



Premise

MR RUSSELL PENSON

Amendment to Narromine Local Environmental Plan 2011

PLANNING PROPOSAL

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1. BACKGROUND

1.1 Introduction

Premise Australia Pty Ltd has been commissioned by Mr Russell Penson to prepare a planning proposal to amend the *Narromine Local Environmental Plan 2011* (LEP) to allow the erection of a dwelling house on land at Lot 2 DP 826750, No. 211 Ceres Siding Road, Narromine.

The subject site comprises of approximately 5 hectares of vacant land located in Narromine's north west in proximity to the Narromine Airport. The site is zoned as RU1 Primary Production with a minimum lot size of 400ha under the provisions of the LEP.

The surrounding locality is characterised by rural residential housing and small scale intensive plant based agriculture / hobby farms. These farms are supported by an existing irrigation channel which runs parallel to the southern boundary of the subject site and is fed by the water supply from the Macquarie River.

In accordance with the provisions of the LEP, the subject site does not have a dwelling entitlement. A GIPA application was lodged with Council on 13 December 2022 to view relevant property documentation and confirm dwelling entitlement status on the land. Council's correspondence dated 25 August 2004 confirms that the subject property does not hold a dwelling entitlement.

Council at its Ordinary Meeting on 13 April 2022 considered a report in respect of a planning proposal to rezone certain land to zone R1 General Residential and zone R5 Large Lot Residential in Narromine and Trangie. In consideration of the report, Council resolved as follows:

"...3. Council accept a Planning Proposal for consideration of the land in Ceres Siding Road subject to future dwelling investigations supporting a future dwelling opportunity."

The contents of this Planning Proposal are provided in response to Council's resolution and support the provision of a dwelling entitlement on the land at 211 Ceres Siding Road, Narromine. Any future dwelling on the site would be appropriately positioned to allow for continued agricultural activity on the land.

It is requested that the Narromine Shire Council support the Planning Proposal to amend the LEP.

1.2 Scope of the report

This planning proposal has been prepared in accordance with the DPIE's advisory document '*Local Environmental Plan Making Guideline 2022*' (the Guideline). The Guideline requires the Planning Proposal to be provided in five (5) parts, those being:

- Part 1 – A statement of the objectives or intended outcomes of the proposed LEP;
- Part 2 – An explanation of the provisions that are to be included in the proposed LEP;
- Part 3 – The justification for those objectives, outcomes, and provisions and the process for their implementation;
- Part 4 – Maps, where relevant, to identify the effect of the planning proposal and the area to which it applies;
- Part 5 – Details of the community consultation that is to be undertaken on the Planning Proposal;
- Part 6 – Project timeline to detail the anticipated timeframe for the LEP making process in accordance with the benchmarks in the Guideline.

1.3 Structure of the report

In accordance with the Guideline, this Planning Proposal is provided in the following structure;

- **Section 2** provides an overview of the subject site; the development intent; and development constraints;
- **Section 3** provides a statement of the objective and explanation of provisions of the Planning Proposal;
- **Section 4** provides justification regarding the need for the Planning Proposal; outlines its relationship to strategic planning strategies; and overviews the environmental, economic, and social impacts of the proposal;
- **Section 5** details how community consultation is to be undertaken with respect to the Planning Proposal; and
- **Section 6** provides an indicative timeline for the project in accordance with the benchmarks in the Guideline.

2. SITE OVERVIEW

2.1 The Site

The subject site is identified as Lot 2 DP 826750, No. 211 Ceres Siding Road, Narromine.

The subject site comprises of approximately 5 hectares of vacant land located in Narromine's north west, near the Narromine Airport. The surrounding locality is characterised by rural residential housing and small scale intensive plant based agriculture / hobby farms. The site is within 4km of the Narromine CBD via the Mitchell Highway.

The site is zoned as RU1 Primary Production with a minimum lot size of 400ha under the provisions of the LEP.

Vehicle access to the site is provided via an existing access handle connecting to Ceres Siding Road to the north. Existing electrical and telecommunications infrastructure traverse the site in proximity to the proposed building envelope. There are two (2) existing groundwater bores located on the site with further opportunity to accommodate rainwater harvesting tanks to meet future drinking water requirements. Septic sewerage systems would be used to support a future dwelling house on the site.

Portions of the site are impacted by flooding and bushfire constraints with native woody vegetation identified along the southern boundary. These constraints are discussed in later sections of the Planning Proposal.

Existing irrigation channels run parallel along the southern boundary of the subject site which are fed water from the Macquarie River. The site presents a unique opportunity for new farming entrants to establish an intensive farming operation whilst benefitting from rural residential living.

The subject site and locality are depicted in **Figure 1** and **Figure 2**.





2.2 Site and Development History

The following site and development history is based on Council's property records, available desktop aerial imagery and advice provided by the owner of the subject land.

Following review of documentation, as provided by Council on 13 December 2022, we provide the following comments:

1. **22 June 1992** Development Consent (D37/92) was granted for the subdivision of land to create Lot 2 DP 826750 for the purpose of agriculture.

Condition 2 of the development consent reads as follows:

"Pursuant to Section 88B of the Conveyancing Act 1919-64 a "restriction to user" be created for the new lot and shown on the plan of subdivision to prevent the erection of a dwelling."

Prior to subdivision, Lot 2 was part of an existing holding which was entitled to one (1) dwelling entitlement under the provisions of the *Narromine Local Environmental Plan 1988*.

As a result of the subdivision, Lot 1 was granted the dwelling entitlement and Lot 2 was only to be used for agricultural purposes, and therefore does not contain a dwelling entitlement.

2. **31 March 2004** Council provided advice on the dwelling entitlement status of Lot 2 which essentially reflects the comments discussed above with reference to the *Narromine LEP 1997*.
3. **11 May 2004** Council provided advice on the dwelling entitlement status of Lot 2 and reflected the comments provided on 31 March 2004.
4. **10 August 2004** A solicitor wrote to Council on behalf of the land owner challenging Council's position on permissibility of a dwelling entitlement on Lot 2.

The correspondence requested that Council remove the dwelling restriction imposed on Lot 2, based on neighbouring rural residential lifestyle properties.

5. **25 August 2004** Council provided correspondence reflecting the comments made on 31 March 2004 in respect of the dwelling entitlement.

Council stated that they would not remove the restriction on Lot 2 based on the provisions of the *Narromine LEP 1997*.

