

PLANNING PROPOSAL

LOT 21 IN DP 1077442
AT NO. 1225 EUMUNGERIE ROAD, BURROWAY

FINAL

PREPARED FOR:

MR MALCOLM WHITE

JUNE 2014



GEOLYSE

POSTAL ADDRESS PO Box 1842

DUBBO NSW 2830

LOCATION 1ST FLOOR, 62 WINGEWARRA STREET DUBBO NSW 2830

TELEPHONE 02 6884 1525

FACSIMILE 02 6884 1470

EMAIL DUBBO@GEOLYSE.COM

WEB SITE WWW.GEOLYSE.COM

Report Title:	<i>Planning Proposal</i>
Project:	<i>Lot 21 in DP 1077442 at No. 1221 Eumungerie Road, Burroway</i>
Client:	<i>Mr Malcolm White</i>
Report Ref.:	<i>114070_REO_001_Planning Proposal</i>
Status:	<i>Final</i>
Issued:	<i>June 2014</i>

Geolyse Pty Ltd and the authors responsible for the preparation and compilation of this report declare that we do not have, nor expect to have a beneficial interest in the study area of this project and will not benefit from any of the recommendations outlined in this report.

The preparation of this report has been in accordance with the project brief provided by the client and has relied upon the information, data and results provided or collected from the sources and under the conditions outlined in the report.

All maps, plans, and cadastral information contained within this report are prepared for the exclusive use of Mr Malcolm White to accompany this report for the land described herein and are not to be used for any other purpose or by any other person or entity. No reliance should be placed on the information contained in this report for any purposes apart from those stated therein.

Geolyse Pty Ltd accepts no responsibility for any loss, damage suffered or inconveniences arising from, any person or entity using the plans or information in this study for purposes other than those stated above.

TABLE OF CONTENTS

BACKGROUND	1
1.1 INTRODUCTION.....	1
1.2 SCOPE OF REPORT	1
1.3 STRUCTURE	1
OVERVIEW	2
2.1 THE SUBJECT SITE.....	2
2.1.1 SITE DESCRIPTION AND LOCATION.....	2
2.2 DEVELOPMENT INTENT	2
2.2.1 INDICATIVE SUBDIVISION LAYOUT	2
2.2.2 REQUIREMENT FOR AMENDMENT TO THE NARROMINE LOCAL ENVIRONMENTAL PLAN 2011.....	2
2.2.3 SERVICES	3
2.2.4 TRAFFIC	3
2.3 DEVELOPMENT CONSTRAINTS	4
2.3.1 TOPOGRAPHY AND SOILS.....	4
2.3.2 FLORA AND FAUNA.....	4
FIGURE 1 – SUBJECT SITE (SOURCE: SIX MAPS)	4
2.3.3 HERITAGE	4
2.3.4 BUSHFIRE	5
5	
FIGURE 2 – BUSHFIRE PRONE AREAS (SOURCE: NARROMINE SHIRE COUNCIL).....	5
2.3.5 FLOODING.....	6
2.3.6 CONTAMINATION	6
2.3.7 SALINITY.....	6
INTENT AND PROVISIONS.....	7
3.1 OBJECTIVE	7
3.2 EXPLANATION OF PROVISIONS.....	7
JUSTIFICATION.....	8
4.1 NEED FOR THE PLANNING PROPOSAL	8
4.2 RELATIONSHIP TO STRATEGIC PLANNING FRAMEWORK.....	8
4.3 ENVIRONMENTAL, SOCIAL, AND ECONOMIC IMPACTS	15
4.4 STATE AND COMMONWEALTH INTERESTS.....	15
MAPPING.....	17
5.1 MAPPING.....	17
COMMUNITY CONSULTATION	18
6.1 TYPE OF COMMUNITY CONSULTATION REQUIRED	18
REFERENCES	19
DRAWINGS	
Drawing No. 114070_02A_TP01 – Title Sheet, Drawing List, and Site Locality;	
Drawing No. 114070_02A_TP02 – Existing Property Boundaries;	
Drawing No. 114070_02A_TP03 – Concept Lot Layout and	
Drawing No. 114070_02A_TP04 – Concept Lot Layout with Aerial	

APPENDICES

APPENDIX A

Due Diligence Archaeological Assessment

APPENDIX B

Preliminary Contamination Investigation

APPENDIX C

Bushfire Protection Assessment

Abbreviations

Abbreviation	Full Name
PP	Planning Proposal
DoPI	NSW Department of Planning and Infrastructure
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
SEPP	State Environmental Planning Policy
Deemed EPI	Deemed Environmental Planning Instrument
LEP	Narromine Local Environmental Plan 2011
EPA	Environmental Protection Authority
RMS	Roads and Maritime Services
AHD	Australian Height Datum
LGA	Local Government Authority

Background

1.1 INTRODUCTION

Geolyse Pty Ltd has been commissioned by the applicant (Mc Malcolm White) to prepare a Planning Proposal (PP) to support a proposed amendment to the *Narromine Local Environmental Plan 2011*. The PP is lodged in relation to land described as Lot 21 in DP 1077442 at No. 1225 Eumungerie Road, Burroway.

The proposed amendment is a rezoning of the land from Zone RU1 – Primary Production to Zone R5 – Large Lot Residential and an adjustment to the minimum lot size from 400 hectares to 20 hectares. The applicant seeks a Gateway determination of the PP from the Department of Planning and Environment in relation to the proposed amendment.

