



## Planning Proposal

Application Number:

01/2014

Proposal:

Rezoning RU1 to R5

Applicant:

Narromine Shire Council (Chapman)

Subject Land:

Lot 174 DP 755131

Old Backwater Road, Narromine

## Part 1

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

### 1. Identification of subject land

The land is identified as Lot 174 DP 755131, Old Backwater Road, Narromine. The lot is 33.18 hectares in size.

### 2. Objectives of the Planning Proposal

- To rezone the subject land from RU1 General Rural to R5 Large Lot Residential.
- To enable the subdivision of land to 3.5-7 ha to meet demand for future rural residential development. The included subdivision plan proposes 5 lots.

***Below: Proposed Subdivision Plan with Proposed Building Envelopes***



## Part 2

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

### 3. Applicable/proposed provisions

The proposed outcomes will be achieved by:

- Amending the Narromine Local Environmental Plan 2011 Land Zoning Map number LZN\_004A (5850\_COM\_LZN\_004A\_020\_20150130) to reflect the R5 land use zone on the lot.
- Amending the Narromine Local Environmental Plan 2011 Lot Size Map number LSZ\_004A (5850\_COM\_LSZ\_004A\_020\_20150320) to reflect a minimum lot size of 3.5 hectares on the lot.

## 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?

This proposal is identified in the Western Council's Sub Regional Land Use Strategy 2010. This site was identified as part of Area 4 and a preferential site for medium term rural residential development. The recent Narromine Shire Agricultural Lands Strategy 2013 acknowledged the above-mentioned Sub-Regional Land Use Strategy in recommending this lot for future large lot residential development.

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

The proposed rezoning is the best means of achieving the intended outcome.

### **Section B: Relationship to Strategic Framework**

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

Yes, this proposal is identified in the Western Council's Sub Regional Land Use Strategy 2010 as Area 4 as outlined below.



**Extract from Figure 49 - Western Councils Sub-Regional Land Use Strategy**

**Area 4: Backwater Road, Narromine**

Gross Potential Area (ha): 36 ha

Assessment against rural residential locational requirements:

- *This area is part of two lots located on the formed and sealed Backwater Road west of Narromine and immediately to the south of the existing rural residential areas.*
- *The area is not affected by the buffer to Narromine STP or the buffer to the landfill site.*
- *This area is part of two lots located on the formed and sealed Backwater Road west of Narromine and immediately to the south of the existing rural residential areas.*
- *The area is not affected by the buffer to Narromine STP or the buffer to the landfill site.*
- *It is approximately 4 km from the aerodrome so obstacle height limits should not be an issue.*
- *It is also not located adjacent to a forestry area or within 500m of a mine or extractive industry.*
- *It is located within the 1% floodplain but not in a high hazard area. It is relatively flat land.*
- *It is substantially cleared and does not contain any ESA's.*
- *It is not affected by dryland salinity.*
- *It has moderately high groundwater vulnerability, no sheet erosion, and is not in a bushfire hazard area.*
- *It is class two agricultural land capability, but this is consistent with most of the land around Narromine.*
- *It does not have direct frontage to a waterway.*
- *It has some potential for the medium to long term supply of rural residential land. A 36 ha strip along the northern edge of the land is recommended for inclusion in the Strategy. The studies that will need to be undertaken prior to the rezoning of the subject site include flooding and site contamination.*

**(Western Councils Sub-Regional Land Use Strategy 2010, p.110-111)**

As noted in the final point above, an assessment of flood impact and the potential for site contamination is required to be carried out. A flooding assessment has been undertaken by the applicant and is included within Attachment 1. The results of this assessment have contributed to the proposed subdivision layout of five lots.

A preliminary site contamination assessment has also been done and has suggested that there have been no potentially contaminating activities conducted on the site. A statement from the applicant to this effect is included within Attachment 1.

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

N/A as the proposal complies with 3. above.

ii. is consistent with the relevant regional strategy, or

N/A as the proposal complies with 3. above.

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

N/A as the proposal complies with 3. above.

- 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;

N/A as the proposal complies with 3. above.