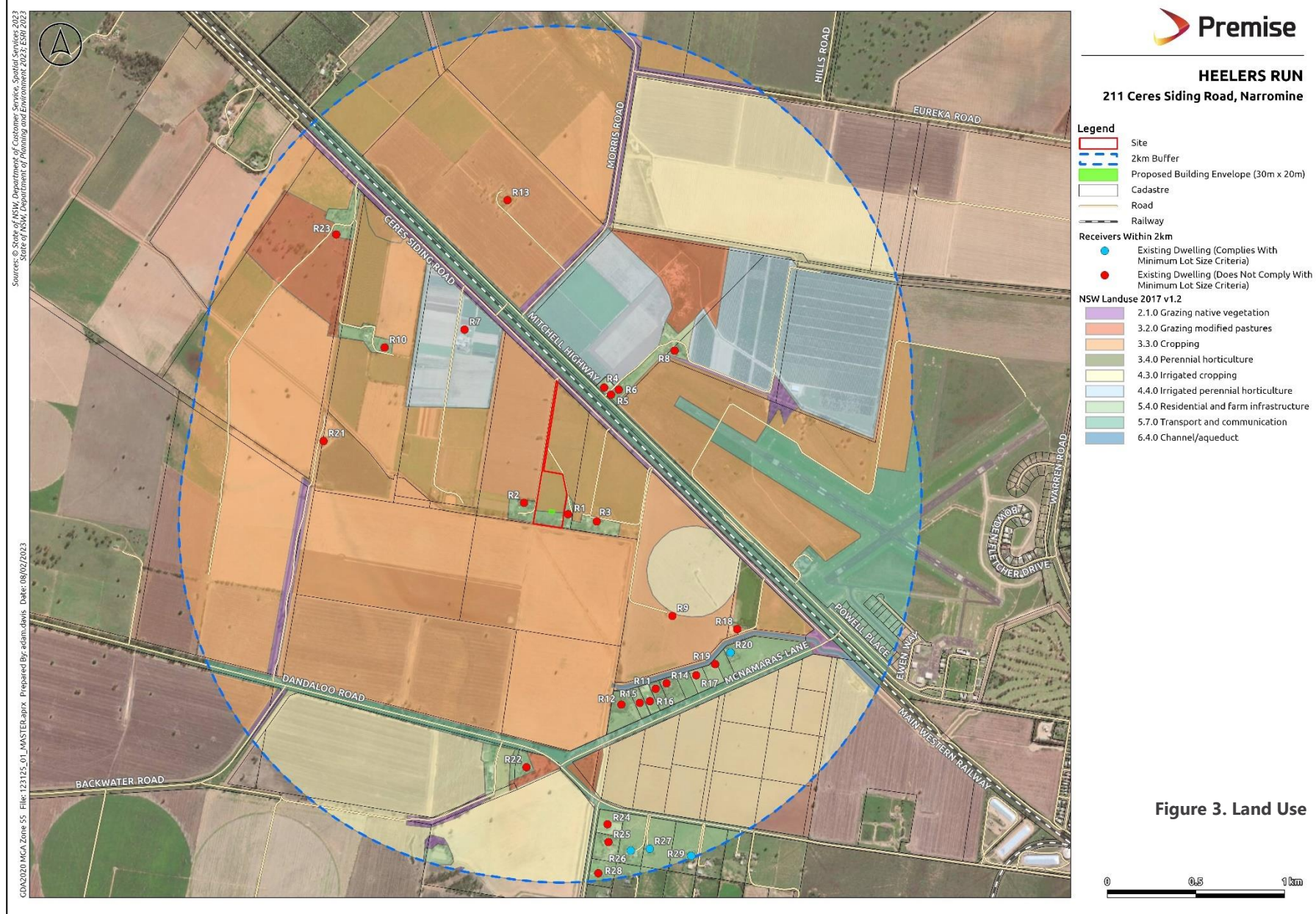
Council also mentioned that a rezoning application could be lodged with Council for consideration.

6. **21 August 2013** Council provided a notification letter stating that the Narromine Agricultural Strategy (Rural Residential Land) had been endorsed and had identified Lot 2 as part of the medium to long term land release.

The correspondence also stated that Council should be contacted should development be proposed within three years on the site.

As outlined above, the subject site was originally subdivided for the purposes of agriculture, resulting in surrendering the existing dwelling entitlement on the property to Lot 1 of the executed subdivision. Since this time, multiple representations have been made to Council seeking to establish a dwelling on Lot 2 (the subject site), justified by the surrounding development regime and the strategic direction of the former Narromine Agricultural Strategy (Rural Residential Land).

A land use assessment was undertaken to validate the surrounding development and land use composition within a 2km radius of the subject site. The results of this assessment are depicted in the **Figure 3**.



3. OBJECTIVES AND INTENDED OUTCOMES

The objective of this Planning Proposal is to allow an additional permitted use for the purposes of a dwelling house at Lot 2 DP 826750, No. 211 Ceres Siding Road, Narromine (subject site).

The Planning Proposal seeks to provide residential development opportunities on the subject site consistent with the context of the surrounding land use activity.

3.1 Explanation of provisions

The objective of this Planning Proposal is to allow an additional permitted use for the purposes of a dwelling house on the subject land zoned as RU1 Primary Production (**Figure 4**). It is anticipated that the permissibility would result in an Amendment to Schedule 1 of the *Narromine Local Environmental Plan 2011*.

For reference, dwelling house is defined as follows:

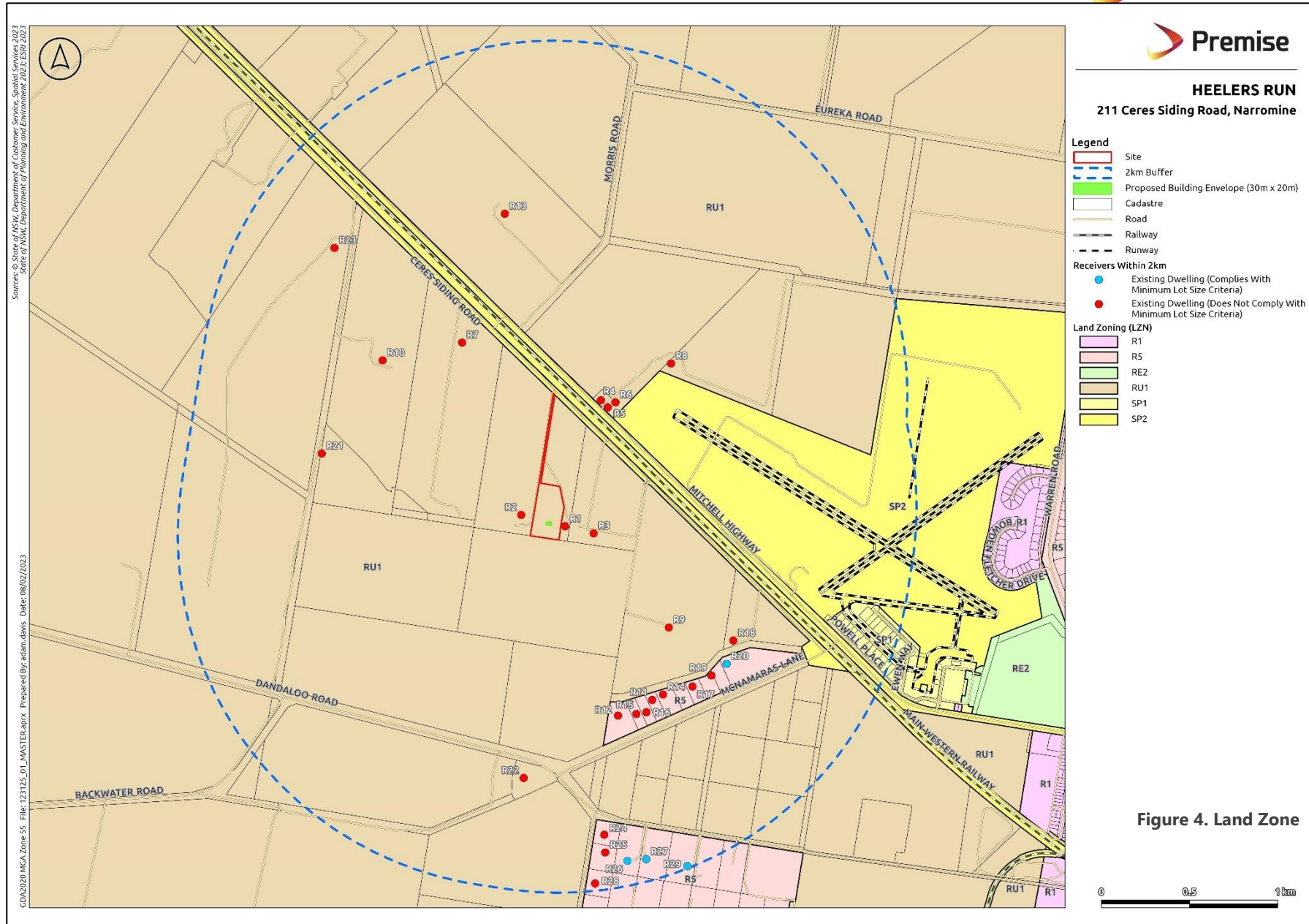
“dwelling house means a building containing only one dwelling.

