

Narromine Local Environmental Plan 2011 – amend minimum lot size on Lot 51 DP 233201

Proposal Title : **Narromine Local Environmental Plan 2011 – amend minimum lot size on Lot 51 DP 233201**

Proposal Summary : **Undertake a boundary adjustment of the subject site from 3 lots into 2 lots by changing the minimum lot size relating to the part of Lot 51 DP 233201 on the Northern side of Pinedean Road from 400 hectares to 80 hectares. Resulting in one lot to be established on the northern side of Pinedean Road consisting of 82.5 hectares with an existing dwelling and one lot to be established on the southern side of Pinedean Road consisting of 731.3 hectares.**

PP Number : **PP_2014_NARRO_002_00**

Dop File No :

PP_2014_NARRO_002_00

Proposal Details

Date Planning
Proposal Received : **27-Jun-2014**

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 :

Suburb :

City :

Postcode :

Land Parcel : **Lot 51 DP 233201**

Street :

Suburb :

City :

Postcode :

Land Parcel : **Lot 52 DP 233201**

Street :

Suburb :

City :

Postcode :

Land Parcel : **Lot 8 DP 755121**

DoP Planning Officer Contact Details

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RPA Contact Details

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Land Release Data

Growth Centre :	Release Area Name :
Regional / Sub Regional Strategy :	Consistent with Strategy :
MDP Number :	Date of Release :
Area of Release (Ha) :	Type of Release (eg Residential / Employment land) :
No. of Lots : 0	No. of Dwellings (where relevant) : 1
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 : **No known meetings or communications.**

Supporting notes

Internal Supporting Notes : **The subject land has an existing established dwelling and potential for another dwelling based on lot size area. The proposal is to excise the existing dwelling onto 82ha (below the 400 ha mls) and consolidate the remaining land into one lot of 731ha. The proposal is not specifically supported by the Rural Lands SEPP or the endorsed Narromine Strategies. On balance the existing dwelling will have minimal impact on the locality as it is within 10kms of Narromine and there are dwellings and R5 land nearby. It will provide opportunity for some primary production to continue. The consolidation of the remaining land of 731 ha will enhance the agricultural productivity.**

External Supporting Notes :

Adequacy Assessment

Statement of the objectives - s55(2)(a)

Is a statement of the objectives provided? **Yes**

Comment : **Reduce the minimum lot size in the subject area to facilitate a rural subdivision/boundary adjustment on which an existing dwelling would be located on 82.5ha and the remaining land consolidated into 731ha. The subject land has sufficient area for two dwellings under the Narromine LEP 2011.**

Explanation of provisions provided - s55(2)(b)

Is an explanation of provisions provided? **Yes**

Comment : **The proposed outcome would be achieved by amending Lot Size Map LSZ_004 of the Narromine Local Environmental Plan 2011 relating to the part of the site on the northern side of Pinedean Road where an existing dwelling is located from 400 hectares to 80 hectares. The remaining land is to be consolidated into a lot of 731ha.**

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **Yes**

b) S.117 directions identified by RPA :

1.2 Rural Zones

* May need the Director General's agreement

1.5 Rural Lands

2.1 Environment Protection Zones

2.3 Heritage Conservation

4.4 Planning for Bushfire Protection

6.1 Approval and Referral Requirements

6.2 Reserving Land for Public Purposes

6.3 Site Specific Provisions

Is the Director General's agreement required?

c) Consistent with Standard Instrument (LEPs) Order 2006 : **Yes**

d) Which SEPPs have the RPA identified?

SEPP No 55—Remediation of Land

SEPP (Rural Lands) 2008

e) List any other matters that need to be considered :

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

If No, explain :

Considered as being of minor significance given the circumstances, proposed outcomes and broader government policy.

