

Coonamble LEP 2011 Amendment No. 3

PLANNING PROPOSAL FOR LOT 183 DP 753385  
MURAIMAN STREET GULARGAMBONE  
**(Coonamble Shire)**

V1 GATEWAY DETERMINATION

**March 2017**



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## Introduction

### Purpose

This planning proposal aims to alter the minimum lot size (MLS) to permit a dwelling on land described as Lot 183 DP 753385 Muraiman Street Gulargambone, the site of the Gulargambone Golf Club, which is no longer in operation.

### Property details and existing zones

The land is just over 33 hectares. It is zoned RU1 Primary Production under Coonamble Local Environmental Plan (LEP) 2011 (Figure 1). This zone has a minimum lot size of 1000 hectares, as indicated on the Lot Size Map which supports the LEP. Clause 4.2A(3)(a) of the LEP does not allow a dwelling on land in this zone unless the minimum lot size indicated on the map is met.

It is therefore necessary to alter the minimum lot size on the map to permit a dwelling.

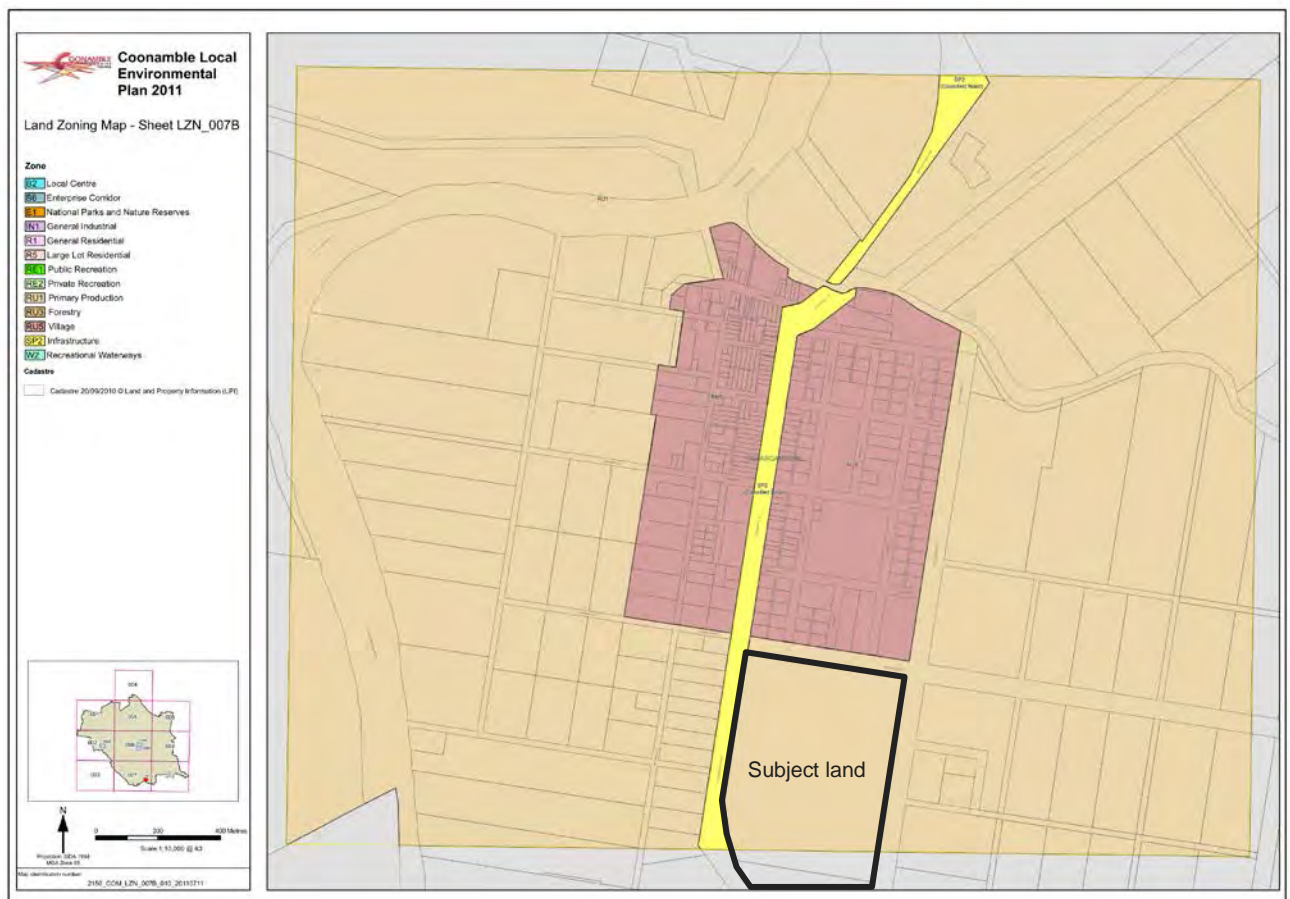


Figure 1: Existing zones under Coonamble LEP 2011



Figure 2: Existing minimum lot size under Coonamble LEP 2011

### Site context, setting and existing land use

The property was used as a golf course from about 1936 until it closed on 16 March 2011. The site was previously under the control of the Coonabarabran Pastures Protection Board and was known as the “bore paddock”. The golf club operated under a 99-year lease, and bore water was used to irrigate the course.

The site has frontage to Muraiman Street to the north, where the site access is located. The boundary of the RU5 Rural Village zone for Gulargambone runs along Muraiman Street, and there are scattered houses in the immediate area within that zone. A cluster of about 15 houses, constructed for Aboriginal housing authorities, is located approximately 200 metres from the site to the east along Muraiman Street.

Apart from the adjoining village development, the site is surrounded by largely cleared grazing land. Two houses associated with farming enterprises are located with frontage to the Castlereagh Highway, west of the site.

Along the eastern boundary of the land runs Mendooran Street which is largely unformed, and provides access to the Gulargambone Cemetery.

A local land owner and member of the Board of the Golf Club has provided a Statutory Declaration (Appendix A), which presents some history of the site. The only substantial development on the site is the club house. Its construction date is unknown. It appears to be in reasonable structural condition. However, it is isolated and, while close to Muraiman Street (Figure 2), it is shielded from view from the street by a tree canopy. It is therefore susceptible to vandalism and could become an eyesore if a suitable use is not found for it and it is not adequately secured.



