



Planning Proposal

Application Number:

03/2015

Proposal:

Addition of Proposed Clause 4.2D "Boundary adjustments in certain rural and environmental management zones" [local]

Applicant:

Narromine Shire Council

Subject Land:

All land within the LGA in the following zones:

Zone RU1 Primary Production

Zone RU3 Forestry

Zone E2 Environmental Conservation, and

Zone E3 Environmental Management

Part 1

A statement of the objectives or intended outcomes of the proposed instrument.

1. Identification of subject land

All land in the following zones:

Zone RU1 Primary Production

Zone RU3 Forestry

Zone E2 Environmental Conservation, and

Zone E3 Environmental Management

2. Objectives of the Planning Proposal

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.

Part 2

An explanation of the provisions that are to be included in the proposed instrument.

1. Applicable/proposed provisions

It is proposed to insert a new clause 4.2D into the Narromine LEP as stated below. This clause is consistent with similar clauses that have been included in other Local Environmental Plans.

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 an area of at least 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.*

Additional Subclause

It is also proposed that an additional subclause be included in Clause 4.2B (3) as follows. This subclause will continue to permit dwelling permissibility on lots which have been subject to a boundary adjustment under proposed clause 4.2D if the permission were otherwise held under clause 4.2B.

- (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.*

Part 3

The justification for those objectives, outcomes and the process for their implementation.

Section A : The Need for the Planning Proposal

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

No, this proposal is in response to a recommendation from a previous planning proposal and enquiries made to Council for similar proposals.

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

The proposed provision/clause is the best means of achieving the intended outcome. The alternative action would be that each applicant would seek a planning proposal to amend the minimum lot size on the subject lots to facilitate a subdivision/consolidation.

Section B: Relationship to Strategic Framework

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

There are no applicable sub-regional strategies.

- a. If there are no applicable sub-regional strategies, does the proposal have strategic merit and:
 - i. is consistent with a local strategy endorsed by the Director General, or

The minimum lot size for lots following a boundary adjustment has been selected from the recommendations in the Narromine Agricultural Lands Strategy 2013. The figure of 40 hectares was derived as a suitable minimum size for intensive agriculture lots which provides adequate land for viable agricultural production and incorporates suitable buffers to reduce land use conflicts.

- ii. is consistent with the relevant regional strategy, or

There are no applicable regional strategies.

- iii. it can otherwise demonstrate strategic merit, giving consideration to the relevant s117 Directions applying to the site and other strategic considerations.

See justification against s117 directions at question 6 and considerations in Section C.

From the assessments made at the above, the proposal may be considered to have strategic merit.

- b. If there are no applicable sub-regional strategies, 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 affects land in the RU1, RU3, E2 and E3 zones; however this application will not permit additional development beyond the existing capability and permissibility.

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

The proposal affects land in the RU1, RU3, E2 and E3 zones; however as this application will not permit additional development beyond the existing capability and permissibility, it will not adversely affect any land uses in the vicinity of any boundary adjustment.

- 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.

As the proposal will not result in an increase in lots or dwellings, there is no additional infrastructure required as a result of this proposal.

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

There are no other applicable Council strategies or strategic plans.

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

The following table provides justification of the planning proposal against the relevant and applicable State Environmental Planning Policies.

Relevant SEPPs	Relevant Standard/s	Is the Proposal Consistent?	Comments
1 – Development Standards	Nil	N/A	This SEPP does not apply in the Narromine Shire.
14 – Coastal Wetlands	Nil	N/A	This SEPP does not apply in the Narromine Shire.
15 – Rural Landsharing Communities	Nil	N/A	This policy does not apply to this proposal.
19 – Bushland in Urban Areas	Nil	N/A	This SEPP does not apply in the Narromine Shire.
21 – Caravan Parks	Nil	N/A	This policy does not apply to this proposal.
26 – Littoral Rainforests	Nil	N/A	This SEPP does not apply in the Narromine Shire.
29 – Western Sydney Recreation Area	Nil	N/A	This SEPP does not apply in the Narromine Shire.
30 – Intensive Agriculture	Nil	N/A	This SEPP does not apply to this proposal.
32 – Urban Consolidation	Nil	N/A	This policy does not apply to this proposal.

33 – Hazardous and Offensive Development	Nil	N/A	This policy does not apply to this proposal.
36 – Manufactured home estates	Nil	N/A	This policy does not apply to this proposal.
39 – Spit Island Bird Habitat	Nil	N/A	This SEPP does not apply in the Narromine Shire.
44 - Koala Habitat Protection	Nil	N/A	This policy does not apply to this proposal.
47- Moore Park Showground	Nil	N/A	This SEPP does not apply in the Narromine Shire.
50 – Canal Estate Development	Nil	N/A	This policy does not apply to this proposal.
52 – Farm Dams and other works in Land and Water Management Plan areas	Nil	N/A	This policy does not apply to this proposal.
55 - Remediation of Land	Nil	N/A	This policy does not apply to this proposal.
59 – Central Western Sydney Regional Open Space and Residential	Nil	N/A	This SEPP does not apply in the Narromine Shire.
62 – Sustainable Aquaculture	Nil	N/A	This policy does not apply to this proposal.
64 – Advertising and Signage	Nil	N/A	This policy does not apply to this proposal.

