

Narromine Local Environmental Plan 2011 - Insert Clause - Boundary adjustments in certain rural and environmental management zones

Proposal Title : **Narromine Local Environmental Plan 2011 - Insert Clause - Boundary adjustments in certain rural and environmental management zones**

Proposal Summary : **Amend the Narromine Local Environmental Plan 2011 to include a provision which permits low impact boundary adjustments on land in certain rural and environmental protection zones.**

PP Number : **PP_2015_NARRO_003_00** Dop File No : **15/03912**

Proposal Details

Date Planning Proposal Received : **26-Feb-2015** LGA covered : **Narromine**

Region : **Western** RPA : **Narromine Shire Council**

State Electorate : **DUBBO** Section of the Act : **55 - Planning Proposal**

LEP Type : **Policy**

Location Details

Street :

Suburb : City : **Narromine** Postcode : **2821**

Land Parcel : **Land zone RU1 Primary Production, RU3 Forestry, E2 Environmental Conservation and E3 Environmental Management**

DoP Planning Officer Contact Details

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RPA Contact Details

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DoP Project Manager Contact Details

Contact Name : **Wayne Garnsey**

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Land Release Data

Growth Centre : Release Area Name :

Regional / Sub Consistent with Strategy :

Regional Strategy :

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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) :	0
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 :

Supporting notes

Internal Supporting Notes :

External Supporting Notes :

Adequacy Assessment

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

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

Comment : **The statement of objectives clearly states the intent of the planning proposal is to permit low impact boundary adjustments between two or more lots in zone RU1 Primary Production, RU3 Forestry, E2 Environmental Conservation and E3 Environmental Management.**

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

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

Comment : **The intent of the planning proposal is proposed to be achieved by amending the Narromine LEP 2011 to include a provision which permits low impact boundary adjustments where:**

- a) the boundary adjustment will not result in an increase in the total number of allotments,**
- b) the boundary adjustment will not result in an increase in the total number of dwellings permitted on the land,**
- c) the boundary adjustment will not create a lot that can itself be subdivided under clause 4.1, and**
- d) the boundary adjustment is consistent with the objectives of the zone.**

It is noted that Clause 4.2B(4)(b)(i) of the Narromine LEP 2011 provides that development consent may be granted for the erection of a dwelling house on land to which the clause applies if the land would have been a lot referred to in subclause (3) had it not have been affected by a minor realignment of its boundaries that did not create an additional lot.

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Accordingly, the provisions regarding dwelling permissibly on rural land under clause 4.2(3) are not removed through application of the proposed provisions for low impact boundary adjustments.

The planning proposal seeks to include a provision which requires that a boundary adjustment not create a lot that is below 40 hectares in area. This is based on the Narromine Agricultural Land Use Strategy: Intensive Plant Agriculture which identifies 40 hectares as a suitable size to provide adequate land for intensive agricultural production. The Narromine Agricultural Land Use Strategy: Intensive Plant Agriculture is not relevant to this proposal. It is considered that imposing a minimum lot size in relation to the proposed boundary adjustment provision is not appropriate in this instance as it is not consistent with the intent of the proposal to provide opportunity for farm boundary adjustments to support sustainable primary industry production on rural land. It is being recommended that the model boundary adjustment clause be used.

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

Is the Director General's agreement required? **Yes**

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

d) Which SEPPs have the RPA identified?

SEPP (Rural Lands) 2008

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

1.2 Rural Zones: The Ministerial Direction is relevant to the planning proposal as the proposal affects land within existing rural zones. The Direction requires a planning proposal must not rezone land from a rural zone to a residential zone or contain provisions that will increase the permissible density of land within a rural zone. The planning proposal is consistent with the Direction, it does not propose to amend the land use zone or permit an increased density of residential development.

1.5 Rural Lands: The Ministerial Direction is relevant to the planning proposal as the planning proposal affects land within a rural zone. The Direction requires the planning proposal be consistent with the rural planning principles and rural subdivision principles in the SEPP (Rural Lands) 2008.