Details of the PP's compliance with all applicable Strategic, Regional, and Local Planning Instruments, State Environmental Planning Policies, and Ministerial Directions are contained in the following Sections.

1.2 SCOPE OF REPORT

This Planning Proposal (PP) has been prepared in accordance with the NSW Department of Planning and Infrastructure's (DoPI) advisory documents '*A Guide to Preparing Local Environmental Plans*' and '*A Guide to Preparing Planning Proposals*'. The latter document requires the PP to be provided in four (4) parts, those being;

- *Part 1* – A statement of the objectives or intended outcomes of the proposed LEP;
- *Part 2* – An explanation of the provisions that are to be included in the proposed LEP;
- *Part 3* – The justification for those objectives, outcomes, and provisions and the process for their implementation;
- *Part 4* – Mapping; and
- *Part 5* – Details of the community consultation that is to be undertaken on the Planning Proposal.

Part 4 – Mapping would be confirmed following a Gateway Determination of this Planning Proposal by the DoPI.

1.3 STRUCTURE

This PP is provided in the following structure;

- **Section 2** provides an overview of the subject site; the development intent; and development constraints;
- **Section 3** provides a statement of the objective and explanation of provisions of the PP;
- **Section 4** provides justification regarding the need for the PP; outlines its relationship to strategic planning strategies; and overviews the environmental, economic, and social impacts of the proposal;
- **Section 5** provides the mapping relating to the PP area; and
- **Section 6** details how community consultation is to be undertaken with respect to the PP.

Overview

2.1 THE SUBJECT SITE

2.1.1 SITE DESCRIPTION AND LOCATION

The land forming the subject of this PP is described as Lot 21 in DP 1077442 at No. 1221 Eumungerie Road, Burroway. The site has a total area of 429.7 hectares is located within an area consisting of primary production small lots approximately eight (8) kilometres north-east of the Narromine Township.

Apart from a small shed located adjacent to the site's eastern frontage with Eumungerie Road, the site is vacant of structures. The site contains some trees scattered across the site with the majority located in the eastern portion of the site. The site also contains a number of existing farm dams and a bore.

The site is bordered to the east by Eumungerie Road, to the north by Rocky Point Road (unformed), upon the opposite side of these roads and adjoining the site to the south and west is land zoned RU1 – Primary Production that is currently used for the purpose of agricultural cropping and grazing.

2.2 DEVELOPMENT INTENT

2.2.1 INDICATIVE SUBDIVISION LAYOUT

In accordance with **Drawing No. 114070_02A_TP03 – Concept Lot Layout**, the applicant provides an indicative subdivision layout plan to demonstrate how the site can be developed. The plan details the division of the site into a total of nineteen (19) allotments. The proposed lots would have a minimum lot size of 20 hectares.

New unsealed roads with a road reserve of 25 metres wide would be centrally located on the site and constructed to service the majority of the proposed lots. The proposed road would form the primary vehicle frontage for sixteen (16) of the total nineteen (19) lots. The remaining three (3) lots would be provided with direct access to Eumungerie Road.

2.2.2 REQUIREMENT FOR AMENDMENT TO THE NARROMINE LOCAL ENVIRONMENTAL PLAN 2011

In accordance with Land Zoning Map LZN_004 and Lot Size Map LSZ_004 of the *Narromine Local Environmental Plan 2011*, the subject site is located within Zone RU1 – Primary Production, which is accompanied by a minimum applicable lot size of 400 hectares.

As stated above, the applicant proposes to subdivide the subject site into a total of nineteen (19) allotments with a minimum lot size of 20 hectares.

As the future development of the site (subdivision) would result in the establishment of lots below the current specified minimum lot size, an amendment to the abovementioned Land Zoning and Lot Size Mapping provisions of the Narromine LEP would first be required, in order for the subdivision to be a permissible form of development.

It is considered that the minimum lot size of 20ha provides sufficient area for required services and asset protection zones for bushfire protection to be accommodated upon each future parcel of land.

2.2.3 SERVICES

2.2.3.1 Sewer

Sewerage from each of the nineteen (19) lots would be managed on site through the installation of a septic tank or aerated wastewater treatment system upon each future allotment. The specific detail of each system would be determined at the development application stage in the future.

2.2.3.2 Water

The proposed lots would have access to two reliable water sources. Potable water supply for each proposed lot would be obtained through the installation of rainwater tanks to capture all impervious roof water runoff.

Non-potable water supply for each proposed lot would be obtained via the aquifer.

It is noted that the site is not located within a 'groundwater vulnerability area' as defined by the LEP.

2.2.3.3 Stormwater

Stormwater runoff from the impervious roof area of future dwellings on each proposed lot would be captured within proposed rainwater tanks to be installed at dwelling development stage for each lot. The runoff would then be able to be reused as a potable water supply for each lot.

No Council stormwater infrastructure would be required to be connected to the proposed lots.

2.2.3.4 Electricity

Electricity lines are located within the site along its frontage to Eumungerie Road and are available for connection to the subject site.

This existing infrastructure would be extended along the proposed road to provide electricity access to each of the nineteen (19) proposed lots. This would be undertaken at the Development Application stage for the future subdivision of the site.

2.2.3.5 Telecommunications

Existing telecommunications infrastructure is located within the Eumungerie Road road reserve and is available for connection to the subject site.