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

N/A as the proposal complies with 3. above.

- 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.

N/A as the proposal complies with 3. above.

- 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                                                                                                                                                                      |
|--------------------------------------------|---------------------|-----------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>1 – Development Standards</b>           | Nil                 | N/A                         | Although this SEPP states that it applies to all land in the State, the Narromine LEP states that SEPP 1 does not apply in the Narromine Shire. It is therefore not relevant. |
| <b>14 – Coastal Wetlands</b>               | Nil                 | N/A                         | This SEPP does not apply in the Narromine Shire.                                                                                                                              |
| <b>15 – Rural Landsharing Communities</b>  | Nil                 | N/A                         | This policy does not apply to this proposal.                                                                                                                                  |
| <b>19 – Bushland in Urban Areas</b>        | Nil                 | N/A                         | This SEPP does not apply in the Narromine Shire.                                                                                                                              |
| <b>21 – Caravan Parks</b>                  | Nil                 | N/A                         | This policy does not apply to this proposal.                                                                                                                                  |
| <b>26 – Littoral Rainforests</b>           | Nil                 | N/A                         | This SEPP does not apply in the Narromine Shire.                                                                                                                              |
| <b>29 – Western Sydney Recreation Area</b> | Nil                 | N/A                         | This SEPP does not apply in the Narromine Shire.                                                                                                                              |
| <b>30 – Intensive Agriculture</b>          | Nil                 | N/A                         | This SEPP does not apply to this proposal.                                                                                                                                    |
| <b>32 – Urban Consolidation</b>            | Nil                 | N/A                         | This policy does not apply to this proposal.                                                                                                                                  |

|                                                                               |          |     |                                                                                                                                                                                                                 |
|-------------------------------------------------------------------------------|----------|-----|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>33 – Hazardous and Offensive Development</b>                               | Nil      | N/A | This policy does not apply to this proposal.                                                                                                                                                                    |
| <b>36 – Manufactured home estates</b>                                         | Nil      | N/A | This policy does not apply to this proposal.                                                                                                                                                                    |
| <b>39 – Spit Island Bird Habitat</b>                                          | Nil      | N/A | This SEPP does not apply in the Narromine Shire.                                                                                                                                                                |
| <b>44 - Koala Habitat Protection</b>                                          | Clause 7 | Yes | The land is identified as potential koala habitat. Prior to any development consent, an assessment must be conducted as to the presence of core koala habitat and if so, a plan of management must be prepared. |
| <b>47- Moore Park Showground</b>                                              | Nil      | N/A | This SEPP does not apply in the Narromine Shire.                                                                                                                                                                |
| <b>50 – Canal Estate Development</b>                                          | Nil      | N/A | This policy does not apply to this proposal.                                                                                                                                                                    |
| <b>52 – Farm Dams and other works in Land and Water Management Plan areas</b> | Nil      | N/A | This policy does not apply to this proposal.                                                                                                                                                                    |
| <b>55 - Remediation of Land</b>                                               | Clause 6 | Yes | The site history statement from the applicant suggests that there were no previous activities that would contribute to land contamination.                                                                      |
| <b>59 – Central Western Sydney Regional Open Space and Residential</b>        | Nil      | N/A | This SEPP does not apply in the Narromine Shire.                                                                                                                                                                |
| <b>62 – Sustainable Aquaculture</b>                                           | Nil      | N/A | This policy does not apply to this proposal.                                                                                                                                                                    |

