

Narrandera LEP 2013 - Amendment 1 - Deferred Matters, Spot Rezoning and Land Use

Table Amendment

Proposal Title :	Narrandera LEP 2013 - Amendment 1 - Deferred Matters, Spot Rezoning and Land Use Table Amendment		
Proposal Summary :	To amend the Narrandera LEP 2013 as follows: - To rectify deferred matters by rezoning land E4 Environmental Living and R5 Large Lot Residential; - To insert 'intensive livestock agriculture' under Part 3 of the RU4 Primary Production Small Lots Land Use Table as a use Permitted with Consent; and - To rezone land at Manderlay Road from zone E4 Environmental Living to zone E2 Environmental Conservation.		
PP Number :	PP_2015_NARRN_001_00	Dop File No :	15/16357

Proposal Details

Date Planning Proposal Received :	10-Dec-2015	LGA covered :	Narrandera
Region :	Western	RPA :	Narrandera Shire Council
State Electorate :	MURRUMBIDGEE	Section of the Act :	55 - Planning Proposal
LEP Type :	Spot Rezoning		

Location Details

Street :	80 Racecourse Road		
Suburb :	Narrandera	Postcode :	2700
Land Parcel :	Lot 1 DP 526614		
Street :	90 Cliffords Road		
Suburb :	Narrandera	Postcode :	2700
Land Parcel :	Lot 1 DP 713815		
Street :	91 Cliffords Road		
Suburb :	Narrandera	Postcode :	2700
Land Parcel :	Lot 183 DP 751719		
Street :	141 River Street		
Suburb :	Narrandera	Postcode :	2700
Land Parcel :	Lot A DP 904481		
Street :	109 River Street		
Suburb :	Narrandera	Postcode :	2700
Land Parcel :	Lot B DP 904481		
Street :	81-93 Waterman Street		
Suburb :	Narrandera	Postcode :	2700
Land Parcel :	Lot 3 DP 634848		

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Street :	78 Bells Road	City :	Narrandera	Postcode :	2700
Suburb :					
Land Parcel :	Lot 187 DP 751719				
Street :	80-118 Waterman Street	City :	Narrandera	Postcode :	2700
Suburb :					
Land Parcel :	Lot 1 DP 531789				
Street :	1 Bradley Street	City :	Narrandera	Postcode :	2700
Suburb :					
Land Parcel :	Part Lot 40 DP 656269				
Street :	Old Wagga Road	City :	Narrandera	Postcode :	2700
Suburb :					
Land Parcel :	Lot 294 751719				
Street :	268 Cypress Road	City :	Narrandera	Postcode :	2700
Suburb :					
Land Parcel :	Lot 203 DP 751719				
Street :	235 Pine Hill Road	City :	Narrandera	Postcode :	2700
Suburb :					
Land Parcel :	Lot 205 DP 751719				
Street :	26 Booka Road	City :	Narrandera	Postcode :	2700
Suburb :					
Land Parcel :	Lot 2 DP 431450				
Street :	62 Booka Road	City :	Narrandera	Postcode :	2700
Suburb :					
Land Parcel :	Lot 1 DP 1048822				
Street :	62 Booka Road	City :	Narrandera	Postcode :	2700
Suburb :					
Land Parcel :	Lot 1 DP 169897				
Street :	62 Booka Road	City :	Narrandera	Postcode :	2700
Suburb :					
Land Parcel :	Lot 2 DP 1048822				
Street :	134 Back Dixonville Road	City :	Narrandera	Postcode :	2700
Suburb :					
Land Parcel :	Lot 81 DP 751719				
Street :	62 Booka Road	City :	Narrandera	Postcode :	2700
Suburb :					
Land Parcel :	Lot 2 DP 576839				
Street :	134 Back Dixonville Road	City :	Narrandera	Postcode :	2700
Suburb :					
Land Parcel :	Lot 11 DP 1193726				