This existing infrastructure would be extended along the proposed road to provide electricity access to each of the nineteen (19) proposed lots. This would be undertaken at the Development Application stage for the future subdivision of the site.

2.2.4 TRAFFIC

In accordance with the NSW Roads and Maritime Services' (RMS) Guide to Traffic Generated Developments, the trip generation rate for a dwelling house is nine (9) trips per day.

As a total of nineteen (19) lots are proposed, an additional 171 vehicle trips would be produced by the development on a daily basis. This calculation is based on a dwelling being constructed on each lot as opposed to the use of a lot for agricultural purposes.

The 171 vehicle trips would not have an adverse impact upon traffic congestion experienced on Eumungerie Road, and the existing road and future intersection would have the capacity to support the additional vehicle trips produced.

2.3 DEVELOPMENT CONSTRAINTS

2.3.1 TOPOGRAPHY AND SOILS

The subject site is mostly flat with a gradual slope from the eastern frontage with Eumungerie Road to the western boundary. The slope of the land would not impact upon the ability of the site to maintain rural residential development.

The land subject to this PP, is located within the Bogan–Macquarie Subregion of the Darling Riverine Plains Bioregion. Within this subregion Morgan and Terrey (1992) describe the soil environment as;

“Grey and brown clays on the plains and depressions with texture contrast soils on the low rises of former levees and channels”.

This soil type is consistent with being able to sustain development of a rural residential nature along with continued use for small scale agricultural purposes.

2.3.2 FLORA AND FAUNA

In accordance with **Figure 1 – Subject Site** below, the site is largely cleared of vegetation due to its prior agricultural land uses such as grazing and cropping. The largest areas of vegetation cover located on the site is in the central eastern portion of the site.



Figure 1 – Subject Site

(Source: Six Maps)

Due to the sparse nature of the vegetation located on the site and surrounding area and distance to any large reserves of remnant vegetation, it is considered unlikely that any threatened species of flora or fauna were to inhabit the site.

2.3.3 HERITAGE

2.2.3.1 European Heritage

In accordance with Schedule 5 – Environmental Heritage of the *Narromine Local Environmental Plan 2011*, the site is not identified as containing any items of local heritage significance.

The State Heritage register does not identify any items of state heritage significance as being located on the site.

2.2.3.2 Aboriginal Heritage

Reference is made to the attached Due Diligence Archaeological Assessment prepared by OzArk Environment and Heritage Management (refer **Appendix A**). The Assessment identifies the likelihood of the site containing items of aboriginal cultural heritage value.

Due to the ploughed nature of the site and previous uses for the purpose of agriculture, it is considered that the likelihood of any items of significance being located on the site is low and therefore a desktop assessment was considered to be sufficient.

The desktop assessment included a search of the subject site against heritage data bases such as the Aboriginal Heritage Information Management System (AHIMS). The desktop assessment did not identify any items of significance as being located on the site.

2.3.4 BUSHFIRE

In accordance with **Figure 2 – Bushfire Prone Areas** below, the subject site is identified as being partially bushfire prone in accordance with Narromine Shire Council's bushfire prone mapping. The majority of land identified as being bushfire prone is located in the northern part of the site with a small area also located in the southern part of the site.

It is noted that the areas mapped as bushfire prone do not contain any large scale vegetation and are predominantly cleared for agricultural use as identified by comparing Figure 1 (above) with Figure 2 (below).

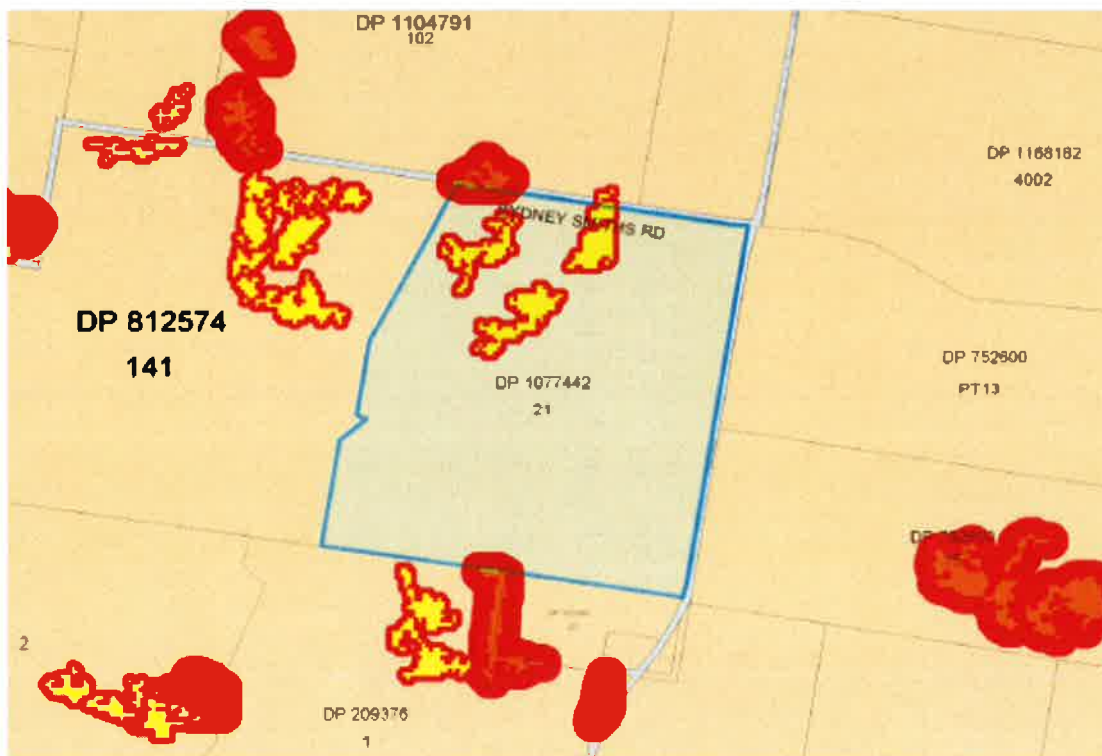


Figure 2 – Bushfire Prone Areas

(Source: Narromine Shire Council)

