

NARROMINE SHIRE COUNCIL
ORDINARY MEETING BUSINESS PAPER – 14 APRIL 2021
REPORTS TO COUNCIL COMMUNITY AND ECONOMIC DEVELOPMENT

1. DEVELOPMENT APPROVALS

Author Director Community and Economic Development
Responsible Officer Director Community and Economic Development
Link to Strategic Plans CSP – 3.1.6 – Encourage developers to consider energy efficiency and sustainable building design options in new developments
 DP – 3.1.6.1 - Ensure compliance with relevant building codes and regulations

Executive Summary

This report provides information to Council on the approved Development Applications for the month of March 2021.

Report

The approvals for the month of March bring the total approved Development Applications for the financial year to 66 with a total value of \$14,861,189.00

DA No.	Location	LOT/DP	Description	Value	Assessment Time/Days
2020/59.2	Third Ave, Narromine	4/1/7833	Alterations & Additions	\$0.00	7
2021/02	Sixth Ave, Narromine	6/3/7834	Dwelling	\$152,000	38
2021/05.2	Garden Ave, Narromine	51/810143	Carport	\$0.00	7
2021/11	Temoin St, Narromine	10/771882	Alterations & Additions	\$100,000	4
2021/17	Mullah St, Narromine	1/16/758993	Alterations & Additions	\$9,890	28
2021/19	Bowden Fletcher Dr, Narromine	36/1209533	Swimming Pool	\$30,000	6
2021/25	Waterford Cct, Narromine	104/1120161	Pergola	\$18,000	9
2021/30	Mitchell Hwy, Narromine	434/1264368	Structure for undercover seating/BBQ area	\$17,100	2

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2021/31	Kingsford Smith Pl, Narromine	61/1271467	Hangar	\$50,000	5
2021/32	Kingsford Smith Pl, Narromine	61/1271467	Dwelling	\$354,700	5

There are currently 18 applications under assessment.

Legal and Regulatory Compliance

Environmental Planning and Assessment Act 1979
Environmental Planning and Assessment Regulation 2000

Risk Management Issues

Nil

Internal/ external Consultation

Nil

Attachments

Nil

RECOMMENDATION

That the information be noted.

2. NARROMINE LEP HEALTH CHECK

Author Manager Planning
Responsible Officer Director Community and Economic Development
Link to Strategic Plans Narromine Shire Local Strategic Planning Statement (LSPS) (June 2020).

Executive Summary

Council is required to conduct regular and periodic reviews of the Narromine Local Environmental Plan 2011 (LEP) to ensure that the objects of the *Environmental Planning and Assessment Act 1979* are met.

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2. NARROMINE LEP HEALTH CHECK (Cont'd)

The purpose of this report is to demonstrate how Council is satisfying the Directions of the Regional Plan and implementing the Narromine Local Strategic Planning Statement (LSPS). This report documents the LEP Health Check process, which will inform the implementation and future review of Council's Local Strategic Planning Statement and support future amendments to planning controls.

Report

The LEP is informed by a range of strategies, the highest order of those is the Central West and Orana Regional Plan 2036 (Regional Plan). In March 2018, amendments to the *Environmental Planning and Assessment Act 1979* (EP&A Act) introduced new requirements for councils to prepare a Local Strategic Planning Statement (LSPS). The LSPS implements actions in the Regional plan, as well as Council's own priorities in the Community Strategic Plan (prepared under local government legislation). Council adopted the Narromine Shire LSPS at its June 2020 meeting with several short-term goals (0-5yrs).

The LEP is the main planning tool to deliver the Council and community's strategic plans. The purpose of an LEP Review (also known as an "LEP Health Check") is to identify how closely aligned the current provisions are to the adopted 20-year vision and Priority areas adopted in the LSPS.

Attachment No. 1 summarises the findings of the LEP Health Check.

Several submissions from the public had been received regarding LEP review issues prior to the LEP Health Check, during the exhibition, and subsequently. All submissions have been reviewed and individual responses are to be provided. The submissions and issues raised are noted in the table below.

	Property	Details	Staff Comment	Staff Recommendation
1	73 Mullah Street TRANGIE	Current zoning RU1 – 19.672ha. Review zoning against Rural Res Strategy 2018.	Land is within Trangie Inner Area identified for rezoning to R5 and change of min lot size to 1.7 to 2ha. Can include in future adoption of Strategy.	Support - NSC to include in a Planning Proposal in line with Strategy (short-term area).
2	182 Old Backwater Road NARROMINE - vacant	Seeking dwelling entitlement. Current zoning RU1 – 9463m ² .	Land is an existing parcel adjoining existing R5 zoned land with a min lot size of Z-3.5ha. The inclusion of this land in the R5 zone would achieve the entitlement with no impact on land development pattern. Servicing issues would need to be addressed at DA. There is a shed already approved. The land is included in the Medium-Term extension of the R5 area (Area A in	Support - NSC to include in a Planning Proposal in line with Strategy (medium term area).

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	Property	Details	Staff Comment	Staff Recommendation
			Narromine West as per Strategy).	
3	Lot 434 DP1264368 - Narromine Tourist Park	Request amend LEP mapping to have total site RE2 Private Recreation.	LEP Map004A – split zoning occurs: SP2 – Air Transport Facilities RE2 Private Recreation; and SP1 Aviation. Land held and used as Caravan Park/Motel is most relevant to be zoned RE2. Rectifying maps is appropriate.	Support – NSC to include in a Planning Proposal for General Amendments.
4	541 Dappo Road NARROMINE - vacant	Request rezoning to R5 to permit dwelling and future subdivision.	Webbs Siding to Dappo Road Narromine East. Falls within longer term Area I release area referenced in the Residential (& Large Lot) Strategy (adjoins Short term Area B) in the Strategy. Potential for 10 lots. Timing to be considered against Strategy.	Support - NSC to include in a Planning Proposal in line with Strategy (longer-term area).
5	211 Ceres Siding Road NARROMINE - vacant	Seeking dwelling entitlement. Current zoning RU1 – 4.99ha.	Previous Council approved subdivision created parcel in 1992 (sub12/92) for purpose of agriculture. The dwelling entitlement could be provided without a rezoning through use of Schedule 1 – Additional Permitted Uses. Land appears suitable for a rural lifestyle opportunity considering neighbouring development patterns. Stand-alone planning proposal required or resolve to occur with future LEP amendment towards addressing rural residential land supply.	Merit to be justified - Planning Proposal investigation required. To be considered further in relation to the Residential & Large Lot Residential Strategy land.
6	52 Warren Road, 58 Warren Road, 62 Warren Road, and 66 Warren Road NARROMINE;	Seeking change to minimum lot size to permit subdivision. Current zoning R5 Large Lot Residential with min. lot size 3.5ha.	Residential & Large Lot Residential Strategy recognises this land is constrained by flooding, riparian buffer and need for reticulated servicing (sewer/water). An LEP amendment would be premature considering the update to the Flood Study (in progress) and other unconstrained land available in line with the Strategy.	Not supported at this time.

2. NARROMINE LEP HEALTH CHECK (Cont'd)

Financial Implications

The LEP Health Check does not result in actions requiring an amendment to the Operational Plan 2020/21. There are no associated financial costs. Future Strategy or Policy changes as recommended actions may require funding.

Legal and Regulatory Compliance

Local Government Act 1993

Environmental Planning and Assessment Act 1979 (s. 3.21)

Narromine Local Environmental Plan 2011

Risk Management Issues

Risk Management issues are considered to be minimal in regards to this report and subsequent resolution. If Council does not conduct an LEP Health Check it will not be meeting the requirement of the *Environmental Planning and Assessment Act 1979* to ensure LEPs are under regular and periodic review.

Internal/External Consultation

Councillor Workshop/Presentation

Public Notification provisions (Local Government Act 1993. S.356)

As this is a planning decision made in the exercise of a function of Council under the EPA Act 1979, a division is required to be called for the motion (section 375A, Local Government Act 1993).

RECOMMENDATION

That Council:

1. Receive the report by the Manager Planning on the LEP Health Check; and
2. Endorse the LEP Health Check and send to the Department of Planning Industry and Environment for consideration.
3. Prepare a Planning Proposal for a General Amendment to the LEP to rectify minor mapping and descriptive errors identified.

3. SECONDARY DWELLING PROVISIONS FOR RURAL ZONES

Author

Manager Planning

Responsible Officer

Director Community and Economic Development

Link to Strategic Plans

LSPS – Priority 4 – A range of housing options for the community.

Executive Summary

Council has an opportunity to make a nomination regarding 'controls relating to secondary dwellings on land in a rural zone' for inclusion in a change to the Standard Instrument (Local Environmental Plans) Order 2006 (Standard LEP). This will have the effect of a new clause in the LEP.

3. SECONDARY DWELLING PROVISIONS FOR RURAL ZONES (Cont'd)

Report

The Department of Planning, Industry and Environment has contacted Council with the opportunity to incorporate a preference for the proposed size for secondary dwellings on rural land in the proposed new Housing State Environmental Planning Policy. Resolution on the matter is required to be submitted to the housing policy division at Department of Planning, Industry and Environment by the 30 May deadline to be incorporated with the proposed Housing SEPP or alternatively prepare a separate planning proposal in the future.

This is only one aspect of the changes to the new provisions for housing policies. More information is available on the Department of Planning, Industry and Environment's web site regarding the proposed Housing SEPP.

<https://www.planning.nsw.gov.au/Policy-and-Legislation/Housing/Diverse-and-affordable-housing>.

In December 2020 the first set of changes were made to the Government's housing-related policies. These changes included amendments to the Standard Instrument (Local Environmental Plans) Order 2006 (Standard LEP) to update the wording of the compulsory provision clause 5.4(9) for secondary dwellings such that the compulsory provision now only applies to secondary dwellings on land other than in a rural zone. The amendments also introduced a new provision, optional clause 5.5 of the Standard Instrument LEP Order, to provide councils the discretion to set a maximum size for secondary dwellings in a rural zone and the maximum distance a secondary dwelling in a rural zone can be located from the principal dwelling.

These changes responded to concerns raised by NSW councils that the existing wording of clause 5.4(9) of the Standard LEP did not work well when applying the same controls across rural zones and urban zones. Councils advised they would like to be able to set a separate maximum size for a secondary dwelling in a rural zone.

At this time, Council can choose to not respond and deal with the matter in the future with a separate LEP amendment. Or, Council can respond prior to the deadline with a preferred size for secondary dwellings with a resolution for rural land based on the new clause 5.5 of the Standard Instrument LEP, as set out below. A proposed maximum distance a secondary dwelling can be located from the principal dwelling may also be proposed as part of the resolution.

5.5 Controls relating to secondary dwellings on land in a rural zone [optional]

If development for the purposes of a secondary dwelling is permitted under this Plan on land in a rural zone—

(a) the total floor area of the dwelling, excluding any area used for parking, must not exceed whichever of the following is the greater—

(i) [insert number] square metres,

(ii) [insert number]% of the total floor area of the principal dwelling, and

(b) the distance between the secondary dwelling and the principal dwelling must not exceed [insert number] metres.

Direction—

This clause may also be adopted without paragraph (a) or without paragraph (b).

3. SECONDARY DWELLING PROVISIONS FOR RURAL ZONES (Cont'd)

❖ Narromine Local Environmental Plan 2011 current provisions:

Applicable to secondary dwellings permitted in the R1 Residential, & RU5 Village zones. Secondary dwellings are not currently permitted in the RU1 Primary Production or R5 Large Lot Residential zones.

secondary dwelling means a self-contained dwelling that—

- (a) is established in conjunction with another dwelling (the principal dwelling), and
- (b) is on the same lot of land as the principal dwelling, and
- (c) is located within, or is attached to, or is separate from, the principal dwelling.

Note—

See clause 5.4 for controls relating to the total floor area of secondary dwellings.

Secondary dwellings are a type of residential accommodation—see the definition of that term in this Dictionary.

Clause 5.4 Controls relating to miscellaneous permissible uses

(9) Secondary dwellings on land other than land in a rural zone

If development for the purposes of a secondary dwelling is permitted under this Plan on land other than land in a rural zone, the total floor area of the dwelling, excluding any area used for parking, must not exceed whichever of the following is the greater—

- (a) 60 square metres,
- (b) 65% of the total floor area of the principal dwelling.