|                                                             |     |     |                                                  |
|-------------------------------------------------------------|-----|-----|--------------------------------------------------|
| <b>64 – Advertising and Signage</b>                         | Nil | N/A | This policy does not apply to this proposal.     |
| <b>65 – Design Quality of Residential Flat Development</b>  | Nil | N/A | This policy does not apply to this proposal.     |
| <b>70 – Affordable Housing (Revised Schemes)</b>            | Nil | N/A | This policy does not apply to this proposal.     |
| <b>71 – Coastal Protection</b>                              | Nil | N/A | This SEPP does not apply in the Narromine Shire. |
| <b>Affordable Rental Housing 2008</b>                       | Nil | N/A | This policy does not apply to this proposal.     |
| <b>Building Sustainability Index: BASIX 2004</b>            | Nil | N/A | This policy does not apply to this proposal.     |
| <b>Exempt and Complying Codes 2008</b>                      | Nil | N/A | This policy does not apply to this proposal.     |
| <b>Housing for Seniors or People with a Disability 2004</b> | Nil | N/A | This policy does not apply to this proposal.     |
| <b>Infrastructure 2007</b>                                  | Nil | N/A | This policy does not apply to this proposal.     |
| <b>Kosciuszko National Park – Alpine Resorts 2007</b>       | Nil | N/A | This SEPP does not apply in the Narromine Shire. |
| <b>Kurnell Peninsula 1989</b>                               | Nil | N/A | This SEPP does not apply in the Narromine Shire. |
| <b>Major Development 2005</b>                               | Nil | N/A | This policy does not apply to this proposal.     |

|                                                                    |     |     |                                                  |
|--------------------------------------------------------------------|-----|-----|--------------------------------------------------|
| <b>Mining, Petroleum Production and Extractive Industries 2007</b> | Nil | N/A | This policy does not apply to this proposal.     |
| <b>Miscellaneous Consent Provisions</b>                            | Nil | N/A | This policy does not apply to this proposal.     |
| <b>Penrith Lakes Scheme</b>                                        | Nil | N/A | This SEPP does not apply in the Narromine Shire. |

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|-------------------------|--------------|----|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| SEPP (Rural Lands) 2008 | Clause 7 & 8 | No | <p><i>Rural Planning Principles</i></p> <p>The proposal is consistent with the requirements of the SEPP in that the land:</p> <ul style="list-style-type: none"> <li>a) Was selected such that it does not impact on productive agricultural land or sustainable agricultural activities,</li> <li>b) Does not jeopardise the progression of agriculture activities,</li> <li>c) Recognises the significance of rural land through the strategic consideration of suitable rural residential land release areas,</li> <li>d) Recognises the impacts and benefits of rural residential development on the community,</li> <li>e) Is not subject to biodiversity constraints,</li> <li>f) Provides opportunity for rural residential development,</li> <li>g) Requires only minor extension or provision of local infrastructure,</li> <li>h) Is consistent with a local strategy endorsed by the Director-General, being the Western Councils Sub-Regional Land Use Strategy 2010.</li> </ul> <p><i>Rural Subdivision Principles</i></p> <p>Additionally, the land:</p> <ul style="list-style-type: none"> <li>a) Minimises rural land fragmentation through selection based on strategic assessment and proposes a minimal number of lots,</li> <li>b) Is consistent with the expansion of the current rural residential development,</li> <li>c) Is consistent with the surrounding lot layout and lot sizes (proposed 3.5ha MLS),</li> <li>d) The site is prone moderate-high groundwater vulnerability, however this constraint can be addressed through development controls and consultation with NSW Office of Water</li> <li>e) The proposed Minimum lot Size and subdivision layout is suitable for the inclusion of appropriate buffers and required services.</li> </ul> |
|-------------------------|--------------|----|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