The planning proposal is consistent with this Direction and supports productive sustainable economic activities by providing a mechanism which permits low impact boundary adjustments on rural land. The proposal does not permit an increase in the number of dwellings permitted on rural land or the creation of additional allotments. It will not result in the fragmentation of rural land and does not impact on services and infrastructure.

2.1 Environmental Protection Zones: The Ministerial Direction is relevant to the planning proposal as the planning proposal affects land zone E2 Environmental Conservation and zone E3 Environmental Management. The Direction requires that a planning proposal must not reduce the environmental protection standards that apply to land within an environmental protection zone. The planning proposal is consistent with this Direction and provides that development shall result in the continued protection and long term maintenance of land within Environmental Protection zones.

SEPP (Rural Lands) 2008: The SEPP is relevant as the planning proposal affect rural land. The planning proposal is consistent with the rural planning and rural subdivision principles of the SEPP.

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

If No, explain :

The planning proposal is to be amended prior to public exhibition to remove the reference to 'Clause 4.2D' and draft clause from Part 2 Explanation of Provisions, and

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instead provide a plain English explanation of the intention of the proposed provisions.

Mapping Provided - s55(2)(d)

Is mapping provided? **No**

Comment : **The planning proposal seeks to include a provision that will apply to all land zone RU1 Primary Production, RU3 Forestry, E2 Environmental Conservation and E3 Environmental Management. This is clearly stated in the planning proposal.**

No mapping amendments are proposed.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : **Council's proposed community consultation is acceptable. Council intends to publicly exhibit the planning proposal for a period of 14 days.**

Council proposes community consultation that will include notification in the local newspaper and Council's website. Hard copies of the planning proposal will be available for viewing at Council's Administration office.

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 : **The planning proposal is adequate in the information provided.**

Proposal Assessment

Principal LEP:

Due Date :

Comments in relation to Principal LEP : **Narromine Local Environmental Plan 2011 was notified on 9 December 2011.**

Assessment Criteria

Need for planning proposal : **The planning proposal is required to permit low impact boundary adjustments, where the proposed development is not consistent with the standards of SEPP (Exempt and Complying Development) 2008.**

Consistency with strategic planning framework : **Narromine Rural Residential Land Use Strategy and Narromine Agricultural Land use Strategy: Intensive Plant Agriculture are not relevant to the planning proposal.**

Environmental social economic impacts : **The planning proposal will provide opportunity for farm boundary adjustments to support sustainable primary industry production on rural land. The planning proposal permits development which protects and ensures conservation and management of land in the relevant environmental protection zones.**

The proposed provision does not permit fragmentation of rural land or create demand for services and infrastructure. There are no significant environmental, social or economic outcomes identified.

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Assessment Process

Proposal type : **Minor** Community Consultation Period : **14 Days**

Timeframe to make LEP : **6 months** 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
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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**

Additional Information : **The planning proposal to proceed subject to the following conditions:**

1. The provision of a minimum lot size of 40 hectares to allotments created through a boundary adjustment is not supported. Prior to public exhibition the planning proposal is to be amended to remove reference to the proposed minimum lot size in Part 1 Objectives of the Planning Proposal, Part 2 Explanation of Provisions and Section B Relationship to Strategic Framework.

2. Prior to public exhibition the planning proposal is to be amended to remove the reference to 'Clause 4.2D' and draft clause from Part 2 Explanation of Provisions, and

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instead provide a plain English explanation of the intention of the proposed provisions.

3. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 (EP&A Act) as follows:

(a) The planning proposal is required to be made publicly available on exhibition for 14 days as described in A Guide to Preparing LEPs (Department of Planning and Infrastructure 2013).

(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 with agencies is required.

4. 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).

5. The timeframe for completing the LEP is to be 6 months from the week following the date of the Gateway determination.

Supporting Reasons :

The planning proposal will provide opportunity for farm adjustments to support sustainable primary industry production on rural land and the conservation and maintenance of land within environmental protection zones. The planning proposal is supported to provide Council with flexibility to assess and determine boundary adjustments without creating additional dwellings or allotments.

Signature: _____

Printed Name: _____

Date: _____

Endorsed
Wgansy 5/3/15
TL WR