❖ Amendment to the LEP for Secondary Dwellings:

Currently, adoption of the rural zone provisions, would apply to the RU5 Village zone only. With a larger lot size available in the rural zones the option for controls to permit slightly larger dwellings is acceptable, and is proportionate to rural outbuildings. This may allow an existing structure to be converted. The clustering of dwellings is able to protect rural land with a limit of 400m reasonable to ensure the established secondary dwelling is in conjunction with the main house and reduces need for additional infrastructure (such as possible sharing of septic systems) and could relate to a shared asset protection zone for bushfire prone areas. The follow parameters are able to provide greater flexibility for the Village zone:

5.5.(a) the total floor area of the dwelling, excluding any area used for parking, must not exceed whichever of the following is the greater—

- (i) **100** square metres,
- (ii) **70%** of the total floor area of the principal dwelling, and
- (b) the distance between the secondary dwelling and the principal dwelling must not exceed **400** metres.

Legal and Regulatory Compliance

Future - Housing Diversity State Environmental Planning Policy (SEPP).

Environmental Planning and Assessment Act 1979

Environmental Planning and Assessment Regulation 2000

3. SECONDARY DWELLING PROVISIONS FOR RURAL ZONES (Cont'd)

Risk Management Issues

Avoids expense for a planning proposal in the future.

Internal/ external Consultation

In accordance with Environmental Planning and Assessment Act/Regs by Department of Planning, Industry and Environment.

Attachments

Nil.

As this is a planning decision made in the exercise of a function of Council under the EPA Act 1979, a division is required to be called for the motion (section 375A, Local Government Act 1993).

RECOMMENDATION

That Council:

1. Respond to the Department of Planning, Industry and Environment in respect of the proposed Housing SEPP, and adopt the following parameters for inclusion in the controls relating to secondary dwellings on land in a rural zone:

5.5.(a) the total floor area of the dwelling, excluding any area used for parking, must not exceed whichever of the following is the greater—

(i) 100 square metres,

(ii) 70% of the total floor area of the principal dwelling, and

(b) the distance between the secondary dwelling and the principal dwelling must not exceed 400 metres.

4. NARROMINE SHIRE RESIDENTIAL AND LARGE LOT RESIDENTIAL (LAND USE) STRATEGY

Author	Manager Planning
Responsible Officer	Director Community and Economic Development
Link to Strategic Plans	Delivery Program 2.1.5 New plans and strategies are developed in line with the community's needs and encourages economic growth. LSPS – Priority 4 – A range of housing options for the community.

Executive Summary

The intention is to act on the recommendations of the Narromine Shire Residential and Large Lot Residential (Land Use) Strategy 2018 to provide additional R1 General Residential and R5 Large Lot Residential land. In accordance with the Strategy, a minimum of 10 years and maximum of 30 years supply of zoned land should be aimed to be in the pipeline or ready for development to avoid sudden supply/demand mismatch.

4. NARROMINE SHIRE RESIDENTIAL AND LARGE LOT RESIDENTIAL (LAND USE) STRATEGY (Cont'd)

Report

The LEP Health Check Review has identified that the supply of R5 Large Lot Residential land remains close to fully developed or subdivision potential has been constrained by costs, landownership or the proposed Inland Rail alignment. Limited lots have come to fruition since the 2009 and 2013 Strategies. Recommended short term actions are proposed in accordance with the Narromine Shire Residential and Large Lot Residential (Land Use) Strategy 2018. This is to ensure adequate land is available for the identified future supply and to plan for impacts on supply caused by known infrastructure projects.

Where the LEP Health Check has identified additional sites seeking dwelling entitlement, including through submissions, outside the Strategy, these can be addressed in parallel with submission and payment of the applicable fee. Consultation with DPIE is required to confirm the appropriate pathway.

Relevant areas identified in the Strategy proposed to be amended are detailed in the tables and maps below.

SHORT TERM PRIORITY AREA ACTIONS

The areas identified in the Narromine Shire Residential and Large Lot Residential (Land Use) Strategy 2018 are depicted below. Further site-specific details and potential lot yields are outlined in the Strategy document. Proceeding with adoption of the Strategy areas will result in the following:

New lots in Short Term Areas as per Strategy

	Potential Additional Lots
Narromine	
R1 Residential land (450m²)	12
R5 Large Lot Residential land	35
RU1 Primary Production (min lot size 20ha)	5
Trangie	
R1 Residential land (450m²)	0
R5 Large Lot Residential land	17
RU1 Primary Production (min lot size 20ha)	0

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4. NARROMINE SHIRE RESIDENTIAL AND LARGE LOT RESIDENTIAL (LAND USE) STRATEGY (Cont'd)

Identification of areas identified in the Strategy

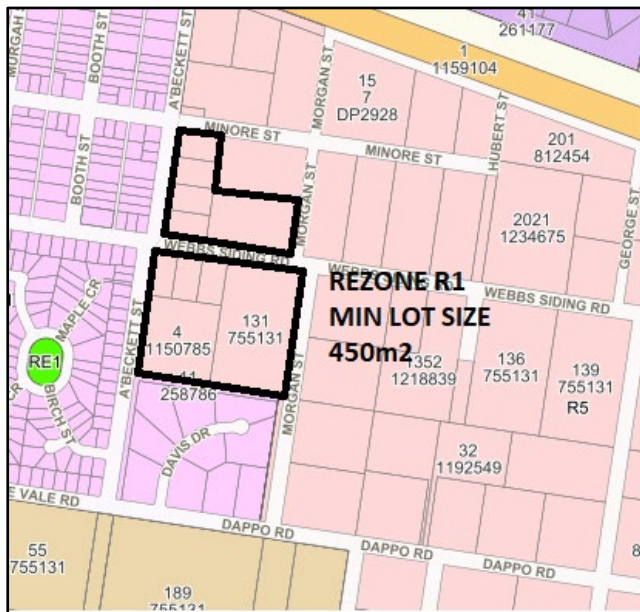
Referenced Short-term Area	Current Zone	New Zone/Lot size	Number of additional lots
Narromine Inner East			
Area A (1)	R5	R1/ 450m ²	12 additional lots (likely 2/3 without a new road)
Area A (2)	R5	R5/ 1.5ha or 4000m ² if serviced	Likely result in 13-15 lots
Narromine East			
Area B	RU1	R5/1.5 to 2ha	12 new lots (unserviced)
Area C	RU1	R5/1.5 to 2ha	5 new lots
Narromine North East			
Area B	RU1	RU1/20ha	Potential additional 5 lots
Area C (and Part D, medium term)	RU1	R5/5ha	26 lots possible (likely 13 new lots)
Trangie Inner Area			
Trangie Inner Area	R5/3.5ha min	R5/1.7ha	Potential 7-8 lots
Trangie Inner Area A	RU1	R5/2ha	Potential additional 10-12 lots.

Narromine Inner East - Area A – Existing Zone R5 Area (Reduced Lot Size)

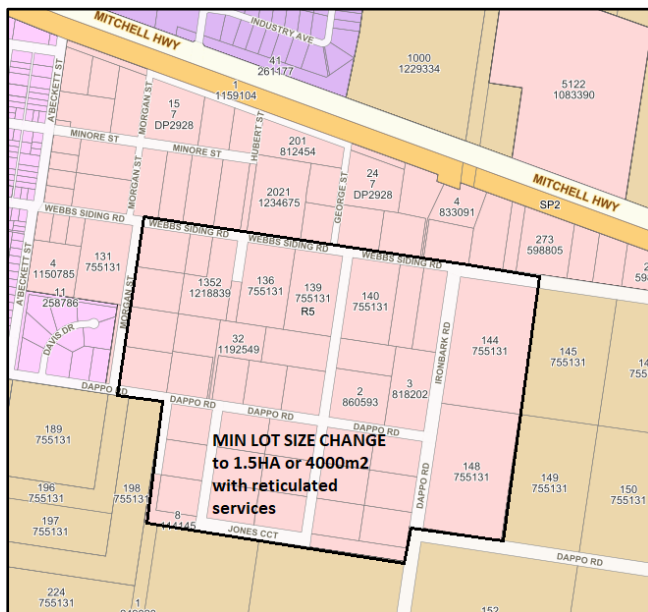
Rezone land for additional urban serviced residential land for land Area A(1). The proposal is to in the short term reduce the Minimum Lot Size (MLS) in the Existing Zone R5 area (Area A on the Strategy Maps) south of Webbs Siding Road and west of Dappo/Ironbark Road from 3.5ha to 1.7ha (unserviced) or 4,000m² (serviced i.e. connected to reticulated water and sewer). Due to existing lot sizes it is expected that serviced lots will most likely take advantage of an average 8000m² lot size to minimise need for additional new roads or unacceptable number of battle-axe lots for access.

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4. NARROMINE SHIRE RESIDENTIAL AND LARGE LOT RESIDENTIAL (LAND USE) STRATEGY (Cont'd)



AREA A (1) – Rezone to R1 Residential and change min lot size map.

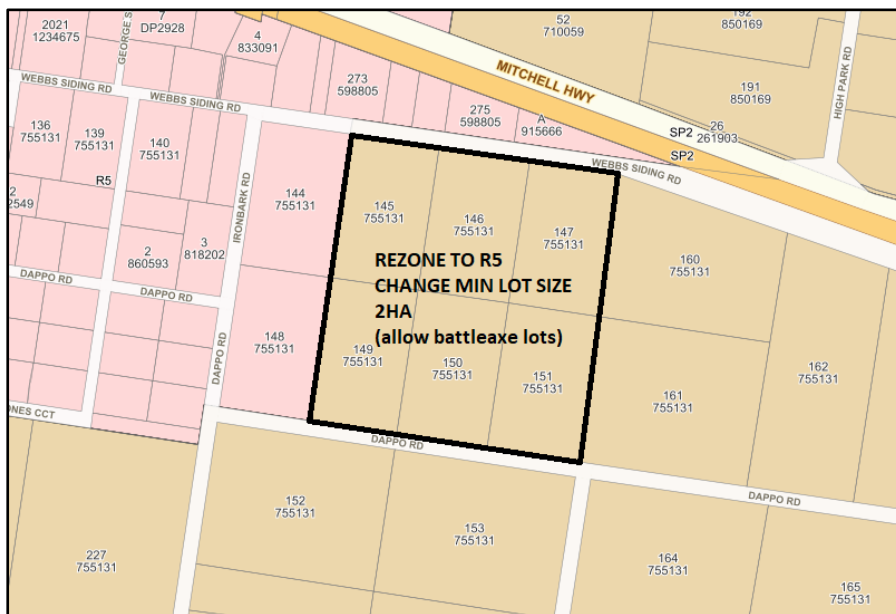


AREA A (2) – Change the min. lot size only.

4. NARROMINE SHIRE RESIDENTIAL AND LARGE LOT RESIDENTIAL (LAND USE) STRATEGY (Cont'd)

Narromine East - AREA B – Existing Zone R5 Area (Reduced Lot Size)

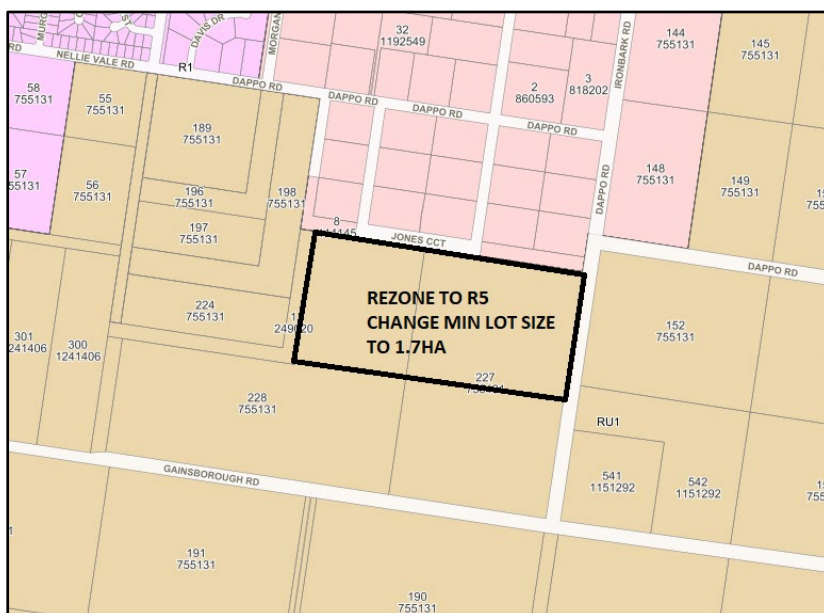
This land is currently zoned RU1 Primary Production and has existing 8.8ha lots with a minimum lot size (MLS) of 5ha. The Strategy proposed to change the zoning to R5 and reduce MLS to 1.5-2ha. Likely result is an additional 12 lots (unserviced).



