

Planning Proposal 05/2014

Council Assessment Report

1. Identification of subject land

The land is identified as Lot 8 DP 755121 and Lots 51 & 52 DP 233201, Tomingley Rd, Narromine.

2. Objectives of the Planning Proposal

The objective of this proposal is to reduce the minimum lot size in the subject area to facilitate a rural subdivision/boundary adjustment. This boundary adjustment would also result in the creation of an additional permissible dwelling lot.

3. Applicable/proposed provisions

The proposal would amend the Narromine Local Environmental Plan 2011 Lot Size Map to provide for a minimum lot size of 82.5 ha (published to 80 hectares) on lot 51 DP 233201.

4. 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 outcomes.

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 sub-regional land use strategy 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 of the 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;

The proposal has regard to the natural environment in that while the land is identified as environmentally sensitive, the result is unlikely to affect any ecological communities or habitats or resources. The site is identified as bushfire prone and would need to be referred to the Rural Fire Service for further assessment.

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

The site is currently used for and is surrounded by agricultural development. These uses are likely to remain the primary uses in the area for the foreseeable future. The proposal would result in the creation of an additional dwelling lot which may not be consistent with the surrounding land uses.

- 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.

Yes, while this proposal will require the extension of electricity services, it will be financially viable to do so.

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

State Environmental Planning Policy (Rural Lands) 2008

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.

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

1.5 Rural Lands

The proposal is not consistent with this direction in that it is also inconsistent with the State Environmental Planning Policy (Rural Lands) 2008. An inconsistency to this direction may only be allowed if it is justified by a strategy that: gives consideration to this direction, identifies the land subject to the planning proposal and is approved by the Director-General of the Department of Planning & Infrastructure. As this is not the case for the subject land, the inconsistency may not be allowed.

4.4 Planning for Bushfire Protection

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.

- 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?

While there have been a number of environmentally sensitive habitats identified on the site, however the proposal is unlikely to adversely affect these communities.

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.

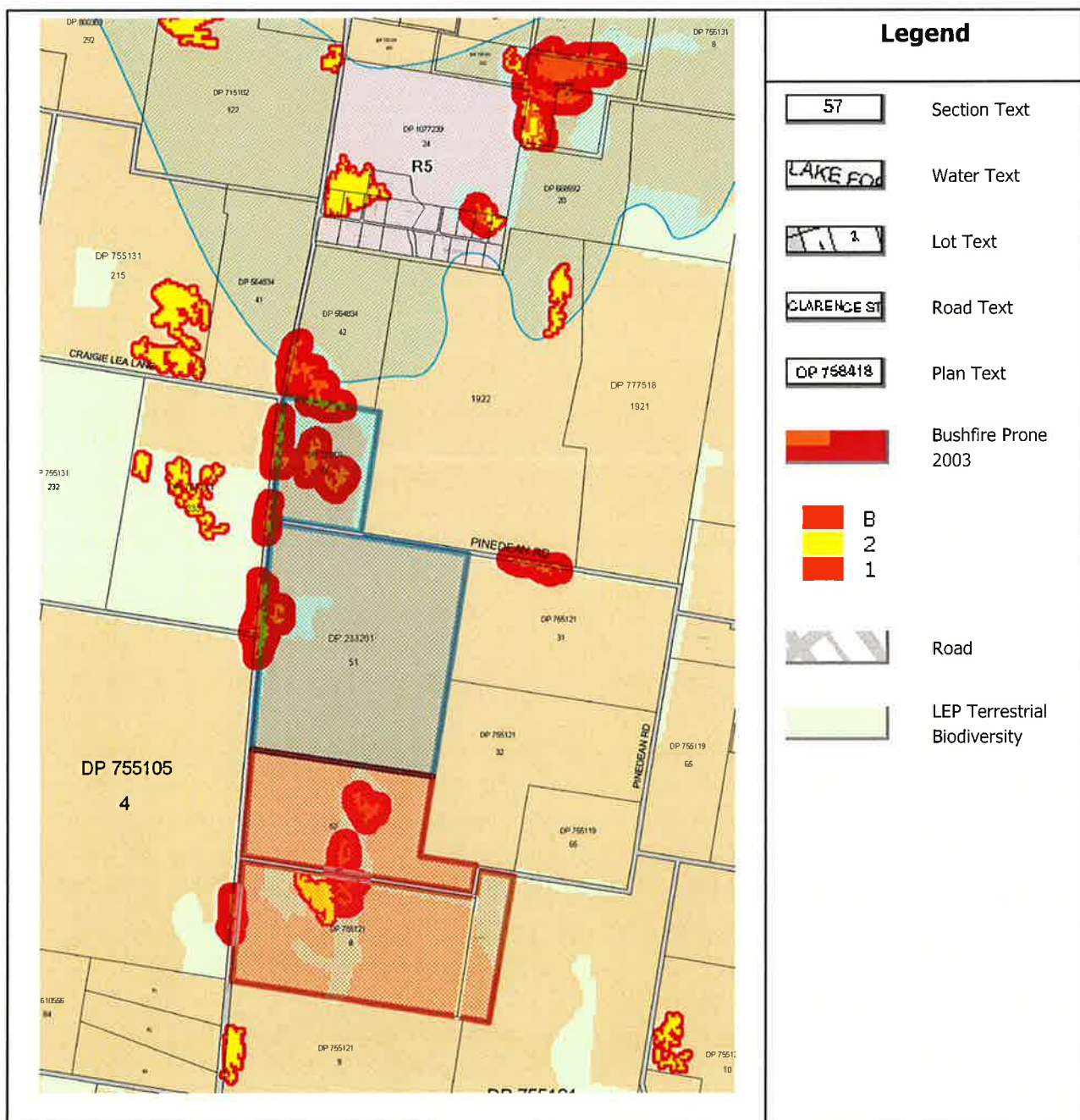
j. Has the planning proposal adequately addressed any social and economic effects?

