

Planning Proposal

Application Number:

09/2014

Proposal:

Rezoning / Change of Minimum Lot Size

Applicant:

Mr Malcolm White

Subject Land:

Lot 21 DP 1077442

1225 Eumungerie Road, Burroway

1. Objectives of the Planning Proposal

- To rezone the subject land from RU1 General Rural to R5 Large Lot Residential.
- To enable subdivision of land to 20 hectare lots to meet demand for future rural residential land.

2. Applicable/proposed provisions

The proposed outcomes will be achieved by:

- Amending the Narromine Local Environmental Plan 2011 Land Zoning Map on the subject site in accordance with the proposed zone.
- Amending the Narromine Local Environmental Plan 2011 Lot Size Map on the subject site in accordance with the proposed minimum lot size.

3. Justification

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

Yes, the Narromine Shire Agricultural Lands Strategy 2013.

While the subject land is not identified in the schedule of assessed lots, it is inside the study area of within 10km of the Narromine town. The land was not earmarked for future rural residential development nor was a submission made in the drafting of this strategy for this land to be considered for future rural residential development.

The Strategy identifies the number of lots required per year based on a supply and demand analysis. Assuming a medium demand scenario (dwelling approvals, lot approvals or per capita (30 years) scenarios), Council will require between 4.24 and 5.28 lots per year. Being in the 2014 year (year 2 of the strategy) Council requires between 8.48 and 10.56 lots to be made available.

The planning proposal requests the rezoning of 429.7 hectares at a minimum lot size of 20 hectares. This would yield 21 lots with the ability to apply to build a dwelling on each.

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

The proposed rezoning is the only means of achieving the intended outcome.

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

No, this proposal was not identified in any sub-regional strategy.

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

There are no additional local strategies or strategic plans relevant to this proposal.

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);

The natural environment surrounding the proposal is mostly cleared of vegetation with scattered timber. Surrounding lands are used for the purpose of cropping and grazing. This proposal intends to introduce twenty new rural residential lots to this area so it is difficult to say whether this will be compatible with the surrounding natural environment.

A sensitive area can be seen on the gazetted Terrestrial Biodiversity Map on this lot which correlates with a sparsely timbered area seen on the aerial photograph of the lot. This area is covered by proposed lots 5, 9 and 10 in the concept subdivision plan as well as some roads. DCP clauses could be inserted into Narromine's comprehensive DCP to deal with the retention of some of this vegetation which would have less impact on this sensitive area. This was not mentioned in the proponent's Statement of Environmental Effects (SEE) however is a plausible alternative.

The development is not burdened by high groundwater vulnerability which is in it's favour.

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

The existing approved land uses in the vicinity of the proposal are primarily agriculture and rural residential activities. Future uses in this vicinity of this development would be much the same as existing. The addition of rural residential development to this area would need to be adequately buffered to the adjoining primary production land to ensure no large scale cropping or grazing practices are hampered by the addition of new houses in this location.

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 development will require the extension of electrical infrastructure, a potable water supply and sewage management facilities. These services would need to be provided by the developers as required.

The proponent intends for the development to be individually serviced by stock and domestic bores and septic or recycled waste water treatment systems. No town infrastructure for sewerage services, water or stormwater would be required to be extended to this site as it is cost ineffective. Likewise for garbage services – the residents would be required to dispose of waste at the Narromine Waste Management Facility.

Electricity would need to be extended along the proposed new road to service the individual allotments which the proponent has mentioned in the SEE accompanying the Planning Proposal.