|                                             |     |     |                                                  |
|---------------------------------------------|-----|-----|--------------------------------------------------|
| <b>SEPP 53 Transitional Provisions 2011</b> | Nil | N/A | This policy does not apply to this proposal.     |
| <b>State and Regional Development 2011</b>  | Nil | N/A | This policy does not apply to this proposal.     |
| <b>Sydney Drinking Water Catchment 2011</b> | Nil | N/A | This SEPP does not apply in the Narromine Shire. |
| <b>Sydney Region Growth Centres 2006</b>    | Nil | N/A | This SEPP does not apply in the Narromine Shire. |
| <b>Three Ports 2013</b>                     | Nil | N/A | This SEPP does not apply in the Narromine Shire. |
| <b>Urban Renewal 2010</b>                   | Nil | N/A | This policy does not apply to this proposal      |
| <b>Western Sydney Employment Area 2009</b>  | Nil | N/A | This SEPP does not apply in the Narromine Shire. |
| <b>Western Sydney Parklands 2009</b>        | 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                                                                                                                                                                                                                                                                                                                                          |
|--------------------------------------------------------|---------------------|-----------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>1.1 Business &amp; Industrial Zones</b>             | Nil                 | NA                          | NA                                                                                                                                                                                                                                                                                                                                                |
| <b>1.2 Rural Zones</b>                                 | Clause 5            | No                          | This proposal is justified by a strategy which gives consideration to this direction (Western Councils Sub-Regional Land Use Strategy 2011), is identified within this strategy as a suitable site for rural residential development, and has been approved by the Director-General of the Department of Planning & Environment (Infrastructure). |
| <b>1.3 Mining, Petroleum and Extractive Industries</b> | Nil                 | NA                          | NA                                                                                                                                                                                                                                                                                                                                                |
| <b>1.4 Oyster Aquaculture</b>                          | Nil                 | NA                          | NA                                                                                                                                                                                                                                                                                                                                                |

|                                                        |          |     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
|--------------------------------------------------------|----------|-----|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>1.5 Rural Lands</b>                                 |          |     | 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 the case for the subject land, the inconsistency may be allowed. |
| <b>2.1 Environment Protection Zones</b>                | Nil      | NA  | NA                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| <b>2.3 Heritage Conservation</b>                       | Clause 5 | Yes | There have been no Indigenous items or places identified on the site.                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| <b>2.4 Recreation Vehicle Areas</b>                    | Nil      | NA  | NA                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| <b>3.1 Residential Zones</b>                           | Nil      | NA  | NA                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| <b>3.2 Caravan Parks and Manufactured Home Estates</b> | Nil      | NA  | NA                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| <b>3.3 Home Occupations</b>                            | Nil      | NA  | NA                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| <b>3.4 Integrating Land Use and Transport</b>          | Nil      | NA  | NA                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |

|                                                  |     |    |    |
|--------------------------------------------------|-----|----|----|
| <b>3.5 Development Near Licensed Aerodromes</b>  | Nil | NA | NA |
| <b>3.6 Shooting Ranges</b>                       | Nil | NA | NA |
| <b>4.1 Acid Sulfate Soils</b>                    | Nil | NA | NA |
| <b>4.2 Mine Subsidence and Unstable Land</b>     | Nil | NA | NA |
| <b>4.3 Flood Prone Land</b>                      | Nil | NA | NA |
| <b>4.4 Regional Planning</b>                     | Nil | NA | NA |
| <b>5.1 Implementation of Regional Strategies</b> | Nil | NA | NA |
| <b>6.1 Approval and Referral Requirements</b>    | Nil | NA | NA |
| <b>6.2 Reserving Land for Public Purposes</b>    | Nil | NA | NA |

### **Section C: Environmental, Social & 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?

The land is not identified as containing areas of critical terrestrial biodiversity.

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

No further environmental impacts are identified at this stage.

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

The proposal claims that there would be no likely negative social or economic impacts. The development aims to encourage residents to the town and subsequent community contributions.

### **Section D: State & Commonwealth Interests**

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

Yes, the site has access to both a formed, sealed public road and a secondary, formed, unsealed public road. Mains electricity is available in the vicinity of the lot. The current infrastructure is deemed to be adequate for the additional traffic demand associated with the proposed development.