An assessment of the proposed development against the provisions of the *Planning for Bushfire Protection Guidelines 2006* is attached at **Appendix C**.

The assessment recommends adequate Asset Protection Zones (APZ) areas for each proposed allotment, identifies the required construction standard for future dwellings, and details the location and type of the reserve water supply for fire fighting purposes.

Due to the sparse nature of vegetation located on the site as a result of the site's agricultural land use history, the provision of all necessary fire protection measures is able to be provided for the development.

2.3.5 FLOODING

In accordance with Flood Planning Map FLD_004 of the *Narromine Local Environmental Plan 2011*, the subject site is not identified as being subject to the 1% AEP Flood Level.

As such, the undertaking of a further assessment of the site against Narromine Shire Council's Flood Planning Policy or Clause 6.2 – Flood Planning of the Narromine LEP would not be required and no amendment to the Flood Planning Map FLD_004.

2.3.6 CONTAMINATION

A Preliminary Contamination Investigation was undertaken by Envirowest Consulting (refer **Appendix B**) to determine the contaminated status of the land. As stated in the Assessment, the previous land use history of the site is agricultural cropping and grazing. No other potentially contaminative land uses, as listed in Table 1 of the Managing Contaminated Land Planning Guidelines are known to have been undertaken on the site.

Envirowest Consulting conclude that the subject site is suitable for use for rural residential purposes following the nineteen (19) lot subdivision.

2.3.7 SALINITY

In accordance with Groundwater Vulnerability Map GRV_004 of the *Narromine Local Environmental Plan 2011*, the subject site is not identified as being located within a location prone to 'groundwater vulnerability'.

It is therefore unlikely that the proposed development would be impacted by salinity and a further assessment against the provisions of Clause 6.6 – Groundwater Vulnerability of the Narromine LEP would not be required and no amendment to the Groundwater Vulnerability Map GRV_004.

Intent and Provisions

3.1 OBJECTIVE

To enable the future development (subdivision) of Lot 21 in DP 1077442 at No. 1225 Eumungerie Road, Burroway into nineteen (19) rural residential allotments with a minimum lot size of 20 hectares.

3.2 EXPLANATION OF PROVISIONS

The proposed outcome would be achieved through the undertaking of the following amendments to the *Narromine Local Environmental Plan 2011*;

- An amendment to Land Zoning Map LZN_004 by rezoning the subject land from RU1 – Primary Production to R5 – Large Lot Residential; and
- An amendment to Lot Size Map LZS_004 by reducing the required minimum lot size from 400 hectares to 20 hectares.

Justification

4.1 NEED FOR THE PLANNING PROPOSAL

4.1.1 RESULT OF ANY STRATEGIC STUDY OR REPORT?

The PP responds to the Narromine Rural Residential Land Use Strategy which predicts that the Shire's projected population would increase from 6,620 in 2011 to 9,069 in 2036 (in accordance with *Table 10*). To cater for this rise in population, an increase in demand for rural residential development would be required with the Strategy predicting an additional 120 rural residential lot approvals being required to meet the additional demand to 2036.

The property is located a short distance from the Narromine Township (i.e. 8km to the north), has ease of access via Eumungerie Road, and is of a suitable nature (i.e. consists of existing cleared land and is not flood prone) and would therefore be a suitable choice for the allocation of a portion of the 120 required residential lots.

4.1.2 BEST MEANS OF ACHIEVING THE OBJECTIVES/INTENDED OUTCOMES, OR IS THERE A BETTER WAY?

The development is not permissible in accordance with the provisions of the current *Narromine Local Environmental Plan 2011*. The proposed lots, would be underneath the 400 hectare minimum permissible lot size.

The submission of a PP to amend the existing zoning and lot size represents the best method of achieving the desired outcome. The proposed minimum lot size of 20 hectares would not enable any further subdivision into smaller land parcels to take place following the issue of a Development Approval.

4.2 RELATIONSHIP TO STRATEGIC PLANNING FRAMEWORK

4.2.1 CONSISTENT WITH THE OBJECTIVES AND ACTIONS OF THE APPLICABLE REGIONAL OR SUB-REGIONAL STRATEGY?

There are no overriding Regional or Sub-Regional strategies which directly relate to rural residential development within the Narromine LGA.

4.2.2 CONSISTENT WITH COUNCIL'S LOCAL STRATEGY OR OTHER LOCAL STRATEGIC PLAN?

Narromine Shire Council Rural Residential Land Use Strategy

The *Narromine Shire Council Rural Residential Land Use Strategy* was developed to give both Council and the community clear direction and certainty as to where rural residential land should be located and how much rural residential land should be provided.