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 in the Narromine Shire, the Narromine LEP states that SEPP 1 does not apply in the Narromine Shire. It is therefore not relevant.
14 – Coastal Wetlands	Nil	N/A	This SEPP does not apply in the Narromine Shire.
15 – Rural Landsharing Communities	Nil	N/A	This SEPP does not apply in the Narromine Shire.
19 – Bushland in Urban Areas	Nil	N/A	This SEPP does not apply in the Narromine Shire.
21 – Caravan Parks	All	N/A	This SEPP is about caravan parks and is not applicable to this proposal.
26 – Littoral Rainforests	Nil	N/A	This SEPP does not apply in the Narromine Shire.
29 – Western Sydney Recreation Area	Nil	N/A	This SEPP does not apply in the Narromine 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 rural/primary production zoned land.
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 Narromine 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	Although farm dams exist on the property the subject of this proposal, this SEPP does not apply to this proposal as it stands.
55 - Remediation of Land	Clause 6	Yes	A consultants report on this SEPP indicates that the land is unlikely to be contaminated from historical land uses. A preliminary Investigation has been carried out (without soil sampling) which has concluded that the site is not contaminated.
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	Although this policy applies in the Shire, it does not at this stage.
Exempt and Complying Codes 2008	Nil	N/A	Although this policy applies in the Shire, it does not at this stage.
Housing for Seniors or People with a Disability 2004	Nil	N/A	Although this policy applies in the Shire, it does not at this stage.
Infrastructure 2007	Nil	N/A	Although this policy applies in the Shire, it does not at this stage.
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	Although the policy applies to the state, it does not apply to this development.
Mining, Petroleum Production and Extractive Industries 2007	Nil	N/A	N/A
Miscellaneous Consent Provisions	Nil	N/A	N/A
Penrith Lakes Scheme	Nil	N/A	N/A
SEPP (Rural Lands) 2008	Clause 7	Yes	Pages 9 and 10 of the attached report from Geolyse Pty Ltd provide a summary of the compliance of the proposal with the Rural Planning Principles.

SEPP 53 Transitional Provisions 2011	Nil	N/A	N/A
State and Regional Development 2011	Nil	N/A	This policy is for state significant development sites and so does not apply.
Sydney Drinking Water Catchment 2011	Nil	N/A	N/A
Sydney Region Growth Centres 2006	Nil	N/A	N/A
Three Ports 2013	Nil	N/A	N/A
Urban Renewal 2010	Nil	N/A	N/A
Western Sydney Employment Area 2009	Nil	N/A	N/A
Western Sydney Parklands 2009	Nil	N/A	N/A

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	Clauses 4 and 5	No	The subject lot is identified as being within the study area of the Narromine Agricultural Lands Strategy, however was not specifically put forward for future rural residential development. Further comment on this has been provided in 3. (a) Above.
1.3 Mining, Petroleum & Extractive Industries	Nil	N/A	N/A
1.4 Oyster Aquaculture	Nil	N/A	N/A
1.5 Rural Lands	Clauses 4 & 5		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	Nil	N/A	N/A

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 – not within the land area impacted by acid sulphate soils	N/A	N/A
4.2 Mine Subsidence and Unstable Land	Nil – land not within the Mine Subsidence District pursuant to Section 15 of the Mine Subsidence Compensation Act 1961.	N/A	N/A

4.3 Flood Prone Land	Nil – land is not flood prone	N/A	N/A
4.4 Planning for Bushfire Protection	4, 5 and 6		
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. Whilst this Draft LEP is proposing to rezone the site to another existing zone which is consistent, the proposal does contain drawings of lot layout which is the detail of the development proposal. It is noted that the Department does not want to see additional site specific controls placed on proposals such as this and so the development if it passes through the 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?

The site is identified as containing a biodiversity sensitive area as mentioned above. Any development on this site would be required to address this issue.

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

There are no further likely environmental effects identified.

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

The application has dealt with the social effects on the potential new residents of the estate however has not mentioned the effects of the new rural residential area on the surrounding existing land users.

Overall, buffering with distance from all boundaries is the best method of limiting the impacts of the new development on the existing neighbours. Distance helps 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. If the applicant can determine a method of achieving this whilst developing a lot layout with which Council and the Department is satisfied, then this social and economic effect can be lessened.

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

Yes, the site has access to:

- A public road by way of Eumungerie Road
- Electrical infrastructure by way of existing poles along Eumungerie Road.
- Any new road entrances from the classified road would need to be verified by the RMS.