Yes, there is unlikely to be any negative social or economic effects from this proposal.

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

Yes, the proposal would not require additional public infrastructure.

5. Mapping



6. Consultation

The proposal will be forwarded to NSW State Government Agencies and presented to the local community for consultation.

7. Recommendation

This proposal is not recommended on the following basis:

- The proposal is not consistent with Councils strategic planning documents.
- The proposal is not consistent with the relevant State Environmental Planning Policies or Ministerial Directions.

8. Inclusions

1. Planning Proposal Application



GEOLYSE

05/2014

CIVIL & ENVIRONMENTAL ENGINEERING
TOWN PLANNING ARCHITECTURE SURVEYING
ENVIRONMENTAL CONSULTING

Our Ref: 113020_LEO_001

23 September 2013

The General Manager
Narromine Shire Council
PO Box 115
NARROMINE NSW 2821

NARROMINE SHIRE COUNCIL	
FILE NO.	11.016
OWNER	CB GL.
DATE	24 SEP 2013
INFO.	K.R.
COMMENTS	ORIG. TO PLANNING

Attention: Development Unit

Dear Sir/Madam,

PLANNING PROPOSAL TO AMEND THE NARROMINE LEP 2011 IN RELATION TO LAND AT LOT 8 IN DP 755121 AND LOTS 51 & 52 IN DP 233201 AT "THE PINES", TOMINGLEY-NARROMINE ROAD, NARROMINE

Geolyse Pty Ltd act on behalf of the applicant (Mr Rick and Mrs Helen Jeffery) and are pleased to submit this Planning Proposal over land described as Lot 8 in DP 755121 and Lots 51 and 52 in DP 233201, known as "The Pines" at Tomingley-Narromine Road, Narromine

We attach the following information in support of the Planning Proposal;

- A cheque made out to Narromine Shire Council (\$363.00) representing the application fee; and
- Two copies (one emailed in digital format) of the Planning Proposal and all supporting information.

We trust that the information provided is satisfactory for Council's purposes and that you contact our Dubbo Office should you require any further information.

Yours faithfully,
Geolyse Pty Ltd

JUSTIN LAMERTON
Town Planner

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PLANNING PROPOSAL

"THE PINES"

LOT 8 DP 755121 AND LOTS 51 & 52 DP 233201
AT TOMINGLEY-NARROMINE ROAD, NARROMINE

FINAL

PREPARED FOR:

MR RICK AND MRS HELEN JEFFERY

SEPTEMBER 2013



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Report Title:	<i>Planning Proposal</i>
Project:	<i>"The Plnes" – Lot 8 In DP 755121 and Lots 51 & 52 In DP 233201, Tomingley-Narromine Road, Narromine</i>
Client:	<i>Mr Rick and Mrs Helen Jeffery</i>
Report Ref.:	<i>113020_REO_001_PP</i>
Status:	<i>Final</i>
Issued:	<i>September 2013</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 within this report are prepared for the exclusive use of Mr Rick and Mrs Helen Jeffery 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.

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Abbreviations

Abbreviation	Full Name
PP	Planning Proposal
DoP	NSW Department of Planning
DUAP	Former Department of Urban Affairs and Planning
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
SEPP	State Environmental Planning Policy
REP	Regional Environmental Plan
LEP	Local Environmental Plan
EPA	Environmental Protection Authority
RTA	Roads and Traffic Authority
LGA	Local Government Authority
DA	Development Application
ABS	Australian Bureau of Statistics

Background

1.1 INTRODUCTION

Geolyse Pty Ltd has been commissioned by the applicants (Mr Rick and Mrs Helen Jeffery) to prepare a Planning Proposal (PP) in support of a proposed amendment to the *Narromine Local Environmental Plan 2011*. The PP is lodged in relation to property known as "The Pines" at Lot 8 in DP 755121 and Lot 1 and 2 in DP 233201, Tomingley-Narromine Road, Narromine.

The PP seeks to adjust the minimum lot size applicable to the site under the Narromine LEP in order to permit a boundary adjustment to occur.

Details of the proposal and its compliance with the applicable strategic, regional, and local planning instruments, state environmental planning policies, and ministerial directions are provided in the following sections.

1.2 SCOPE OF REPORT

This PP has been prepared in accordance with the NSW Department of Planning's (DoP) 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 five (5) 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 5 would be confirmed following a Gateway Determination of this Planning Proposal by the DoP.