Note—

*Dwelling houses are a type of **residential accommodation**—see the definition of that term in this Dictionary.”*

It is noted that the legal drafting of the proposed Amendment will be undertaken by Parliamentary Counsel under the direction of Department of Planning, Industry and Environment or Narromine Shire Council under delegation.

It is apparent that the existing rural area is heavily occupied by residential development, with 86% of dwellings within a 2km radius of the subject site situated on land that is below the minimum lot size requirements of the LEP. The unique characteristics of the subject site provides an opportunity to allow a rural lifestyle dwelling in the area without concern for land use conflict.



4. JUSTIFICATION

4.1 Introduction

The overarching principles that guide the preparation of planning proposals are:

- The level of justification should be proportionate to the impact the Planning Proposal would have.
- It is not necessary to address a question if it is not considered relevant to the Planning Proposal.
- The level of justification should be sufficient to allow a Gateway determination to be made with confidence that the LEP can be finalised within the timeframe proposed.

The following justification addresses each relevant question applicable to the Planning Proposal to ensure confidence can be given to the Gateway determination.

4.2 Need for the planning proposal

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

The Planning Proposal has not been prepared as a direct result of a strategy, however, Narromine Council resolved to consider a dwelling house on the site subject to the submission of a planning proposal.

Council at its Ordinary Meeting on 13 April 2022 considered a report in respect of a Planning Proposal to rezone certain land to zone R1 General Residential and zone R5 Large Lot Residential in Narromine and Trangie. In consideration of the report, Council resolved as follows:

“...3. Council accept a Planning Proposal for consideration of the land in Ceres Siding Road subject to future dwelling investigations supporting a future dwelling opportunity.”

The contents of this Planning Proposal are provided in response to Council's resolution and support the provision of a dwelling entitlement on the land at 211 Ceres Siding Road, Narromine.

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

The subject site has an approximate area of 5ha which is below the prescribed minimum lot size of 400ha for land located in the RU1 zone. The lot was created in 1992, at which time the existing dwelling entitlement held by the land holding was transferred to resulting Lot 1. The subject land therefore does not have a dwelling entitlement under the provisions of Clause 4.2B of the LEP.

Further consideration has been given to the provisions of 4.2D of the LEP which allows a dwelling to accompany intensive plant agriculture on land that is less than the minimum lot size. With this considered, Clause 4.2D requires that the land be greater than 40ha in size. The subject land area is 5ha and is situated amongst established intensive agricultural lands with support from existing irrigation channels. The properties in the immediate proximity to the site are also below the 40ha threshold.

The introduction of an additional permitted use for the purposes of a dwelling house would enable suitable activation of the subject land through independent ownership. The proposed LEP Amendment would be undertaken through the provision of a planning proposal.

It should also be noted that rezoning of the subject land from RU1 to R5 Large Lot Residential in isolation may become restrictive to existing agricultural activity in the area, further reiterating the suggested approach to adopt an additional permitted use on the land.

4.3 Relationship to strategic planning framework

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

The *Central West and Orana Regional Plan 2041* is the NSW Government's strategy for guiding land use planning decisions for the Orana Regional where Narromine is located.

Narromine Shire Council's priorities for the LGA are:

- planning for and managing rural residential development and future land zoning
- industrial and commercial opportunities from the Aviation Business Park, soon to be constructed industrial hub and industrial estate on the Mitchell Highway.
- protecting local character
- value adding opportunities for the agricultural industry.
- freight intermodal hub focused on agricultural commodities associated with Inland Rail.
- identifying opportunities for the LGA as the wider region's economy diversifies, and leveraging its accessibility to Inland Rail and Dubbo.

The Planning Proposal would facilitate additional rural residential development opportunities and is considered to be consistent with the priorities of the Narromine Shire Council.

In addition, **Table 1** addresses the matters of the Regional Plan and their consistency with the Planning Proposal.

Table 1. Central West and Orana Regional Plan

Central West and Orana Regional Plan 2041		
Regional Plan Objectives	Comment	Compliance Y/N
Part 1 Region-shaping investment		
Objective 1: Deliver the Parkes Special Activation Precinct and share its benefits across the region	Not applicable.	N/A
Objective 2: Support the State's transition to Net Zero by 2050 and deliver the Central-West Orana Renewable Energy Zone	Not applicable.	N/A
Objective 3: Sustainably manage extractive resource land and grow the critical minerals sector	Not applicable.	N/A
Objective 4: Leverage inter-regional transport connections	Not applicable.	N/A

Part 2 A sustainable and resilient place		
Objective 5: Identify, protect and connect important environmental assets	<p>The subject site is largely excluded from the terrestrial biodiversity mapping as depicted in the LEP. The land has been historically used for the purposes of agriculture resulting in the disturbance of natural vegetation on the site. This is discussed further in section 4.4 of this report.</p> <p>Future development of a single dwelling house would likely be located away from woody vegetation and within an existing disturbed area of land.</p> <p>The Planning Proposal is considered to be of minor significance and is consistent with Objective 5 of the Regional Plan.</p>	Yes
Objective 6: Support connected and healthy communities	<p>The site is within 4km of the Narromine CBD via the Mitchell Highway.</p> <p>This is considered to be an appropriate distance of travel by vehicle for a rural residential dwelling house.</p>	Yes
Objective 7: Plan for resilient places and communities	<p>The site presents sufficient development opportunity away from flood or bushfire hazard. See section 4.4.1 and section 4.4.2 of this report.</p>	Yes
Objective 8: Secure resilient regional water resources	<p>There are two (2) existing groundwater bores located on the site with further opportunity to accommodate rainwater harvesting tanks to meet future drinking water requirements.</p> <p>Septic sewerage systems would be used to support a future dwelling house on the site and would be located within a safe buffer distance from any groundwater sources used for potable supply.</p> <p>The Planning Proposal is considered to be of minor significance and is unlikely to impact on groundwater systems.</p>	Yes
Objective 9: Ensure site selection and design embraces and respects the region's landscapes, character and cultural heritage	<p>A basic AHIMS search of the site identified two (2) known Aboriginal sites within a 1km buffer zone. One (1) site is located within the road reserve of Ceres Siding Road and the other within the road reserve of the Mitchell Highway.</p> <p>It is apparent that these sites are located amongst the areas containing native</p>	Yes

	<p>vegetation and are not within the boundaries of the subject property.</p> <p>The proposed building envelope demonstrates appropriate positioning of future development so as not to significantly impact on native vegetation on the southern boundary line.</p> <p>The Planning Proposal is consistent with Objective 9.</p>	
<p>Objective 10: Protect Australia's first Dark Sky Park</p>	<p>Clause 5.14 Siding Spring Observatory—maintaining dark sky provisions have not been adopted by the Narromine Shire Council under their current LEP.</p> <p>With this considered, the design of a future dwelling house would include, as required, light mitigation to further protect the surrounding dark skies.</p>	Yes
Part 3 People, centres, housing and communities		
<p>Objective 11: Strengthen Bathurst, Dubbo and Orange as innovative and progressive regional cities</p>	Not applicable.	N/A
<p>Objective 12: Sustain a network of healthy and prosperous centres</p>	The Planning Proposal would facilitate additional residential supply to the Narromine housing market.	Yes
<p>Objective 13: Provide well located housing options to meet demand</p>	The site is within 4km of the Narromine CBD via the Mitchell Highway and would have access to the facilities and services offered by the township.	Yes
<p>Objective 14: Plan for diverse, affordable, resilient and inclusive housing</p>	The Planning Proposal would facilitate additional residential supply to the Narromine housing market.	Yes
<p>Objective 15: Manage rural residential development</p>	<p>The surrounding locality is characterised by rural residential housing and small scale intensive plant based agriculture / hobby farms. The site is within 4km of the Narromine CBD via the Mitchell Highway.</p> <p>The Planning Proposal is considered to be consistent with the surrounding development pattern as discussed further in section 4.4 of this report.</p>	Yes