The Land Use Strategy provides guidance to the *Narromine Local Environmental Plan 2011*, with a view to providing additional rural residential land to meet with market demands.

The objectives of the Rural Residential Land Use Strategy are to;

- *Articulate the planning principles that influence rural residential development at both a strategic level and at a local planning level;*
- *Apply those planning principles (as constraints and opportunities) through the use of a sieve mapping process so as to identify the most suitable areas for such development.*
- *Identify and analyse the demand for rural residential development; and*

- Assess the adequacy of the current supply of land for rural residential purposes.

Based on the Shire's projected population increase from 6,620 in 2011 to 9,069 in 2036 (refer *Table 10*), the Land Use Strategy identifies that Narromine would experience an increase in the demand for rural residential development. An additional 120 rural residential lot approvals would be required within a ten (10) kilometre radius of the Township to meet the additional demand (refer *Table 14: Narromine Shire – Summary of Rural Residential Demand Options*).

The potential development of nineteen (19) rural residential allotments on the subject site with a minimum lot size of 20 hectares, would represent an ideal opportunity to meet the required demand for rural residential development.

The property is located within close proximity of the Narromine Township (i.e. approximately eight (8) kilometres north), has adequate road access via Eumungerie Road, and would have access to sufficient service infrastructure including electricity and telecommunications, and onsite provision of sewer, water, and stormwater services.

4.2.3 CONSISTENT WITH APPLICABLE STATE ENVIRONMENTAL PLANNING POLICIES?

State Environmental Planning Policy No. 55 – Remediation of Land

Clause 7 of the State Environmental Planning Policy No. 55 – Remediation of Land requires the issue of contamination and remediation to be considered in the assessment of a Development Application.

Clause 7 states the following;

(7) Contamination and remediation to be considered in determining Development Application

(1) A consent authority must not consent to the carrying out of any development on land unless:

(a) It has considered whether the land is contaminated, and

(b) If the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and

(c) If the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.

As stated in Section 2.3.6 of the PP, a Preliminary Contamination Investigation was undertaken by Envirowest Consulting (refer **Appendix B**) to determine the contaminated status of the land.

The Preliminary Contamination Investigation has been undertaken by Envirowest Consulting who conclude that the subject site is suitable for use for rural residential purposes.

As such, the undertaking of remediation work in accordance with Clause 8 of the SEPP-55 would not be required.

State Environmental Planning Policy (Rural Lands) 2008

In accordance with Clause 4 of Ministerial Direction 1.5 – Rural Lands, where a rezoning effects land located within a rural or environmental protection zone, the PP must be consistent with Clause 7 – Rural Planning Principles contained in the SEPP (Rural Lands) 2008.

A summary of the proposal's compliance with the Rural Planning Principles is provided below;

(a) The promotion and protection of opportunities for current and potential productive and sustainable economic activities in rural areas;

Due to the site's proximity to the Narromine Township and sufficient vehicle access, the site is located in an ideal location for the creation of rural residential lots in accordance with Narromine Shire Council's Rural Residential Land Use Strategy.

The creation of the proposed lots would provide rural residential land stock which would provide for the existing demand whilst maintaining opportunities for ancillary agricultural uses at a smaller scale.

(b) Recognition of the importance of rural lands and agriculture and the changing nature of agriculture and of trends, demands and issues in agriculture in the area, region or State;

The proposed lots would still be able to be farmed at a smaller scale and would provide sufficient setbacks to not unreasonably impact upon the ability of surrounding rural lots to continue to be used for agriculture.

(c) Recognition of the significance of rural land uses to the State and rural communities, including the social and economic benefits of rural land use and development;

The subdivision of the land for rural residential purposes would not impact upon its ability to provide social and/or economic benefits on a smaller scale.

(d) In planning for rural lands, to balance the social, economic and environmental interests of the community;

The proposal seeks to balance the social, economic, and environmental factors associated with the land. The provision of a minimum lot size of 20 hectares would provide additional housing land choice for residents within the Narromine LGA, would enable the rural lifestyle needs of residents to be maintained, and would provide lots that meet the demand of the property market.

(e) The identification and protection of natural resources, having regard to maintaining biodiversity, the protection of native vegetation, the importance of water resources and avoiding constrained land,

The subject site is largely cleared of vegetation and is therefore unlikely to have a high level of biodiversity. In this regard, the land is suitable for subdivision for rural residential purposes.

(f) The provision of opportunities for rural lifestyle, settlement and housing that contribute to the social and economic welfare of rural communities,

The proposal would support opportunities for rural residential living within a short distance of the Narromine Township. The lots would be located within a rural setting and would offer a variety of lifestyle opportunities.

The lots would be of a size that would be able to support a small scale agricultural operation.

(g) The consideration of impacts on services and infrastructure and appropriate location when providing for rural housing,

Rural housing is not proposed as part of the PP. It is considered that the minimum lot size of 20ha provides sufficient area for required water services to be accommodated upon each future parcel of land.

The future electricity and telecommunication needs of the site can be accommodated within the existing infrastructure network along the frontage of the site.

Any augmentation of services would be specifically identified and carried out as part of the future subdivision of the land.

(h) Ensuring consistency with any applicable regional strategy of the Department of Planning or any applicable local strategy endorsed by the Director-General.

Compliance with the Narromine Shire Council Rural Residential Land Use Strategy is achieved – refer **Section 4.2.2** of the Report above.