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 Planning Proposal; 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 Planning Proposal is known as "The Pines" and is made up of Lot 8 in DP 755121 and Lots 51 and 52 in DP 233201 at Tomingley-Narromine Road, Narromine. The property has a total land area of approximately 813.8 hectares in area and is located approximately 6 kilometres south of the Narromine urban area

The property is split towards the northern end by Pinedean Road, a public road leading off Tomingley-Narromine Road, which runs from west to east through the site. A total of 82.5 hectares of land is located on the northern side of the road whilst the remaining 731.3 hectares is located on the southern side.

The northern parcel of land has the existing dwelling house and associated outhouses and a large area of vegetation. The southern parcel of land is vacant and, apart from a small pocket in the southern part, is largely cleared of vegetation.

2.2 DEVELOPMENT INTENT

2.2.1 PROPOSED BOUNDARY ADJUSTMENT

Reference is made to **Drawing No. 113020_02A_SK01 – Existing Boundaries**, which depicts the current layout of the subject site. The site currently consists of the following three (3) allotments;

- Lot 51 in DP 233201 – 406.3 hectares in area and located in the northern portion of the subject site. This lot is split through the middle by Pinedean Road with the northern part of the lot with the existing dwelling house;
- Lot 52 in DP 233201 – 205.2 hectares in area and located in the central portion of the site; and
- Lot 8 in DP 755121 – 202.3 hectares in area and located in the central portion of the site.

The applicant proposes to undertake a boundary adjustment of the subject site from 3 lots into 2 lots. The boundary adjustment would enable one lot to be established on the northern side of Pinedean Road consisting of 82.5 hectares and one lot to be established on the southern side of Pinedean Road consisting of 731.3 hectares (refer **Drawing No. 113020_02A_SK02 – Proposed Boundaries**).

2.2.2 REQUIREMENT FOR PLANNING PROPOSAL

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

The proposed boundary adjustment would result in the lot on the northern side of Pinedean Road being below the minimum permissible lot size. However, as the subject site is located within a rural zone (Zone RU1), Clause 4.2 – Rural Subdivision applies, which states the following;

4.2 Rural subdivision

- (1) *The objective of this clause is to provide flexibility in the application of standards for subdivision in rural zones to allow land owners a greater chance to achieve the objectives for development in the relevant zone.*
- (2) *This clause applies to the following rural zones:*

- (a) *Zone RU1 Primary Production,*
 - (b) *Zone RU2 Rural Landscape,*
 - (c) *Zone RU4 Primary Production Small Lots,*
 - (d) *Zone RU6 Transition.*
- (3) *Land in a zone to which this clause applies may, with development consent, be subdivided for the purpose of primary production to create a lot of a size that is less than the minimum size shown on the Lot Size Map in relation to that land.*
- (4) *However, such a lot cannot be created if an existing dwelling would, as the result of the subdivision, be situated on the lot.*
- (5) *A dwelling cannot be erected on such a lot.*

Clause 4.2 states that a lot located within a rural zone is able to be created that is under the minimum permissible lot size provided that the land be used for the purpose of primary production and not have a dwelling.

As the lot on the northern side of Pinedean Road would have the existing dwelling and associated outbuildings, the proposed development would not comply with Clause 4.2. It is therefore the applicant's intention to submit a Planning Proposal to amend the Narromine LEP 2011. They seek to adjust the minimum lot size for this parcel of land as provided on Lot Size Map LSZ_004 from 400 hectares to 80 hectares.

2.2.3 SURROUNDING LOT STRUCTURE

The subject site is located approximately 6 kilometres south of the Narromine urban area within a transitional area between large broadacre farming lots and smaller rural residential/hobby farm lots.

Whilst the subject site and surrounding area are located within Zone RU1 – Primary Production with a minimum permissible lot size of 400 hectares, there are numerous other allotments within a 6 kilometre radius of the site (approximate) that are below 400 hectares and have an existing dwelling house (in contrast to Clause 4.2 of the LEP). **Appendix A** provides a map identifying such properties.

Appendix A also identifies a large section of land zoned as R5 – Low Density Residential a short distance to the north of the subject site, as well as a number of other allotments which are smaller than the designated 400 hectare minimum lot size (although don't have an existing dwelling).

2.2.4 SAFETY AND SECURITY

As stated above, Lot 51 in DP 233201 is split towards the northern end by Pinedean Road, with the existing dwelling and outhouses (including any farm machinery storage areas) located on the northern side. The owners are currently required to drive any machinery, as well as undertake any other operations associated with the agricultural function of the land, across this public road to access the land on the southern side.

As the dwelling is located on the corner of Pinedean Road and Tomingley-Narromine Road, a busy district road, there is little warning time for motorists turning into Pinedean Road, presenting them with safety and security concerns. The undertaking of a boundary adjustment would allow the owner to continue to farm the land on the northern side of the road, and potentially sell off the land on the southern side of the road.

2.3 DEVELOPMENT CONSTRAINTS

2.3.1 FLORA AND FAUNA

The subject site has small pockets of vegetation, one located in the northern part of the site adjacent to the existing dwelling house and one located through the southern part of the site. The Planning

Proposal would not facilitate the undertaking of any building or construction work on the subject site, and hence would not cause any damage to or lead to the removal of any of this vegetation.

