

Planning Proposal

Application Number:

1/2015

Proposal:

Change of Minimum Lot Size to 80 Hectares

Applicant:

Narromine Shire Council (Ellis)

Subject Land:

Part Lot 46 DP 721759

1266 Curringtons Road, Tomingley

Part 1

A statement of the objectives or intended outcomes of the proposed instrument.

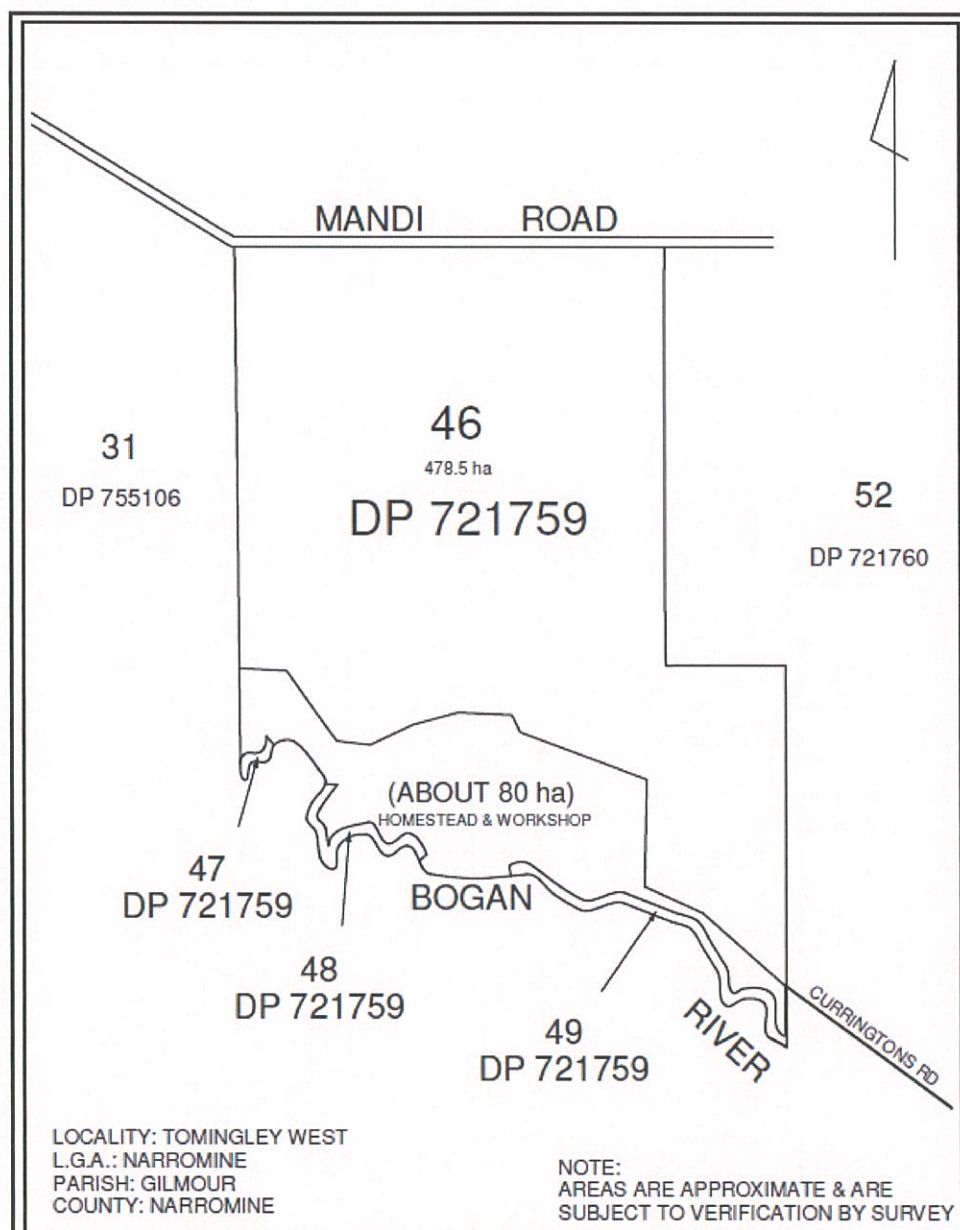
1. Identification of subject land

The land is identified as Part Lot 46 of DP 721759, 1266 Curringtons Road, Tomingley.