4.2.4 CONSISTENT WITH APPLICABLE MINISTERIAL DIRECTIONS (S177 DIRECTIONS)?

Direction 1.5 – Rural Lands

In accordance with Clause 3 of Ministerial Direction 1.5 – Rural Lands as follows; this direction is applicable to the Planning Proposal as the section of land proposed to be rezoned to R5 – Large Lot Residential is currently zoned RU1 – Primary Production and would involve a change to the relevant minimum lot size.

(3) *This direction applies when:*

- (a) *A relevant planning authority prepares a planning proposal that will affect land within an existing or proposed rural or environment protection zone (including the alteration of any existing rural or environment protection zone boundary) or*
- (b) *A relevant planning authority prepares a planning proposal that changes the existing minimum lot size on land within a rural or environment protection zone.*

Clauses 4 and 5 of the Ministerial Direction 1.5 state that where Clauses 3(a) and 3(b) apply, an assessment of the proposal against State Environmental Planning Policy (Rural Lands) 2008 is to be carried out;

- (4) *A planning proposal to which clauses 3(a) or 3(b) apply must be consistent with the Rural Planning Principles listed in State Environmental Planning Policy (Rural Lands) 2008.*
- (5) *A planning proposal to which clause 3(b) applies must be consistent with the Rural Subdivision Principles listed in State Environmental Planning Policy (Rural Lands) 2008.*

An assessment against the State Environmental Planning Policy (Rural Lands) 2008 is provided above and the proposal has been found to be consistent with the Rural Planning Principles.

Direction 3.1 – Residential Zones

In accordance with Clause 3 of Ministerial Direction 3.1 – Residential Zones as follows; this direction is applicable to the Planning Proposal as the land zoned RU1 – Primary Production is proposed to be rezoned under this Planning Proposal to a residential zone (R5 – Large lot Residential).

- (3) *This direction applies when a relevant planning authority prepares a planning proposal that will affect land within:*
 - (a) *An existing or proposed residential zone (including the alteration of any existing residential zone boundary),*
 - (b) *Any other zone in which significant residential development is permitted or proposed to be permitted”.*

Clauses 4 and 5 of the Ministerial Direction 3.1 provide that the following factors are to be taken into account in the rezoning of land from a Rural Zone to a Residential Zone;

- (4) *A planning proposal must include provisions that encourage the provision of housing that will:*
 - (a) *Broaden the choice of building types and locations available in the housing market, and*
 - (b) *Make more efficient use of existing infrastructure and services, and*
 - (c) *Reduce the consumption of land for housing and associated urban development on the urban fringe, and*
 - (d) *Be of good design.*

The Planning Proposal would provide for a wider choice of housing lots and lifestyle choices within the Narromine LGA through the potential nineteen (19) new rural residential lots. The lots would have access to public roads and would be located a short distance from services in the Narromine Township.

(5) *A planning proposal must, in relation to land to which this direction applies:*

- (a) *Contain a requirement that residential development is not permitted until land is adequately serviced (or arrangements satisfactory to the council, or other appropriate authority, have been made to service it), and*
- (b) *Not contain provisions which will reduce the permissible residential density of land.*

The future lots / development of the land would be for rural residential purposes and would be adequately serviced by on site infrastructure such as the provision of rain water tanks for potable drinking supply and stormwater discharge and the installation of onsite sewerage disposal systems (refer **Section 2.2.3** of PP for further details).

Direction 4.4 – Planning for Bushfire Protection

In accordance with Clause 3 of Ministerial Direction 4.4 – Planning for Bushfire Protection as follows; this direction is applicable to the PP as part of the land subject to this PP is mapped by Narromine Shire Council as being bushfire prone.

- (3) *This direction applies when a relevant planning authority prepares a planning proposal that will affect, or is in proximity to land mapped as bushfire prone land.*

Clauses 4, 5, and 6 of the Ministerial Direction 4.4 provide that the following factors are to be taken into account as part of the PP process;

- (4) *In the preparation of a planning proposal the relevant planning authority must consult with the Commissioner of the NSW Rural Fire Service following receipt of a gateway determination under section 56 of the Act, and prior to undertaking community consultation in satisfaction of section 57 of the Act, and take into account any comments so made,*

Noted. It is also reminded that the mapped bushfire hazard areas is inconsistent with the current aerial photographs of canopy cover.

(5) *A planning proposal must:*

- (a) *Have regard to Planning for Bushfire Protection 2006,*
- (b) *Introduce controls that avoid placing inappropriate developments in hazardous areas, and*
- (c) *Ensure that bushfire hazard reduction is not prohibited within the APZ.*

An assessment of the proposed development against the provisions of the Planning for Bushfire Protection Guidelines 2006 is provided at **Appendix C**. Sufficient controls are recommended to ensure future dwellings would not be located within a bushfire hazardous location.

