

5. PROPOSED INSTALLATION OF DUMP POINT FACILITY (Cont'd) (File No. 91. 531)

Financial Implications

The Engineering Department has undertaken an investigation into the cost of upgrading the sewer line, extending the water supply and installing the Dump Ezy at the proposed location and have provided a costing of approximately \$14,700. The works will be carried out by Council and funds are available in 2014/2015 budget to undertake these works in the sewer maintenance item and transfer to Capital Works.

Strategic Implications

This item relates to item C3.1 of the Community Strategic Plan and C3.1.1.1 of the Narromine Shire Council Delivery Program.

Summary

Council staff are currently seeking approval from ARTC to undertake the installation of the dump point facility.

Following approval, Council will liaise with the Local Traffic Management Committee and RMS to implement directional signage to the parking area and dump point facility.

RECOMMENDATION

That Council endorse the expenditure of \$14,700 from the 2014/2015 sewer maintenance budget and transfer to Capital Works for the installation of the dump point facility.

6. AMENDMENT TO PLANNING PROPOSAL 03/2015 – Clause 4.2D BOUNDARY ADJUSTMENTS (File No 15.001)

Introduction

This report is to present to Council, an amended planning proposal 03/2015 which proposes to insert clause 4.2D into the Narromine Local Environmental Plan 2011 to facilitate boundary adjustments in rural and environmental zones. The assessment report for this proposal is included as **Attachment No 1**.

Background

A planning proposal seeks to amend the Local Environmental Plan. The proposal must be supported by Council as well as the Department of Planning & Environment and must include information and reports addressing the reasons for, and in support of, the proposal.

6. AMENDMENT TO PLANNING PROPOSAL 03/2015 – Clause 4.2D BOUNDARY ADJUSTMENTS (Cont'd) (File No 15.001)

This proposal was previously presented to Council in December 2014; however following further consultation with the NSW Department of Planning & Environment, significant alterations have been made to the draft clause, hence it is being reported back for adoption.

Issues

The Local Environmental Plan currently does not include any provision to facilitate boundary adjustments between two lots which are not considered minor. This clause provides a mechanism for viable proposals to be assessed locally.

The amendment alters the original proposal by:

- Including the E2 Environmental Conservation zone
- Providing a minimum lot size for lots following a boundary adjustment
- Removing reference to the R5 Large Lot Residential zone – This will be reconsidered following the review of the Narromine Rural Residential Land Use Strategy
- Adding sub-clause 4.2B (3) (d) which protects dwelling permissibility for lots subject to boundary adjustments.

Assessment

(a) Legal Implications Including Directives and Guidelines

Planning proposals are submitted to the NSW Department of Planning & Environment Gateway and are required to address and justify compliance with the relevant Act, Regulations, Planning Policies and Ministerial Directions.

The result is that, if approved, the proposal will facilitate a change in legislation, being the Narromine Local Environmental Plan 2011.

(b) Financial Implications/Considerations

This proposal will be funded from existing sources.

(c) Policy Provisions – Council Policy and Practice

This action does not affect any existing Council policies or practices.

(d) Strategic Implications – Implications for Long Term Plans/Targets

This item relates to item G1.1 of the Community Strategic Plan and G1.1.1.2 of the Delivery Program.

6. AMENDMENT TO PLANNING PROPOSAL 03/2015 – Clause 4.2D BOUNDARY ADJUSTMENTS (Cont'd)
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(e) Options

Council may choose to either support or not support the proposal.

Discussions/Comments

The objectives of this planning proposal are to allow boundary adjustments where the following circumstances apply:

- The boundary adjustment will not result in an increase in the total number of lots;
- The boundary adjustment will retain existing dwelling entitlements;
- The boundary adjustment will not result in an increase in the number of dwellings on the lots, or an increase in the number of dwelling entitlements on the lots;
- The minimum lot size of a new lot that results from the boundary adjustment in zones RU1, RU3, E2 and E3 is to be at least 40 hectares; and
- The boundary adjustment meets the objectives of the zone.

The text of the proposed clause is as follows:

4.2D *Boundary adjustments in certain rural and environmental management zones [local]*

(1) The objective of this clause is to permit boundary adjustments between lots where one or more resultant lots do not meet the minimum lot size and the objectives of the relevant zone can be achieved.