2. Objectives of the Planning Proposal

The objective of the proposal is to change the minimum lot size to facilitate a rural subdivision. This subdivision would also result in the creation of two lots, one of approximately 80 hectares in size with an existing dwelling, and another of approximately 398.5 hectares in size with no dwelling.

Proposed Subdivision Plan



Part 2

An explanation of the provisions that are to be included in the proposed instrument.

1. Applicable/proposed provisions

The proposal would amend the Narromine Local Environment Plan 2011 Lot Size Map number LSZ 005 (5850_COM_LSZ_005_160_20111027) to provide for a minimum subdivision lot size with dwelling entitlement to 80 hectares on part of Lot 46 DP 721759.

Part 3

The justification for those objectives, outcomes and the process for their implementation.

1. Justification

a. Is the planning proposal a result of any strategic study or report?

No, this proposal was not considered as part of any strategic study or report.

b. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

There are no alternatives to achieve the intended outcome.

c. Is the planning proposal consistent with the objectives and actions of the applicable sub-regional strategy?

While this proposal partially achieves the objectives of the Western Councils Sub-Regional Land Use Strategy (2009) and the Narromine Rural Residential Land Use Strategy (2013) in that it provides land for residential development, it does not fulfil any of the recommended actions.

d. Is the proposal consistent with a Councils local strategy or other local strategic plan?

No, the proposal is not consistent with any other Strategies adopted by Council.

e. Does the proposal have site specific merit and is it compatible with the surrounding land uses, having regard to:

i. The natural environment (including known significant environmental values, resources or hazards;

<i>Bushfire Prone</i>	The site is bushfire prone and would need to be referred to the Rural Fire Service for assessment in accordance with Planning for Bushfire Protection 2006 during the assessment of any further development.
<i>Biodiversity Sensitive</i>	The land is identified as being biodiversity sensitive with areas of: riparian vegetation, Myall woodlands and 'Other Native Vegetation' as provided by the CWCMA. There are no foreseen impacts on this vegetation as a result of the proposal.
<i>Moderate to Low Groundwater Vulnerability</i>	The development is not considered to have negative impacts on the ground water.
<i>Waterways</i>	A stream which branches from the Bogan River provides a natural boundary between the allotments. There are no foreseen impacts on this waterway as a result of the proposal.

- ii. Existing uses, approved uses, and likely future uses of the land in the vicinity of the proposal; and

The existing approved land uses in the vicinity are primarily agricultural and rural residential. This is likely to remain the same in the foreseeable future. On the southern boundary south of the Bogan River there are large rural residential allotments. These are outside the Narromine Shire Council local government area.

- iii. The services and infrastructure that are or will be available to meet the demands arising from the proposal and any proposed financial arrangements for infrastructure provision.

The services and infrastructure required for the proposal are:

Water – Any future dwellings would need to address the requirement for a potable water supply.

Roads/Access – Any future allotments would need legal access to a public road by way of internal roads or right of access.

Electricity – Mains electricity is available to the site.

Sewerage – Any future dwellings would require an onsite sewage management system which is designed in consideration of the site constraints.

f. Is the planning proposal consistent with applicable State Environmental Planning Policies?

The following table provides justification of the planning proposal against the relevant and applicable State Environmental Planning Policies.

Relevant SEPPs	Relevant Standard/s	Is the Proposal Consistent?	Comments
1 – Development Standards	Nil	N/A	Although this SEPP states that it applies to the land State, the Narramine LEP states that SEPP 1 does not apply in the Narramine Shire. It is therefore not relevant.
14 – Coastal Wetlands	Nil	N/A	This SEPP does not apply in the Narramine Shire.
15 – Rural Landsharing Communities	Nil	N/A	This SEPP does not apply in the Narramine Shire.
19 – Bushland in Urban Areas	Nil	N/A	This SEPP does not apply in the Narramine Shire.
21 – Caravan Parks	Nil	N/A	This policy does not apply to this proposal.
26 – Littoral Rainforests	Nil	N/A	This SEPP does not apply in the Narramine Shire.
29 – Western Sydney Recreation Area	Nil	N/A	This SEPP does not apply in the Narramine Shire.
30 – Intensive Agriculture	Nil	N/A	This SEPP does not apply to this proposal.
32 – Urban Consolidation	Nil	N/A	This policy does not apply to this proposal.
33 – Hazardous and Offensive Development	Nil	N/A	This policy does not apply to this proposal.
36 – Manufactured home estates	Nil	N/A	This policy does not apply to this proposal.
39 – Spit Island Bird Habitat	Nil	N/A	This SEPP does not apply in the Narramine Shire.