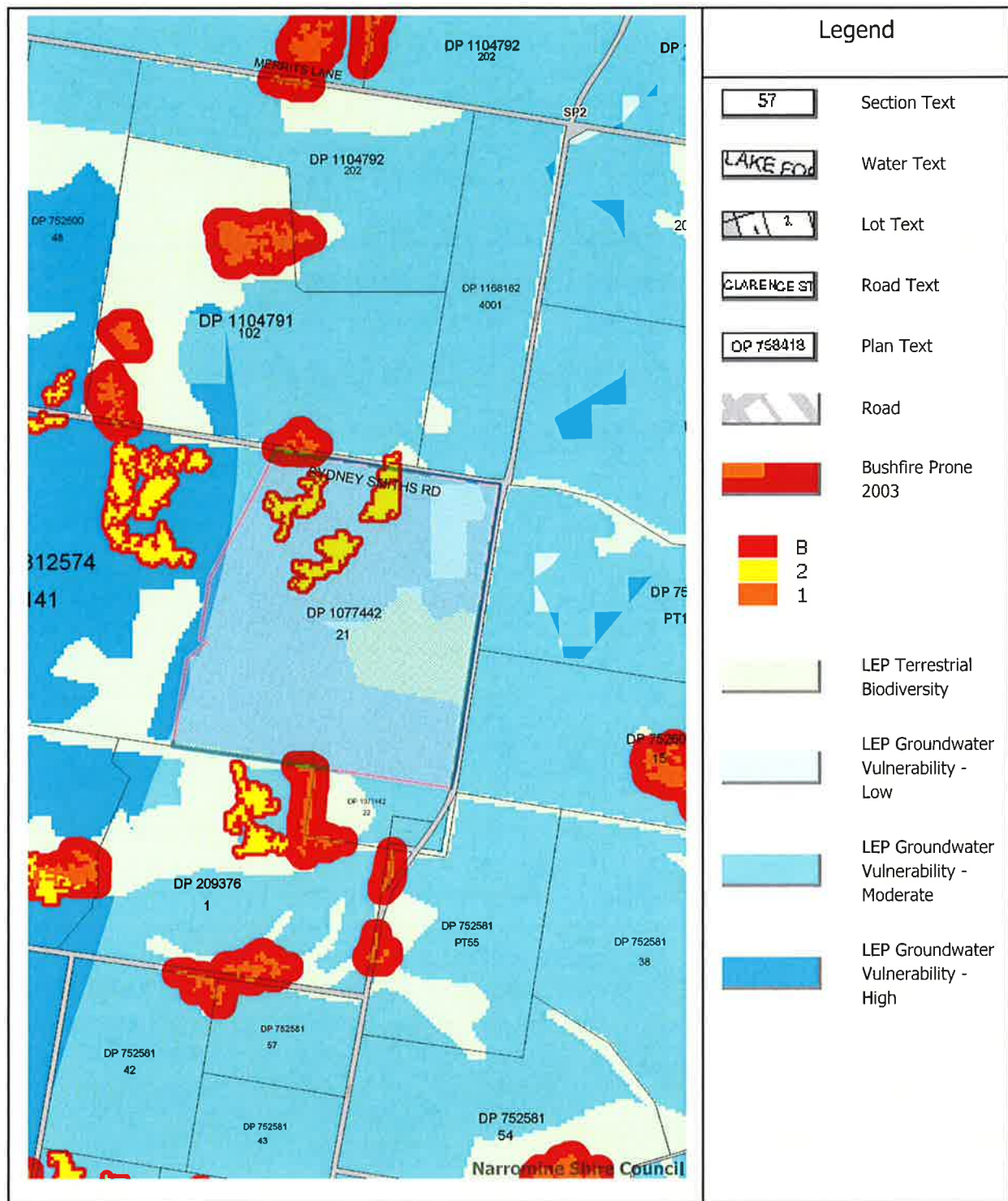
Any further infrastructure required would be fully at the applicant's cost.

4. Mapping

Aerial Image



Constraints Mapping



5. 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.

6. Recommendation

Attached is Council's report and recommendation to the July 2014 meeting of Council. The Council officer's recommendation was:

That Council support planning proposal 09/2014 to the extent of five lots of up to 20 hectares each and forward it to the Gateway for determination.

Council did not support this recommendation and subsequently resolved:

That Council support planning proposal 09/2014 in its entirety for the full 19 blocks and forward it to the Gateway for determination.

7. Attachments

1. Planning Proposal Application