Due to the highly disturbed nature of the site and the fact that no existing vegetation would be impacted, a quantitative Ecological Assessment is not considered necessary in this instance.

2.3.2 HERITAGE

Neither the *Narromine Local Environmental Plan 2011* nor the State Heritage Register identify the subject site as containing any items of local or state heritage significance.

As such it is not considered necessary that a detailed Heritage Study be undertaken in this instance.

2.3.3 FLOODING

Reference is made to Flood Planning Map FLD_004 of the *Narromine Local Environmental Plan 2011*. FLD_004 does not identify the subject site as being located under the 1 in 100 year floor level.

As such, a detailed Flood Impact Assessment is not necessary in this instance.

2.1.4 BUSHFIRE

Reference is made to the below excerpt of Council's Bushfire Prone Land Map. The Map indicates that the northern lot has a small portion of Category 1 Bushfire Prone Vegetation;

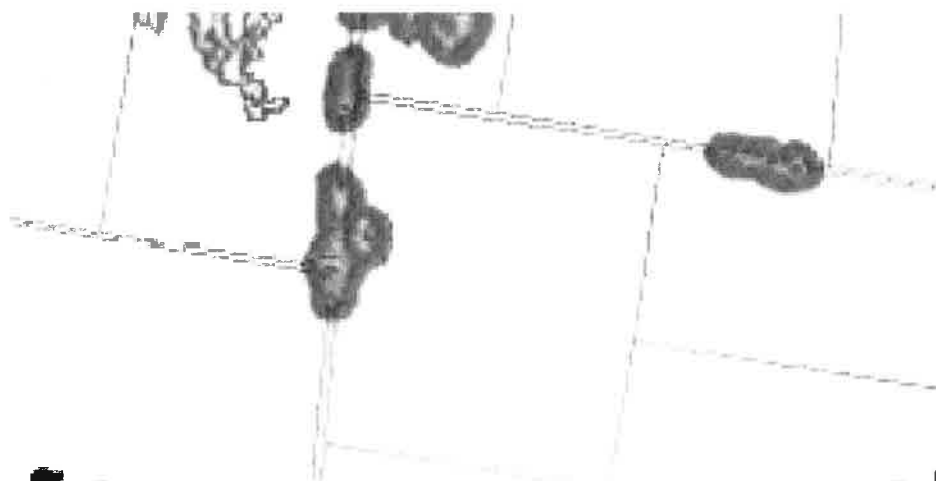


Figure 1: Bushfire Prone Land Map

The Planning Proposal would involve a boundary adjustment of the property and would not result in the creation of any additional allotments. A Bushfire Impact Assessment is therefore not considered necessary at this stage in the planning process.

Intent and Provisions

3.1 OBJECTIVE

To permit a boundary adjustment of "The Pines" at Lot 8 in DP 755121 and Lots 51 and 52 in DP 233201, Tomingley-Narromine Road into two lots, one located on the northern side of Pinedean Road and one located on the southern side.

3.2 EXPLANATION OF PROVISIONS

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 from 400 hectares to 80 hectares.

Justification

4.1 NEED FOR THE PLANNING PROPOSAL

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

The Planning Proposal 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.

Taking into account the Land Use Strategy and the similar surrounding lot structure (as indicated at **Appendix A**), the provision of an 82.5 hectare lot would not be out of character in this location. Additionally, due to the constrained nature of this parcel of land and its separation from the balance of the lot, a boundary adjustment would not lead to a significant loss in productive agricultural land or a conflict between urban and rural land uses.

Is the planning proposal the best means of achieving the objectives or 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 reconfigured lot on the northern side of Pinedean Road would be 80 hectares, which is under the 400 hectare minimum permissible lot size. Whilst Clause 4.2 of the LEP contains provisions allowing smaller lot sizes, as the lot would house the existing dwelling house, this Clause does not apply to the site.

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 site on the ground, and the change to the minimum lot size would not permit any further subdivision to take place at the site.

4.2 RELATIONSHIP TO STRATEGIC PLANNING FRAMEWORK

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

There are no applicable regional plans or sub-regional strategies of direct relevance to the proposed boundary adjustment

Is the planning proposal consistent with Council's local strategy or other local strategic plan?

Community Strategic Plan – Narromine Shire 2022

The purpose of the *Community Strategic Plan – Narromine Shire 2022* is to identify the community's main priorities and visions for the future, and outline strategies to achieve these goals. It covers a timeframe of 10 years.

The strategies were developed following independent telephone surveys conducted with 200 households throughout Narromine Shire. The survey asked residents to rank the importance of 35 different services or facilities on a scale of 1 to 5 where 1 = low importance or satisfaction and 5 = high importance or satisfaction.

The importance mean ratings ranged from a high of 4.75 for 'roads', where 97% of the residents rated them as highly important, to a low of 3.56 for 'indoor sports centre', where 57% of the residents rated this as important.

Strategies were developed based on the following four (4) themes;

- Our Community;
- Our Economy;
- Our Environment; and
- Our Leadership.