Objective 16: Provide accommodation options for seasonal, temporary and key workers	<p>Although the Planning Proposal is not targeted at seasonal, temporary or key worker accommodation, the location of a future residence within an existing rural residential/ hobby farm area would provide this accommodation opportunity, in the form of a dwelling house, should it be required.</p>	Yes
Objective 17: Coordinate smart and resilient utility infrastructure	<p>Vehicle access to the site is provided via an existing access handle connecting to Ceres Siding Road to the north. Existing electrical and telecommunications infrastructure traverse the site in proximity to the proposed building envelope.</p> <p>There are two (2) existing groundwater bores located on the site with further opportunity to accommodate rainwater harvesting tanks to meet future drinking water requirements. Septic sewerage systems would be used to support a future dwelling house on the site.</p>	Yes
Part 4 Prosperity, productivity and innovation		
Objective 18: Leverage existing industries and employment areas and support new and innovative economic enterprises	Not applicable.	N/A
Objective 19: Protect agricultural production values and promote agricultural innovation, sustainability and value-add opportunities	<p>Activation of this 5ha property could be achieved through establishment of a dwelling house and utilisation of existing water infrastructure. Given the location of surrounding residences, this Lot presents a unique opportunity.</p> <p>The relative size of the land lends itself to a hobby farm arrangement which would likely require residents to supplement with offsite income. The 4km proximity to town and ability to work remotely would enable this type of lifestyle to thrive.</p> <p>Smaller land parcels are also more affordable for new farm entrants.</p>	Yes
Objective 20: Protect and leverage the existing and future road, rail and air transport networks and infrastructure	<p>Vehicle access to the site is provided via an existing access handle connecting to Ceres Siding Road to the north.</p> <p>A future dwelling house on the site would be consistent with adjoining residential development and would not be located</p>	Yes

	<p>within a direct flight path of a runway of the Narromine Airport. Obstruction of the obstacle limitation surface is considered unlikely.</p> <p>It is noted that the Narromine Aerodrome operates predominantly as a recreational airport with few commercial flights.</p> <p>Future development on the site would be designed in accordance with the <i>Australian Standards AS 2021 (Acoustics – Aircraft noise intrusion – Building siting and construction)</i>.</p>	
<p>Objective 21:</p> <p>Implement a precinct-based approach to planning for higher education and health facilities</p>	Not applicable.	N/A
<p>Objective 22:</p> <p>Support a diverse visitor economy</p>	Not applicable.	N/A
<p>Objective 23:</p> <p>Supporting Aboriginal aspirations through land use planning</p>	Addressed under Objective 9.	Yes
<p>Part 5 Local government priorities</p> <p>The Planning Proposal is consistent with the following Narromine Shire Local Government Priorities:</p> <ul style="list-style-type: none"> • Planning for and managing rural residential development and future land zoning; and • Value adding opportunities for the agricultural industry. 		

Is the planning proposal consistent with Council's local strategy or other local strategic plan?

a) Narromine Shire Local Strategic Planning Statement

The Local Strategic Planning Statement (LSPS) sets the framework for Narromine Shire's economic, social and environmental land use needs over the next 20 years. It outlines clear planning priorities describing what will be needed, where these are located and when they will be delivered. The LSPS sets short, medium and long-term actions to deliver the priorities for the community's vision.

Priority 4 of the LSPS is to provide a range of housing options for the community. The LSPS provides the following commentary:

"...Narromine also offers potential for appropriate large lot residential areas as a form of housing choice either for down-sizing people from larger farms or people requiring more land for growing families..."

...Large lot residential housing is a popular lifestyle housing option driven by the desire for a rural lifestyle, particularly close to regional cities and strategic centres. This type of development has been seen as a way to attract new residents..."

...Adopted strategies and planning proposals should aim to provide flexibility to utilise the existing lots close to towns as rural lifestyle opportunities..."

The Planning Proposal seeks to facilitate a new rural residential housing opportunity within 4km of Narromine's CBD and is not anticipated to result in any conflict with existing land use activity in the area. The Planning Proposal is considered to be consistent with Priority 4 of the LSPS.

b) Narromine Shire Residential (and Large Lot Residential) Strategy 2018

The *Narromine Shire Residential (and Large Lot Residential) Strategy 2018* (Strategy) guides the local development of residential land and future LEP amendments in the Narromine Shire.

The subject site is identified in the outer-west study area in the Strategy and although this area presents as 'not suitable at this time', the subject site offers a unique opportunity to accommodate a rural dwelling house.

Consideration has been given to the holding size, flood impacts, desirability, adjoining land uses, road access and provision for infrastructure services.

The majority of the site is located above the flood planning level (1% plus 0.5m free board) with minimal impacts occurring to the access driveway. The proposed building envelope is located well above the FPL as defined in the Narromine Floodplain Risk Management Strategy 2021 (see **section 4.4.2**).

The subject site is located within 4km of the Narromine town centre providing convenient access to local services and facilities. The site is surrounded by other dwelling houses, which provides opportunity to connect to existing infrastructure and access roads.

The surrounding land use activity comprises of predominantly small-scale agriculture and rural lifestyle residential development. It is noted that all dwellings within the 2km site buffer and within the RU1 zone are below with the minimum lot size provisions of the LEP. The existing land use activity within the locality is depicted in **Figure 3**.

c) Narromine Shire Council Agricultural Land Use Strategy Intensive Plant Agriculture 2013

The main output of this Strategy is in the form of two reports, one focusing on the provision of land for intensive plant agriculture and the second focusing on the provision of land for rural residential uses around Narromine, Trangie and Tomingley.

The factors which influence the provision of dwelling entitlements and subdivision in the RU1 zone are discussed in **Table 2**.

Table 2. Dwelling Entitlement Factors

Dwelling entitlement impacts	Comment
Fragmentation and/or loss of agricultural land from unsuitable settlement minimised.	Smaller lot sizes are considered to result in loss or fragmentation. Activation of this 5ha property could be achieved through establishment of a dwelling house and utilisation of existing water infrastructure. Given the location of surrounding residencies, this Lot presents a unique opportunity.
Environmental impacts of rural settlement minimised.	Smaller lots are considered to result in negative impacts. Careful consideration of the dwelling envelope demonstrates mitigation of environmental impacts.
Agricultural valued for its agricultural potential.	Agricultural land values are typically higher for larger lots, however, given its location to existing irrigation

	and proximity to similar land uses, the land could maintain its ability to sustain a small hobby farm.
Agriculture can respond to variability in climate, commodity prices and externalities.	The relative size of the land lends itself to a hobby farm arrangement which would likely require residents to supplement with offsite income. The 4km proximity to town and ability to work remotely would enable this type of lifestyle to thrive.
Avoid land use conflict.	The proposed dwelling entitlement shares the development regime of the surrounding land. Many of the surrounding properties are below the minimum lot size and support working plant based agricultural uses and rural residential dwelling houses.
New entrants to farming.	Smaller land parcels are more affordable for new entrants.

The Planning Proposal addresses the assessment criteria of the Strategy in support of a dwelling entitlement on the subject land. Consideration has been given to the existing land use composition of the surrounding land and the opportunities to encourage additional rural residential development and continued agricultural activity in the area. Noting that any new dwelling house would be located to avoid environmental impacts or land use conflict.

Narromine Shire Council Community Strategic Plan 2032.

The *Narromine Shire Council Community Strategic Plan 2032* (CSP) is the highest level strategic planning undertaken by Council, with a ten-year time frame. It is the primary driver for all planning undertaken by the Council and other stakeholders.