AREA B – Rezone to R5 and change MLS (un serviced)

Narromine East - AREA C – Existing Zone R5 Area (Reduced Lot Size)

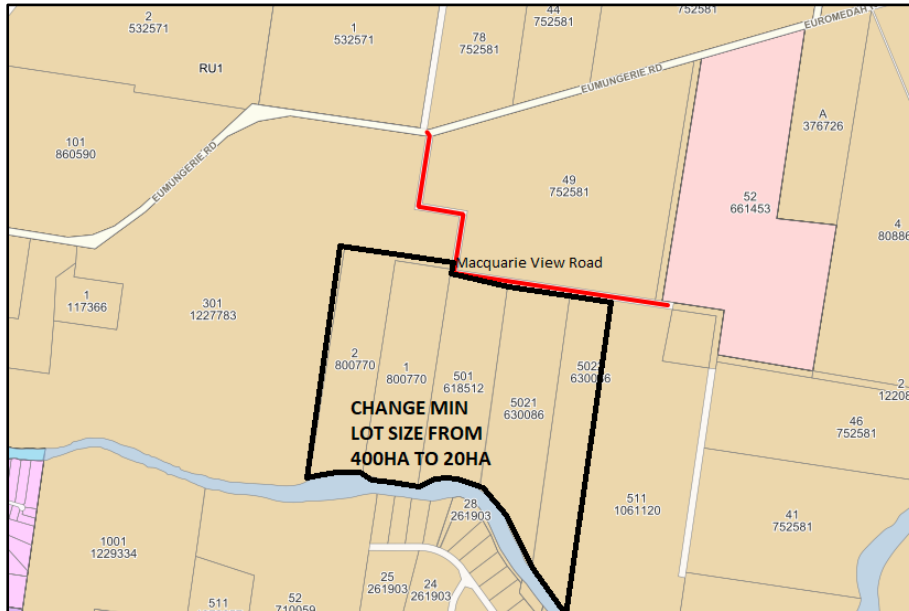
This land is currently zoned RU1 Primary Production. The Strategy proposes to rezone to R5 Large Lot Residential and have a min lot size of 1.7ha. This is most likely to produce an additional 5 lots (up to 9).



AREA C – Rezone to R5 and change min lot size to 1.7ha (un serviced).

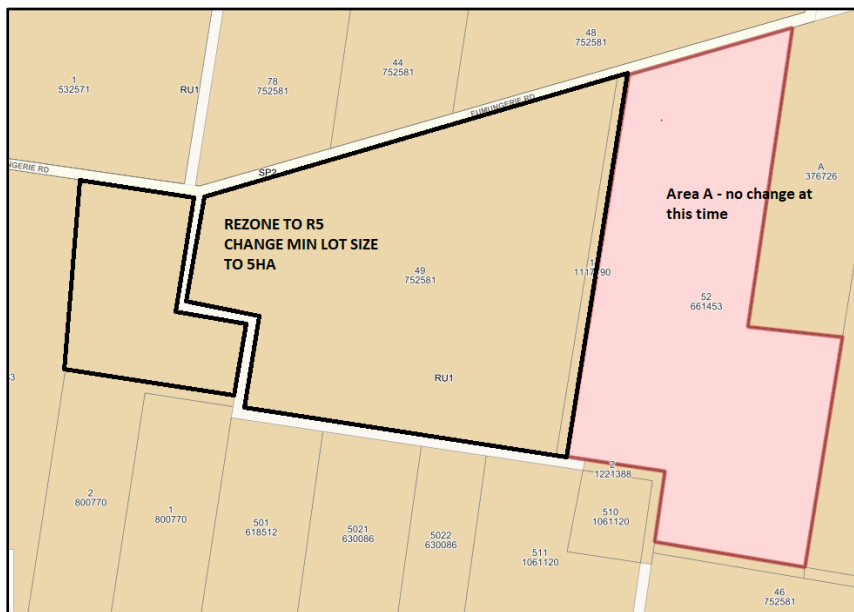
4. NARROMINE SHIRE RESIDENTIAL AND LARGE LOT RESIDENTIAL (LAND USE) STRATEGY (Cont'd)

Narromine North East - AREA B – Change min lot size to 20ha (battleaxe arrangements likely).



AREA B – change min lot size to 20ha, allow battle-axe lots.

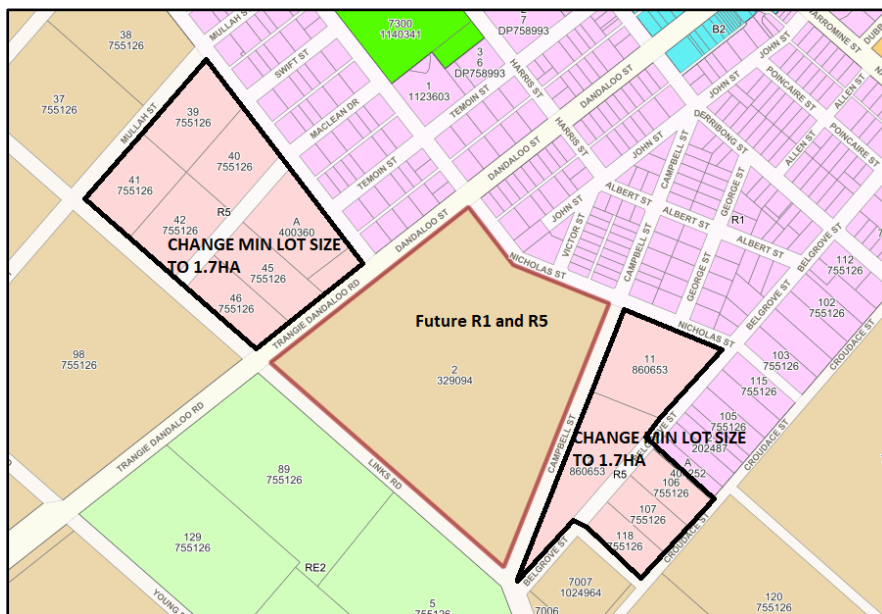
AREA C AND PART D- Narromine North East – Rezone to R5 and change min Lot size to 5ha. Part of this land will be constrained by Inland Rail buffer for protection from noise impacts to be addressed in a Development Application stage. (Assume a 400m to 600m buffer could apply). Further assessment would be required as part of the Planning Proposal process to compare to the Inland Rail EIS and area of impact.



AREA C and PART AREA D– Rezone to R5 and change min lot size to 1.7ha (un serviced).

4. NARROMINE SHIRE RESIDENTIAL AND LARGE LOT RESIDENTIAL (LAND USE) STRATEGY (Cont'd)

TRANGIE INNER AREA – Existing R5 zoned land is proposed to have the MLS reduced to allow some subdivision. The Strategy identifies this as a more efficient use of existing R5 zoned land.



TRANGIE– Change min lot size to 1-1.7ha (un serviced).

TRANGIE INNER AREA – Rezone to R5 and change min lot size to 1 -2ha. Dual road frontages are conducive to future subdivision. The land has a potential for 10 -12 lots with a rural residential style development.



TRANGIE AREA A– Change min lot size to 1-1.7ha (un serviced).

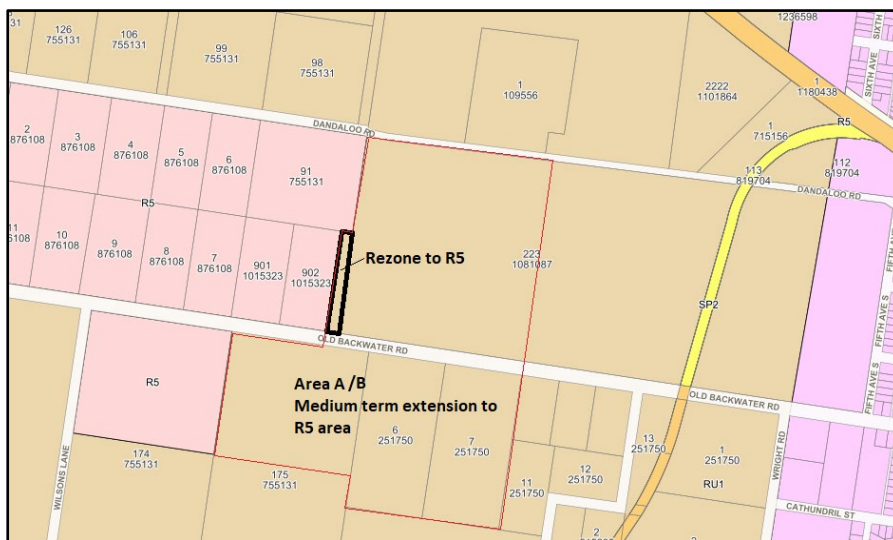
4. NARROMINE SHIRE RESIDENTIAL AND LARGE LOT RESIDENTIAL (LAND USE) STRATEGY (Cont'd)

Additional Land nominated in the LEP Health Check

During the recent LEP Health Check, landowner submissions were received requesting consideration in an LEP amendment. The land parcels falling within medium/longer term areas identified in the Strategy are able to be brought forward to be addressed with the short-term areas. No land has been rezoned inline with the Strategy (2018), nor any action taken towards implementation of the preceding 2013 and 2009 Residential (& Large Lot Residential) Strategies. Currently, any actions towards Strategy implementation, has already exceeded the short term recommended timing. Where there is a landowner willingness to progress and see a realisation of some of the potential lot availability, this should also be taken into consideration in line with moving forward with implementation of the Strategy.

Narromine West – Area A – 182 Old Backwater Road

The sketch below locates the subject land within the Area A identified as part of the medium-term extension of the existing R5 zoned area. One existing lot would be impacted and gain an entitlement.

