) and (h) in respect of protection of productive and sustainable economic activities in rural areas, the importance of rural lands for the changing nature of agricultural trends, protection of natural resources, servicing and infrastructure and consistency with the Narromine Rural Residential Land Use Strategy and Narromine Rural Land Use Strategy: Intensive Plant Agriculture. The planning proposal is inconsistent with Rural Subdivision Principles 8 (a), (b), (c) and (d) in respect of fragmentation of rural land, potential land use conflict, the nature of the holding and the future supply of rural residential land and the natural and physical constraints of the land which adjoins the Bogan River and includes sensitive terrestrial biodiversity, high groundwater vulnerability and land identified as affected by salinity.

2.3 Heritage Conservation: The Ministerial Direction requires that a planning proposal must contain provisions that facilitate the conservation of items, areas, objects and places of environmental heritage significance and indigenous heritage significance. The planning proposal states that an item of aboriginal heritage is located on the site (AHIMS database). The item is described as a scarred tree in the vicinity of the Bogan River. The planning proposal does not alter the protection of the item under the provisions of the National Parks and Wildlife Act 1974 and is consistent with this Direction.

4.4 Planning for Bushfire Protection: The Ministerial Direction is relevant as the planning proposal affects land mapped as bushfire prone. The subject land is situated within a rural area and is identified as bushfire prone on a map prepared under Section 146 of the Act. The proposal is consistent with this Direction as the bushfire controls remain.

SEPP No 44 Koala Habitat Protection: The planning proposal states that the subject land is identified as potential koala habitat. The Policy aims to encourage conservation and management of areas of natural vegetation that provide habitat for koalas and requires the management of core koala habitat when development of relevant land is proposed. The proposal is consistent with this Direction as the current provision will remain. There is concern that the koala habitat could be fragmented by subdivision and separate ownership.

SEPP 55 Remediation of Land: This Policy requires the potential for land to be contaminated as a consideration in the preparation of an EPI. The planning proposal identifies the historic use of the land is not likely to cause potential contamination.

SEPP (Rural Lands) 2008: The planning proposal must be consistent with the Rural Planning Principles contained within the SEPP as the amendment to the minimum lot size affects land that is zone RU1 Primary Production. The planning proposal is inconsistent with a number of principles as discussed above.

Have inconsistencies with items a), b) and d) being adequately justified? **No**

If No, explain : **The inconsistencies with Section 117 Direction 1.2 Rural Zones and 1.5 Rural Lands and SEPP (Rural Lands) 2008 have not been adequately justified.**

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : **Adequate locality maps are provided to identify the subject land. LEP maps compliant with the Departments technical guidelines can be provided at Section 59 stage.**

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : **Council intends to publicly exhibit the planning proposal for a period of 28 days and this is acceptable. The planning proposal is not a low impact proposal as it is not consistent with the pattern of surrounding land uses and is inconsistent with the strategic planning framework.**

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 : **The proposal is adequate in the information provided.**

Proposal Assessment

Principal LEP:

Due Date :

Comments in
relation to Principal
LEP :

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

Assessment Criteria

Need for planning
proposal :

The planning proposal is required to amend the minimum lot size, to permit the proposed subdivision of the land into two allotments.

Consistency with
strategic planning
framework :

The planning proposal is inconsistent with the endorsed Narromine Rural Residential Land Use Strategy and Narromine Agricultural Land Use Strategy: Intensive Plant Agriculture.

Environmental social
economic impacts :

The planning proposal is considered to have potential for environmental impacts in the locality by increasing the permissible density of residential development on the land from 1 to 2 dwellings. The land is identified to contain sensitive water and land resources and sensitive biodiversity assets.

The proposal permits the creation of an isolated rural residential allotment which creates social and economic impacts in the locality. While the dwelling is located on the environmentally sensitive area of the property, it does contribute to the continued agricultural use of the property.

The Narromine Agricultural Land Use Strategy: Intensive Plant Agriculture has not identified this land for sustainable intensive agricultural production.

Assessment Process

Proposal type :

Inconsistent

Community Consultation
Period :

28 Days

Timeframe to make
LEP :

0 months

Delegation :

Public Authority
Consultation - 56(2)
(d) :

Is Public Hearing by the PAC required?

No

(2)(a) Should the matter proceed ?

No

If no, provide reasons :

The planning proposal has not been strategically justified, is inconsistent with SEPP (Rural Land) 2008 and would permit the creation of an isolated rural residential allotment which is not identified in the Narromine Rural Residential Land Use Strategy and is not identified as suited to intensive agricultural production.

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

If Yes, reasons :

Identify any additional studies, if required. :

Narromine Local Environmental Plan 2011 - Amend minimum lot size Part Lot 46 DP
721759 Curringtons Road, Tomingley

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

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Not Recommended**

S.117 directions: **1.2 Rural Zones**
 1.5 Rural Lands
 2.3 Heritage Conservation
 4.4 Planning for Bushfire Protection

Additional Information : **The planning proposal should not proceed for the following reasons:**

1. The Planning Proposal is outside the endorsed Narromine Rural Residential Land Use Strategy and the recommendations of the Narromine Agricultural Land Use Strategy: Intensive Plant Agriculture. The planning proposal is not strategically justified and does not adequately address the environmental, social and economic impacts of increasing in the permissible residential density of land in a rural zone.

2. The planning proposal does not adequately address the inconsistencies with the Section 117 Directions 1.2 Rural Zones, 1.5 Rural Lands and State Environmental Planning Policy (Rural Lands) 2008 as it will create potential land use conflict and create fragmentation of rural land.

Supporting Reasons : **The planning proposal has not been strategically justified and is inconsistent with the endorsed Narromine Rural Residential Land Use Strategy and Narromine Agricultural Land Use Strategy: Intensive Plant Agriculture.**

The planning proposal permits a significant increase in the permissible density of residential development on environmentally sensitive land in an isolated rural setting.

Due to the nature of the planning proposal, it is referred to the Panel for Gateway Determination.

Signature:



Printed Name:

JESSICA HOLLAND

Date:

18.02.2015

Endorsed
W Gamney TL
18/2/15