(2) This clause applies to land in the following zones:

Zone RU1 Primary Production

Zone RU3 Forestry

Zone E2 Environmental Conservation, and

Zone E3 Environmental Management

(3) Despite Clause 4.2, development consent may be granted to the subdivision of 2 or more adjoining lots by adjusting the boundary between adjoining lots if one or more lots do not meet the minimum lot size on the Lot Size Map in relation to that land, and the consent authority is satisfied that:

- (a) The subdivision will not create additional lots or the opportunity for additional dwellings, and*
- (b) The number of dwellings or opportunities for dwellings on each lot after the subdivision will be the same as before the subdivision, and*
- (c) The potential for land use conflict will not be increased as a result of the subdivision, and*
- (d) If the land is in Zone RU1 Primary Production or Zone RU3 Forestry, the agricultural viability of the land will not be adversely affected as a result of the subdivision, and*

6. AMENDMENT TO PLANNING PROPOSAL 03/2015 – Clause 4.2D BOUNDARY ADJUSTMENTS (Cont'd) (File No 15.001)

- (e) If the land is in Zone E2 Environmental Conservation or E3 Environmental Management, the subdivision will result in the continued protection and long term maintenance of the land, and
 - (f) The area of any lot created by the boundary adjustment in the RU1, RU3, E2 and E3 zones having a minimum area of 40 hectares.
- (4) Before determining a development application for the subdivision of land under this clause, the consent authority must consider the following:
- (a) the existing uses and approved uses of other land in the vicinity of the subdivision,
 - (b) whether or not the subdivision is likely to have a significant impact on land uses that are likely to be preferred and the predominant land uses in the vicinity of the development,
 - (c) whether or not the subdivision is likely to be incompatible with a use on any adjoining lands,
 - (d) whether or not the subdivision is appropriate having regard to the natural and physical constraints affecting the land,
 - (e) whether or not the subdivision is likely to have an adverse impact on the environmental values of the land.
- (5) This clause does not apply:
- (a) in relation to the subdivision of individual lots in a strata plan or a community title scheme, or
 - (b) if the subdivision would create a lot that could itself be subdivided in accordance with clause 4.1.

Additionally, the proposal intends to include subclause 4.2B (3) (d) as follows:

- (d) a lot created by a boundary adjustment in accordance with clause 4.2D and upon which a dwelling house or dual occupancy (attached) would have been permissible prior to the adjustment of the boundary.

A division of the vote must be called whenever a planning decision (regarding Development Applications, Environmental Planning Instruments, Development Control Plans and Development Contribution Plans) is put to a Council or Committee meeting (s375A Local Government Act 1993).

RECOMMENDATION

That Council support Planning Proposal 03/2015 to amend the Narromine Local Environmental Plan 2011 by adding proposed clauses 4.2D and 4.2B (3) (d) as set out below:

6. AMENDMENT TO PLANNING PROPOSAL 03/2015 – Clause 4.2D BOUNDARY ADJUSTMENTS (Cont'd)
(File No 15.001)

4.2D Boundary adjustments in certain rural and environmental management zones [local]

(1) The objective of this clause is to permit boundary adjustments between lots where one or more resultant lots do not meet the minimum lot size and the objectives of the relevant zone can be achieved.

(2) This clause applies to land in the following zones:

Zone RU1 Primary Production

Zone RU3 Forestry

Zone E2 Environmental Conservation, and

Zone E3 Environmental Management

(3) Despite Clause 4.2, development consent may be granted to the subdivision of 2 or more adjoining lots by adjusting the boundary between adjoining lots if one or more lots do not meet the minimum lot size on the Lot Size Map in relation to that land, and the consent authority is satisfied that:

- (a) The subdivision will not create additional lots or the opportunity for additional dwellings, and
- (b) The number of dwellings or opportunities for dwellings on each lot after the subdivision will be the same as before the subdivision, and
- (c) The potential for land use conflict will not be increased as a result of the subdivision, and
- (d) If the land is in Zone RU1 Primary Production or Zone RU3 Forestry, the agricultural viability of the land will not be adversely affected as a result of the subdivision, and
- (e) If the land is in Zone E2 Environmental Conservation or E3 Environmental Management, the subdivision will result in the continued protection and long term maintenance of the land, and
- (f) The area of any lot created by the boundary adjustment in the RU1, RU3, E2 and E3 zones having a minimum area of 40 hectares.

(4) Before determining a development application for the subdivision of land under this clause, the consent authority must consider the following:

- (a) the existing uses and approved uses of other land in the vicinity of the subdivision,
- (b) whether or not the subdivision is likely to have a significant impact on land uses that are likely to be preferred and the predominant land uses in the vicinity of the development,
- (c) whether or not the subdivision is likely to be incompatible with a use on any adjoining lands,
- (d) whether or not the subdivision is appropriate having regard to the natural and physical constraints affecting the land,
- (e) whether or not the subdivision is likely to have an adverse impact on the environmental values of the land.

6. AMENDMENT TO PLANNING PROPOSAL 03/2015 – Clause 4.2D BOUNDARY ADJUSTMENTS (Cont'd)
(File No 15.001)

(5) This clause does not apply:

- (a) in relation to the subdivision of individual lots in a strata plan or a community title scheme, or
- (b) if the subdivision would create a lot that could itself be subdivided in accordance with clause 4.1.

4.2B (3)

- (d) a lot created by a boundary adjustment in accordance with clause 4.2D and upon which a dwelling house or dual occupancy (attached) would have been permissible prior to the adjustment of the boundary.