The following strategies and sub-policies are considered relevant to the Planning Proposal;

Economy 1: "To promote Narromine Shire as a vibrant community"

- *Plan and implement future land and real estate developments.*

The proposed lot (82.5 hectares) is located within a 10 kilometre radius of the Narromine urban area and represents an ideal transitional lot size between existing rural residential land and larger broadacre farming lots.

Environment 1: "To promote Narromine Shire as a vibrant community"

- *Plan and implement future land and real estate developments.*

The proposed lot arrangement represents a more attractive real estate commodity than the current lot arrangement. The parcel of land on the northern side of Pinedean Road is already physically separate from the balance of the land.

Narromine Rural Residential Land Use Strategy

The Narromine Rural Residential Land Use Strategy seeks 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 to meet the additional demand (refer Table 14: Narromine Shire – Summary of Rural Residential Demand Options).

When taking into account the increase in population of the Shire and the data provided at **Appendix A**, the provision of an 82.5 hectare lot would not be out of character in this location.

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

State Environmental Planning Policy (Rural Lands) 2008

Clause 8 – Rural Subdivision Principles of State Environmental Planning Policy (Rural Lands) 2008 is applicable to the Planning Proposal. Clause 8 states the following;

8 Rural Subdivision Principles

The Rural Subdivision Principles are as follows:

- (a) *The minimisation of rural land fragmentation,*

The parcel of land in question is already physically separate from the remainder of the land on the southern side of Pinedean Road and would not lead to increased land fragmentation.



- (b) *The minimisation of rural land use conflicts, particularly between residential land uses and other rural land uses,*

The proposal would minimise land use conflicts by creating one lot for the rural residential component and one lot for the rural production component.

- (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,*

The physical nature of the land would not be altered as a result of the proposal and opportunities for further rural residential development would still be available in the future.

- (d) *The consideration of the natural and physical constraints and opportunities of land,*

The proposed arrangement takes into consideration the existing physical barriers of the land, that being Pinedean Road which separates the two proposed lots from one another. There would be no physical changes on the ground as a result of the proposed boundary adjustment.

- (e) *Ensuring that planning for dwelling opportunities takes account of those constraints.*

The proposed boundary adjustment would not increase the number of dwelling entitlements for the land. The proposed lot on the southern side of Pinedean Road would have one dwelling entitlement.

Clause 10 – Matters to be considered in determining development applications for rural subdivisions or rural dwellings is also applicable to the subject development. Clause 10 state the following;

10 Matters to be considered in determining development applications for rural subdivisions or rural dwellings

- (1) *This clause applies to land in a rural zone, a rural residential zone or an environment protection zone.*
- (2) *A consent authority must take into account the matters specified in subclause (3) when considering whether to grant consent to development on land to which this clause applies for any of the following purposes:*
 - (a) *Subdivision of land proposed to be used for the purposes of a dwelling,*
 - (b) *Erection of a dwelling.*
- (3) *The following matters are to be taken into account:*
 - (a) *The existing uses and approved uses of land in the vicinity of the development,*
 - (b) *Whether or not the development is likely to have a significant impact on land uses that, in the opinion of the consent authority, are likely to be preferred and the predominant land uses in the vicinity of the development,*
 - (c) *Whether or not the development is likely to be incompatible with a use referred to in paragraph (a) or (b),*
 - (d) *If the land is not situated within a rural residential zone, whether or not the development is likely to be incompatible with a use on land within an adjoining rural residential zone,*
 - (e) *Any measures proposed by the applicant to avoid or minimise any incompatibility referred to in paragraph (c) or (d).*

Clause 10(3) provides that development involving the subdivision of land for the purposes of a dwelling is to take into account existing and approved uses in the vicinity of the site, and whether the development would have a significant impact on the preferred or predominant land use.

Reference is made in this regard to **Appendix A** which depicts other allotments of less than 400 hectares in area with a dwelling in contrast to Clause 4.2 of the LEP. **Appendix A** indicates numerous other examples of such a lot in the surrounding vicinity of the subject site.

The proposed adjustment would result in only allotment below the minimum lot size with a dwelling and would not have a significant impact on the land use pattern in the surrounding area. There would

be no visible changes on the ground as the parcel of land is already physically separate from the remainder of the property.

State Environmental Planning Policy No. 55 – Remediation of Land

Clause 7 of State Environmental Planning Policy No. 55 – Remediation of land provides that contamination and remediation must be considered in determining 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.
- (2) Before determining an application for consent to carry out development that would involve a change of use on any of the land specified in subclause (4), the consent authority must consider a report specifying the findings of a preliminary investigation of the land concerned carried out in accordance with the contaminated land planning guidelines.
- (3) The applicant for development consent must carry out the investigation required by subclause (2) and must provide a report on it to the consent authority. The consent authority may require the applicant to carry out, and provide a report on, a detailed investigation (as referred to in the contaminated land planning guidelines) if it considers that the findings of the preliminary investigation warrant such an investigation.
- (4) The land concerned is:
- (a) Land that is within an investigation area,
 - (b) Land on which development for a purpose referred to in Table 1 to the contaminated land planning guidelines is being, or is known to have been, carried out,
 - (c) To the extent to which it is proposed to carry out development on it for residential, educational, recreational or child care purposes, or for the purposes of a hospital—land:
 - (i) In relation to which there is no knowledge (or incomplete knowledge) as to whether development for a purpose referred to in Table 1 to the contaminated land planning guidelines has been carried out, and
 - (ii) On which it would have been lawful to carry out such development during any period in respect of which there is no knowledge (or incomplete knowledge).