The proposal to permit a dwelling on the site would enable the use of the land for another purpose with adequate supervision by an owner/caretaker. The site is too small for any agricultural use apart from grazing in association with other nearby properties. The existing club house could be used for a suitable purpose such as a community facility, but a dwelling entitlement will enable the widest range of possible uses.



Figure 3: Air photo of subject land

## Part 1 Objectives and intended outcomes

### Objective and Intended outcome

This planning proposal will allow the consent authority, Coonamble Shire Council, to consider a development application for a dwelling on Lot 183 DP 753385 Muraiman Street Gulargambone.

## Part 2 Explanation of provisions

The intended outcome is to be achieved by an amendment to Coonamble LEP 2011 as follows:

- amend the Minimum Lot Size (MLS) Maps No 2150\_COM\_LSZ\_007\_160\_20141117 and No 2150\_COM\_LSZ\_007B\_010\_20141117 (Gulargambone village area) to reduce the MLS for Lot 183 DP 753385 from 1000 hectares to 33 hectares.



Figure 4: Amendment to lot size map



## Part 3 Justification

### Section A Need for the planning proposal

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

No. The planning proposal deals with a specific case to permit development of a suitable land use on an under-utilised site and thereby assists in protecting a community asset.

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

A planning proposal is the most appropriate method of removing a planning constraint which does not permit a dwelling on this site.

#### 3 Is there a net community benefit?

The planning proposal should assist in the long term protection of an existing community asset and/or provide an opportunity for a small business requiring an owner/caretaker and a relatively large area of operation (subject to Council approval).

### Section B Relationship to strategic planning framework

#### 1 Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

The Western Councils' Sub Regional Land Use Strategy (2009) is the overarching framework for the management of growth for the Coonamble local government area.

Section 6.1(a) of the Strategy states:

*"...facilitates the establishment of new businesses...including providing access to major road and rail routes, suitable land and separation distances from adjoining land uses";*

Permitting a dwelling on this site for an owner or caretaker promotes use of the land for a business use that requires a reasonably large area to operate, and is adjacent to a major transport route (Castlereagh Highway).

Section 8.2(a) of the Strategy states:

*"Establish appropriate minimum lot sizes for the rural lands of each LGA for rural dwellings"*

The zoning of the land for primary production purposes is not being altered. The proposal adjusts the minimum lot size for a purpose commensurate with the size of this holding only, and does not impact on surrounding rural lands. Apart from a minor incursion from the existing club house, the land's capacity for continuing agricultural use is not affected.

While rural residential development (houses on smallholdings) would normally require a strategic planning approach, this is a special case in that the purpose is to provide security for existing infrastructure, make use of existing services and potentially provide an opportunity for a new local business.

The site is immediately adjacent to the Gulargambone rural village zone (RU5), and in that sense is not substantially different in character from the village area. It would be a

logical extension to the village area if expansion of the village were contemplated in the future.

The club house, which is likely to be converted to a dwelling, is at least 200 metres from the nearest grazing areas to the east, and is unlikely to create land use conflict with the closest rural land uses.

## 2 Is the planning proposal consistent with the local Council's Community Strategic Plan, or other local strategic plan?

Council has recently adopted a 10 year + *Community Strategic Plan 2026*. The plan is based on five key themes being Our People, Our Economy, Our Environment, Our Infrastructure, Our Leadership. The planning proposal is generally consistent with the following relevant Goals:

I4.2 Ensure long term management and protection of our community assets	By facilitating on-site management, the proposal will help to protect and secure an existing building for community use. Alternatively, if the land is sold, the Board has undertaken to dedicate the proceeds back to the Gulargambone community.
EC4.2 Encourage local employment opportunities & ensure these opportunities are well known to the broad local community	The site is suitable for a local employment-generating business and enabling an owner/caretaker to live on site will enhance security and make the land more attractive to a future owner.

On this basis, the planning proposal is generally consistent with Council's strategic plans.

## 3 Is the planning proposal consistent with the applicable State Environmental Planning Policies (SEPPs)?

The State Environmental Planning Policies relevant to the planning proposal are identified in Table 2 and discussed in the following section.

Table 1: Consistency with SEPPs

State Environmental Planning Policy	Consistency
SEPP No 1 – Development Standards	N/A
SEPP No 14 – Coastal Wetlands	N/A
SEPP No 19 – Bushland in Urban Areas	N/A
SEPP No 21 – Caravan Parks	N/A
SEPP No 26 – Littoral Rainforests	N/A
SEPP No 30 – Intensive Agriculture	N/A
SEPP No 33 – Hazardous and Offensive Development	Consistent
SEPP No 36 – Manufactured Home Estates	N/A
SEPP No 44 – Koala Habitat Protection	Consistent. No identified koala habitat in this area
SEPP No 47 – Moore Park Showground	N/A

<b>State Environmental Planning Policy</b>	<b>Consistency</b>
SEPP No 50 – Canal Estate Development	N/A
SEPP No 52 – Farm Dams and Other Works in Land and Water Management Plan Areas	N/A
SEPP No 55 – Remediation of Land	Consistent. See additional comment below
SEPP No 62 – Sustainable Aquaculture	N/A
SEPP No 64 – Advertising and Signage	N/A
SEPP No 65 – Design Quality of Residential Flat Development	N/A
SEPP No 70 – Affordable Housing (Revised Schemes)	N/A
SEPP No 71 – Coastal Protection	N/A
SEPP (Affordable Rental Housing) 2009	N/A
SEPP (Building Sustainability Index: BASIX) 2004	N/A
SEPP (Exempt and Complying Development Codes) 2008	N/A
SEPP (Housing for Seniors or People with a Disability) 2004	N/A
SEPP (Infrastructure) 2007	Consistent
SEPP (Integration and Repeals) 2016	Consistent
SEPP (Kosciuszko National Park – Alpine Resorts) 2007	N/A
SEPP (Kurnell Peninsula) 1989	N/A
SEPP (Mining, Petroleum Production and Extractive Industries) 2007	Consistent. See additional comment below
SEPP (Miscellaneous Consent Provisions) 2007	Consistent
SEPP (Penrith Lakes Scheme) 1989	N/A
SEPP (Rural Lands) 2008	Inconsistent but justified. See comments below
SEPP (State and Regional Development) 2011	N/A
SEPP (State Significant Precincts) 2005	N/A
SEPP (Sydney Water Drinking Catchment) 2011	N/A
SEPP (Sydney Region Growth Centres) 2006	N/A
SEPP (Miscellaneous Consent Provisions) 2007	N/A
SEPP (Three Ports) 2013	N/A
SEPP (Urban Renewal) 2010	N/A
SEPP (Western Sydney Employment Area) 2009	N/A
SEPP (Western Sydney Parklands) 2009	N/A
Draft Coastal Management SEPP	N/A
Draft Education and Child Care SEPP	Consistent