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Street :	134 Back Dixonville Road		
Suburb :	City :	Narrandera	Postcode : 2700
Land Parcel :	Lot 86 DP 751719		
Street :	134 Back Dixonville Road		
Suburb :	City :	Narrandera	Postcode : 2700
Land Parcel :	Lot 85 DP 751719		
Street :	42 Manderlay Road		
Suburb :	City :	Narrandera	Postcode : 2700
Land Parcel :	Lot 1 DP 1011106		
Street :	Booka Road		
Suburb :	City :	Narrandera	Postcode : 2700
Land Parcel :	Lot 105 DP 1201233		
Street :	Booka Road		
Suburb :	City :	Narrandera	Postcode : 2700
Land Parcel :	Lot 106 DP 1201233		
Street :	Barrats Road		
Suburb :	City :	Narrandera	Postcode : 2700
Land Parcel :	Pt Lot 120 DP 1201738		

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 :	N/A	Release Area Name :	N/A
Regional / Sub	N/A	Consistent with Strategy :	N/A
Regional Strategy :			

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MDP Number :		Date of Release :	
Area of Release (Ha) :	182.00	Type of Release (eg Residential / Employment land) :	Residential
No. of Lots :	0	No. of Dwellings (where relevant) :	80
Gross Floor Area :	0	No of Jobs Created :	0
The NSW Government Lobbyists Code of Conduct has been complied with : Yes			
If No, comment :		There have been no known meetings or communications with registered lobbyists.	
Have there been meetings or communications with registered lobbyists? :		Yes	
If Yes, comment :		There have been no known meetings or communications with registered lobbyists.	

Supporting notes

Internal Supporting Notes : **The primary purpose of the planning proposal is to address the deferred matters in the Narrandera LEP 2013 (LEP), as well as amend the zone RU4 Primary Production Small Lots Land Use Table and rezone land from E4 Environmental Living to E2 Environmental Conservation.**

These items are addressed separately below:

**** Deferred Matters:**

A number of lots within the township of Narrandera have been deferred from the LEP. These areas were proposed to be zoned E4 Environmental Living under the draft Narrandera LEP 2013 (request from Office of Environment and Heritage), however the community challenged the existence of biodiversity values and Council has undertaken further investigation and consultation.

The subject land is currently zone Village and General Rural under the Narrandera LEP 1991. Currently the village zone has a minimum lot size of 550m2 and 20 hectares/120 hectares/750 hectares respectively.

The planning proposal intends to rezone 12 allotments to E4 Environmental Living, with minimum lot sizes ranging between 40 hectares, 10 hectares, 4 hectares, 3 hectares, to reflect the existing lot size and restrict opportunities for further subdivision, given the environmental significance of the land as advised by Office of Environment and Heritage (OEH).

This proposal will remove the complication of having Narrandera LEP 1991 apply to this land and will bring the land in line with the Standard Instrument LEP format so Council and the community will deal with only the Narrandera LEP 2013 once this proposal is finalised.

The draft Narrandera LEP 2013 also proposed to zone twenty three (23) allotments currently zoned rural under the Narrandera LEP 1991 to R5 Large Lot Residential with a minimum lot size of 5 hectares between Sawmill Road and Irrigation Channel.

**** Rezoning of land from E4 Environmental Living to E2 Environmental Conservation:**

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The proposal intends to rezone Lot 1 DP 1011106 (42 Manderlay Road, Narrandera) from E4 Environmental Living to E2 Environmental Conservation. It is also proposed to increase the minimum lot size of the land from 1 hectare to 400 hectares.

The existing village zone and minimum lot size creates an expectation for future residential development. Council has identified the risk of future land use conflicts with nearby industrial zoned land. Avoiding this conflict by removing the potential for this land to be developed for residential allotments protects the significant vegetation on the site and that on the adjoining land. This is consistent with advice from OEH.

**** Amendment to RU4 Primary Production Small Lots Land Use Table:**

It is intended to insert 'intensive livestock agriculture' as a land use term permissible with consent in Part 3 of the zone RU4 Land Use Table. This will provide the opportunity for applications for intensive livestock agriculture to be considered on their merits on zone RU4 land throughout the Narrandera Local Government Area. Noting that RU4 has a minimum lot size of 200 hectares which provides opportunities for a range of agricultural uses.

Council has requested authorisation to undertake plan making delegations. This is considered appropriate.

The subject application was initially received on 11 November 2015. Additional information was requested by the Department on 23 November 2015 to further justify the requirement for additional R5 Large Lot Residential land and consistency with Section 117 Direction 1.2 Rural Zones and 1.5 Rural Lands. This information was received on 10 December 2015.