- (6) *A planning proposal must, where development is proposed, comply with the following provisions, as appropriate:*

(a) *Provide an Asset Protection Zone (APZ) incorporating at a minimum:*

- (i) *An Inner Protection Area bounded by a perimeter road or reserve which circumscribes the hazard side of the land intended for development and has a building line consistent with the incorporation of an APZ, within the property, and*
- (ii) *An Outer Protection Area managed for hazard reduction and located on the bushland side of the perimeter road,*

(b) *For infill development (that is development within an already subdivided area), where an appropriate APZ cannot be achieved, provide for an appropriate performance standard, in consultation with the NSW Rural Fire Service. If the provisions of the planning proposal permit Special Fire Protection Purposes (as defined under section 100B of the Rural Fires Act 1997), the APZ provisions must be complied with,*

(c) *Contain provisions for two-way access roads which links to perimeter roads and/or to fire trail networks,*

(d) *Contain provisions for adequate water supply for fire fighting purposes,*

- (e) *Minimise the perimeter of the area of land interfacing the hazard which may be developed,*
- (f) *Introduce controls on the placement of combustible materials in the Inner Protection Area.*

The Bushfire Protection Assessment prepared by Australian Bushfire Protection Planners contains provisions including recommended APZs around all future dwellings, adequate and clear access for emergency services onto each lot, and a sufficient water supply reserve on each lot for fire fighting.

Direction 6.1 – Approval and Referral Requirements

Ministerial Direction 6.1 – Approval and Referral Requirements applies to all PP forwarded for Gateway Determination by a local authority.

To be compliant with Direction 6.1, a PP must be consistent with the following provisions;

- (4) *A planning proposal must:*
 - (a) *Minimise the inclusion of provisions that require the concurrence, consultation or referral of development applications to a Minister or public authority, and*
 - (b) *Not contain provisions requiring concurrence, consultation or referral of a Minister or public authority unless the relevant planning authority has obtained the approval of:*
 - *The appropriate Minister or public authority, and*
 - *The Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General), prior to undertaking community consultation in satisfaction of section 57 of the Act, and*
 - (c) *Not identify development as designated development unless the relevant planning authority:*
 - *Can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the class of development is likely to have a significant impact on the environment, and*
 - *Has obtained the approval of the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) prior to undertaking community consultation in satisfaction of section 57 of the Act".*

The proposed rezoning does not include provisions that would trigger a need for concurrence, consultation, or referral to the State Government.

Direction 6.2 – Reserving Land for Public Purposes

Ministerial Direction 6.2 – Reserving Land for Public Purposes applies to all Planning Proposals forwarded for Gateway Determination by a local authority.

To be compliant with Direction 6.2, a PP must be consistent with the following provisions;

- (4) *A planning proposal must not create, alter or reduce existing zonings or reservations of land for public purposes without the approval of the relevant public authority and the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General).*

The PP would seek to create a public road access to service the future lots as part of the final development. Approval for the establishment of such a parcel of land would first be sought with Narromine Shire Council and the NSW Department of Planning and Environment.

- (5) *When a Minister or public authority requests a relevant planning authority to reserve land for a public purpose in a planning proposal and the land would be required to be acquired under Division 3 of Part 2 of the Land Acquisition (Just Terms Compensation) Act 1991, the relevant planning authority must:*
 - (a) *Reserve the land in accordance with the request, and*

- (b) Include the land in a zone appropriate to its intended future use or a zone advised by the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General), and*
- (c) Identify the relevant acquiring authority for the land.*

The land is not proposed to be acquired under the Land Acquisition (Just Terms Compensation) Act 1991.

- (6) When a Minister or public authority requests a relevant planning authority to include provisions in a planning proposal relating to the use of any land reserved for a public purpose before that land is acquired, the relevant planning authority must:*
 - (a) Include the requested provisions, or*
 - (b) Take such other action as advised by the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) with respect to the use of the land before it is acquired.*

Noted.

The land proposed to be reserved for public purposes relates to the proposed road system as depicted on the drawings. The exact location of roads will be determined during the future development application for the subdivision of the land.

- (7) When a Minister or public authority requests a relevant planning authority to include provisions in a planning proposal to rezone and/or remove a reservation of any land that is reserved for public purposes because the land is no longer designated by that public authority for acquisition, the relevant planning authority must rezone and/or remove the relevant reservation in accordance with the request.*

The land would be required for public purposes for use as a public road.

Direction 6.3 – Site Specific Provisions

Ministerial Direction 6.3 – Site Specific Provisions applies to all PPs forwarded for Gateway Determination by a local authority;

To be compliant with Direction 6.3, a PP must be consistent with the following provisions;

- (4) A planning proposal that will amend another environmental planning instrument in order to allow a particular development proposal to be carried out must either:*
 - (a) Allow that land use to be carried out in the zone the land is situated on, or*
 - (b) Rezone the site to an existing zone already applying in the environmental planning instrument that allows that land use without imposing any development standards or requirements in addition to those already contained in that zone, or*
 - (c) Allow that land use on the relevant land without imposing any development standards or requirements in addition to those already contained in the principal environmental planning instrument being amended.*

The parcel of land is currently zoned RU1 – Primary Production, and it is proposed as part of this PP to rezone the land to R5 – Large Lot Residential, which is an existing zone within the *Narromine Local Environmental Plan 2011*.

No additional development standards or compliance provisions are proposed, and the subject land would be subject to the existing provisions of the Narromine LEP and any relevant DCP.

- (5) A planning proposal must not contain or refer to drawings that show details of the development proposal.*

The Objectives and Statement of Intent of this PP do not refer to drawings which depict the development proposal.

4.3 ENVIRONMENTAL, SOCIAL, AND ECONOMIC IMPACTS

4.3.1 WILL CRITICAL HABITAT, THREATENED SPECIES, POPULATIONS OR ECOLOGICAL COMMUNITIES, OR THEIR HABITATS BE ADVERSELY AFFECTED?