## **SEPP No 55 – Remediation of Land**

SEPP 55 (Remediation of Land) recognises that land which is known to be contaminated by past land uses can still be zoned for development as long as:

- “(a) the planning authority has considered whether the land is contaminated, and*
- (b) if the land is contaminated, the planning authority is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for all the purposes for which land in the zone concerned is permitted to be used, and*
- (c) if the land requires remediation to be made suitable for any purpose for which land in that zone is permitted to be used, the planning authority is satisfied that the land will be so remediated before the land is used for that purpose.”*

A preliminary site contamination investigation has not been carried out for the subject land.

However, a Statutory Declaration has been obtained from a local land holder who has known the site for over 50 years (Appendix A). He advises that as far as he is aware, “there has been no use of the site that would have contaminated it ... The club has never buried rubbish on the site and it has never been a dip site or used for industrial purposes...” He further states, “as this land is entirely flat there is no evidence to indicate the dumping of waste or contaminants in the years managed/operated by the Pastures Protection Board”. In the absence of any historical evidence of contamination, the preliminary investigation is not considered to be required.

## **SEPP (Rural Lands) 2008**

The subject land is not State significant (agricultural) land under the SEPP. The impact of a dwelling on a 33 hectare parcel would be minimal and the historical use of grazing could continue. The primary production zoning is not being altered.

While the agricultural use of this small area of land will not be assured as a result of a dwelling being permitted, it is more likely that the land will be at least used for grazing, which has not happened since it became a golf course. Although a dwelling is inconsistent with some of the rural planning principles in the SEPP, the inconsistency with the Policy is minor and justified in the circumstances.

## **SEPP (Mining, Petroleum Production and Extractive Industries) 2007**

Nothing in this planning proposal will alter the permissibility of mining or extractive industries on the subject land.

The planning proposal is consistent with the SEPP.

## **4 Is the planning proposal consistent with applicable Ministerial Directions (s117 Directions)?**

Consistency with the s117 Directions is assessed in Table 2.

### **Regional Plans**

The draft Regional Plan for Central West and Orana Regions was placed on public exhibition in April 2016. The regional plan has not yet been finalised. In essence, the plan will replace the Ministerial Directions (section 117 directions). The plan's proposed outcomes are not markedly different to those intended to be achieved by these directions. Accordingly, the assessment which follows (albeit in a different format) considers the likely outcomes of the draft regional plan.

Table 2 Consistency with s117(2) Directions

S117 Direction	Application	Relevance to this planning proposal	Consistency with direction
<b>1. Employment and Resources</b>			
1.1 Business and Industrial Zones	Applies when a relevant planning authority prepares a planning proposal that will affect land within an existing or proposed business or industrial zone (including the alteration of any existing business or industrial zone boundary).	The objectives of this direction are to: (a) encourage employment growth in suitable locations, (b) protect employment land in business and industrial zones, and (c) support the viability of identified strategic centres.	N/A
1.2 Rural Zones	Applies when a relevant planning authority prepares a planning proposal that will affect land within an existing or proposed rural zone (including the alteration of any existing rural zone boundary). Under this direction a planning proposal must: (a) not rezone land from a rural zone to a residential, business, industrial, village or tourist zone. (b) not contain provisions that will increase the permissible density of land within a rural zone (other than land within an existing town or village).	This proposal will amend Coonamble LEP 2011 to reduce the minimum lot size for the land to allow construction of a dwelling. The entire site (33 hectares) has not been used for agriculture since it became a golf course in the 1930s. Less than 1 hectare would be lost from potential agricultural production in the vicinity of the club house if it is converted to a dwelling. The balance would most likely be used for grazing as it is fully fenced. The zoning of the land is not changing, however the addition of a dwelling theoretically increases residential density.	Justifiably inconsistent. There is economic benefit in providing an opportunity for use of the land for a dwelling and potentially a new business requiring a larger land area. There is also a community benefit in permitting a dwelling to improve security for the existing golf club house, which could then be used for an appropriate community facility if it remains in public ownership.
1.3 Mining, Petroleum Production and Extractive Industries	Applies when a relevant planning authority prepares a planning proposal that would have the effect of: (a) prohibiting the mining of coal or other minerals, production of petroleum, or winning or obtaining of extractive materials, or	Nothing in this planning proposal will prohibit or restrict exploration or mining.	Consistent



S117 Direction	Application	Relevance to this planning proposal	Consistency with direction
	(b) restricting the potential development of resources of coal, other minerals, petroleum or extractive materials which are of State or regional significance by permitting a land use that is likely to be incompatible with such development.		
1.4 Oyster Aquaculture	Applies when a relevant planning authority prepares any planning proposal that proposes a change in land use which could result in: (a) adverse impacts on a Priority Oyster Aquaculture Area or a “current oyster aquaculture lease in the national parks estate”, or (b) incompatible use of land between oyster aquaculture in a Priority Oyster Aquaculture Area or a “current oyster aquaculture lease in the national parks estate” and other land uses.	No Priority Oyster Aquaculture Areas exist in Coonamble.	N/A
1.5 Rural Lands	Applies when: (a) a relevant planning authority prepares a planning proposal that will affect land within an existing or proposed rural or environment protection zone (including the alteration of any existing rural or environment protection zone boundary), or (b) a relevant planning authority prepares a planning proposal that changes the existing minimum lot size on land within a rural or environment protection zone.  A planning proposal to which clauses (a) or (b) apply must be consistent with the Rural Planning Principles listed in <i>State Environmental Planning</i>	The zoning of the land will not change. It will remain zoned RU1 Primary Production. The Rural Subdivision Principles are as follows: (a) the minimisation of rural land fragmentation, (b) the minimisation of rural land use conflicts, particularly between residential land uses and other rural land uses, (c) the consideration of the nature of existing agricultural holdings and the existing and planned future supply of	Justifiably inconsistent.  This lot exists as a separate parcel (and has done since it was initially created as a Parish Portion). No further subdivision will be permitted by the proposed 33 hectare minimum lot size.  This land is a discrete parcel bordered by roads on three sides (including the Castlereagh Highway) plus village land to the north, a cemetery to the east and a bore field to the south. There is minimal chance of land use conflict. It is not practical to use it