External Supporting
Notes :

Adequacy Assessment

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

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

Comment : **The objective of the planning proposal is to rectify the deferred matters in the LEP, rezone land and insert 'intensive livestock agriculture' in the RU4 land use table as development permissible with consent.**

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

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

Comment : **The explanation of provisions is consistent with the statement of objectives.**

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **No**

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

3.1 Residential Zones

4.3 Flood Prone Land

Is the Director General's agreement required? **N/A**

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

d) Which SEPPs have the RPA identified?

SEPP No 44—Koala Habitat Protection

SEPP No 55—Remediation of Land

SEPP (Rural Lands) 2008

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

Section 117 Directions:

*** 1.2 - Rural Zones**

This direction is applicable to 23 lots currently identified as deferred matters, which are proposed to be zoned R5 Large Lot Residential. The land is currently used for small scale agricultural land uses. The proposed R5 zoning is reasonable for the site, given Council advice and the draft Narrandera Land Use Strategy 2011 (not approved by the Department) identifies the need for more large lot residential land in the LGA. The proposed 5 hectare minimum lot size that will yield approximately 30 allotments is also intended to minimise any potential land use conflict from the adjoining and existing land uses and based on advice to Council from OEH.

The insertion of 'intensive livestock agriculture' in Part 3 of the Land Use Table for the RU4 Primary Production Small Lots zone is directly consistent with this direction, protecting the agricultural production value of rural land.

*** 1.5 - Rural Lands**

The addition of 'intensive livestock agriculture' as development permissible with consent is consistent with this direction.

The zoning of the Village zone land to E4 Environmental Living is also consistent with this direction, as the rural nature of the land is preserved through the environmental protection zoning. The proposed minimum lot size amendments to the land to reflect the existing lot size is supported, to restrict the further subdivision of the site and limit additional dwelling opportunities, for the protection of the rural integrity of the land and based on advice from OEH.

The zoning of rural land to zone R5 Large Lot Residential is inconsistent with this direction, however, it is considered that the Acting General Manager Western Region can be satisfied that this is of minor significance, given Council's advice that the surrounding land use and adjoining land, and the identification in the draft Strategy for the need for additional large lot residential land in Narrandera. The rezoning of the land will reduce the fragmentation of land and meet a demand for large lot residential land within the community.

*** 2.1 - Environment Protection Zones**

The planning proposal is directly consistent with this zone as the zoning of land to zone E4 facilitates the protection of environmentally sensitive areas. This is consistent with the comments made by OEH.

*** 3.1 - Residential Zones**

This direction is applicable to the proposed rezoning of land to R5 Large Lot Residential. The proposal is inconsistent with this Direction, as the R5 zoned land is located on the urban fringe of Narrandera. The Acting General Manager Western Region can be satisfied the inconsistency is considered to be minor as the location of the zone R5 land is on the urban fringe provides a gradual increase in lot sizes from the town centre. This is also consistent with Council's draft Narrandera Land Use Strategy 2011 (that is not approved by the Department).

*** 4.3 - Flood Prone Land**

The planning proposal is inconsistent with this direction in that it introduces the potential for intensive livestock agriculture in the RU4 zone on land that is identified as flood prone land. This inconsistency is considered to be of minor significance as this is a compatible agricultural use that can be accommodated on flood prone land after a thorough merit assessment at development application stage.

SEPPS:

*** SEPP 44 - Koala Habitat Protection**

This SEPP is not applicable to the proposal as no koala feed trees are identified on the

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land subject to this proposal.

***SEPP 55 - Remediation of Land**

It is proposed to rezone rural land to zone R5 Large Lot Residential near Sawmill Road. The land appears to be partly used for horticulture. Council is to address and provide information relating to SEPP 55 at the section 59 stage.

*** SEPP (Rural Lands)**

The planning proposal involves the rezoning of land from rural to R5. It is considered that the reduction of rural land for productive agricultural purposes is minor in this case and is in close proximity to the Narrandera township.