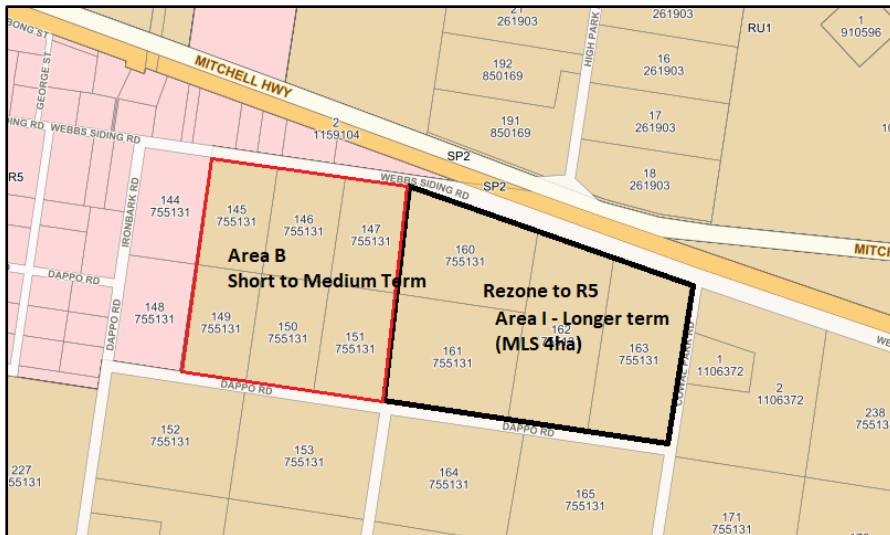


Narromine West
AREA A– Rezone
to R5 –
landowner
nominated area

4. NARROMINE SHIRE RESIDENTIAL AND LARGE LOT RESIDENTIAL (LAND USE) STRATEGY (Cont'd)

Narromine East – AREA I – 541 Dappo Road

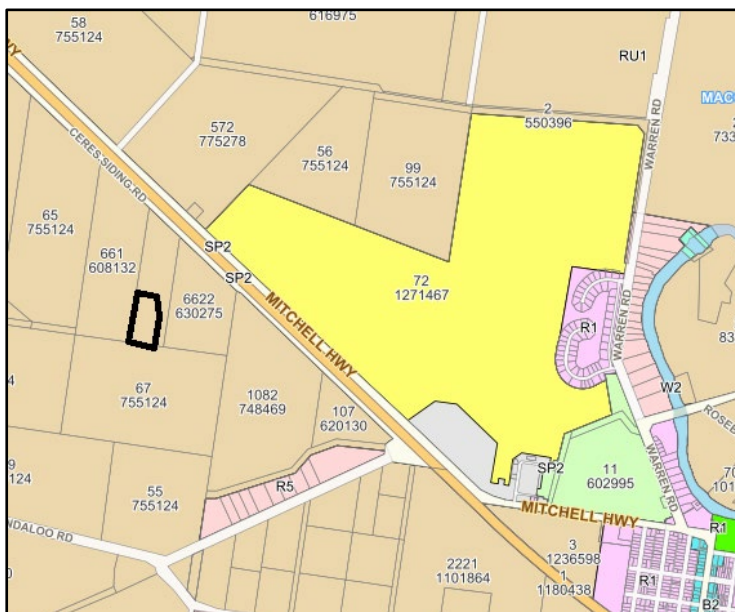
The area was also nominated in the LEP Health Check for inclusion (Webbs Siding to Dappo Road, Narromine East). Falls within longer term release Area I as referenced in the Residential (& Large Lot) Strategy (adjoins the identified Area B short term). Inclusion of this land has potential for approx. 10 lots.



Narromine West
AREA A– Rezone to R5 – landowner nominated area

211 Ceres Siding Road, NARROMINE –

This land has been nominated by the landowner to provide an opportunity for a rural lifestyle lot – 4.99ha. Previous Council approved subdivision created the parcel in 1992 (sub12/92) for purpose of agriculture. Land appears suitable for a rural lifestyle opportunity considering neighbouring development patterns. As the land was not considered in the Strategy, further investigation would be required prior to inclusion in a planning proposal. The dwelling entitlement could be provided without a rezoning through use of Schedule 1 – Additional Permitted Uses.



Ceres Siding Rd– Amend LEP to permit dwelling-landowner nominated area

4. NARROMINE SHIRE RESIDENTIAL AND LARGE LOT RESIDENTIAL (LAND USE) STRATEGY (Cont'd)

Legal and Regulatory Compliance

Environmental Planning and Assessment Act 1979

Environmental Planning and Assessment Regulation 2000

Risk Management Issues

Ensures there is adequate land in the pipeline for supply of residential and large lot residential land use. Supports the adopted Strategy and minimises risk of future infrastructure projects causing land supply issues. Risk of potential land use conflict is managed by adoption of the endorsed Strategy.

Internal/ external Consultation

Future proposals to be notified and advertised in accordance with the Community Participation Plan and Environmental Planning and Assessment Act/Regs.

Attachments

Nil.

As this is a planning decision made in the exercise of a function of Council under the EPA Act 1979, a division is required to be called for the motion (section 375A, Local Government Act 1993).

RECOMMENDATION

That Council:

1. Prepare a Planning Proposal to implement the recommendations of the Narromine Shire Residential and Large Lot Residential (Land Use) Strategy 2018; including: Short Term areas and include identified medium/longer term areas that are supported by land owners.
2. Prior to finalising a Planning Proposal staff contact all affected landowners and liaise directly in the process.
3. Council accept a Planning Proposal for consideration of the land in Ceres Siding Road subject to additional investigations supporting a future dwelling opportunity.

5 MODIFICATION TO DEVELOPMENT APPLICATION 2019/47 ELECTRICITY GENERATING WORKS – 5MW SOLAR FARM

Author	Manager Planning
Responsible Officer	Director Community and Economic
Link to Strategic Plans	N/A

Executive Summary

The original approval was determined on 12th November 2019 by the Regional Planning Panel. The development is regionally significant development pursuant to

**5 MODIFICATION TO DEVELOPMENT APPLICATION 2019/47 ELECTRICITY
GENERATING WORKS – 5MW SOLAR FARM (Cont'd)**

Schedule 7 of *State Environmental Planning Policy (State and Regional Development) 2011*, which requires that private infrastructure development with a capital investment value of over \$5 million be determined by a Regional Planning Panel. However, only certain larger-scale applications to modify development consents need to be

referred to the Regional Planning Panel. Pursuant to clause 123BA(2) of the *Environmental Planning and Assessment Regulation 2000* Council is the consent authority.

The proposed modification is due to the finalization of the rail corridor that is required to construct the Narromine to Narrabri section of the Inland Rail project. Since the time of the original approval the ARTC has completed investigations and has narrowed the corridor to a variable width ranging from 50 metres to 119 metres along the western boundary of Lots 41 and 46 DP 752581.

The proposed modification comprises:

- Relocating the solar farm to the east to accommodate the rail corridor.
- An amended access off Euromedah Road due to the vehicle movements associated with the Macquarie Manor Quarry that was approved by the Western Regional Planning Panel on 7 July 2020 and is located further east along Euromedah Road.
- Scope and massing of the facility is reduced due to improvements in technology that have been made since the original approval - capacity of 5MW remains the same.

Specifically, the following conditions have been sought to be amended:

- Condition A1 (table listing approved plans and specifications);
- Condition A2(b) be amended to delete '15,708' and replace with '12,100' photovoltaic (PV) solar panels;
- Condition 7 be amended in relation to Access.

Report

DEVELOPMENT ASSESSMENT REPORT

1. Application Details Summary

Development Application No:	2019/47.002
Description of Development:	Electricity Generating Works (5 MW)
Applicant:	ITP Developments Pty Ltd
Capital Investment Value:	\$6,600,000

5 MODIFICATION TO DEVELOPMENT APPLICATION 2019/47 ELECTRICITY GENERATING WORKS – 5MW SOLAR FARM (Cont'd)

2. Property Description Summary

Legal Description:	Lots 41 & 46 DP 752581
Existing Improvements	Rural Farmland
Current Land-use:	RU1 Primary Production

3. Overview

Council is in receipt of the abovementioned application to modify DA2019/47 lodged with Council by ITP Developments Pty Ltd on 2nd February 2021. The proposed *electricity generating works* (solar farm) development site is located at 6 Euromedah Road, Narromine - Lots 41 & 46 DP 752581.

The proposed development involves the construction and operation of a five (5) Megawatt solar farm and two inverter stations, security fencing, a temporary car parking area for 40 vehicles and road works within Euromedah Road, at the intersection of the access road to the site.

Pursuant to Section 4.5(b) of the *Environmental Planning and Assessment Act 1979*, the consent authority for the original Development Application was the Western Regional Planning Panel. The development is regionally significant development pursuant to Schedule 7 of *State Environmental Planning Policy (State and Regional Development) 2011*, which requires that private infrastructure development with a capital investment value of over \$5 million be determined by a Regional Planning Panel.

Pursuant to Section 34(7) of *State Environmental Planning Policy (Infrastructure) 2007* *electricity generating works* may be carried out by any person with consent on any land. The proposed development is located in the RU1 Primary Production Zone and is therefore permissible with consent.

The proposal has been assessed pursuant to Section 4.55(2) of the *Environmental Planning and Assessment Act 1979* and is considered to be suitable. Approval of the modification to DA2019/47 is recommended, subject to conditions.

Council are delegated to deal with minor modifications in accordance with the Regulations.

Environmental Planning and Assessment Regulation 2000

123BA Functions exercisable by council on behalf of regional panel

- (1) *For the purposes of section 4.7(2)(h) of the Act, the determination of an application to modify a development consent under section 4.55 of the Act is, except as provided by subclause (2), prescribed as a function that is to be exercised on behalf of a regional panel by a council.*

**5 MODIFICATION TO DEVELOPMENT APPLICATION 2019/47 ELECTRICITY
GENERATING WORKS – 5MW SOLAR FARM (Cont'd)**

(2) A council is not to determine, on behalf of a regional panel, an application to modify a development consent under section 4.55(2) of the Act if the application is of a kind specified in the Instruction on Functions Exercisable by Council on Behalf of Sydney District or Regional Planning Panels—Applications to Modify Development Consents published on the NSW planning portal on 30 June 2020.

The instruction states:

A council is not to determine an application under section 4.55(2) of the Act to modify a development consent granted by a regional panel if the application:

- proposes amendments to a condition of development consent recommended in the council assessment report but which was amended by the panel, or*
- proposes amendments to a condition of development consent that was not included in the council assessment report but which was added by the panel, or*
- meets the criteria relating to conflict of interest, contentious development or departure from development standards set out in Schedule 1 to this instruction.*

Note: Clause 123BA of the Regulation requires councils to determine all other applications for the modification of development consents under section 4.55(2) of the Act, as well as applications for the modification of development consents under section 4.55(1) and section 4.55(1A) of the Act.

The application for modification is hence required to be determined by Council. The applicant addressed the provisions of the Instruction in their application. Further, the modification is considered 'substantially the same development' as the approved Wahroonga Solar Farm that was granted consent.

Council had previously obtained legal advice regarding the consideration of development applications within or within the vicinity of the inland rail corridor. This advice concluded that Council should continue to perform its assessment obligations in accordance with the existing planning controls until such time that further information about the location of the N2N Project and any determination has been made. At this time, the Environmental Impact Statement for the Inland Rail project has been exhibited and the alignment of the rail line refined. The proposed modification comprises relocating the solar farm to the east to accommodate the rail corridor.

The proposed development is "locally significant development" and was notified to adjoining landowners and publicly exhibited for a period of 14 days from 9 February 2021 until 26 February 2021. After the completion of the prescribed period one submission was received.

5 MODIFICATION TO DEVELOPMENT APPLICATION 2019/47 ELECTRICITY GENERATING WORKS – 5MW SOLAR FARM (Cont'd)

The modification includes an amended access location off Euromedah Road. This is justified due to the vehicle movements associated with the Macquarie Manor Quarry that was approved by the Western Regional Planning Panel on 7 July 2020 (DA2019/36). The revised traffic assessment has considered the combined traffic and road design aspects of these developments.

4. Site and Locality Description

The locality has not changed significantly since the original approval. The location of the proposed Solar Farm is on land described as 6 Euromedah Road, Narrormine – Lots 41 & 46 DP 752581, Parish of Euromedah, County of Ewenmar.

The subject land is located to the east of the town of Narrormine and south of Euromedah and Eumungerie Roads. The land is zoned RU1 Primary Production pursuant to the *Narrormine Local Environmental Plan 2011* and is 163.5 hectares in area. The site is surrounded predominately by land zoned RU1 Primary Production to the north, south, east and west. Land immediately to the north of the development site is zoned R5 Large Lot Residential, however remains undeveloped. The eastern boundary of the land is straddled by the Macquarie River.