S117 Direction	Application	Relevance to this planning proposal	Consistency with direction
	<p><i>Policy (Rural Lands) 2008.</i></p> <p>A planning proposal to which clause (b) applies must be consistent with the Rural Subdivision Principles listed in <i>State Environmental Planning Policy (Rural Lands) 2008</i>.</p>	<p>rural residential land when considering lot sizes for rural lands,</p> <p>(d) the consideration of the natural and physical constraints and opportunities of land,</p> <p>(e) ensuring that planning for dwelling opportunities takes account of those constraints.</p> <p>This proposal will amend Coonamble LEP 2011 to reduce the minimum lot size for the land from 1000 hectares to 33 hectares, to allow construction of a dwelling or conversion of the existing club house to a dwelling. Given a reasonable curtilage around a dwelling, it is likely that less than 1 hectare would be lost from agricultural production.</p>	<p>for a broad acre agricultural purpose in conjunction with other land.</p> <p>It will supply one additional dwelling opportunity to the Gulargambone market which will not impact significantly on supply and demand.</p> <p>The land is affected by flooding in a 1% event but the existing club house is in a low hazard area. Parts of the subject land are predicted to be above the 1% event and a dwelling could be located on flood free land if desired.</p>
<b>2 Environment and Heritage</b>			
2.1 Environment Protection Zones	<p>(4) A planning proposal must include provisions that facilitate the protection and conservation of environmentally sensitive areas.</p> <p>(5) A planning proposal that applies to land within an environment protection zone or land otherwise identified for environment protection purposes in a LEP must not reduce the environmental protection standards that apply to the land (including by modifying development standards that apply to the land). This requirement does not apply to a change to a development standard for minimum lot size for a dwelling in accordance with clause (5) of Direction 1.5 “<i>Rural Lands</i>”.</p>	<p>The planning proposal does not alter or remove any environment protection zone, and no ecologically significant vegetation is present on the site.</p>	Consistent

S117 Direction	Application	Relevance to this planning proposal	Consistency with direction
2.2 Coastal Protection	Applies when a relevant planning authority prepares a planning proposal that applies to land in the coastal zone.	This proposal is not located within the coastal zone.	N/A
2.3 Heritage Conservation	<p>A planning proposal must contain provisions that facilitate the conservation of:</p> <ul style="list-style-type: none"> <li>(a) items, places, buildings, works, relics, moveable objects or precincts of environmental heritage significance to an area, in relation to the historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value of the item, area, object or place, identified in a study of the environmental heritage of the area,</li> <li>(b) Aboriginal objects or Aboriginal places that are protected under the <i>National Parks and Wildlife Act 1974</i>, and</li> <li>(c) Aboriginal areas, Aboriginal objects, Aboriginal places or landscapes identified by an Aboriginal heritage survey prepared by or on behalf of an Aboriginal Land Council, Aboriginal body or public authority and provided to the relevant planning authority, which identifies the area, object, place or landscape as being of heritage significance to Aboriginal culture and people.</li> </ul>	<p>The subject land contains no identified heritage items under the Coonamble LEP 2011.</p> <p>An AHIMS survey has been obtained (Appendix B) which indicates that there are no Aboriginal sites recorded or Aboriginal places declared in or near the site.</p>	Consistent
2.4 Recreation Vehicle Areas	<p>A planning proposal must not enable land to be developed for the purpose of a recreation vehicle area (within the meaning of the <i>Recreation Vehicles Act 1983</i>):</p> <ul style="list-style-type: none"> <li>(a) where the land is within an environmental protection zone,</li> <li>(b) where the land comprises a beach or a dune</li> </ul>	The proposal does not enable land to be developed for the purpose of a recreation vehicle area.	N/A

S117 Direction	Application	Relevance to this planning proposal	Consistency with direction
	<p>adjacent to or adjoining a beach,</p> <p>(c) where the land is not within an area or zone referred to in paragraphs (a) or (b) unless the relevant planning authority has taken into consideration:</p> <p>(i) the provisions of the guidelines entitled <i>Guidelines for Selection, Establishment and Maintenance of Recreation Vehicle Areas, Soil Conservation Service of New South Wales, September 1985</i>, and</p> <p>(ii) the provisions of the guidelines entitled <i>Recreation Vehicles Act, 1983, Guidelines for Selection, Design, and Operation of Recreation Vehicle Areas, State Pollution Control Commission, September 1985</i>.</p>		
<b>3. Housing, Infrastructure and Urban Development</b>			
3.1 Residential Zones	<p>(3) This direction applies when a relevant planning authority prepares a planning proposal that will affect land within:</p> <p>(a) an existing or proposed residential zone (including the alteration of any existing residential zone boundary),</p> <p>(b) any other zone in which significant residential development is permitted or proposed to be permitted.</p> <p>(4) A planning proposal must include provisions that encourage the provision of housing that will:</p> <p>(a) broaden the choice of building types and locations available in the housing market, and</p>	The planning proposal does not affect residential zoned land.	Consistent