No known contaminative land uses are known to have been undertaken on the subject site in the past. The site is currently occupied for cattle grazing and no pesticides or other chemicals are known to have been sprayed on the land.

As such, and due to the fact that no building or construction work is proposed to take place on the land at this time, the land is not contaminated and no remediation work is required to take place.

Is the planning proposal consistent with applicable Ministerial Directions (s177 directions)?

Direction 1.2 – Rural Zones

Ministerial Direction 1.2 – Rural Zones is applicable when a relevant planning authority prepares a Planning Proposal that will affect land within an existing or proposed rural zone (including the alteration of any existing rural zone boundary).

The following applies to all Planning Proposals;

"A planning proposal must:

- (a) Not rezone land from a rural zone to a residential, business, industrial, village or tourist zone.*
- (b) Not contain provisions that will increase the permissible density of land within a rural zone (other than land within an existing town or village)".*

Notwithstanding the above statement, a Planning Proposal may be inconsistent with Direction 1.2 provided that;

"A planning proposal may be inconsistent with the terms of this direction only if 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 provisions of the planning proposal that are inconsistent are:

- (a) Justified by a strategy which:*
 - (i) Gives consideration to the objectives of this direction,*
 - (ii) Identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites), and*
 - (iii) Is approved by the Director-General of the Department of Planning, or*
- (b) Justified by a study prepared in support of the planning proposal which gives consideration to the objectives of this direction, or*
- (c) In accordance with the relevant Regional Strategy or Sub-Regional Strategy prepared by the Department of Planning which gives consideration to the objective of this direction, or*
- (d) Is of minor significance.*

The Planning Proposal is inconsistent with Ministerial Direction 1.2 as it seeks to create a provision that would allow an allotment to be created that is below the minimum permissible lot size (82.5 hectares as opposed to 400 hectares) and would have a dwelling house.

The proposed adjustment to the minimum lot size would be of minor significance as there would be no physical changes to the lot on the ground. The 82.56 hectares parcel of land is already physically separate from the remainder of the lot and the boundary adjustment would simply allow the remainder of the lot to be farmed and managed independently.

Direction 1.5 – Rural Lands

Ministerial Direction 1.5 is applicable when 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 that changes the existing minimum lot size on land within a rural or environment protection zone.

The following applies to all Planning Proposals;

- (1) 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*.
- (2) 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*.

A proposal may be inconsistent with Ministerial Direction 1.5 provided that;

"A planning proposal may be inconsistent with the terms of this direction only if 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 provisions of the planning proposal that are inconsistent are:

- (a) Justified by a strategy which:*



- i. Gives consideration to the objectives of this direction,
 - ii. Identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites), and
 - iii. Is approved by the Director-General of the Department of Planning and is in force, or
- (b) Is of minor significance”.

An assessment has been carried out against State Environmental Planning Policy (Rural Lands) 2008 and the Planning Proposal is consistent with the provisions contained in this SEPP.

The proposed change is of minor significance due to the existing lot layout. The proposed boundary adjustment would not lead to any additional land fragmentation and the change to the minimum lot size for this parcel would not permit any further subdivision of the land.

Direction 2.1 – Environmental Protection Zones

Ministerial Direction 2.1 – Environmental Protection Zones applies when a planning authority prepares a Planning Proposal.

The following applies to all Planning Proposals;

- “(1) A planning proposal must include provisions that facilitate the protection and conservation of environmentally sensitive areas.
- (2) A planning proposal that applies to land within an environment protection zone or land otherwise identified for environment protection purposes in a LEP must not reduce the environmental protection standards that apply to the land (including by modifying development standards that apply to the land). This requirement does not apply to a change to a development standard for minimum lot size for a dwelling in accordance with clause (5) of Direction 1.5 “Rural Lands”.

A proposal may be inconsistent with Ministerial Direction 2.1 provided that;

“(6) A planning proposal may be inconsistent with the terms of this direction only if 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 provisions of the planning proposal that are inconsistent are:

- (a) Justified by a strategy which:
 - i. Gives consideration to the objectives of this direction,
 - ii. Identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites), and
 - iii. Is approved by the Director-General of the Department of Planning, or
- (b) Justified by a study prepared in support of the planning proposal which gives consideration to the objectives of this direction, or
- (c) In accordance with the relevant Regional Strategy or Sub-Regional Strategy prepared by the Department of Planning which gives consideration to the objective of this direction, or
- (d) Is of minor significance”.

The proposed boundary adjustment is of minor significance as the land in question is not located within an Environmental Protection Zone nor is it of high quality environmental value.

It would not permit any further subdivision to occur on the northern side of Pinedean Road and would provide the lot on the southern side with only one dwelling entitlement. It is therefore unlikely to impact upon any threatened species of flora or fauna.



Direction 2.3 – Heritage Conservation

Ministerial Direction 2.3 – Heritage Conservation applies when a planning authority prepares a Planning Proposal.