65 – Design Quality of Residential Flat Development	Nil	N/A	This policy does not apply to this proposal.
70 – Affordable Housing (Revised Schemes)	Nil	N/A	This policy does not apply to this proposal.
71 – Coastal Protection	Nil	N/A	This SEPP does not apply in the Narromine Shire.
Affordable Rental Housing 2008	Nil	N/A	This policy does not apply to this proposal.
Building Sustainability Index: BASIX 2004	Nil	N/A	This policy does not apply to this proposal.
Exempt and Complying Codes 2008	Nil	N/A	This policy does not apply to this proposal.
Housing for Seniors or People with a Disability 2004	Nil	N/A	This policy does not apply to this proposal.
Infrastructure 2007	Nil	N/A	This policy does not apply to this proposal.
Kosciuszko National Park – Alpine Resorts 2007	Nil	N/A	This SEPP does not apply in the Narromine Shire.
Kurnell Peninsula 1989	Nil	N/A	This SEPP does not apply in the Narromine Shire.
Major Development 2005	Nil	N/A	This policy does not apply to this proposal.
Mining, Petroleum Production and Extractive Industries 2007	Nil	N/A	This policy does not apply to this proposal.

Miscellaneous Consent Provisions	Nil	N/A	This policy does not apply to this proposal.
Penrith Lakes Scheme	Nil	N/A	This SEPP does not apply in the Narromine Shire.
SEPP (Rural Lands) 2008	Clause 8	No	The provisions included in the proposed clause allow for the promotion and protection of agricultural lands. The proposal will not lead to increased land fragmentation or additional rural dwellings.
SEPP 53 Transitional Provisions 2011	Nil	N/A	This policy does not apply to this proposal.
State and Regional Development 2011	Nil	N/A	This policy does not apply to this proposal.
Sydney Drinking Water Catchment 2011	Nil	N/A	This SEPP does not apply in the Narromine Shire.
Sydney Region Growth Centres 2006	Nil	N/A	This SEPP does not apply in the Narromine Shire.
Three Ports 2013	Nil	N/A	This SEPP does not apply in the Narromine Shire.
Urban Renewal 2010	Nil	N/A	This policy does not apply to this proposal
Western Sydney Employment Area 2009	Nil	N/A	This SEPP does not apply in the Narromine Shire.
Western Sydney Parklands 2009	Nil	N/A	This SEPP does not apply in the Narromine Shire.

6. Is the planning proposal consistent with applicable Ministerial Directions?

The following table provides justification of the planning proposal against the relevant and applicable Section 117(2) Ministerial Directions.

Relevant Ministerial Directions	Relevant Standard/s	Is the Proposal Consistent?	Comments
1.1 Business & Industrial Zones	Nil	NA	NA
1.2 Rural Zones	Clause 4	Yes	This proposal does not intend to rezone any land and will not permit an increase the density of rural dwellings.
1.3 Mining, Petroleum and Extractive Industries	Nil	NA	NA
1.4 Oyster Aquaculture	Nil	NA	NA
1.5 Rural Lands	Clause 3	Yes	The proposal is consistent with this direction in that it is also consistent with the State Environmental Planning Policy (Rural Lands) 2008.
2.1 Environment Protection Zones	Nil	NA	The proposal does not provide for any provision which will adversely affect land within an environmental protection zone.
2.3 Heritage Conservation	Nil	NA	NA
2.4 Recreation Vehicle Areas	Nil	NA	NA
3.1 Residential Zones	Nil	NA	NA
3.2 Caravan Parks and Manufactured Home Estates	Nil	NA	NA

3.3 Home Occupations	Nil	NA	NA
3.4 Integrating Land Use and Transport	Nil	NA	NA
3.5 Development Near Licensed Aerodromes	Nil	NA	NA
3.6 Shooting Ranges	Nil	NA	NA
4.1 Acid Sulfate Soils	Nil	NA	NA
4.2 Mine Subsidence and Unstable Land	Nil	NA	NA
4.3 Flood Prone Land	Nil	NA	NA
4.4 Regional Planning	Nil	NA	NA
5.1 Implementation of Regional Strategies	Nil	NA	NA
6.1 Approval and Referral Requirements	Nil	NA	NA
6.2 Reserving Land for Public Purposes	Nil	NA	NA

Section C: Environmental, Social and Economic Impact

7. 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?

There are no likely adverse effects on critical habitats or threatened species as a result of this proposal.

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

There are no likely adverse environmental effects as a result of this proposal.

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

The proposal will provide greater flexibility in rural subdivisions, facilitating economically efficient use of agricultural lands.

Section D: State and Commonwealth Interests

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

As the proposal will not result in an increase in lots or dwellings, there is no additional infrastructure required as a result of this proposal.

11. What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway determination?

Relevant State and Commonwealth government authorities will be consulted as directed by the Gateway determination.

Part 4

Maps, where relevant, to identify the intent of the planning proposal and the area to which it applies.

12. Mapping

There are no proposed changes to mapping in relation to this proposal.

Part 5

Details of the community consultation that is to be undertaken on the planning proposal.

13. Community Consultation

The proposal would be required to be placed on public exhibition under direction from the Minister for Planning & Environment. This is considered a low impact proposal and as such, is recommended to be publicly exhibited for 14 days or for such time as indicated by the Gateway in accordance with section 57 of the EP&A Act 1979.

This exhibition will be notified in the local newspapers and on Councils website. Hard copies of the proposal will be available for viewing at Councils Administration office at 124 Dandaloo St in Narromine. The content of the notice will be in accordance with the Department of Planning's Guide to preparing LEPs.

Part 6

Details of the proposed timeframes in the progression of the proposal.

14. Project Timeline

The following is the anticipated time frame for the completion of the proposal.

Milestone	Anticipated Time
Commencement date	End February 2015
Completion of technical information	March 2015
Government agency consultation	March 2015
Public exhibition period	April 2015
Dates for public hearing (if req'd)	April 2015
Consideration of submissions	May 2015
Post exhibition consideration	May/June 2015
Finalisation of LEP	May/June 2015
PCO Opinion	July 2015
Making of Plan	August 2015
Forwarded to Dept for Notification	August 2015