S117 Direction	Application	Relevance to this planning proposal	Consistency with direction
	<ul style="list-style-type: none"> <li>(b) make more efficient use of existing infrastructure and services, and</li> <li>(c) reduce the consumption of land for housing and associated urban development on the urban fringe, and</li> <li>(d) be of good design.</li> </ul> <p>(5) A planning proposal must, in relation to land to which this direction applies:</p> <ul style="list-style-type: none"> <li>(a) contain a requirement that residential development is not permitted until land is adequately serviced (or arrangements satisfactory to the council, or other appropriate authority, have been made to service it), and</li> <li>(b) not contain provisions which will reduce the permissible residential density of land.</li> </ul>		
3.2 Caravan Parks and Manufactured Home Estates	<p>Applies when a relevant planning authority prepares a planning proposal.</p> <p>(4) In identifying suitable zones, locations and provisions for caravan parks in a planning proposal, the relevant planning authority must:</p> <ul style="list-style-type: none"> <li>(a) retain provisions that permit development for the purposes of a caravan park to be carried out on land, and</li> <li>(b) retain the zonings of existing caravan parks, or in the case of a new principal LEP zone the land in accordance with an appropriate zone under the Standard Instrument (Local Environmental Plans) Order 2006 that would facilitate retention of the existing caravan park.</li> </ul> <p>(5) In identifying suitable zones, locations and</p>	<p>This proposal does not seek development for the purposes of a caravan park or manufactured home estate, nor does it impact upon any land that does permit development for the purposes of a caravan park or manufactured home estate.</p>	N/A



S117 Direction	Application	Relevance to this planning proposal	Consistency with direction
	<p>provisions for manufactured home estates (MHEs) in a planning proposal, the relevant planning authority must:</p> <ul style="list-style-type: none"> <li>(a) take into account the categories of land set out in Schedule 2 of SEPP 36 as to where MHEs should not be located,</li> <li>(b) take into account the principles listed in clause 9 of SEPP 36 (which relevant planning authorities are required to consider when assessing and determining the development and subdivision proposals), and</li> <li>(c) include provisions that the subdivision of MHEs by long term lease of up to 20 years or under the <i>Community Land Development Act 1989</i> be permissible with consent.</li> </ul>		
3.3 Home Occupations	Planning proposals must permit home occupations to be carried out in dwelling houses without the need for development consent.	This planning proposal does not alter home occupation provisions in Coonamble LEP.	N/A
3.4 Integrating Land Use and Transport	<p>Applies when a relevant planning authority prepares a planning proposal that will create, alter or remove a zone or a provision relating to urban land, including land zoned for residential, business, industrial, village or tourist purposes.</p> <p>(4) A planning proposal must locate zones for urban purposes and include provisions that give effect to and are consistent with the aims, objectives and principles of:</p> <ul style="list-style-type: none"> <li>(a) <i>Improving Transport Choice – Guidelines for planning and development</i> (DUAP 2001), and</li> </ul>	The planning proposal is not in itself a major traffic generator. Access to the site is via a sealed road. It will not result in significant increased resident population.	Consistent

S117 Direction	Application	Relevance to this planning proposal	Consistency with direction
	(b) <i>The Right Place for Business and Services – Planning Policy</i> (DUAP 2001).		
3.5 Development Near Licensed Aerodrome	Applies when a relevant planning authority prepares a planning proposal that will create, alter or remove a zone or a provision relating to land in the vicinity of a licensed aerodrome.	There are no nearby licensed aerodromes.	N/A
3.6 Shooting Ranges	Applies when a relevant planning authority prepares a planning proposal that will affect, create, alter or remove a zone or a provision relating to land adjacent to and/or adjoining an existing shooting range.  A planning proposal must not seek to rezone land adjacent to and/or adjoining an existing shooting range that has the effect of permitting more intensive land uses in the area.	There are no shooting ranges in the vicinity of this proposal.	N/A
<b>4. Hazard and Risk</b>			
4.1 Acid Sulfate Soils	Applies when a relevant planning authority prepares a planning proposal that will apply to land having a probability of containing acid sulfate soils as shown on the Acid Sulfate Soils Planning Maps.	The subject land has not been identified as containing acid sulfate soils.	N/A
4.2 Mine Subsidence and Unstable Land	Applies when a relevant planning authority prepares a planning proposal that permits development on land that: (a) is within a mine subsidence district, or (b) has been identified as unstable in a study, strategy or other assessment undertaken: (i) by or on behalf of the relevant planning authority, or (ii) by or on behalf of a public authority and	This proposal does not impact on any mine subsidence area.	N/A

S117 Direction	Application	Relevance to this planning proposal	Consistency with direction
	provided to the relevant planning authority.		
4.3 Flood Prone Land	<p>Applies when a relevant planning authority prepares a planning proposal that creates, removes or alters a zone or a provision that affects flood prone land.</p> <p>(4) A planning proposal must include provisions that give effect to and are consistent with the NSW Flood Prone Land Policy and the principles of the <i>Floodplain Development Manual 2005</i> (including the <i>Guideline on Development Controls on Low Flood Risk Areas</i>).</p> <p>(5) A planning proposal must not rezone land within the flood planning areas from Special Use, Special Purpose, Recreation, Rural or Environmental Protection Zones to a Residential, Business, Industrial, Special Use or Special Purpose Zone.</p> <p>(6) A planning proposal must not contain provisions that apply to the flood planning areas which:</p> <ul style="list-style-type: none"> <li>(a) permit development in floodway areas,</li> <li>(b) permit development that will result in significant flood impacts to other properties,</li> <li>(c) permit a significant increase in the development of that land,</li> <li>(d) are likely to result in a substantially increased requirement for government spending on flood mitigation measures, infrastructure or services, or</li> <li>(e) permit development to be carried out without development consent except for the purposes of agriculture (not including dams,</li> </ul>	<p>The land is slightly undulating and is therefore partly affected by flooding in a 5% event, partly affected by flooding in a 1% event, and partly above the 1% event flood height. An extract of the draft Gulargambone Flood Study is attached at Appendix C.</p> <p>Coonamble LEP 2011 already has a flood planning clause (6.6) that would apply to any future application for a dwelling on the subject land.</p> <p>The existing club house is on low piers and may already have a floor level that is acceptable in terms of flood impacts.</p> <p>The land is not being rezoned and will remain in an RU1 zone.</p> <p>The nearest floodway is slightly to the west of the subject land and this planning proposal will not allow development in that floodway. The high hazard 5% flood event that affects parts of the site can be easily avoided in choosing a future dwelling site.</p> <p>There is minimal risk that future development will have a significant impact on other properties.</p> <p>The addition of a dwelling entitlement to the subject land is not likely to result in a significant increase in development of the land.</p> <p>Given that most of Gulargambone is</p>	Consistent.