As the portion of land proposed for rezoning to R5 – Large Lot Residential is currently zoned RU1 – Primary Production, it consists largely of vacant grassland and is highly disturbed due to its existing and previous use for the purpose of agricultural cropping and grazing. As a result, and due to the distance of the site from existing pockets of remnant vegetation, it is highly unlikely that site would be the habitat for any threatened species or populations of protected fauna or flora.

4.3.2 OTHER LIKELY ENVIRONMENTAL EFFECTS AS A RESULT OF PROPOSAL AND HOW ARE THEY PROPOSED TO BE MANAGED?

The purpose of the PP is to enable the future development of the site rural residential lots. A small number of trees may need to be removed to facilitate the construction of the proposed road which would provide access to the lots.

However, due to the site and surrounding locality being in a largely disturbed state from the undertaking of agricultural enterprise, it is unlikely that the removal of the small number of trees would have a significant environmental impact.

The 20ha minimum lot size has been chosen to ensure sufficient area could be provided upon future lots for appropriate setbacks, buffer zones and asset protection zones enabling any potential impacts of future development on these lots is managed within their respective sites and the road corridors.

4.3.3 ADEQUATELY ADDRESSED ANY SOCIAL AND ECONOMIC EFFECTS?

Due to the site's location within a rural area, the site has limited access to public transport. However due to its close location to the Narromine urban area, a future property owner would be within close vicinity of any required services, such as medical, educational, and retail facilities and transport means, such as coaches to neighbouring towns.

Preliminary investigations with local a real-estate professional has been undertaken to determine the markets acceptability of lots with a 20ha minimum lot size. These discussions support there is a potential market for this product generally.

It is the intention of the landowner to develop the site in a staged manner at rate of 15% – 25% (3 - 5 lots) 30% - 40% (6 – 8 lots) and 25% - 30% (5 – 8 lots). Although this staging is yet to fully finalised, this intention is aimed at minimising risk to the development, staging the release of land with the construction of necessary infrastructure, ensuring the market is not 'flooded' with land supply and ensuring that the overall development is facilitated in an orderly and economic manner.

4.4 STATE AND COMMONWEALTH INTERESTS

4.4.1 ADEQUATE PUBLIC INFRASTRUCTURE FOR PROPOSAL?

Adequate public infrastructure would be available to all future allotments. The lots would have the capacity to be serviced by on site sewer, water, and stormwater infrastructure and would each be connected to electricity and telecommunications infrastructure from the existing services along Eumungerie Road.

Due to the site's location within a country area, the site has limited access to public transport. However due to its close location to the Narromine urban area, the applicants are within close vicinity of any appropriate services, such as bus coaches to nearby towns.

4.4.2 VIEWS OF STATE/COMMONWEALTH PUBLIC AUTHORITIES CONSULTED IN ACCORDANCE WITH THE GATEWAY DETERMINATION?

The views of state and commonwealth public authorities would be ascertained in accordance with the comments contained in the Gateway Determination.

Mapping

5.1 MAPPING

The following LEP maps would be amended as part of the Planning Proposal;

- Land Zoning Map LZN_004 of the *Narromine Local Environmental Plan 2011* with regard to land at Lot 21 in DP 1077442 at No. 1221 Eumungerie Road, Burroway would be amended from 'RU1 – Primary Production' to 'R5 Large Lot Residential'; and
- Lot Size Map LSZ_004 of the *Narromine Local Environmental Plan 2011* with regard to land at Lot 21 in DP 1077441 at No. 1221 Eumungerie Road, Burroway would be amended from '400 hectares' to '20 hectares'.

Community Consultation

6.1 TYPE OF COMMUNITY CONSULTATION REQUIRED

Section 5.5.2 of 'A Guide to Preparing Local Environmental Plans' identifies two different exhibition periods for community consultation;

- Low Impact Proposals – 14 days; and
- All other Planning Proposals (including any proposal to reclassify land) – 28 days.

The Guide describes Low Impact Proposals as having the following attributes;

- *A 'low' impact planning proposal is a planning proposal that, in the opinion of the person making the gateway determination, is;*
 - *Consistent with the pattern of surrounding land use zones and/or land uses;*

The proposed rezoning of the parcel of land to R5 – Large Lot Residential would accord with Council's existing Land Use Strategy and would be of a similar size to other such allotments within a ten kilometre radius to the Narromine urban area.

- *Consistent with the strategic planning framework;*

Responses have been provided detailing the proposal's compliance with local and regional planning strategies, SEPPs, and ministerial directions.

- *Presents no issues with regard to infrastructure servicing;*

The lots would have access to on-site sewer, water, and stormwater services, and would be connected with electricity and telecommunications facilities currently available along Eumungerie Road.

- *Not a principle LEP; and*

The PP is not for a principle LEP.

- *Does not reclassify public land.*

The PP does not seek to reclassify existing public land.

In accordance with the responses to the above points, the PP is considered to be of low impact. It is therefore considered that a community consultation period of 14 days be applicable to the development in this instance.

References

Australian Bureau of Statistics (ABS), Census of Population and Housing, 2006 and 2011.

Morgan and Terrey. 1992, Nature Conservation in Western New South Wales. National Park Association, Sydney.

NSW Department of Planning (DoP). 2009a, A Guide to Preparing Local Environmental Plans, DoP, Sydney.

NSW Department of Planning (DoP). 2009a, A Guide to Preparing Planning Proposals, DoP, Sydney.