The CSP includes the following Strategy and Action:

"3.4 Ensure a Range of Housing Options for the Community

3.4.2 Ensure appropriately zoned land that meets residential needs throughout the Shire's communities."

The Planning Proposal seeks to facilitate additional rural residential housing opportunities in support of demand for lifestyle housing in Narromine. The Planning Proposal is considered to be consistent with the CSP.

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

The Planning Proposal is considered to be broadly consistent with all relevant State Environmental Planning Policies (SEPPs).

Consideration of the applicable State Environmental Planning Policy is addressed in **Table 3**.

Table 3. Consideration of State Environmental Planning Policy

State Environmental Planning Policy (SEPP)	Comment
State Environmental Planning Policy (Biodiversity and Conservation) 2021	
<p>Chapter 3 Koala habitat protection 2020.</p> <p>This Chapter aims to encourage the proper conservation and management of areas of natural vegetation that provide habitat for koalas to ensure a permanent free-living population over their present range and reverse the current trend of koala population decline</p>	<p>Narromine is located within the Darling Riverine Plains Far West Koala Management Area under Schedule 2 of the SEPP.</p> <p>In accordance with Section 4.9(3) Before a council may grant consent to a development application for consent to carry out development on the land, the council must assess whether the development is likely to have any impact on koalas or koala habitat.</p> <p>PCT 82 including Western Grey Box, Poplar Box and White Cypress Pine is mapped along the southern boundary of the property.</p> <p>These species are identified as Koala use trees species under Schedule 3 of the SEPP.</p> <p>With this considered, the Planning Proposal would facilitate the development of one dwelling house on the subject land. A future dwelling would be suitably located to avoid removal of native woody vegetation.</p> <p>The impacts of the Planning Proposal on koala habitat are considered to be minor.</p>
State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004	
<p>The aim of the SEPP is to encourage sustainable residential development across NSW.</p>	<p>Construction of any future dwelling house would be subject to the requirements of the BASIX scheme as part of the development application process.</p>
State Environmental Planning Policy (Housing) 2021	
<p>The principles of the SEPP are as follows:</p> <p>(a) enabling the development of diverse housing types, including purpose-built rental housing,</p> <p>(b) encouraging the development of housing that will meet the needs of more vulnerable members of the community, including very low to moderate income households, seniors and people with a disability,</p> <p>(c) ensuring new housing development provides residents with a reasonable level of amenity,</p>	<p>The Planning Proposal seeks to facilitate a dwelling house on the subject land. The proposed development would be suitably located, away from environmental constraints and would be adequately serviced with sewer and water consistent with the requirements for a rural residential dwelling on rural land.</p> <p>The Planning Proposal is consistent with the provisions of the SEPP.</p>

- (d) promoting the planning and delivery of housing in locations where it will make good use of existing and planned infrastructure and services,
- (e) minimising adverse climate and environmental impacts of new housing development,
- (f) reinforcing the importance of designing housing in a way that reflects and enhances its locality,
- (g) supporting short-term rental accommodation as a home-sharing activity and contributor to local economies, while managing the social and environmental impacts from this use,
- (h) mitigating the loss of existing affordable rental housing.

State Environmental Planning Policy (Primary Production) 2021

The aims of the SEPP are as follows:

- (a) to facilitate the orderly economic use and development of lands for primary production,
- (b) to reduce land use conflict and sterilisation of rural land by balancing primary production, residential development and the protection of native vegetation, biodiversity and water resources,
- (c) to identify State significant agricultural land for the purpose of ensuring the ongoing viability of agriculture on that land, having regard to social, economic and environmental considerations,
- (d) to simplify the regulatory process for smaller-scale low risk artificial waterbodies, and routine maintenance of artificial water supply or drainage, in irrigation areas and districts, and for routine and emergency work in irrigation areas and districts,
- (e) to encourage sustainable agriculture, including sustainable aquaculture,
- (f) to require consideration of the effects of all proposed development in the State on oyster aquaculture,
- (g) to identify aquaculture that is to be treated as designated development using a well-defined and concise development assessment regime based on

The subject land is not located within an area identified under Part 6 Table of EPIs and is therefore not impacted by the requirements of the SEPP.

With this said, the Planning Proposal has been prepared with general consideration for the matters prescribed under Part 2 Subdivision of, or dwellings on, land in certain zones as follows:

“(a) the existing uses and approved uses of land in the vicinity of the development,

(b) whether or not the development is likely to have a significant impact on land uses that, in the opinion of the consent authority, are likely to be preferred and the predominant land uses in the vicinity of the development,

(c) whether or not the development is likely to be incompatible with a use referred to in paragraph (a) or (b),

(d) any measures proposed by the applicant to avoid or minimise any incompatibility referred to in paragraph (c)”

The Planning Proposal is considered to be consistent with the matters prescribed above.

environment risks associated with site and operational factors.	
State Environmental Planning Policy (Resilience and Hazards) 2021	
The object of Chapter 4 is to provide for a State-wide planning approach to the remediation of contaminated land.	<p>Under Section 4.6 (1)(a) A consent authority must consider whether the land is contaminated before issuing development consent.</p> <p>A desktop review of aerial imagery combined with land owner's advice identifies that the historic use of the subject site was primarily for the purposes of livestock grazing.</p> <p>It is unlikely that the previous use of the property would result in contaminating impacts.</p>
State Environmental Planning Policy (Sustainable Buildings) 2022	
The aim of the SEPP is to encourage the design and delivery of sustainable buildings	The standards set out under in the BASIX scheme would be addressed as part of the development approvals process prior to construction of a future dwelling house.
State Environmental Planning Policy (Transport and Infrastructure) 2021	
The aim of the SEPP is to facilitate the effective delivery of infrastructure across the State.	<p>The subject site is located in proximity to the Mitchell Highway and rail infrastructure.</p> <p>The subject site does not seek to provide direct access the Mitchell Highway and is currently serviced via an unsealed road (Ceres Siding Road).</p> <p>The front set back from Ceres Siding Road and other State Infrastructure is approximately 650m to the anticipated building envelope area, similar to adjoining residential development.</p> <p>The Planning Proposal would not result in any substantial increase in traffic generation nor would it likely be impacted by elevated noise levels.</p> <p>The Planning Proposal is consistent with the SEPP.</p>

Is the planning proposal consistent with applicable Ministerial Directions (s9.1 directions)?

Table 4 demonstrates consistency of the Planning Proposal in accordance with the applicable Section 9.1 Ministerial Directions.

Table 4. Consideration of Section 9.1 Ministerial Directions

Direction	Requirement	Consistency
Focus Area 1 Planning Systems		
1.1 Implementation of Regional Plans	Planning Proposals must be consistent with a Regional Plan released by the Minister for Planning.	The Planning Proposal is considered to give effect to the <i>Central West and Orana Regional Plan 2041</i> and the development priorities of the Narromine Shire.
1.3 Approval and Referral Requirements	Planning Proposals must minimise the need to provide future development applications to a Minister or public authority.	The subject site is mapped as bushfire prone land. Future development on the site could achieve the requirements set out in the RFS document <i>Planning for Bushfire Protection 2019</i> .
1.4 Site Specific Provisions	A Planning Proposal that will amend another environmental planning instrument in order to allow particular development to be carried out must 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 development.	<p>The Planning Proposal seeks to allow an additional permitted use on the subject site for the purposes of a dwelling house.</p> <p>The subject land is currently zoned as RU1 Primary Production consistent with the surrounding properties.</p> <p>Although the area is substantially populated by residential development, the locality supports agricultural activity.</p> <p>The subject site is a special case with its 5ha size and its relative positioning between existing residential development. For this reason, a site-specific APU would enable the proposed land use without jeopardising the existing agricultural operations in the locality.</p> <p>The Planning Proposal is consistent with the Direction.</p>
Focus Area 2 Design and Place (Blank)		
Focus Area 3 Biodiversity and Conservation		
3.1 Conservation Zones	The Planning Proposal must include provisions which protect and conserve environmentally sensitive areas.	<p>The land subject of the Planning Proposal is not identified by an environmental land use zone. With this said, the woody vegetation located along the southern boundary of the property is known to be PCT 82 including Western Grey Box, Poplar Box and White Cypress Pine.</p> <p>The remaining portion of the land was previously used for livestock grazing. The</p>