44 - Koala Habitat Protection	Clause 7	Yes	The land is identified as potential koala habitat. Prior to any development consent, an assessment must be conducted as to the presence of core koala habitat and if so, a plan of management must be prepared.
47- Moore Park Showground	Nil	N/A	This SEPP does not apply in the Narromine Shire.
50 – Canal Estate Development	Nil	N/A	This policy does not apply to this proposal.
52 – Farm Dams and other works in Land and Water Management Plan areas	Nil	N/A	This policy does not apply to this proposal.
55 - Remediation of Land	Clause 6	Yes	The report from the proponent claims that the site unlikely to be contaminated from historical land uses.
59 – Central Western Sydney Regional Open Space and Residential	Nil	N/A	This SEPP does not apply in the Narromine Shire.
62 – Sustainable Aquaculture	Nil	N/A	This policy does not apply to this proposal.
64 – Advertising and Signage	Nil	N/A	This policy does not apply to this proposal.
65 – Design Quality of Residential Flat Development	Nil	N/A	This policy does not apply to this proposal.
70 – Affordable Housing (Revised Schemes)	Nil	N/A	This SEPP does not apply in the Narromine Shire.
71 – Coastal Protection	Nil	N/A	This SEPP does not apply in the Narromine Shire.
Affordable Rental Housing 2008	Nil	N/A	This policy does not apply to this proposal.
Building Sustainability Index: BASIX 2004	Nil	N/A	This policy does not apply to this proposal.
Exempt and Complying Codes 2008	Nil	N/A	This policy does not apply to this proposal.
Housing for Seniors or People with a Disability 2004	Nil	N/A	This policy does not apply to this proposal.
Infrastructure 2007	Nil	N/A	This policy does not apply to this proposal.
Kosciuszko National Park – Alpine Resorts 2007	Nil	N/A	This SEPP does not apply in the Narromine Shire.
Kurnell Peninsula 1989	Nil	N/A	This SEPP does not apply in the Narromine Shire.

Major Development 2005	Nil	N/A	This policy does not apply to this proposal.
Mining, Petroleum Production and Extractive Industries 2007	Nil	N/A	This policy does not apply to this proposal.
Miscellaneous Consent Provisions	Nil	N/A	This policy does not apply to this proposal.
Penrith Lakes Scheme	Nil	N/A	This SEPP does not apply in the Narramine Shire.
SEPP (Rural Lands) 2008	Clause 8	No	
8 Rural Subdivision Principles <i>The Rural Subdivision Principles are as follows:</i> <i>(a) the minimisation of rural land fragmentation,</i> <i>(b) the minimisation of rural land use conflicts, particularly between residential land uses and other rural land uses,</i> <i>(c) 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,</i> <i>(d) the consideration of the natural and physical constraints and opportunities of land,</i> <i>(e) ensuring that planning for dwelling opportunities takes account of those constraints.</i> The proposal is inconsistent with the Rural Planning Principles and Rural Subdivision Principles in that the proposal encourages fragmentation of productive agricultural land for dwelling purposes (a); however this amendment will not necessarily result in a shift in use away from rural into rural residential. The smaller allotment may be conducive to a smaller plan for continued agricultural production, as well as the Bogan Creek providing a natural boundary which makes a lot that transverse both sides of the creek impractical (d). From these, the proposal is not determined to create any additional adverse effects.			
SEPP 53 Transitional Provisions 2011	Nil	N/A	This policy does not apply to this proposal.
State and Regional Development 2011	Nil	N/A	This policy does not apply to this proposal.
Sydney Drinking Water Catchment 2011	Nil	N/A	This SEPP does not apply in the Narramine Shire.
Sydney Region Growth Centres 2006	Nil	N/A	This SEPP does not apply in the Narramine Shire.
Three Ports 2013	Nil	N/A	This SEPP does not apply in the Narramine Shire.

Urban Renewal 2010	Nil	N/A	N/A
Western Sydney Employment Area 2009	Nil	N/A	This SEPP does not apply in the Narromine Shire.
Western Sydney Parklands 2009	Nil	N/A	This SEPP does not apply in the Narromine Shire.

g. Is the planning proposal consistent with applicable Ministerial Directions?

The following table provides justification of the planning proposal against the relevant and applicable Section 117(2) Ministerial Directions.