S117 Direction	Application	Relevance to this planning proposal	Consistency with direction
	<p>drainage canals, levees, buildings or structures in floodways or high hazard areas), roads or exempt development.</p> <p>(7) A planning proposal must not impose flood related development controls above the residential flood planning level for residential development on land, unless a relevant planning authority provides adequate justification for those controls to the satisfaction of the Director-General (or an officer of the Department nominated by the Director-General).</p> <p>(8) For the purposes of a planning proposal, a relevant planning authority must not determine a flood planning level that is inconsistent with the Floodplain Development Manual 2005 (including the <i>Guideline on Development Controls on Low Flood Risk Areas</i>) unless a relevant planning authority provides adequate justification for the proposed departure from that Manual to the satisfaction of the Director-General (or an officer of the Department nominated by the Director-General).</p>	<p>affected in a major flood event, it is unlikely that one additional dwelling will result in a substantially increased requirement for government spending on flood mitigation measures, infrastructure or services.</p> <p>A dwelling can only be carried out on the land with Council consent.</p> <p>No additional flood related controls are being imposed through this planning proposal.</p>	
4.4 Planning for Bushfire Protection	<p>Applies when a relevant planning authority prepares a planning proposal that will affect, or is in proximity to land mapped as bushfire prone land.</p> <p>(4) In the preparation of a planning proposal the relevant planning authority must consult with the Commissioner of the NSW Rural Fire Service following receipt of a gateway determination under section 56 of the Act, and prior to undertaking community consultation in satisfaction of section 57 of the Act, and take</p>	<p>The planning proposal contains no areas of land identified as being bushfire prone.</p>	N/A

S117 Direction	Application	Relevance to this planning proposal	Consistency with direction
	<p>into account any comments so made,</p> <p>(5) A planning proposal must:</p> <ul style="list-style-type: none"> <li>(a) have regard to <i>Planning for Bushfire Protection 2006</i>,</li> <li>(b) introduce controls that avoid placing inappropriate developments in hazardous areas, and</li> <li>(c) ensure that bushfire hazard reduction is not prohibited within the APZ.</li> </ul> <p>(6) A planning proposal must, where development is proposed, comply with the following provisions, as appropriate:</p> <ul style="list-style-type: none"> <li>(a) provide an Asset Protection Zone (APZ) incorporating at a minimum: <ul style="list-style-type: none"> <li>(i) an Inner Protection Area bounded by a perimeter road or reserve which circumscribes the hazard side of the land intended for development and has a building line consistent with the incorporation of an APZ, within the property, and</li> <li>(ii) an Outer Protection Area managed for hazard reduction and located on the bushland side of the perimeter road,</li> </ul> </li> <li>(b) for infill development (that is development within an already subdivided area), where an appropriate APZ cannot be achieved, provide for an appropriate performance standard, in consultation with the NSW Rural Fire Service. If the provisions of the planning proposal permit Special Fire Protection Purposes (as defined under section 100B of the <i>Rural Fires Act 1997</i>),</li> </ul>		



S117 Direction	Application	Relevance to this planning proposal	Consistency with direction
	<p>the APZ provisions must be complied with,</p> <p>(c) contain provisions for two-way access roads which link to perimeter roads and/or to fire trail networks,</p> <p>(d) contain provisions for adequate water supply for fire fighting purposes,</p> <p>(e) minimise the perimeter of the area of land interfacing the hazard which may be developed,</p> <p>(f) introduce controls on placement of combustible materials in the Inner Protection Area.</p>		
<b>5. Regional Planning</b>			
5.1 Implementation of Regional Strategies	Planning proposals must be consistent with a regional strategy released by the Minister for Planning.	There is no such strategy. (Refer comments above under Regional Plans) (The Western Councils' Sub Regional Strategy, however, is not named in this Direction and therefore the Direction does not apply.)	N/A
5.2 Sydney Drinking Water Catchments	Applies when a relevant planning authority prepares a planning proposal that applies to the hydrological catchment.	The planning proposal is not within this catchment.	N/A
<b>6. Local Plan Making</b>			
6.1 Approval and Referral Requirements	<p>A planning proposal must:</p> <p>(a) minimise the inclusion of provisions that require the concurrence, consultation or referral of development applications to a Minister or public authority, and</p>	The planning proposal will not include provisions that require the concurrence, consultation or referral of development applications to a Minister or public authority.	N/A

S117 Direction	Application	Relevance to this planning proposal	Consistency with direction
	<p>(b) not contain provisions requiring concurrence, consultation or referral of a Minister or public authority unless the relevant planning authority has obtained the approval of:</p> <ul style="list-style-type: none"> <li>(i) the appropriate Minister or public authority, and</li> <li>(ii) the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General),</li> </ul> <p>prior to undertaking community consultation in satisfaction of section 57 of the Act, and</p> <p>(c) not identify development as designated development unless the relevant planning authority:</p> <ul style="list-style-type: none"> <li>(i) can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the class of development is likely to have a significant impact on the environment, and</li> <li>(ii) has obtained the approval of the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) prior to undertaking community consultation in satisfaction of section 57 of the Act.</li> </ul>		

S117 Direction	Application	Relevance to this planning proposal	Consistency with direction
6.2 Reserving Land for Public Purposes	(4) A planning proposal must not create, alter or reduce existing zonings or reservations of land for public purposes without the approval of the relevant public authority and the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General).	The planning proposal does not create, alter or reduce land reserved for a public purpose. The golf course is not publicly owned and has never been zoned or reserved for public purposes.	N/A
6.3 Site Specific Provisions	<p>Applies when a relevant planning authority prepares a planning proposal that will allow a particular development to be carried out.</p> <p>(4) A planning proposal that will amend another environmental planning instrument in order to allow a particular development proposal to be carried out must either:</p> <ul style="list-style-type: none"> <li>(a) allow that land use to be carried out in the zone the land is situated on, or</li> <li>(b) rezone the site to an existing zone already applying in the environmental planning instrument that allows that land use without imposing any development standards or requirements in addition to those already contained in that zone, or</li> <li>(c) allow that land use on the relevant land without imposing any development standards or requirements in addition to those already contained in the principal environmental planning instrument being amended.</li> </ul> <p>(5) A planning proposal must not contain or refer to drawings that show details of the development proposal.</p>	<p>The planning proposal indirectly allows an additional use on a specific site (not an entire zone) by reducing the minimum lot size for a dwelling. Dwellings are permitted already in the RU1 zone subject to compliance with a minimum lot size.</p> <p>No additional development standards or schematic drawings are proposed.</p>	<p>Inconsistent but justified.</p> <p>The proposal does not specifically allow a development – it reduces the minimum lot size to allow for one. If this results in an inconsistency, it is of minor significance.</p>

## Section C Environmental, social and economic impact

### 1 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?

No. The site is substantially cleared of native vegetation having been used for agriculture of various types and then a golf course for over 70 years.