		<p>proposed building envelope has been positioned appropriately to demonstrate that a new dwelling house would have minimal impacts on native vegetation.</p> <p>The Planning Proposal is consistent with the Direction.</p>
3.2 Heritage Conservation	The Planning Proposal must facilitate provision for conservation of Aboriginal cultural heritage including places, items or other significant artefacts.	<p>A basic AHIMS search of the site identified two (2) known Aboriginal sites within a 1km buffer zone. One (1) site is located within the road reserve of Ceres Siding Road and the other within the road reserve of the Mitchell Highway.</p> <p>It is apparent that these sites are located amongst the areas containing native vegetation and are not within the boundaries of the subject property.</p> <p>The proposed building envelope demonstrates appropriate positioning of future development so as not to significantly impact on native vegetation on the southern boundary line.</p> <p>The Planning Proposal is consistent with the Direction.</p>
Focus Area 4 Resilience and Hazards		
4.1 Flooding	The Planning Proposal must be consistent with local and State Flood Policy and ensure that land identified in the flood planning area is not rezoned for residential, business, industrial or special zoning.	<p>The Planning Proposal is located in the flood planning area in accordance with the LEP flood mapping. With this considered, the proposed building envelope area is located above the flood planning level (1% AEP plus 0.5m freeboard) in accordance with the <i>Narromine Flood Plain Risk Management Plan 2021</i>.</p> <p>The Planning Proposal does not seek to rezone the land to residential and would only allow a dwelling house on the subject land.</p> <p>The Planning Proposal is consistent with the Direction.</p>
4.3 Planning for Bushfire Protection	The Planning Proposal must have regard to the RFS document <i>Planning for Bushfire Protection 2019</i> .	<p>The land subject of the Planning Proposal is mapped as bushfire prone land and with Category 2 Vegetation identified along the southern property boundary. The proposed building envelope demonstrates suitable opportunity on the site to provide adequate asset protection zone distances. A future dwelling house could suitably address the requirements of <i>Planning for Bushfire</i></p>

		<i>Protection 2019</i> as part of the development approvals process.
4.4 Remediation of Contaminated Land	The Planning Proposal must consider whether the subject land has been used for a purpose referred to in Table 1 of the contaminated land planning guidelines.	The subject land has previously been used for the purposes of livestock grazing. It is unlikely that the site would be impacted by contamination.
Focus Area 5 Transport and Infrastructure		
5.1 Integrated Land Use and Transport	<p>The Planning Proposal must be consistent with the aims, objectives and principles of:</p> <p>(a) <i>Improving Transport Choice – Guidelines for planning and development (DUAP 2001)</i>, and</p> <p>(b) <i>The Right Place for Business and Services – Planning Policy (DUAP 2001)</i>.</p>	<p>The Planning Proposal seeks to facilitate a new dwelling house within an existing rural area. This area has been substantially populated by smaller land holdings and existing residential development.</p> <p>The location of the subject site is within 4km of the Narromine CBD via Ceres Siding Road and the Mitchell Highway.</p> <p>The proposed low density development would have adequate access to key facilities and services offered in the township.</p> <p>The Planning Proposal is consistent with the Guidelines and Policy of this Direction.</p>
5.3 Development Near Regulated Airports and Defence Airfields	The Planning Proposal must not compromise by development that constitutes an obstruction, hazard or potential aircraft flying in the vicinity.	<p>A future dwelling house on the site would be consistent with adjoining residential development and would not be located within a direct flight path of a runway of the Narromine Airport. Obstruction of the obstacle limitation surface is considered unlikely.</p> <p>It is noted that the Narromine Aerodrome operates predominantly as a recreational airport with few commercial flights.</p> <p>Future development on the site would be designed in accordance with the <i>Australian Standards AS 2021 (Acoustics – Aircraft noise intrusion – Building siting and construction)</i>.</p>
Focus Area Housing		
6.1 Residential Zones	The Planning Proposal must broaden the choice of building types and locations available in the housing market, make more efficient use of existing infrastructure and services and reduce the consumption of land for housing on the urban fringe.	<p>The Planning Proposal would facilitate additional housing choice including highly sought after rural residential opportunities in the Narromine LGA.</p> <p>The site has existing access to electrical and telecommunications infrastructure.</p> <p>Extension of the existing driveway would allow vehicle access to a future dwelling house via an</p>

		<p>existing battle axe handle connection to Ceres Siding Road.</p> <p>Water and sewer infrastructure would be facilitated by rainwater tanks and an onsite septic system.</p> <p>Similar arrangements are currently utilised by adjoining residential development.</p> <p>Although located beyond the urban fringe, future development on the site would be consistent with the existing land use composition of the immediate area.</p>
Focus Area 8 Resources and Energy		
8.1 Mining, Petroleum Production and Extractive Industries	<p>The Planning Proposal must not restrict 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.</p>	<p>The subject site is zoned as RU1 Primary Production which permits mining development.</p> <p>Following a search of the Department of Regional NSW database, it is understood that the site is not subject to any current exploration or mining titles.</p> <p>The Planning Proposal is consistent with the Direction.</p>
Focus Area 9 Primary Production		
9.1 Rural Zones	<p>The Planning Proposal must protect the agricultural production value of rural land.</p>	<p>The subject land is zoned RU1 Primary Production.</p> <p>Assessment of the surrounding land use composition was undertaken to identify existing residential use, lot size pattern and potential for conflict with existing agriculture.</p> <p>The surrounding area supports existing agricultural activity primarily intensive cropping. There are no existing properties which meet the 400ha minimum lot size requirement of the LEP.</p> <p>Residential dwellings are located on the smaller land holdings adjoining to the west and east of the subject site.</p> <p>The Planning Proposal does not seek to rezone or prohibit existing opportunity for agricultural activity, however, seeks to allow a dwelling house on the site.</p> <p>The Planning Proposal is consistent with the Direction.</p>

9.2 Rural Lands	The Planning Proposal must protect the agricultural production value of rural land.	<p>The subject land is zoned RU1 Primary Production.</p> <p>Assessment of the surrounding land use composition was undertaken to identify existing residential use, lot size pattern and potential for conflict with existing agriculture.</p> <p>The surrounding area supports existing agricultural activity primarily intensive cropping. There are no existing properties which meet the 400ha minimum lot size requirement of the LEP.</p> <p>Residential dwellings are located on the smaller land holdings adjoining to the west and east of the subject site.</p> <p>The Planning Proposal does not seek to rezone or prohibit existing opportunity for agricultural activity, however, seeks to allow a dwelling house on the site.</p> <p>The Planning Proposal is consistent with the Direction.</p>
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4.4 Environmental, social and economic impacts

Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, would be adversely affected as a result of the proposal?

In accordance with *Part 7 of the Biodiversity Conservation Act 2016* development or an activity is likely to significantly affect threatened species if:

"(a) it is likely to significantly affect threatened species or ecological communities, or their habitats, according to the test in section 7.3, or

(b) the development exceeds the biodiversity offsets scheme threshold if the biodiversity offsets scheme applies to the impacts of the development on biodiversity values, or

(c) it is carried out in a declared area of outstanding biodiversity value."