Relevant Ministerial Directions	Relevant Standard/s	Is the Proposal Consistent?	Comments
1.1 Business and Industrial Zones	Nil	N/A	N/A
1.2 Rural Zones	Clause 5	No	The proposal gives consideration to the objective of the Direction in that it is of minor significance (d). The proposal: • Will not create any additional dwelling lots, • Will have minimal impact on the surrounding agricultural land uses as the proposal does not permit any additional land uses • Is provided with a number of natural 'buffers' in the forms of the Bogan River, the Bogan Creek and substantial vegetation.
1.3 Mining, Petroleum & Extractive Industries	Nil	N/A	N/A
1.4 Oyster Aquaculture	Nil	N/A	N/A
1.5 Rural Lands	Clause 7		An assessment of the proposal against the rural planning principles is included in comments relating to <i>State Environmental Planning Policy (Rural Lands) 2008</i> above.
2.1 Environment Protection Zones	Nil	N/A	The land is not environmentally sensitive therefore this direction does not apply.
2.2 Coastal Protection	Nil	N/A	N/A
2.3 Heritage Conservation	Clause 4	Yes	An item of Aboriginal heritage has been found on the site as identified by the AHIMS database. The site cards provided indicate that the item is a scarred tree in the vicinity of the Bogan River. The proposal encourages the conservation of this item in that there is unlikely to be any further development in this area for residential or agricultural purposes and the item is protected by the National Parks & Wildlife Act 1974.
2.4 Recreation Vehicle Areas	Nil	N/A	N/A

3.1 Residential Zones	Nil	N/A	N/A
3.2 Caravan Parks and Manufactured Home Estates	Nil	N/A	N/A
3.3 Home Occupations	Nil	N/A	N/A
3.4 Integrating Land Use and Transport	Nil	N/A	N/A
3.5 Development near licensed Aerodromes	Nil	N/A	N/A
3.6 Shooting Ranges	Nil	N/A	N/A
4.1 Acid Sulfate Soils	Nil –	N/A	The land is not within the land area impacted by acid sulphate soils
4.2 Mine Subsidence and Unstable Land	Nil –	N/A	The land not within the Mine Subsidence District pursuant to Section 15 of the Mine Subsidence Compensation Act 1961.
4.3 Flood Prone Land	Nil	N/A	The land is not identified in the Narromine LEP as being flood prone.
4.4 Planning for Bushfire Protection	4, 5 and 6		Under this Direction, the proposal would be required to be forwarded to the Commissioner of the NSW Rural Fire Service, following a favourable Gateway determination.
6.1 Approval and Referral Requirements	Clause 4	Yes	The proposal does not require or contain any provisions in which consultation with any Minister or public authority is required (other than the Department of Planning & Environment).
6.2 Reserving Land for Public Purposes	N/A	N/A	This draft LEP is not creating, altering or reducing land reserved for public purposes and so does not apply.
6.3 Site Specific Provisions	Clause 4	Partially	This direction aims to discourage unnecessarily restrictive site specific planning controls. This Draft LEP is proposes to change the lot size map for a specific area of the LEP. If this proposal passes through gateway, is to fit within the development controls already present under Council's current EPI's.
7.1 Metropolitan Planning	N/A	N/A	N/A

h. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

A biodiversity sensitive area can be seen on the Terrestrial Biodiversity Map on the lot. This correlates with aerial photography which shows waterways, and timbered areas. It is unlikely that this proposal will have adverse effects on the surrounding natural areas.

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

No, there is unlikely to be any further environmental effects as a result of this proposal.

j. Has the planning proposal adequately addressed any social and economic effects?

In order to maintain the continued economic use of the northern allotment for agricultural purposes, the proponent will need to address how land use conflicts are minimised in the proposed layout of the subdivision. In the proposal there is a buffer area between the agricultural allotment and the existing residential dwelling. A stream forms part of the natural buffer and contains existing vegetation. The buffer area meets the minimum buffer area (50 metres) outlined in the Living and Working in Rural Land Uses handbook. This will help in limiting the impacts of the new land use on the existing agricultural land. Distance can help with aerial spray patterns and drift, dust, noise, and any other factors which may cause a nuisance from living with a common boundary to a primary production zone.