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

There would be a minor impact during subsequent dwelling construction, which would be managed in accordance with normal building regulation.

There is a possible loss of about 1 hectare of agricultural land (surrounding any future dwelling), which is immaterial on a parcel of 33 hectares.

### 3 How has the planning proposal adequately addressed any social and economic effects?

#### *Cultural Heritage:*

No AHIMS records are current for the subject land (Appendix B). It has been used for over 70 years as a golf course and there are no obvious relics of significance on the site. There are no heritage sites or places listed in Coonamble LEP 2011 located on the land affected by this planning proposal.

#### *Employment and Economic Impacts:*

The reduction in MLS is effectively no more than a “paper” alteration. However, it will allow subsequent construction of a dwelling in this location, which should have a small but positive effect on the building related trades in the local area.

In addition, the ability to operate a small business (in accordance with the uses permitted on the land) on a large block will be enhanced by the presence of a dwelling. The establishment of a new business (subject to Council consent) would have a positive economic effect, as well as generating some additional local employment.

#### *Social Impact:*

The existing club house building is potentially appropriate for a community use (subject to the existing permitted uses in the RU1 zone). The opportunities for such would be enhanced by the proposed dwelling, which would provide a level of security.

## Section D State and Commonwealth interests

### 1 Is there adequate public infrastructure for the planning proposal?

Issues relating to infrastructure are not entirely relevant at this stage but will become important if a development application for a dwelling or other activity is considered. The land has good vehicle access from the Castlereagh Highway, which links back to Dubbo, as well as to areas to the north. The road is in good condition. Access to the highway is via Muraiman Street, which is a sealed road. Access to the club house site itself is via a short gravel driveway. Council could require upgrading of these links depending on what level of development actually takes place there. The site is serviced with electricity and telephone.

There is reticulated water and sewerage to the subject land, and development located there can access these services. The club house is currently connected. An existing bore adjacent to the site has been used for many years to water the golf course and could continue to be used for any subsequent development or for water for grazing stock or other agriculture.

## **2 What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?**

State and Commonwealth public authorities have not been formally involved in this planning proposal as it is yet to receive a Gateway Determination to allow it to proceed to public exhibition.

At this stage, there do not appear to be any issues of interest to Commonwealth authorities.

No nationally threatened species are known or suspected to occur on the site.

NSW Roads and Maritime Services may be interested in any subsequent increased use of the Muraiman Street/Castlereagh Highway intersection. However, as this planning proposal is only for amendment of the MLS to allow a single dwelling, this is not an issue at this time. A dwelling is unlikely to generate as much traffic as a golf club in any case.

## **Part 4 Community consultation**

The Gateway Determination will specify the community consultation that must be undertaken on the planning proposal. The consultation will be tailored to specific proposals generally on the basis of a 14 day exhibition period for low impact planning proposals and a 28 day exhibition period for all other planning proposals.

This planning proposal is minor in effect and should be exhibited for 14 days, with land owners on the northern side of Muraiman Street consulted.

## **Summary and conclusions**

Coonamble Shire Council has initiated a planning proposal to modify the minimum lot size (MLS) for Lot 183 DP 733385 in its 2011 LEP so that a dwelling can be permitted on the site. The initial request has come from the Board of the defunct Gulargambone Golf Club.

The preferred method to achieve this will be to amend the two Lot Size maps applying in the area (it spans two map sheets) to reduce the MLS from 1000 hectares to 33 hectares. The planning proposal is broadly consistent with the current SEPPs.

However, it is inconsistent with “Section 117 Direction 1.2 Rural Zones” because it may subsequently, if a dwelling is approved, remove approximately 1 hectare of good agricultural land from production. It is also inconsistent with “Section 117 Direction 1.5 Rural Lands” because the MLS will be reduced to correlate with the existing parcel size in that location.

These inconsistencies are justifiable given the minor nature of the land affected and the public benefit if the land is sold and the proceeds are used to fund community projects in Gulargambone. There may also be a broader economic benefit if the subject land can be used for a business requiring a relatively large area as well as a dwelling. In addition, the



land is immediately adjacent to the Gulargambone Village zone and is well serviced by a sealed road and reticulated water and sewerage, electricity and telephone.

It is arguable that an inconsistency arises with Section 117 Direction 6.3 in that an additional use is being permitted on a specific site. However, this is justified in the circumstances.

The draft Central West Orana Regional Plan (when it is adopted) may result in similar inconsistencies, which can be justified in a similar fashion.

A timetable for the processing of the planning proposal is enclosed at Appendix D.

Photographs of the land, the golf club house, and surrounding land and access are at Appendix E.



## **APPENDIX A**

### **Statutory Declaration from long term Gulargambone resident**

# STATUTORY DECLARATION

I, BRUCE M<sup>C</sup>ISAAC (Full Name)  
of WARRIE DOWNS GULARGAMBORE (Address)  
in the State/Territory of NSW 2828  
do solemnly and sincerely declare that:

I have lived in Gulargambore since 1943 and joined the Golf Club in 1975. I recall the site being a Golf Club since arriving till its closure in 2012. I am still a director ~~of~~ on the board. During this time there has been no use of the site that would have contaminated it. The club has not buried rubbish on the site and it has never been a tip site or used for industrial purposes to my knowledge.

I am aware of the early history of the Gulargambore Golf Club and understand it was formed in 1924. The site of the golf course was known as the "Bore Paddock" & was in control of the Coonabarabran PP Board. The club were granted a 99 year lease with conditions that part of the ground be fenced off & the club be responsible to lay water from the bore to the golf course. Work commenced on this course late 1935 with it being ready for the 1936 season. The course was designed by E. G. McDonald. There were sheep contained in the fenced off portion which were used to eat down the fairways.