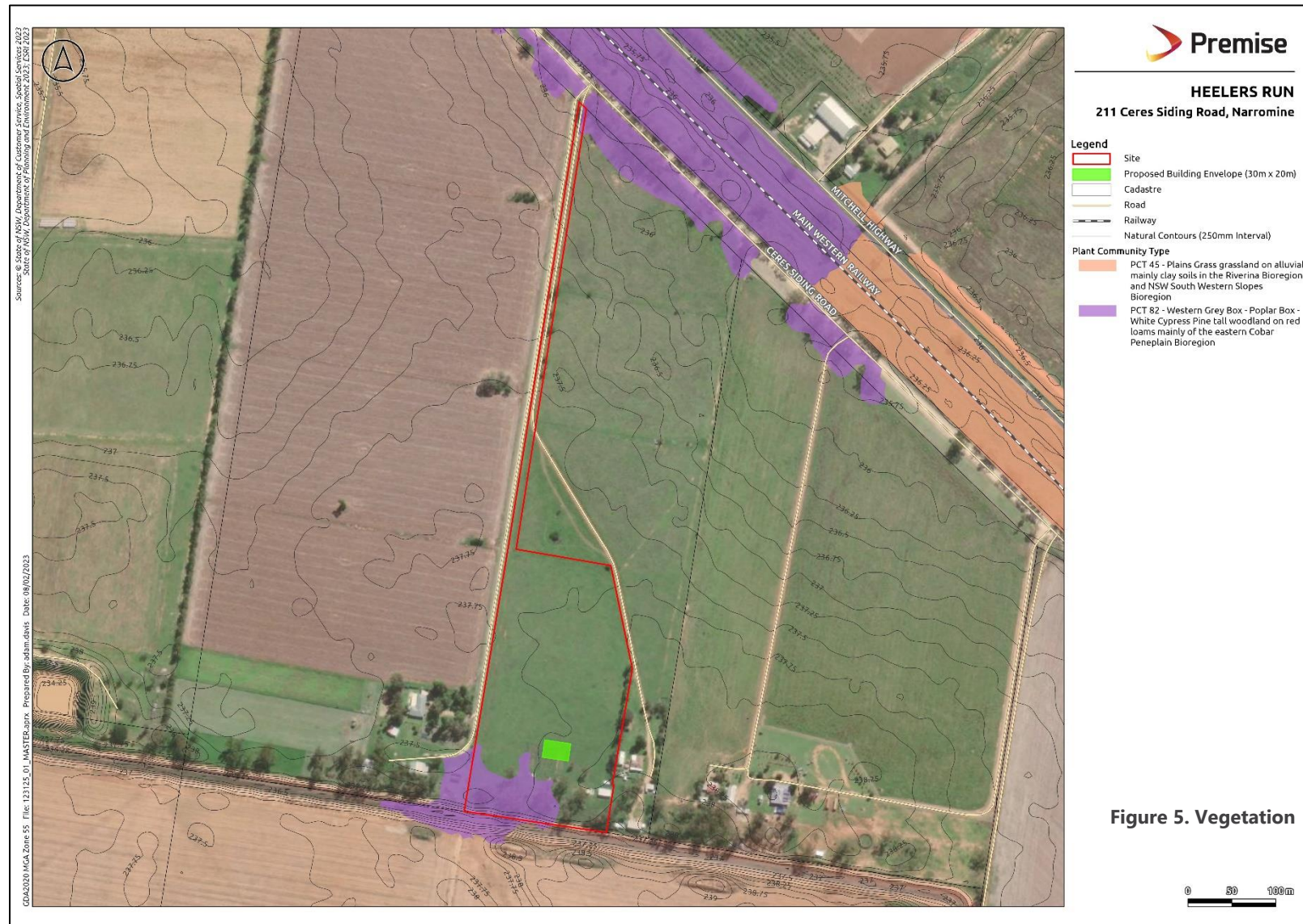
The subject site is located within an area predominantly used for agricultural and residential lifestyle purposes. Similar to the adjoining agricultural properties, it is understood that the subject site has been grazed and maintained by livestock.

The Terrestrial Biodiversity Map Sheet BIO_004 under the LEP identifies the existing woody vegetation located within the Ceres Siding Road reserve as a sensitive area.

Further biodiversity mapping of plant community types (PCT) identifies PCT 82 – Western Grey Box, Poplar Box and White Cypress Pine near the existing vehicle entrance driveway and along the southern boundary of the lot. The location of these species is depicted in **Figure 5**. Removal of existing woody vegetation would not be required to establish a new dwelling house or associated access driveway.

The site has a minimum lot size of 400ha which would result in a maximum native vegetation clearing threshold of up to 1ha before triggering the Biodiversity Offset Scheme. Minor works would be required to accommodate the new dwelling house as well as any asset protection areas surrounding the building. It is anticipated that a future house footprint of 350m², sheds and application of appropriate asset protection zones (**see section 4.4.1**) would result in a total area of disturbance of approximately 1500m². Aerial imagery depicts existing vehicle tracks along the western boundary of the property which would further reduce the need to clear vegetation. The total area of cleared native vegetation is not anticipated to exceed the 1ha threshold.

The Planning Proposal is unlikely to significantly impact critical habitat or threatened species, populations or ecological communities or their habitats.



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

4.4.1 BUSHFIRE

The Planning Proposal is identified as bushfire prone land. A desktop review of aerial imagery has been undertaken to determine whether future development could suitably comply with the provisions of *Planning for Bushfire Protection 2019 (PBFP)*.

Narromine LGA is located within the North Western Fire Weather District for NSW and has a Fire Danger Index (FDI) of 80.

In accordance with Section 4.2.1 of *PBFP*, the following site aspects have been considered:

Bushfire landscape

An indicative building envelope has been provided to demonstrate development potential on the land. In accordance with Table A1.12.3 of *PBFP*, a desktop review highlighted the following:

Table 5. Indicative Asset Protection Zones

Envelope Direction	Vegetation (Within Envelope)	Formation 140m of	Maximum Slope (Within 100m of Envelope)	Slope Direction	APZ
North	Grasslands cropped)	(currently	0.4 degrees	Downslope	11m
East	Grasslands cropped)	(currently	0.4 degrees	Upslope	10m
South	Grassy Woodlands		6.1 degrees	Downslope	17m
West	Grassy Woodlands		0.6 degrees	Downslope	13m

Bushfire mapping is depicted in **Figure 6**.

Land use assessment

The subject site only seeks to allow a single dwelling house on the lot. The subject development would not comprise of multiple land uses typical of a master planned area.

Access and egress

The layout of the allotment provides an access handle to accommodate future driveway connections to Ceres Siding Road to the north. Noting that the mapped fire threat is along the southern boundary, the proposed access driveway would enable evacuation of the site to the north.

Emergency services

Due to the minor nature of the development, it is not anticipated that demand for emergency services would increase significantly. Access for emergency service vehicles would be facilitated via the existing battle axe handle.

Infrastructure

Future development would be serviced by rainwater tanks with additional access to bore water currently available. Should water be required for defence against fire threat, additional water tanks/storage with adequate pumps would be installed.

Adjoining land

The proposed development is unlikely to result in significant impact on adjoining land and their ability to implement bush fire management plans. It is noted that the battle axe handle has an existing access easement benefitted by Lot 1 DP 826750. It is understood that both properties would be responsible for the management of a buffer to mitigate grassfire risk.

Alternatively, the 5ha area of the property would allow for the implementation of a 50m APZ around a future dwelling house.

Further assessment of future development would need to be undertaken in accordance with PFBP, once the design and location of the dwelling house is known.



4.4.2 FLOODING

The subject site is located within the Flood Planning Area as identified on Flood Planning Map - Sheet FLD_004 under the LEP. In accordance with Clause 5.21 of the LEP, development consent must not be granted unless it:

- "(a) is compatible with the flood function and behaviour on the land, and*
- (b) will not adversely affect flood behaviour in a way that results in detrimental increases in the potential flood affectation of other development or properties, and*
- (c) will not adversely affect the safe occupation and efficient evacuation of people or exceed the capacity of existing evacuation routes for the surrounding area in the event of a flood, and*
- (d) incorporates appropriate measures to manage risk to life in the event of a flood, and*
- (e) will not adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses."*

In order to achieve the requirements of Clause 5.21 of the LEP, the Planning Proposal considers the direction provided under the *Narromine Flood Plain Risk Management Plan 2021* (Flood Plan) and associated documentation.