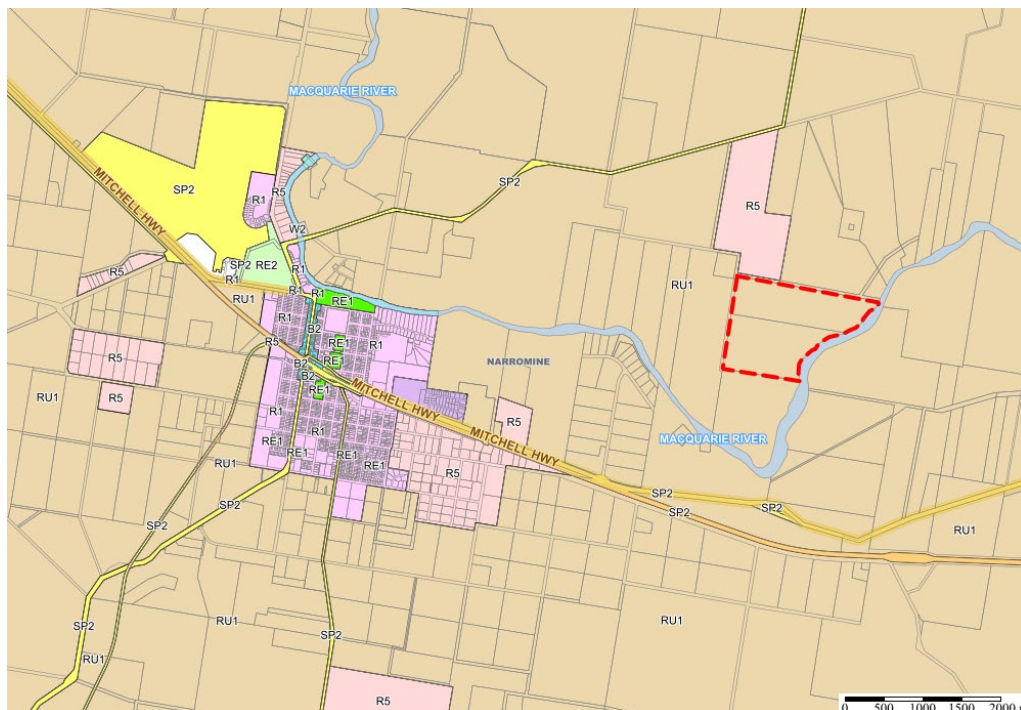


Figure 1 Locality Plan

Access to the development site is via a modified location via a driveway that traverses through Lot: A DP: 376726 and Lot: 52 DP: 661453 as per Figure 2.

5 MODIFICATION TO DEVELOPMENT APPLICATION 2019/47 ELECTRICITY GENERATING WORKS – 5MW SOLAR FARM (Cont'd)

The subject site has been actively grazed and predominately cleared of native vegetation with the exception of scattered, remnant vegetation consisting predominately of agricultural weeds and grasses.

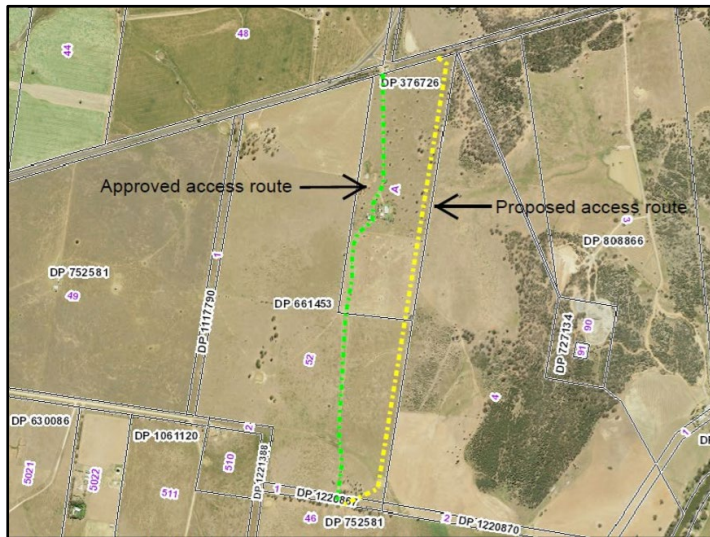


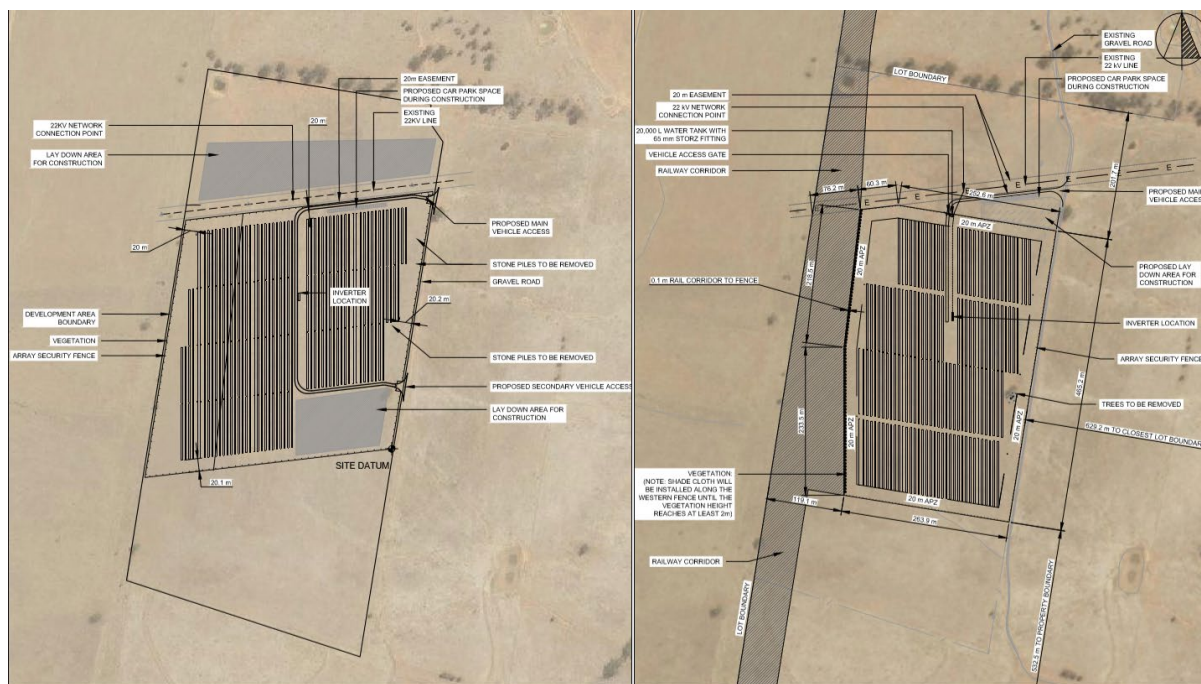
Figure 2 Proposed Vehicular Access

5. The Modified Proposal

The modification involves the relocation of the solar array to the east within vicinity of the originally approved location. Advances in the technology of photovoltaic panels has meant that the development footprint can be reduced from 15.6 hectares to 13.7 hectares and the number of panels can be reduced from about 15,000 panels to 12,100 installed in 140 rows supported by two 3MW inverters. As described in the Statement of Environmental Effects submitted, the security fence along the western edge of the array is to be setback 0.1 metres from the rail corridor and the array a further 20 metres inside the security fence to retain a bushfire asset protection zone that surrounds the array. A 20,000 litre water tank is to be installed for fire-fighting purposes.

The configuration of the array is proposed to be altered in a minor way to ensure that the quantities of panels and ancillary infrastructure (inverter stations, cabling connections to the 22kV power lines, construction lay down areas, car parking and internal access) can still be developed. The proposed revised layout is shown in the general arrangement plan NRMA-G-2100 dated 20 January 2021. A separate drawing was also submitted (NRMA-G-2100) which shows the previously approved general arrangement and the revised general arrangement. The modification also involves a change to site access arrangements.

5 MODIFICATION TO DEVELOPMENT APPLICATION 2019/47 ELECTRICITY GENERATING WORKS – 5MW SOLAR FARM (Cont'd)



1 PREVIOUSLY APPROVED GENERAL ARRANGEMENT

2 REVISED GENERAL ARRANGEMENT

Figure 3 Revised General Arrangement

Construction

The application for modification to DA 2019/47 was supported by a revised Traffic Impact Assessment Report. The revisions have included assessment and consideration of the traffic generation associated with nearby approved Macquarie Manor Quarry (DA2019/36).

STATUTORY REFERRALS

SECTION 4.14 CONSULTATION AND DEVELOPMENT CONSENT

No statutory referrals were considered as part of the assessment of the Application. Whilst part of the subject land has been identified as being Bushfire Prone Land, the development does not constitute integrated development. The proposal was assessed under Section 4.14 of the Environmental Planning and Assessment Act 1979, which requires the development to comply with the *Planning for Bushfire Protection Guideline 2006* (PBP).

The modification was referred for comment to the following authorities:

- NSW Rural Fire Service;
- ARTC (and Inland Rail);
- Transport for NSW; and
- Essential Energy.

**5 MODIFICATION TO DEVELOPMENT APPLICATION 2019/47 ELECTRICITY
GENERATING WORKS – 5MW SOLAR FARM (Cont'd)**

MATTERS FOR CONSIDERATION

S4.15 (1) (A) (I) THE PROVISIONS OF ANY ENVIRONMENTAL PLANNING INSTRUMENT

STATE ENVIRONMENTAL PLANNING POLICIES

State Environmental Planning Policy (State and Regional Development) 2011

Pursuant to Schedule 7 of *State Environmental Planning Policy (State and Regional Development) 2011*, the development is considered to be regionally significant development as the capital investment value is over \$5 million. Pursuant to Section 4.5(b) of the *Environmental Planning and Assessment Act 1979*, the development was required to be determined by the Western Regional Planning Panel.

Pursuant to Schedule 1, Clause 20 of the SEPP, the proposal is not State Significant Development as the development will have a capital investment value of less than \$30 million. The Western Region Planning Panel was the consent authority and not the Minister pursuant to Section 4.36 of the *Environmental Planning and Assessment Act, 1979*.

Council are delegated to deal with minor modifications in accordance with the *Environmental Planning and Assessment Regulations*.

State Environmental Planning Policy (Infrastructure) 2007

Clause 34 Solar energy systems

The proposed development is located in the RU1 Primary Production Zone and is therefore permitted with consent.

Clause 45 Determination of development applications – other development

Pursuant to Clause 45 of SEPP (Infrastructure) 2007, the local electricity supply authority (Essential Energy) was notified of the Modification to the Development Consent due to overhead powerlines which operate in the vicinity of the development site. Essential Energy responded on Friday 26th February 2021 providing comments. The comments of Essential Energy are included as a notation on the consent, and should be updated accordingly with this modification.

Clause 85 Development adjacent to rail corridors, and

Clause 86 Excavation in, above, below or adjacent to rail corridors

The subject land has been identified within the Narromine to Narrabri (N2N) Study Area of the Inland Rail project which will be the subject of a State Significant Development Application. Council consulted with ARTC and Inland Rail regarding the proposed new site. No issues with the location was raised.

**5 MODIFICATION TO DEVELOPMENT APPLICATION 2019/47 ELECTRICITY
GENERATING WORKS – 5MW SOLAR FARM (Cont'd)**

State Environmental Planning Policy No 55 – Remediation of Land

The property is not listed on Council's Potentially Contaminated Lands Register. Pursuant to Clause 7 of the SEPP, Council must consider whether the land is contaminated and whether the land is suitable for the proposed use.

While noting the land is potentially contaminated given its past use for agricultural purposes, the proposal is considered to be a non-sensitive land use. In this regard, the potential contamination status of the land is considered to not adversely impact on the proposed use or those persons utilising the development. Therefore, no further investigations in relation to contamination/SEPP 55 are required.

State Environmental Planning Policy (Rural Lands) 2008

No change is recognised from the original assessment for this modification. The proposal responds to the aims of the Rural Lands SEPP as it involves only a 163.5 hectare parcel of rural land. The proposal is not located in close proximity to an existing dwelling and it will not impact the ability of adjoining farmers to carry out normal farming operations.

The proposal responds to the rural planning principles by providing a sustainable economic activity in a rural area, which provides economic benefits to a rural community and it will not result in adverse environmental outcomes.

The proposal will not result in demands on water resources. Local flooding, drainage, and erosion risks can be managed as part of the recommended conditions. The proposal is consistent with Direction 9 of the Central West and Orana Regional Plan to increase renewable energy.

Environmental Planning and Assessment Act 1979

Section 4.55 Modification of consents—generally

(2) Other modifications

A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if—

(a) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified (if at all), and

**5 MODIFICATION TO DEVELOPMENT APPLICATION 2019/47 ELECTRICITY
GENERATING WORKS – 5MW SOLAR FARM (Cont'd)**

(b) it has consulted with the relevant Minister, public authority or approval body (within the meaning of Division 4.8) in respect of a condition imposed as a requirement of a concurrence to the consent or in accordance with the general terms of an approval proposed to be granted by the approval body and that Minister, authority or body has not, within 21 days after being consulted, objected to the modification of that consent, and

(c) it has notified the application in accordance with—

(i) the regulations, if the regulations so require, or

(ii) a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and

(d) it has considered any submissions made concerning the proposed modification within the period prescribed by the regulations or provided by the development control plan, as the case may be.