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

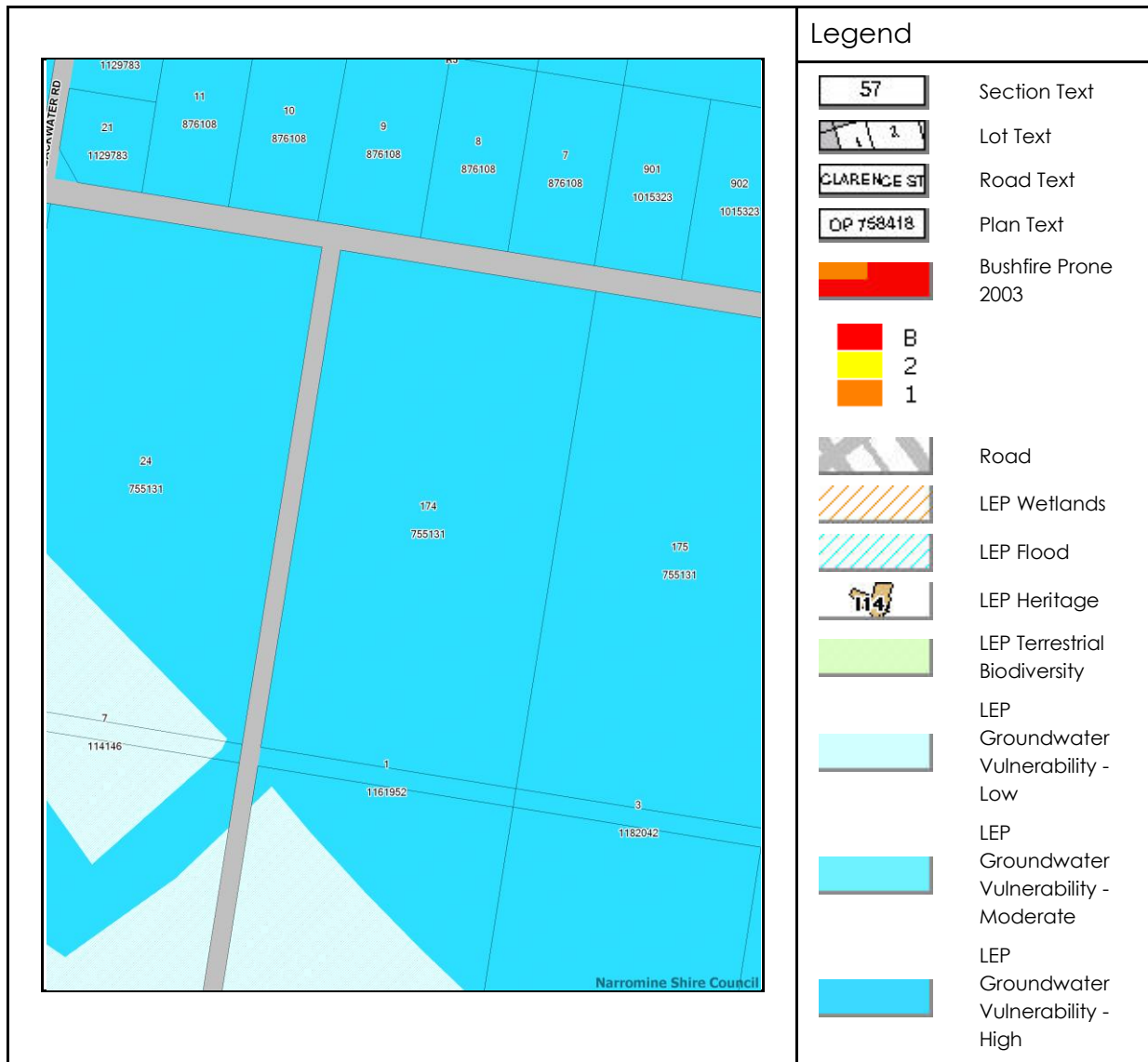
Relevant State and Commonwealth government authorities will be consulted as directed by the Gateway determination.

## Part 4

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

### 12. Mapping

#### GIS Print with Legend



Aerial Photo



## 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 not considered a low impact proposal and as such, is recommended to be publicly exhibited 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 adjoining land owners will be notified by direct correspondence. 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                   | May 2015         |
| Completion of technical information | June 2015        |
| Government agency consultation      | June 2015        |
| Public exhibition period            | July 2015        |
| Dates for public hearing (if req'd) | July 2015        |
| Consideration of submissions        | August 2015      |
| Post exhibition consideration       | Sept/Oct 2015    |
| Finalisation of LEP                 | November 2015    |
| PCO Opinion                         | December 2015    |
| Making of Plan                      | January 2016     |
| Forwarded to Dept for Notification  | January 2016     |



## Planning Proposal Attachments

List of Attachments:

1. Supporting documentation as provided by the applicant.