The subject site is impacted by the 1% AEP as shown in **Figure 7**. The flooding depicted in Figure 7 is indicative of Figure 2.11 Indicative extent and depth of mainstream flooding 1% AEP from the Narromine Flood Plan.

The area of the site which proposes the building envelope is identified as Flood Planning Constraint Category 4. The northern portion of the access driveway is zoned as Category 3 with both areas impacted by mainstream flooding.

In accordance with development controls listed in Schedule 2A of the Flood Plan, there are no controls prescribed for residential development in a Category 4 area due to the relative risk of the location.



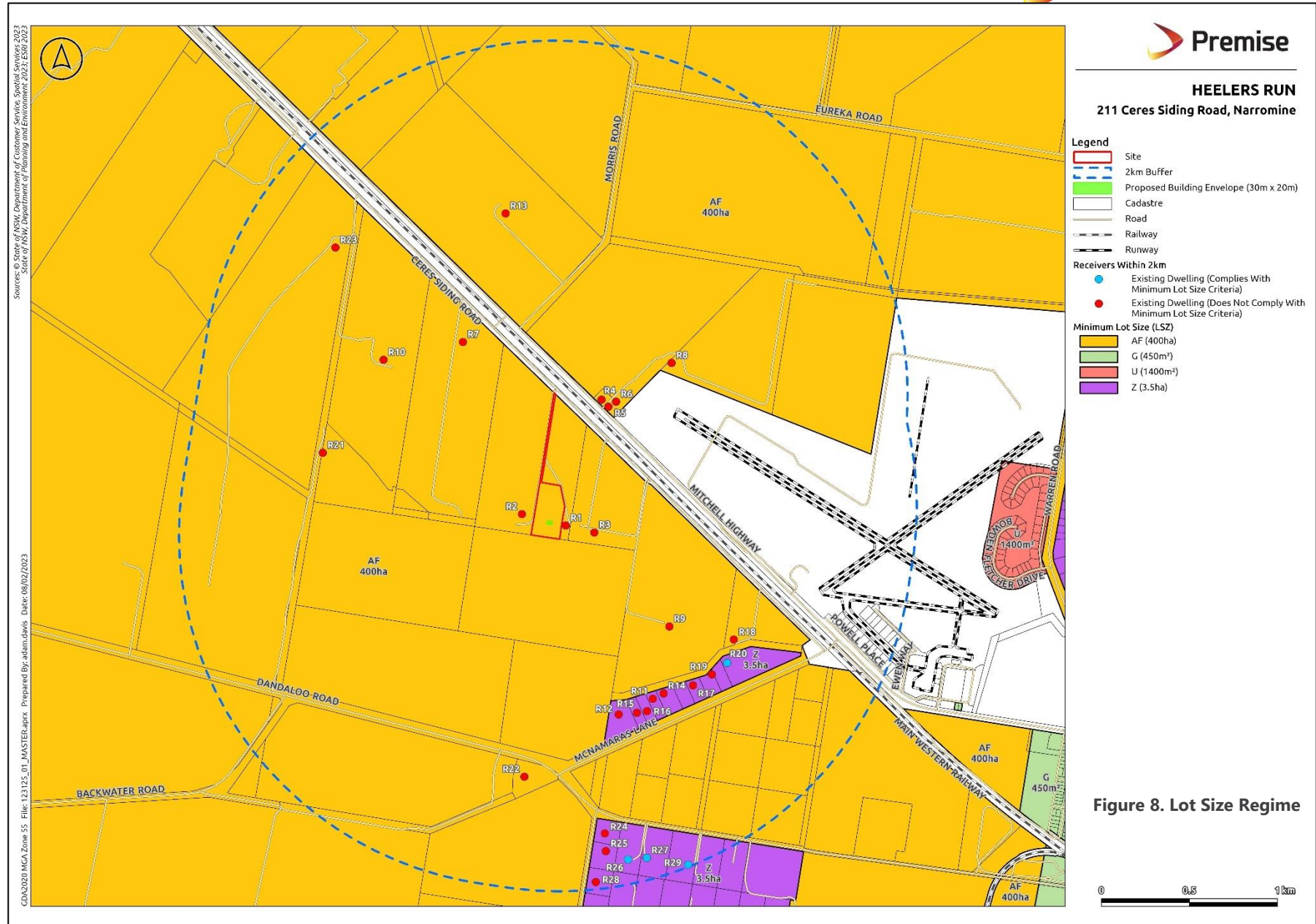
Has the planning proposal adequately addressed any social and economic effects?

The Planning Proposal seeks to allow a dwelling house on the subject land consistent with the surrounding residential development pattern. As identified in **Figure 8**, all land within a 2km radius of the subject site is below the 400ha minimum lot size prescribed for RU1 land. The subject site is one of the smallest useable lots within this area of the RU1 zone at 5ha.

The Planning Proposal does not intend to restrict existing agricultural activity on the subject site or result in land use conflict with adjoining land uses which have been identified as cropping. There are existing residential dwellings located on the adjoining properties within 60m of the western boundary line and 17m of the eastern boundary line.

The Planning Proposal is consistent with the requirements of the Narromine Development Control Plan. No intensive livestock agriculture was identified in proximity of the subject site and therefore buffer distances are not required.

The location of the building envelope aligns with adjoining development and enables continued agricultural activity on the subject land.



4.5 State and commonwealth interests

It is not considered that the amendments proposed via this Planning Proposal would conflict with any State or Commonwealth interests. The formal views of State and Commonwealth public authorities would be ascertained following the Gateway Determination.

5. COMMUNITY CONSULTATION

5.1 Type of community consultation required

Public exhibition of the subject Planning Proposal would be undertaken as a standard proposal for a period of 20 working days, in accordance with the DPIE's *Local Environmental Plan Making Guideline*.

It is anticipated that advice would be sought from the Department of Primary Industries and NSW Rural Fire Service. It should also be noted that if referral to any State government agencies or public authorities is required, comment is expected within 30-40 days.

Notification would be provided via the following platforms:

- On Council's website
- On the NSW Planning Portal
- In writing to affected and adjoining landowners.

6. PROJECT TIMEFRAMES

In accordance with the DPIE's Guideline, the timeframes for completing a Planning Proposal are as follows:

Stage	Maximum Benchmark Timeframes (working days)			
	Basic	Standard	Complex	Principal
Stage 1 - Pre-lodgement	30 days	50 days	60 days	20-30 days
Stage 2 - Planning Proposal	80 days	95 days	120 days	40 days
Stage 3 - Gateway determination	25 days	25 days	45 days	45 days
Stage 4 - Post-Gateway	20 days	50 days	70 days	160 days
Stage 5 - Public Exhibition & Assessment	70 days	95 days	115 days	95 days
Stage 6 - Finalisation	25 days	55 days	70 days	80 days
Sub-total (Department target)	140 working days	225 working days	300 working days	380 working days
Total (end to end)	220 days	320 days	420 days	420 days

In accordance with the Standard Planning Proposal timeframes as mentioned above, we anticipate the following timeframe for completion as shown in **Table 6**.

Table 6. Estimated Project Timeframe

Stage	Completion Date
Review of Draft PP by Council	Early April 2023
Formal lodgement of PP on NSW Planning Portal	Early April 2023
Consideration by Council and Meeting	Early July 2023
Gateway Determination	12 October 2023
Commencement and completion of public exhibition period	Mid November 2023
Council's consideration of submissions	Early January 2023
Submission to the Department for finalisation	Late February 2024
Gazettal of LEP amendment	April 2023 – (Noting 10 May 2024 is finalises the seven (7) month period from Gateway determination)



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