The committee had a very good arrangement with the surrounding graziers who worked in with them when required. In the late 1950's a 30" cut horse drawn mower was purchased which took 3 1/2 days to mow the course.

As this land is entirely flat there is no evidence to indicate the dumping of waste or contaminants in the years managed/operated by the PP Board. It would have been utilized as a grazing block for stock.

The timber for the club house building was donated by landowner members of the club & milled free of charge by the local neighbouring sawmill.

The club closed its doors effectively on 16 March 2011 and the site has been maintained since then, occasionally with cattle agistment.



(Place your initials in the box beside the State or Territory in which your Statutory Declaration is being made – this direction is not part of your Statutory Declaration).

☒ **NSW** - And I make this solemn declaration, conscientiously believing the same to be true and by virtue of the provisions of the Oaths Act 1900. Also note, the certification at the bottom of this page is required in NSW.

☐ **VIC** - I acknowledge that this declaration is true and correct and I make it in the belief that a person making a false declaration is liable to the penalties of perjury.

☐ **QLD** - And I make this solemn declaration conscientiously believing the same to be true, and by virtue of the provisions of the Oaths Act 1867.

☐ **SA** - And I make this solemn declaration conscientiously believing the same to be true and by virtue of the provisions of the Oaths Act 1936.

☐ **WA** - This declaration is true and I know that it is an offence to make a declaration knowing that it is false in a material particular.

This declaration is made under the Oaths, Affidavits and Statutory Declarations Act 2005.

☐ **NT** - And I make this solemn declaration by the virtue of the Oaths Act 1939 and conscientiously believing the statements contained in this declaration to be true in every particular.

*Note: A person willfully making a false statement in a statutory declaration is liable to a penalty of 17 penalty units or imprisonment for 12 months, or both.*

☐ **TAS** - I make this solemn declaration under the Oaths Act 2001.

Declared at Gulgambone [place] on 2nd [day]  
of March [month] 2017 [year]

Brian M. Jones [Signature of Declarant]

Before me Sharon Lynette Tinoall [Signature of Witness]

SHARON LYNETTE TINOALL [Full Name]

Cooramble Rd, Gulgambone [Address]

Justice of the Peace [Qualification]

### CERTIFICATION REQUIRED FOR NSW ONLY

I, the above mentioned witness, certify the following matters concerning the making of this statutory declaration by the person who made it: [*\* please cross out any text that does not apply*]

1. \*I saw the face of the person OR ~~\*I did not see the face of the person because the person was wearing a face covering, but I am satisfied that the person had a special justification for not removing the covering, and~~

2. \*I have known the person for at least 12 months OR ~~\*I have not known the person for at least 12 months, but I have confirmed the person's identity using an identification document and the document I relied on was~~

[describe identification document relied on]

Sharon Lynette Tinoall 1378216  
[signature of authorised witness]

2/3/17  
[date]





## **APPENDIX B**

### **AIHMS search response**

Mike Svikis

Date: 01 March 2017

3 Gibingbell Close

Ocean Shores New South Wales 2483

Attention: Mike Svikis

Email: mikesvikisplanning@bigpond.com

Dear Sir or Madam:

**AHIMS Web Service search for the following area at Lot : 183, DP:DP753385 with a Buffer of 50 meters, conducted by Mike Svikis on 01 March 2017.**

The context area of your search is shown in the map below. Please note that the map does not accurately display the exact boundaries of the search as defined in the paragraph above. The map is to be used for general reference purposes only.



A search of the Office of the Environment and Heritage AHIMS Web Services (Aboriginal Heritage Information Management System) has shown that:

0	Aboriginal sites are recorded in or near the above location.
0	Aboriginal places have been declared in or near the above location. *

**If your search shows Aboriginal sites or places what should you do?**

- You must do an extensive search if AHIMS has shown that there are Aboriginal sites or places recorded in the search area.
- If you are checking AHIMS as a part of your due diligence, refer to the next steps of the Due Diligence Code of practice.
- You can get further information about Aboriginal places by looking at the gazettal notice that declared it. Aboriginal places gazetted after 2001 are available on the [NSW Government Gazette \(http://www.nsw.gov.au/gazette\)](http://www.nsw.gov.au/gazette) website. Gazettal notices published prior to 2001 can be obtained from Office of Environment and Heritage's Aboriginal Heritage Information Unit upon request

**Important information about your AHIMS search**

- The information derived from the AHIMS search is only to be used for the purpose for which it was requested. It is not be made available to the public.
- AHIMS records information about Aboriginal sites that have been provided to Office of Environment and Heritage and Aboriginal places that have been declared by the Minister;
- Information recorded on AHIMS may vary in its accuracy and may not be up to date .Location details are recorded as grid references and it is important to note that there may be errors or omissions in these recordings,
- Some parts of New South Wales have not been investigated in detail and there may be fewer records of Aboriginal sites in those areas. These areas may contain Aboriginal sites which are not recorded on AHIMS.
- Aboriginal objects are protected under the National Parks and Wildlife Act 1974 even if they are not recorded as a site on AHIMS.
- This search can form part of your due diligence and remains valid for 12 months.



# **APPENDIX C**

## **Gulargambone Draft Flood Study Map**

# Gulargambone

## Draft Flood Study Map





## **APPENDIX D**

### **Timetable for Planning Proposal for Coonamble LEP 2011 Amendment**

## Planning Proposal for Coonamble LEP 2011 Amendment

### Indicative work program

Task	Estimated timeframe
Report to Council – Review and adoption of Planning Proposal – send to DP&E	April 2017
Gateway Determination	May 2017
Public exhibition of Planning Proposal for 14 days	June 2017
Agency consultation	June/July 2017
Review submissions	August 2017
Report to Council	August 2017
Preparation of a final Planning Proposal for submission to the DP&E requesting the LEP amendment to be made	September 2017
Submission to Planning Minister	October 2017
Gazettal	October/November 2017

## **APPENDIX E**

### **Gulargambone Golf Club site photographs**



Figure 5: Club house



Figure 6: Club house from Muraiman Street





Figure 7: Muraiman Street and Castlereagh Highway



Figure 8: Village zoned land across Muraiman Street