7. UPDATE ON PP09/2014 LOT 21 DP 1077442, EUMUNGERIE ROAD, NARROMINE
(File No 15.001)

Introduction

This report is to provide Council with information as to the status of Planning Proposal 09/2014, which proposes to rezone Lot 21 DP 1077442, Eumungerie Road, Narromine from RU1 General Rural to R5 Large Lot Residential.

Background

Council considered this proposal at its meeting on 9 July 2014 and resolved the following: *That Council support planning proposal 09/2014 in its entirety for the full 19 blocks and forward it to the Gateway for determination (Resolution No. 2014/209).*

Issues

A planning proposal must be supported by Council as well as the Department of Planning & Environment Gateway. In this instance, the Gateway has issued a Determination that the proposal should not proceed. The reasons for this decision are:

- The Proposal is inconsistent with the Narromine Rural Residential Land Use Strategy;
- The Proposal will encourage the fragmentation of rural land; and
- The Proposal does not adequately address inconsistencies in relevant section 117 Ministerial Directions and State Environmental Planning Policies.

The full determination document is included as **Attachment No 2**.

5. PROPOSED INSTALLATION OF DUMP POINT FACILITY (File No. 91.531)

In response to a question, the Director of Infrastructure and Engineering Services advised that Council must adhere to the NSW Office of Water guidelines for the installation of the dump point facility, and that the facility will be fenced and locked securely through the night and operational through the day.

The Director Corporate, Community and Regulatory Services advised that the land in question is leased from the ARTC for parking use, and that as the installation of the dump point facility is a separate issue, Council must obtain permission for its installation.

RESOLVED Crs Lambert/McCutcheon that Council endorse the expenditure of \$14,700 from the 2014/2015 sewer maintenance budget and transfer to Capital Works for the installation of the dump point facility.

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Cr Collins recorded her vote against the motion.

6. AMENDMENT TO PLANNING PROPOSAL 03/2015 – CLAUSE 4.2D BOUNDARY ADJUSTMENTS (File No. 15.001)

RESOLVED Crs Lambert/Mack that Council support Planning Proposal 03/2015 to amend the Narromine Local Environmental Plan 2011 by adding proposed clauses 4.2D and 4.2B (3) (d) as set out below:

4.2D Boundary adjustments in certain rural and environmental management zones [local]

- (1) *The objective of this clause is to permit boundary adjustments between lots where one or more resultant lots do not meet the minimum lot size and the objectives of the relevant zone can be achieved.*
- (2) *This clause applies to land in the following zones:*
 - Zone RU1 Primary Production*
 - Zone RU3 Forestry*
 - Zone E2 Environmental Conservation, and*
 - Zone E3 Environmental Management*
- (3) *Despite Clause 4.2, development consent may be granted to the subdivision of 2 or more adjoining lots by adjusting the boundary between adjoining lots if one or more lots do not meet the minimum lot size on the Lot Size Map in relation to that land, and the consent authority is satisfied that:*
 - (a) The subdivision will not create additional lots or the opportunity for additional dwellings, and*
 - (b) The number of dwellings or opportunities for dwellings on each lot after the subdivision will be the same as before the subdivision, and*

6. AMENDMENT TO PLANNING PROPOSAL 03/2015 – CLAUSE 4.2D BOUNDARY ADJUSTMENTS continued (File No. 15.001)

- (c) The potential for land use conflict will not be increased as a result of the subdivision, and
 - (d) If the land is in Zone RU1 Primary Production or Zone RU3 Forestry, the agricultural viability of the land will not be adversely affected as a result of the subdivision, and
 - (e) If the land is in Zone E2 Environmental Conservation or E3 Environmental Management, the subdivision will result in the continued protection and long term maintenance of the land, and
 - (f) The area of any lot created by the boundary adjustment in the RU1, RU3, E2 and E3 zones having a minimum area of 40 hectares.
- (4) Before determining a development application for the subdivision of land under this clause, the consent authority must consider the following:
- (a) the existing uses and approved uses of other land in the vicinity of the subdivision,
 - (b) whether or not the subdivision is likely to have a significant impact on land uses that are likely to be preferred and the predominant land uses in the vicinity of the development,
 - (c) whether or not the subdivision is likely to be incompatible with a use on any adjoining lands,
 - (d) whether or not the subdivision is appropriate having regard to the natural and physical constraints affecting the land,
 - (e) whether or not the subdivision is likely to have an adverse impact on the environmental values of the land.
- (5) This clause does not apply:
- (a) in relation to the subdivision of individual lots in a strata plan or a community title scheme, or
 - (b) if the subdivision would create a lot that could itself be subdivided in accordance with clause 4.1.
- 4.2B (3)
- (d) a lot created by a boundary adjustment in accordance with clause 4.2D and upon which a dwelling house or dual occupancy (attached) would have been permissible prior to the adjustment of the boundary.

A Division of the Vote was called:

Those who voted for the motion – Crs McAnally, McCutcheon, Mack, Carney, Truscott, Ellis, Lambert, Collins and Davies.

There were no votes against the motion.

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