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : **Adequate for exhibition but needs to comply with technical standards at s59 submission.**

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : **Community consultation has been proposed to be carried out in accordance with section 57 of EP&A Act and will involve advertising of the planning proposal for a minimum of 28 days across a number of mediums including local newspapers, Council's website and Council's social media sites. Adjoining owners to the lots affected will also be notified by letter and given the same period of time for comment. This is considered adequate and there is no requirement to consult with agencies.**

Additional Director General's requirements

Are there any additional Director General's requirements? **No**

If Yes, reasons :

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **Yes**

If No, comment :

Proposal Assessment

Principal LEP:

Due Date :

Comments in
relation to Principal
LEP :

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

Assessment Criteria

Need for planning
proposal :

Under Narromine LEP 2011 to create a lot of 82.5ha with an existing dwelling on land zone RU1 Primary Production can not be undertaken

The submission of a planning proposal to amend the lot size map therefore represents the best way of achieving the desired outcome. The change to the minimum lot size would not impact upon the locality or surrounding agricultural uses and the change to minimum lot size would not permit any further subdivision to take place at the site. The remaining land of 731 ha is to be consolidated into one lot and provides a good opportunity to continue and enhance primary production.

Consistency with
strategic planning
framework :

The planning proposal promotes the principles of Rural Planning and Rural Subdivision contained within the State Environmental Planning Policy (Rural Lands) 2008. The proposal presents an opportunity to:

- protect opportunities for current and potential productive and sustainable economic activities in rural areas as the proposed boundary adjustment of the subject site from three lots into two would result in one lot on the northern side of Pinedean Road consisting of 82.5 hectares with an existing dwelling and one lot on the southern side of Pinedean Road consisting of 731.3 hectares. The consolidation on the balance into a 731.3ha lot provides a good opportunity to enhance primary production, minimise the fragmentation of rural land and minimise land use conflicts.**
- the proposed boundary adjustment of the subject site from 3 lots into 2 lots by changing part of Lot 51 DP 233201 on the northern side of Pinedean Road from 400 hectares to 80 hectares is appropriate in this case given the change to the minimum lot size would have minimal upon the locality or surrounding agricultural uses, the proposed 82.5ha lot has an existing established dwelling, is not out of character and would not permit further subdivision to take place at the site.**

Environmental social
economic impacts :

The proposal will not result in the removal of vegetation and each of the proposed lots will have sufficient area to allow for a dwelling, effluent disposal area and ancillary structures without the need for removing any native vegetation. There are no known flooding considerations impacting on the subject land.

Assessment Process

Proposal type : Community Consultation **28 Days**
Period :

Timeframe to make **9 months**
LEP : Delegation : **RPA**

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

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

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

If no, provide reasons :

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

If Yes, reasons :

Identify any additional studies, if required. :

If Other, provide reasons :

Identify any internal consultations, if required :

No internal consultation required

Is the provision and funding of state infrastructure relevant to this plan? **No**

If Yes, reasons :

Documents

Document File Name	DocumentType Name	Is Public
Lots 8 51 and 52_Existing and proposed boundaries.pdf	Map	No
5850_COM_LSZ_004_160_20111027.pdf	Map	No
Planning proposal_cover letter.pdf	Proposal Covering Letter	No
PP report.pdf	Proposal	No

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

S.117 directions:

- 1.2 Rural Zones**
- 1.5 Rural Lands**
- 2.1 Environment Protection Zones**
- 2.3 Heritage Conservation**
- 4.4 Planning for Bushfire Protection**
- 6.1 Approval and Referral Requirements**
- 6.2 Reserving Land for Public Purposes**
- 6.3 Site Specific Provisions**

Additional Information : **The Planning Proposal should proceed subject to the following conditions:**

1. Community consultation is required under section 57 of the EP&A Act as follows:

- a. the planning proposal is required to be made publicly available on exhibition for 28 days as described in A Guide to Preparing LEPs (Department of Planning & Infrastructure 2012)
- b. the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of A Guide to Preparing LEPs

No consultation is required with public authorities under section 56(2)(d) of EP&A Act.

2. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).

3. Prior to submission of the Planning Proposal under section 59 of the EP&A Act the lot size map (LSZ_004) is to be compliant with the Department's standard technical requirements for maps.

4. The timeframe for completing the LEP is to be 9 months from the week following the date of the Gateway determination.

Supporting Reasons :

On balance, the planning proposal is not consistent with the current strategic planning framework however, the proposed reduction in minimum lot size to 80ha is a one off instance on land that has an existing established dwelling within 10km of Narromine.

The consolidated balance to 731ha on the second proposed lot will provide good outcomes by way of protecting and promoting agricultural land.

Signature:



Printed Name:

Rebecca Hall

Date:

16.07.2014

Endorsed
Wgarnsey 16/7/14
A Team leader

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