The following applies to all Planning Proposals;

"(1) A planning proposal must contain provisions that facilitate the conservation of:

- (a) Items, places, buildings, works, relics, moveable objects or precincts of environmental heritage significance to an area, in relation to the historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value of the item, area, object or place, identified in a study of the environmental heritage of the area,*
- (b) Aboriginal objects or Aboriginal places that are protected under the National Parks and Wildlife Act 1974, and*
- (c) Aboriginal areas, Aboriginal objects, Aboriginal places or landscapes identified by an Aboriginal heritage survey prepared by or on behalf of an Aboriginal Land Council, Aboriginal body or public authority and provided to the relevant planning authority, which identifies the area, object, place or landscape as being of heritage significance to Aboriginal culture and people".*

A proposal may be inconsistent with Ministerial Direction 2.3 provided that;

"(a) A planning proposal may be inconsistent with the terms of this direction only if 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:

- (a) The environmental or indigenous heritage significance of the item, area, object or place is conserved by existing or draft environmental planning instruments, legislation, or regulations that apply to the land, or*
- (b) The provisions of the planning proposal that are inconsistent are of minor significance.*

Neither the *Narromine Local Environmental Plan 2011* nor the State Heritage Register identify any items of local or state heritage significance as being located on the site. A detailed Aboriginal Archaeological Assessment has not been undertaken; however this Planning Proposal would facilitate the undertaking of a boundary adjustment only, and does not propose to remove or cause damage to any existing trees, vegetation, or other locations on the site.

Direction 6.1 – Approval and Referral Requirements

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

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

"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*



- (a) *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 Planning Proposal 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 Planning Proposal must be consistent with the following provisions;

- “(1) *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).*
- (2) *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.*
- (3) *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.*
- (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 Planning Proposal does not relate to land which has been reserved for public purposes and does not proposed to create, alter, or reduce any existing parcels of public land.

Direction 6.3 – Site Specific Provisions

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

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

- “(a) A planning proposal that will amend another environmental planning instrument in order to allow a particular development proposal to be carried out must either:*
- Allow that land use to be carried out in the zone the land is situated on, or*
 - 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*
 - 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.*
- (b) A planning proposal must not contain or refer to drawings that show details of the development proposal”.*

The Planning Proposal would allow the boundary adjustment to take place without imposing any additional development standards or requirements over and above those contained in the Local Environmental Plan.

The Planning Proposal seeks to amend Lot Size Map LSZ_004 of the Narromine LEP.

4.3 ENVIRONMENTAL, SOCIAL, AND ECONOMIC IMPACTS

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?

No vegetation would be required to be damaged or removed to facilitate the proposed boundary adjustment. It is therefore highly unlikely that any critical habitats or threatened species, populations or ecological communities, or their habitats would be adversely affected by the Planning Proposal.

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

The Planning Proposal simply proposes to adjust the existing three allotments into two allotments consisting of one lot on the northern side of Pinedean Road and one lot on the southern side. The Planning Proposal would not facilitate the construction of any new building work on the subject site and hence no trees would be damaged or removed on the site.

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

The proposed boundary adjustment would have minimal social and/or economic impacts on the surrounding locality. The proposal would facilitate the transfer of the current three allotments into two allotments.

The proposed arrangement is a more marketable arrangement for the applicants and would allow the balance of the property on the southern side of Pinedean Road to be farmed and managed independently.

4.4 STATE AND COMMONWEALTH INTERESTS

Is there adequate public infrastructure for the planning proposal?

There is adequate infrastructure to service both proposed allotments. The lot on the northern side of Pinedean Road has an existing dwelling with access to adequate sewerage treatment, water and electricity services. The lot on the southern side of Pinedean Road is vacant and serves as a primary production lot for the applicants. Any further services would be constructed to this lot as required or upon the construction of a dwelling.



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.

What are the views of state and 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 provided in the Gateway Determination.

Mapping

5.1 MAPPING

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

- Lot Size Map LSZ_004 – The part of the site on the northern side of Pinedean Road (currently reading '400 hectares') would be amended to read '80 hectares'.

Community Consultation

5.1 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;*

Reference is made to **Appendix A – Land Zoning Map** which highlights the nature of development in the surrounding locality. The Map identifies all other properties with a lot size of less than 400 hectares and a dwelling house within a 6 kilometre radius (approximate).

- *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 existing services are of sufficient capacity and no new building or construction work is proposed.

- *Not a principle LEP; and*

The Planning Proposal is not for a principle LEP.

- *Does not reclassify public land.*

The Planning Proposal does not seek to reclassify public land.

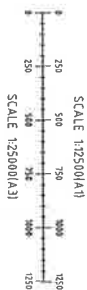
In accordance with the responses to the above points, the Planning Proposal is considered to be of low impact. It is therefore considered that a community consultation period of 14 days is applicable to the development in this instance.

References

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.