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

If No, explain :

Mapping Provided - s55(2)(d)

Is mapping provided? **No**

Comment : **Indicative mapping has been provided. Prior to section 59 submission, mapping in accordance with the Department's technical guidelines is to be prepared.**

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : **Council has proposed a period of 28 days community consultation. This is considered adequate.**

Additional Director General's requirements

Are there any additional Director General's requirements? **N/A**

If Yes, reasons :

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **Yes**

If No, comment :

Proposal Assessment

Principal LEP:

Due Date :

Comments in relation to Principal LEP : **The Narrandera LEP 2013 was notified on 28 June 2013.**

Assessment Criteria

Need for planning proposal :

The planning proposal is required to rectify a number of deferred matters in the current LEP, provide additional large lot residential development in the LGA, and allow intensive livestock agriculture as a permissible use within the RU4 zone. The proposal is not the result of any endorsed strategy or study. The proposal is in response to a review of the LEP and the submissions received during the exhibition of the draft LEP 2013.

A planning proposal is the most appropriate mechanism to achieve the objectives of the proposal at this time.

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Consistency with strategic planning framework :

Narrandera does not have an approved Strategy. The draft Narrandera Land Use Strategy 2011 has been prepared by Council however has not yet been submitted to the Department for approval.

The draft Strategy identifies the need for additional R5 Large Lot Residential land within the LGA, which is proposed as part of this planning proposal.

The Narrandera Shire Council Community Strategic Plan (CSP) includes provision for the protection of environmentally sensitive land, which is achieved through the zoning of land to E4 Environmental Living. The proposal is considered to be consistent with the CSP.

Environmental social economic impacts :

The proposal seeks to manage impacts on land that has been identified as having environmental value and its future residential use by the application of the E4 Environmental Living Zone. This land has been identified by OEH as having significant environmental value and has been recommended to be protected from subdivision by limiting the future development of the land through the E4 zoning and minimum lot size adjustment. The proposal is consistent with OEH advice.

Environmental impacts associated with the insertion of 'intensive livestock agriculture' as development permissible with consent in the RU4 Primary Production Small Lots zone as such a use is a legitimate agricultural use. Council will be required to undertake a merit assessment for any application received for intensive livestock agriculture in the zone.

Environmental impacts of the proposal are further strengthened by environmental mapping layers, such as Natural Resource - Biodiversity mapping.

Positive social and economic impacts are expected from the proposal, through the increase of housing availability (rezoning of land to R5 Large Lot Residential) and increase in development potential of RU4 land.

Assessment Process

Proposal type : **Consistent** Community Consultation Period : **28 Days**

Timeframe to make LEP : **12 months** Delegation : **RPA**

Public Authority Consultation - 56(2)(d) : **Murrumbidgee Catchment Management Authority
Office of Environment and Heritage
NSW Department of Primary Industries - Agriculture
Transport for NSW - Roads and Maritime Services**

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 :

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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
Cover Letter.pdf	Proposal Covering Letter	Yes
Mapping.pdf	Map	Yes
Planning Proposal.pdf	Proposal	Yes

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**
- 3.1 Residential Zones**
- 4.3 Flood Prone Land**

Additional Information : **1. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 as follows:**

- (a) The planning proposal is required to be made publicly available on exhibition for 28 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.

2. Consultation is required with the following State Agencies under section 56 (2)(d) of the Environmental Planning and Assessment Act 1979;

- (a) Office of Environment and Heritage
- (b) Department of Primary Industries - NSW Office of Water
- (c) Riverina Local Land Services
- (d) Transport NSW – Roads and Maritime Services

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the planning proposal prior to community consultation.

3. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the Environmental Planning and Assessment Act 1979. 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).

4. Prior to submission of the planning proposal under section 59 of the Environmental Planning and Assessment Act 1979;

- (a) the LEP maps must be prepared and be compliant with the Department's 'Standard Technical Requirements for LEP maps'.
- (b) State Environmental Planning Policy 55 – Remediation of Land is to be addressed for the land proposed to be zone R5 Large Lot Residential near Sawmill Road.

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5. The timeframe for completing the LEP is to be 12 months from the week following the date of the Gateway determination.

6. Council is to be authorised to exercise delegations.

Supporting Reasons : The Acting General Manager, Western Region can exercise delegation in this case as the proposal is consistent with the surrounding land uses and zonings.

The proposal will also remove the Deferred Matters and reference back to Narrandera LEP 1991. This will result in clarity for Council and the community in that all local planning controls will be under the Standard Instrument Narrandera LEP 2013.

Signature: 

Printed Name: General Manager Date: 11/12/15

Endorsed
Wynne TL WR
11/12/15