Subsections (1) and (1A) do not apply to such a modification.

Staff Comments:

The Statement of Environmental Effects and associated plans have demonstrated that the proposed modified development is substantially the same development. The application for modification to DA2019/47 was notified accordingly.

Narromine Local Environmental Plan 2011

The original development assessment considered the LEP provisions, and is summarised below with relevance to the proposed modification to DA2019/47.

electricity generating works means a building or place used for the purpose of making or generating electricity.

The subject land is zoned RU1 Primary Production. The proposed development can be defined as electricity generating works under the Narromine Local Environmental Plan 2011. This is defined as:

“A building or place used for the purpose of making or generating electricity.”

Electricity-generating works are permissible in the RU1 zone and pursuant to Clause 34(1) of State Environmental Planning Policy (Infrastructure) 2007.

5 MODIFICATION TO DEVELOPMENT APPLICATION 2019/47 ELECTRICITY GENERATING WORKS – 5MW SOLAR FARM (Cont'd)

Clause 6.2 Flood planning

The subject site is identified as being partially flood prone in accordance with Narromine LEP 2011 Planning Map, however the solar farm is proposed to be located outside of the inundation area. This remains relevant for the modified location. Should the site become inundated, the elevated nature of the array will allow for floodwater to flow freely underneath the panels and will not adversely obstruct the natural flow of the floodwater. As the accuracy of the flood mapping should be considered with caution; a condition is proposed to ensure solar panels are located above the 1:100 ARI flood level.

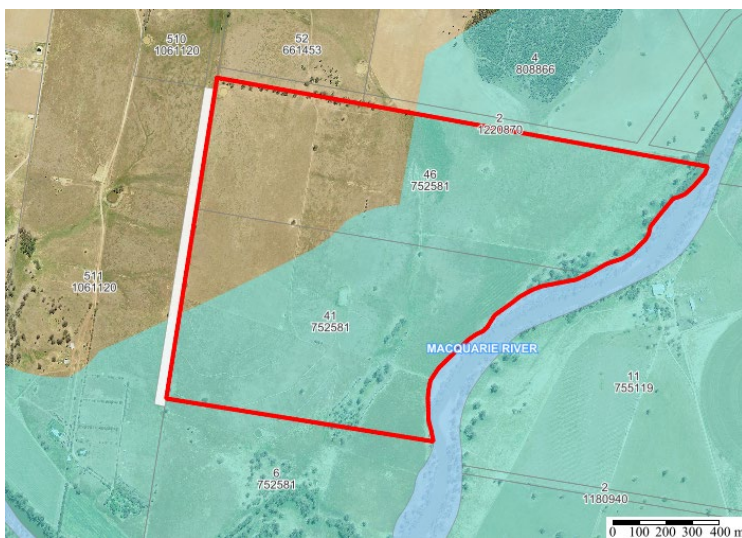


Figure 4 Flood Planning Area

Clause 6.4 Terrestrial biodiversity

The subject site is identified as partially subject to terrestrial biodiversity in accordance with Narromine LEP 2011 and is part of a “Sensitive Area” of riparian vegetation situated along the riverbank of the Macquarie River.

5 MODIFICATION TO DEVELOPMENT APPLICATION 2019/47 ELECTRICITY GENERATING WORKS – 5MW SOLAR FARM (Cont'd)

The modification was supported by a revised assessment and addressed the proposed new internal access route. No large trees are required to be removed in the road reserve.

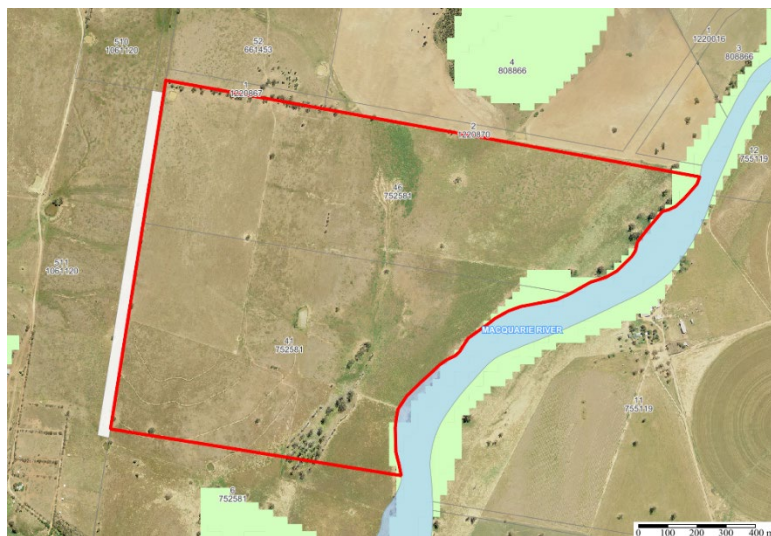


Figure 5 Terrestrial Biodiversity Map

Clause 6.5 Riparian land and watercourses

The proposed modification to the development is unlikely to adversely impact watercourses or riparian land. The development is sited well in excess of 40m of the top bank from the Macquarie River and does not involve the extraction of water.

Clause 6.6 Groundwater Vulnerability

The subject land is identified as "Vulnerable Land" on the Narromine LEP Groundwater Vulnerability Map. No new impacts are raised due to the proposed modification.

Clause 6.8 Essential Services

Access - Modification to the access to the subject site is proposed via a newly aligned private access road off Euromedah Road, close to its intersection with Eumungerie Road. This intersection is also used by heavy haulage vehicles associated with the operation of the Macquarie Manor Quarry to the north of the subject site. Further details regarding access arrangements is provided in the following sections of this report.

**5 MODIFICATION TO DEVELOPMENT APPLICATION 2019/47 ELECTRICITY
GENERATING WORKS – 5MW SOLAR FARM (Cont'd)**

S4.15(1)(A)(II) THE PROVISIONS OF ANY PROPOSED ENVIRONMENTAL PLANNING INSTRUMENT

There are no draft environmental planning instruments that apply to the subject land or proposed development.

S4.15(1)(A)(III) THE PROVISIONS OF ANY DEVELOPMENT CONTROL PLAN

There are no specific development controls for *electricity generating works*.

However, Chapter 5c Rural Development, was considered to be specifically relevant to the assessment of the proposal. The proposed modification has been assessed by Council's against current adopted engineering standards, with conditions to be updated.

Note DCP requirement for Access:

All development applications are required to clearly identify the means of vehicular access, access points and the standard of access provided (all weather access). Vehicular access will be required to comply with relevant engineering standards.

S4.15 (1)(B) THE LIKELY IMPACT ON THE NATURAL AND BUILT ENVIRONMENT(S) AND THE LIKELY SOCIAL AND/OR ECONOMIC IMPACT ON THE LOCALITY

The likely impacts of the development have been considered in the original assessment of this report. It is considered that the likely impacts of the proposed modified development are acceptable and can continue to be adequately managed through conditions of consent. The potential impacts of the modified development are considered below:

Context and Setting

The site location of the solar farm has proposed to be relocated due to the proposed Inland Rail alignment. Council consulted with Inland Rail, it was indicated that the applicant had been in discussions with regarding the proposed modification to DA2019/47 and Inland Rail acknowledge that the amended design, removes the conflict and the interaction is acceptable.

Visual Amenity

A revised Glint and Glare Assessment was submitted with the application.

In summary: *"The results of the Glare Gauge analysis indicated that the selected observation points are unlikely to receive glare due to the proposed solar farm.*

Existing vegetation is expected to provide a physical obstruction between the solar farm and road users, further minimising the visual impact of the Project.

**5 MODIFICATION TO DEVELOPMENT APPLICATION 2019/47 ELECTRICITY
GENERATING WORKS – 5MW SOLAR FARM (Cont'd)**

Additional vegetation screening could be considered on the western side of the solar farm to further mitigate any impacts to visual amenity."

Comments were received from ARTC to ensure that additionally the potential impact of glint and glare was considered for the rail. Inland Rail provided correspondence, dated 2 March 2021, to support the project design.

Traffic, Transport & Access

The access arrangements are to be modified to enable an existing farm track that runs parallel to the eastern boundary of Lot A DP 376726 and Lot 52 DP661453 to be utilised. A revised Traffic Impact Assessment Report was submitted.

Recommendations for the appropriate handling of construction traffic for the solar farm development include:

- The intersection at the proposed access road be constructed to a BAR/BAL treatment in accordance with Austroads guidelines to accommodate the turning movements of a 19 m semi-articulated truck to/from Euromedah Road (refer Appendix A), including bitumen sealing of the intersection.
- Construction of the proposed one-lane access road to accommodate the predicted traffic volumes and loads. This would include the provision of regularly spaced passing lanes to allow for two-way traffic.

Council's Engineers have reviewed the application and has recommended revisions to the conditions addressing the modification. The application for modification was also referred to Transport for NSW (TfNSW) for comment.

TfNSW notes that there is no legislative referral or concurrence role as part of the proposed modification and offers the following comments for consideration to the consent authority:

- a) Safe Intersection Sight Distance (SISD) as outlined in Austroads Guide to Road Design Part 4A and relevant Roads and Maritime Supplements to Austroads is to be provided and maintained in both directions at the intersection of Eumungerie Rd and Euromedah Rd.
- b) During the construction period temporary installation of 'Advance truck warning signs' (W5-22 Size B) with distance plates (W8-5 Size B) under, 300m from the intersection on both approaches along Eumungerie Road. These are to be removed once construction has been completed.
- c) The developer should consider measures to limit impacts associated with peak traffic such as the provision of private buses for construction employees from a suitable park and meet location in Narromine, in consultation with Council.
- d) Prior to the commencement of construction works, the Construction Traffic Management Plan (TMP) should be revised to reflect the updated proposal, with consideration of incorporating a Driver Code of Conduct.

**5 MODIFICATION TO DEVELOPMENT APPLICATION 2019/47 ELECTRICITY
GENERATING WORKS – 5MW SOLAR FARM (Cont'd)**

These opinions are included as additional comments in an additional Section J to the Consent conditions.

Ecological

As indicated above, the access arrangements are to be modified. This will require construction of a new entrance off Euromedah Road adjacent an area on the adjoining property that is mapped as a biodiversity sensitive area in Narromine LEP 2011. A specific Addendum to Statement of Environmental Effects - Biodiversity Assessment Of Proposed New Access Route dated 16th February 2021, was submitted with the modification. No new conditions are required.

Flooding

The modification does not increase the risk of flood. The subject site is identified as partially flood prone in the Narromine LEP, however the location of the proposed solar farm is outside of the inundation area. The development does not contain a habitable component and is unlikely to require a regular onsite human presence, as such the risk to life is minimal. The elevated nature of the array will allow for floodwater to flow freely underneath the panels and will not adversely obstruct the natural flow of floodwater.

Bushfire

The subject site is identified as partially bushfire prone. The modification was referred to NSW Rural Fire Service pursuant to *s4.14 of the Environmental Planning and Assessment Act 1979*. The General Conditions suggested by the NSW RFS are attached in Section K and condition 10 has been amended to refer to the additional comments for consideration in the required Bushfire Protection Plan.

Water Quality, Air Quality, Noise, Heritage and Waste

The original conditions remain relevant for the modified development in regard to these aspects.

Social and Economic Effect

The proposed modified development has the potential to generate positive social and economic benefits to the Narromine Shire. The capital investment value of the development is \$6.6 million has not been revised with the modification and will generate local employment opportunities of up to 50 people.

Utilities

The development site is not connected to Council's reticulated water or sewerage network. The applicant has proposed to provide portaloos for wastewater disposal during the construction as well as providing a water tank or cart for the supply of water.

**5 MODIFICATION TO DEVELOPMENT APPLICATION 2019/47 ELECTRICITY
GENERATING WORKS – 5MW SOLAR FARM (Cont'd)**

A condition is recommended to remain requiring the supply of toilet facilities on the site at the rate of one (1) toilet for every 20 employees.