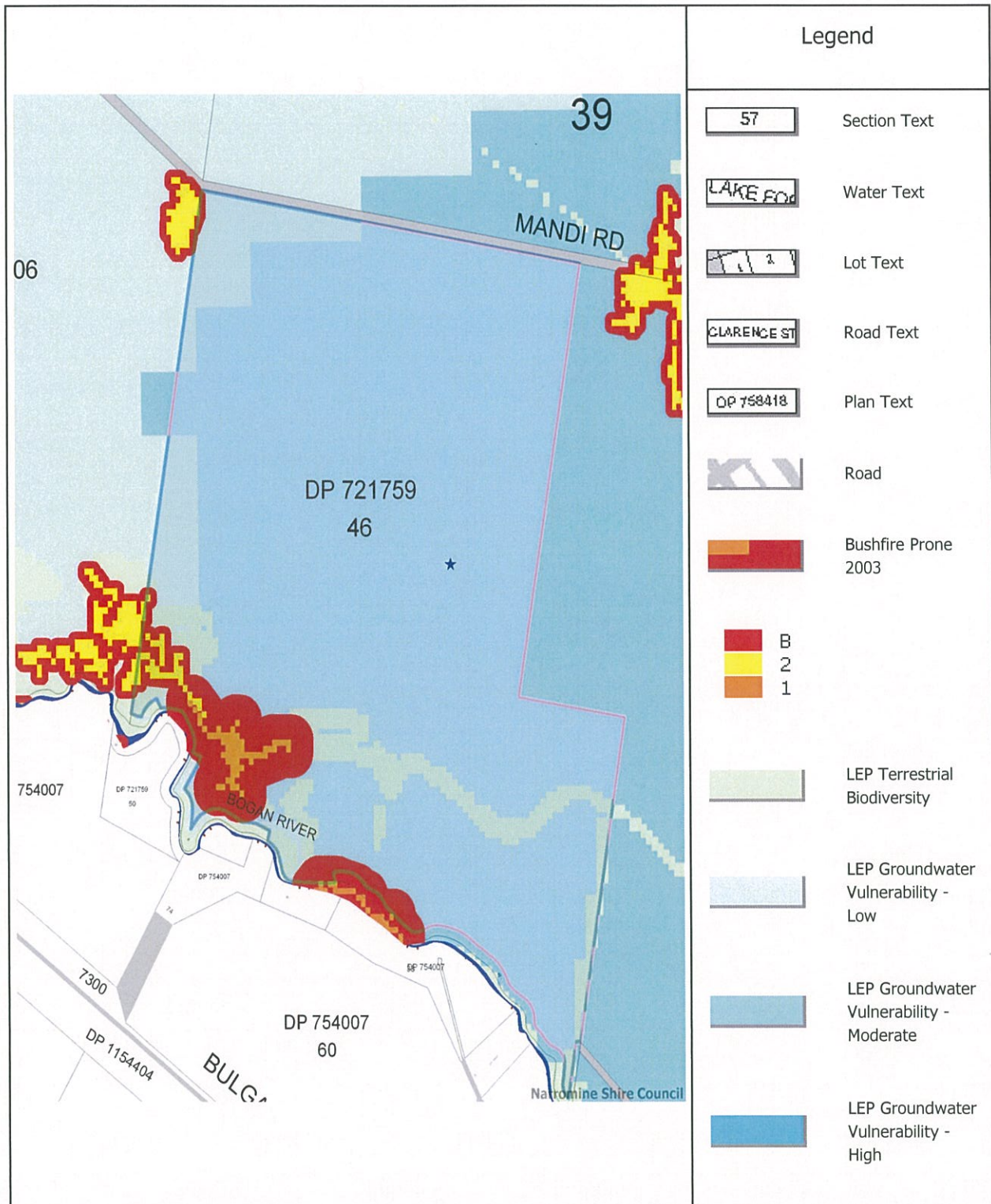
k. Is there adequate public infrastructure for the planning proposal?

There will be no further public infrastructure required.

Part 4

Maps, where relevant, to identify the intent of the planning proposal and the area to which it applies.

Constraints Mapping



Aerial Photo



Part 5

Details of the community consultation that is to be undertaken on the planning proposal.

1. Consultation

The proposal would be required to be placed on public exhibition under direction from the Minister for Planning & Environment. This is not considered a low impact proposal and as such, is recommended to be publicly exhibited for 28 days in accordance with section 57 of the EP&A Act 1979.

This exhibition will be notified in the local newspapers and on Councils website. Hard copies of the proposal will be available for viewing at Councils Administration office at 124 Dandaloo St in Narromine. The adjoining land owners will be notified by direct correspondence.