Drawings



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DATE	ISSUED TO	DETAILS
01/07/13	JE	ISSUED TO CLIENT
	MT	

LOT 8 IN DP 755121 AND
LOTS 51 & 52 IN DP 233201
TOMINGLEY - NARROMINE ROAD
NARROMINE

NARROMINE
SHIRE
COUNCIL

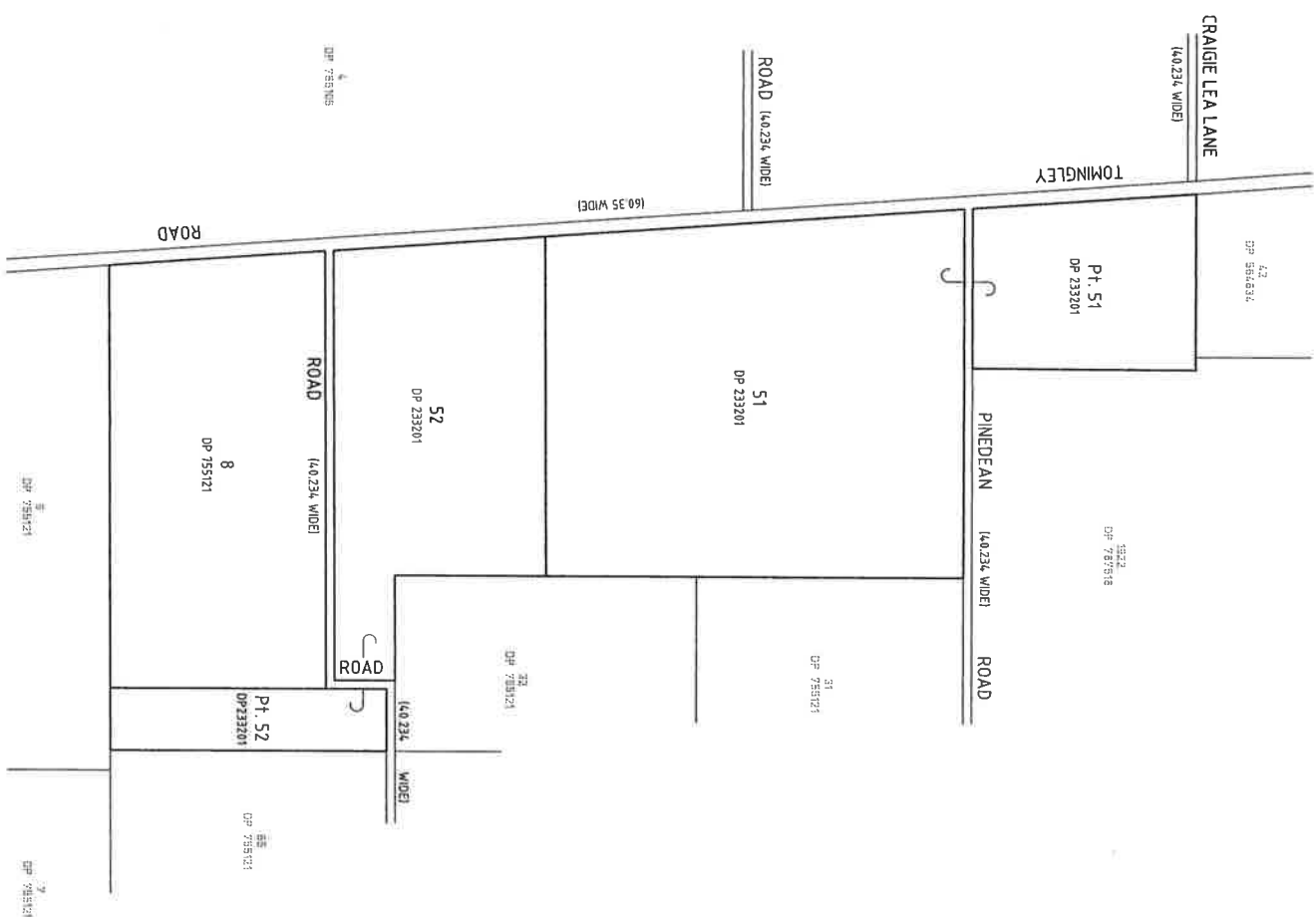
MR RICK & MRS HELEN
JEFFERY

EXISTING BOUNDARIES

PROJECT NUMBER 113020

DRAWING NUMBER 02A_SK01

REV A





CRAIGIE LEA LANE
(40.23% WIDE)

7.2
DP 564,634

1
APPROX 82.5ha

18022
DP 7877518

PINEDEAN ROAD
(40.23% WIDE)

21
DP 7955828

2
APPROX 731.3ha

32
DP 7955821

ROAD (40.23% WIDE)

(60.35 WIDE)

6
DP 7955825

ROAD (40.23% WIDE)

ROAD (40.23% WIDE)

65
DP 7955821



9
DP 7955821

7
DP 7955821



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DATE 3/06/2013
JOB NO. 1300773
JOB NAME
JOB TYPE
JOB STATUS
JOB COMMENTS

PROJECT
LOT 8 IN DP 755121 AND
LOTS 51 & 52 IN DP 233201
TOMINGLEY - NARROMINE ROAD
NARROMINE

APPROVAL AUTHORITY
NARROMINE
SHIRE
COUNCIL

CLIENT
MR RICK & MRS HELEN
JEFFERY

ORIGINATOR
PROPOSED BOUNDARIES
PROJECT NUMBER 113020
DRAWING NUMBER 02A_SK02
REV A