Cumulative Impacts

The potential cumulative impacts associated with the proposal and the nearby approved quarry and Inland Rail Project have been considered by the applicant – of particular concern construction and ongoing traffic impacts have been addressed.

S4.15 (1)(C) THE SUITABILITY OF THE SITE FOR THE DEVELOPMENT

The proposed development is located in the RU1 Primary Production Zone and is prohibited in the Zone. Pursuant to Clause 34(7) of State Environmental Planning Policy (Infrastructure) 2007 *electricity generating works* may be carried out by any person with consent on any land in a prescribed rural or residential zone. As the site is in a prescribed rural zone, it is permissible with consent under the SEPP.

The suitability of the site has been addressed in the original assessment report and the modified aspects in the above sections of this report.

S4.15 (1)(D) ANY SUBMISSIONS MADE IN ACCORDANCE WITH THIS ACT OR THE REGULATIONS

The proposed development is defined as “locally significant development” and was notified to adjoining landowners and publicly exhibited in line with the original application and Council's current Community Participation Plan, for a period of 14 days from Wednesday 9th February 2021 until Wednesday 26th February 2021. At the end of the prescribed period, zero (0) submissions were received. However, a late emailed submission was received 31st March 2021. The submission opposed the location of the proposed driveway location and access onto Euromedah Road due to potential for dust and proximity to an existing property access. Council staff are satisfied the proposed BAR treatment as addressed in the revised Traffic Impact Assessment has included consideration of all local traffic. The potential for dust will not significantly change in the proposed modification.

S4.15 (1)(E) THE PUBLIC INTEREST

The proposed development is considered to be of only minor interest to the public due to the relatively localised nature of the potential impacts. The economic and social benefits generated as a result of this development are considered to be in the public interest.

6. Contributions Assessment

The development proposal was subject to the Narromine Shire Council Section 94A Development Contributions Plan 2014.

**NARROMINE SHIRE COUNCIL
ORDINARY MEETING BUSINESS PAPER – 14 APRIL 2021
REPORTS TO COUNCIL COMMUNITY AND ECONOMIC DEVELOPMENT**

**5 MODIFICATION TO DEVELOPMENT APPLICATION 2019/47 ELECTRICITY
GENERATING WORKS – 5MW SOLAR FARM (Cont'd)**

The maximum levy payable in accordance with this Plan was calculated based on the table below.

Estimated Cost of Development	Levy Payable (%)
<\$100,000	0
\$100,001 - \$200,000	0.25
\$200,001 - \$500,000	0.5
> \$500,001	1.0

As the capital investment value of the development is \$6.6 million, and has not changed with the modification.

The current Narromine Shire Council Section 7.12 Contributions Plan 2019 requires payment of the same contribution amount.

Internal Referrals

Council's engineers originally raised concerns regarding the proposed access point and site distances associated with the Euromedah and Eumungerie Road intersection during the construction phase of the proposal and recommended conditions to address this issue in a Construction Traffic Management Plan prior to the issue of a Construction Certificate.

These conditions are proposed to be modified to reflect the modified access location and updated Traffic Impact Assessment.

S4.15(1)(A)(IIIA) ANY PLANNING AGREEMENT THAT HAS BEEN ENTERED INTO UNDER SECTION 7.4, OR ANY DRAFT PLANNING AGREEMENT THAT A DEVELOPER HAS OFFERED TO ENTER INTO UNDER SECTION 7.4

No planning agreements, draft or otherwise, are known to exist in relation to the site or development. The applicant has not requested Council to enter into any form of Planning Agreement.

S4.15(A)(IV) THE REGULATIONS (TO THE EXTENT THAT THEY PRESCRIBE MATTERS FOR THE PURPOSES OF THIS PARAGRAPH)

Division 8 of Part 6 of the Environmental Planning and Assessment Regulation 2000 specifies additional matters that must be taken into consideration by a consent authority in determining a development application. Consideration of these matters is provided below:

Clause 92 – Government Coastal Policy – Not applicable to the Narromine Shire Local Government Area.

Clause 92 – Building Demolition – Not relevant.

**5 MODIFICATION TO DEVELOPMENT APPLICATION 2019/47 ELECTRICITY
GENERATING WORKS – 5MW SOLAR FARM (Cont'd)**

Clause 94A – Temporary Structures – Not relevant.

Clause 95 – Deferred Commencement - Not relevant.

Clause 96 – Ancillary aspects of the development – Not relevant.

Clause 97 – Modification or surrender of development consent or existing use – The application was supported by the required information in accordance with cl. 97(1) of the Regs. The application to modify consent is be subject to section 4.55(2) of the Act.

Clause 97A – Fulfilment of BASIX commitments – Not relevant.

7. Assessment Conclusion/Recommendation

Having considered the matters raised and discussed in the assessment of the Application, the subject Modification to Development Application D2019/47 for a solar energy system at Lots 41 and 46 of DP: 752581, 6 Euromedah Road Narromine is recommended for approval subject to the proposed conditions.

Legal and Regulatory Compliance

Environmental Planning and Assessment Act 1979
Environmental Planning and Assessment Regulation 2000

Risk Management Issues

Nil

Internal/ external Consultation

- NSC Engineering Department;
- NSW Rural Fire Service;
- ARTC (and Inland Rail);
- Transport for NSW; and
- Essential Energy.

Attachments

Nil

As this is a planning decision made in the exercise of a function of Council under the EPA Act 1979, a division is required to be called for the motion (section 375A, Local Government Act 1993).

NARROMINE SHIRE COUNCIL
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**5 MODIFICATION TO DEVELOPMENT APPLICATION 2019/47 ELECTRICITY
GENERATING WORKS – 5MW SOLAR FARM (Cont'd)**

RECOMMENDATION

That Council:

1. Approve the modification to DA2019/47 subject to the following conditions:

A. ADMINISTRATIVE CONDITIONS

Approved Plans and Documentation

1. The development shall be carried out in accordance with the approved plans and specifications as follows:

Plan/Doc No.	Plan/Doc Title	Prepared by	Issue	Date
NRM4A-G-0400	Location Plan/Site Plan	ITP Developments Pty Ltd	2	22/1/21
NRM4A-G-2000	Revised General Arrangement	ITP Developments Pty Ltd	2	22/1/21
NRM4A-G-2100	General Arrangement	ITP Developments Pty Ltd	5	22/1/21
NRM4A-C-2200	Site Elevation	ITP Developments Pty Ltd	2	22/1/21
NRM4A-C-4300	Inverter Station Footing Detail	ITP Developments Pty Ltd	2	13/01/21
NRM4A-C-5300	Typical Fencing Detail	ITP Developments Pty Ltd	2	22/01/21
NRM4A-C-5301	Gate Details	ITP Developments Pty Ltd	2	22/01/21
NRM4A-E-3400	Typical Array Detail	ITP Developments Pty Ltd	2	22/01/21
NRM4A-E-4300	Typical Inverter Station Detail	ITP Developments Pty Ltd	2	13/01/21
0820	Statement of Environmental Effects	Zenith Town Planning	Rev A	01/01/21
-	Bushfire Safety Assessment Report	South Coast Building Approvals & Inspections	Revision C	02/10/20
MAC18078102RP1V1	Noise Assessment Report	Muller Acoustic Consulting Pty Ltd	-	08/10/20
219256-02B-C001 Rev B 219256-02B-C002 Rev B	Traffic Impact Assessment Report	Premise	-	11/12/20
18105488-015Rev5 Wahroonga Water Assess	Water Assessment	Golder Associates Pty Ltd	-	21/10/20
202011GG02Rev02	Glare and Glint Assessment	The Local Renewable Energy Company	2	17/11/20
	Waste Assessment	ITP Developments Pty Ltd	1	11/09/20

**5 MODIFICATION TO DEVELOPMENT APPLICATION 2019/47 ELECTRICITY
GENERATING WORKS – 5MW SOLAR FARM (Cont'd)**

The Development Application has been determined by granting of consent subject to and as amended by the conditions of development consent specified below:

2. Development consent is granted for use of the site as an electricity generating works as defined by the Narromine Local Environmental Plan 2011 including the following works/components:
 - a) Generation of no more than five (5) megawatts of power;
 - b) Construction of 12,100 photovoltaic (PV) solar panels;
 - c) Junction boxes and substation;
 - d) Above and underground electrical conduits and cabling;
 - e) Internal access driveway;
 - f) A temporary car parking area for 40 vehicles;
 - g) Security fencing;
 - h) Landscaping; and
 - i) Decommissioning of the solar energy system in the event of closure.

(Note: Condition 2(b). Amended by Modification DA2019/47.2).

Limits of Approval

3. The consent will lapse five (5) years from the date of consent unless the works associated with the development have physically commenced.

B. PRIOR TO THE ISSUE OF CONSTRUCTION CERTIFICATE

Construction Certificate Required

4. Prior to commencement of any works, it is necessary to obtain a Construction Certificate. A Construction Certificate may be issued by Council or an Accredited Certifier. Plans submitted with the Construction Certificate are to be amended to incorporate the conditions of the development consent. A Construction Certificate issued by a Private Accredited Certifier is to be deposited with Council at least 48 hours prior to the commencement of any works. The developer is to provide detail designs and drawings for any works within the public road reserve for Council approval/endorsement prior to issue of a Construction Certificate.

(Note: Condition 4. Amended by Modification DA2019/47.2).

**5 MODIFICATION TO DEVELOPMENT APPLICATION 2019/47 ELECTRICITY
GENERATING WORKS – 5MW SOLAR FARM (Cont'd)**

Utility Services

5. Prior to the commencement of work the Applicant is to negotiate with the utility authorities in connection with the relocation and/or adjustment of the services affected by the development. Any necessary alterations to, or relocations of, utility services must be carried out at no cost to the council.

Construction Environmental Management Plan

6. A Construction Environmental Management Plan (CEMP) is to be prepared and submitted for approval by Council/Accredited Certifier. The Plan must be implemented during the construction of the solar electricity system and must include the range of measures as outlined in the approved SEE which include but are not limited to:
 - a) Aboriginal Heritage Management;
 - b) Construction Traffic Management;
 - c) Bushfire Management;
 - d) Waste Management;
 - e) Erosion and Sediment Control;
 - f) Noise Management;
 - g) Dust Management;
 - h) Site Restoration;
 - i) Operation Hours;
 - j) Emergency, safety and security;
 - k) Weed Management and Biosecurity; and
 - l) Essential Energy comments

Construction Traffic Management Plan

7. Prior to the issue of a Construction Certificate, a Construction Traffic Management Plan is to be prepared by a suitably qualified professional. The Construction Traffic Management Plan shall be reviewed in consultation with Council as the relevant roads authority to ensure that key traffic related issues associated with the construction of the development have been addressed. The Plan shall address all light and heavy vehicle generation to the development site and detail the potential impacts associated with the construction of the development, the mitigation measures to be implemented, and procedures to monitor and ensure compliance. The Plan shall also address, but not necessarily be limited to the following:

**5 MODIFICATION TO DEVELOPMENT APPLICATION 2019/47 ELECTRICITY
GENERATING WORKS – 5MW SOLAR FARM (Cont'd)**

Access

- a) A safe construction access point, ~~a minimum of 50m~~ as detailed on drawings no. 219256-02-C001 Rev B and 219256-02-C002 Rev B from the giveaway with Eumungerie Road.
- b) The construction access road is to be realigned to be perpendicular with Euromedah Road and a holding lane for entry from access to Euromedah Road to ensure appropriate site distance.
- c) A passing lane of a minimum of 3.0m along Euromedah Road past the intersection – BAR Treatment as per Austroads Guidelines.
- d) A bitumen seal holding lane for the exit from Eumungerie Road onto Euromedah Road and entry onto Eumungerie Road from Euromedah Road.
- e) Appropriate traffic facilities must be designed at the intersection of Euromedah Road and new access intersection to ensure safe egress and ingress for road users.
- f) Road widths must show turning circles for the largest design vehicle expected to use the roadway.
- g) A minimum of 20 m to be sealed on the access road.
- h) All accesses to be designed as per Austroads Design Guide.
- i) Require that all vehicular access to the site be via the approved route using the approved construction access point.
- j) Detailed design information of road construction works must be provided and approved by Council in accordance with Austroads Guidelines and RMS QA Road works specifications for road construction and design.
- k) Submit inspection and test plans (ITPs) to Council for approval.

Road Drainage

- ~~l) Existing pipe to be relocated to the location of the new access road.~~
Provide adequate drainage at the new intersection with Euromedah Road and modified driveway location.

Pipe Backfill

- m) All pipe backfill designs and construction information shall be in accordance with AS/NZ 3725:2007.

(Note: Condition 7. Amended by Modification DA2019/47.2).

**5 MODIFICATION TO DEVELOPMENT APPLICATION 2019/47 ELECTRICITY
GENERATING WORKS – 5MW SOLAR FARM (Cont'd)**

8. The Construction Traffic Management Plan shall form part of and be implemented as part of the CEMP for the site.

Section 138 Roads Act Approvals

9. Under Section 138 of the Roads Act 1993, should any work on the verge, footpath, or public road reserve be required, a Section 138 Roads Act Approval will need to be obtained from Council. In this regard, the applicant is to make a formal application to Council. The Section 138 Roads Act Application is to be submitted to, and approved by Council prior to works commencing and is to include the provision of Works as Executed Drawings after the completion of road works.

Bushfire Management

10. Prior to the issue of a Construction Certificate, a Bushfire Protection Plan indicating compliance with the recommendations of the Bushfire Assessment prepared by South Coast Building Approvals and Inspections and submitted with the Application must be submitted to Council for approval. The Plan shall form part of and be implemented as part of the Construction Environmental Management Plan and Site Environmental Management Plan for the site. The Bushfire Protection Plan is to also refer to the General Conditions recommended by NSW Rural Fire Service and provided in Section K.

(Note: Condition 10. Amended by Modification DA2019/47.2).

11. A 20m Asset Protection Zone must be provided around the solar energy system (wholly within the subject property) and implemented and maintained as part of the Construction Environmental Management Plan and Site Environmental Management Plan for the site.

Landscape Plan

12. Prior to the issue of a Construction Certificate, the Applicant shall provide landscape plans for approval by Council for the establishment of vegetation screening along the full length of the western boundary of the development site. The Plan shall form part of and be implemented as part of the Construction Environmental Management Plan.
13. The landscape area is to be a minimum of 3 m wide, consisting of species endemic to the area and growing to a mature height ranging from at least 2 metres.

Monetary Contributions

14. The monetary contributions set out in the following table are to be paid to Council prior to the issue of a Construction Certificate. The contribution rate is set at the date of this consent and is levied in accordance with the Narromine Shire Council Section 7.12 Contributions Plan 2019 ~~Section 94A Development Contributions Plan 2014~~. The contribution payable will be calculated in accordance with the contributions plan current at the time of payment.

**NARROMINE SHIRE COUNCIL
ORDINARY MEETING BUSINESS PAPER – 14 APRIL 2021
REPORTS TO COUNCIL COMMUNITY AND ECONOMIC DEVELOPMENT**

**5 MODIFICATION TO DEVELOPMENT APPLICATION 2019/47 ELECTRICITY
GENERATING WORKS – 5MW SOLAR FARM (Cont'd)**

Contribution Type	Estimated Cost of Development	Levy Percentage	Total Contribution
Section 94A Contribution	\$6.6 million	1.0%	\$66,000

(Note: Condition 14. Amended by Modification DA2019/47.2).

Long Service Levy

15. For work greater than \$25,000, a Long Service Levy shall be paid. The current levy rate is 0.35 % of the value of building and construction works costing \$25,000 or more (inclusive of GST). Evidence of payment is to be provided to Council or an Accredited Certifier prior to the issue of a Construction Certificate.

Contribution Type	Estimated Cost of Development	Levy Percentage	Total Contribution
Long Service Levy	\$6.6 million	0.35%	\$23,100

C. PRIOR TO COMMENCEMENT OF WORKS

Construction Certificate

16. A Construction Certificate application is required to be submitted to, and issued by Council/Accredited Certifier prior to any excavation or building works being carried out onsite.

The application MUST be one complete, concise package, addressing all the required conditions. Failure to provide the abovementioned information in one package, will likely result in the application being refused/rejected and returned to you.

Waste

17. Prior to the commencement of works, a proposed Waste Agreement is to be provided to and approved by Council, outlining the arrangements for the disposal of construction waste if it is to be disposed of at a Council owned facility.

Erosion and Sediment Control

18. Erosion and sediment controls must be in place before the disturbance of any soils on the site.

**5 MODIFICATION TO DEVELOPMENT APPLICATION 2019/47 ELECTRICITY
GENERATING WORKS – 5MW SOLAR FARM (Cont'd)**

D. REQUIREMENTS DURING WORKS

Hours of Construction

19. Construction work may only be undertaken during the following hours:

DAY	HOURS
Monday to Friday	7:00am to 8:00pm
Saturday	8:00am to 1:00pm
Sunday & Public Holidays	Nil

Erosion and Sediment Control

20. The Applicant must maintain erosion and sediment controls during works and as long as necessary after completion to prevent sediment and turbid water from leaving the site and/or entering the surface water system outside of the site.

Noise Mitigation

21. Any noise generated from the operation of the development must not be intrusive or offensive as defined by the Protection of the Environment Operations Act 1997.

Dust Management

22. A water cart is required to be readily available to suppress dust during construction. During dry periods or high wind, construction works are to be delayed or postponed.

Flood Protection

23. Any electrical infrastructure including the solar panels shall be set above 1:100 ARI (average recurrent interval) flood level.

For clarity, this condition does not relate to underground power reticulation where cables are housed in conduits.

Potential Contamination

24. Any dielectric fluid used must be managed to prevent contamination. Any spillage of this fluid must be recorded and notified to Council. In the event of a major spillage, the NSW Environmental Protection Agency must also be notified in regards to a pollution event.

25. The Proponent shall store and handle all dangerous goods (as defined by the Australian Dangerous Goods Code) and combustible liquids, strictly in accordance with:

**5 MODIFICATION TO DEVELOPMENT APPLICATION 2019/47 ELECTRICITY
GENERATING WORKS – 5MW SOLAR FARM (Cont'd)**

- a) All relevant Australian Standards;
- b) A minimum bund volume requirement of 110% of the volume of the largest single stored volume within the bund; and
- c) The EPA's Environment Protection Manual Technical Bulletin Bunding and Spill Management.

In the event of an inconsistency between requirements listed from a) to c), the most stringent requirement shall prevail to the extent of the inconsistency.

Site Management

26. The area of disturbance shall be in accordance with the approved plans and comply with the following:

- a) All works associated with construction shall be confined to the approved construction area and approved access corridor.
- b) No works are permitted outside of the construction area and the approved access corridor unless associated with rehabilitation.
- c) All materials, stockpiles, vehicles, machinery and the like shall be confined to the approved construction area and the approved access corridor.

27. There is to be no storage of materials, stockpiling of excavated material or parking of plant / machinery within the drip line of the crown of any retained trees.

28. Re-vegetation must be applied to disturbed areas as soon as practical after completion of construction works.

Rural Fire Service Shed

29. Access from Euromedah Road to the Rural Fire Service shed at the intersection of the site access and Euromedah Road is not to be impeded at any time during the construction of the solar farm.

Lighting

30. The Applicant must:

- a) minimise the off-site lighting impacts of the development so that it no obtrusive light will be cast onto an adjoining property; and
- b) ensure that all external lighting associated with the development: complies with Australian Standard AS4282 (INT) 1997 – Control of Obtrusive Effects of Outdoor Lighting, or its latest version.

**5 MODIFICATION TO DEVELOPMENT APPLICATION 2019/47 ELECTRICITY
GENERATING WORKS – 5MW SOLAR FARM (Cont'd)**

Heritage

31. During construction, the development is to proceed with caution. If any Aboriginal objects or relics are found, works should stop and the NSW Office of Environment and Heritage and the Narromine Local Aboriginal Lands Council are to be contacted. All workers on the site are to be made aware of this condition.

Waste Management

32. All building rubbish and debris, including that which can be windblown, shall be contained on site in a suitable container for disposal at an authorised Waste Landfill Depot at regular periods. The container shall be erected on the site and shall be maintained for the term of the construction to the completion of the project. The waste container shall be regularly cleaned to ensure proper containment of the building wastes generated on the construction site.

Decommissioning

33. Demolition undertaken in the decommissioning of the site must be carried out in accordance with the provisions of AS2601-2001: The Demolition of Structures.

Workers Toilets

34. Adequate toilet facilities for workers must be provided at or in the vicinity of the development site.

Toilet facilities are to be provided at a rate of one (1) toilet for every twenty (20) persons employed at the site.

Damage to Public Assets

35. Any damage caused to footpaths, roadways, utility installations, trees and the like by reason of construction operations shall be made good and repaired to a standard equivalent to that existing prior to commencement of construction. The full cost of restoration / repairs of property or services damaged during the works shall be met by the Applicant.

E. PRIOR TO THE COMMENCEMENT OF USE

Occupation Certificate

36. The Applicant is to obtain an Occupation Certificate pursuant to Section 6.3 of the Environmental Planning and Assessment Act 1979, from the Principal Certifying Authority.

**5 MODIFICATION TO DEVELOPMENT APPLICATION 2019/47 ELECTRICITY
GENERATING WORKS – 5MW SOLAR FARM (Cont'd)**

Site Environmental Management Plan

37. A Site Environmental Management Plan (SEMP) shall be submitted to Council for endorsement prior to the issue of any Occupation Certificate. The SEMP shall address, at minimum, the following issues:

- a. Operation
- b. Bushfire management
- c. Noise management;
- d. Dust management;
- e. Weed and vermin management;
- f. Land management including vegetation management;
- g. Traffic Management;
- h. Flooding and debris issues; and
- i. Written notification to Council when decommissioning is to take place.

Shade Cloth

38. Prior to the issue of an Occupation Certificate, the Applicant is to install a shade cloth for the full length of the western boundary of the site.

Register of Easement

39. The Applicant shall submit to Council documentary evidence that a right of carriageway burdening Lot A DP: 376726 and Lot: 52 DP: 661453 and benefitting Lots: 41 and 46 DP: 752581 is registered on title. The right of carriageway shall be a minimum of 4 metres in width for its entire length.

Address

40. The subject property has been allocated a rural number of 6 Euromedah Road. This number shall be reflective and permanently displayed in a prominent position that is clearly visible from the public road at all times

Essential Energy

41. All relevant conditions and requirements of Essential Energy attached to this consent shall apply and shall be implemented as part of the Construction Environmental Management Plan.

**5 MODIFICATION TO DEVELOPMENT APPLICATION 2019/47 ELECTRICITY
GENERATING WORKS – 5MW SOLAR FARM (Cont'd)**

F. OPERATIONAL REQUIREMENTS

Rural Fire Service Shed

42. Access from Euromedah Road to the Rural Fire Service shed at the intersection of the site access and Euromedah Road is not to be impeded at any time during the operation of the solar farm.

Condition

43. The site must be monitored and maintained to a satisfactory condition by maintenance staff for the management of grass and weeds growth, including maintenance of groundcover, and any indication of erosion.

Shade Cloth

44. The shade cloth along the western boundary fence of the solar farm shall be maintained until such time that the planted vegetation reaches a height of at least two metres. After this time, the shade cloth can be removed.

Glare

45. Glint and glare from the solar panels must not cause a nuisance, distraction or hazard to the travelling public. In the event of glint or glare from the solar farm being evident, the proponent shall immediately implement glare mitigation measures such as construction of a barrier (e.g. fence) or other approved device to remove any nuisance, distraction and/or hazard caused as a result of glare from the solar panels.

Access

46. Maintenance vehicles are to access the site via the new access point used during construction.

Asset Protection Zone

47. The area within and surrounding the development for a distance of 20 metres, is to be permanently maintained in accordance with the requirements of Planning for Bushfire Protection 2006 and the NSW Rural Fire Service's publication Standards for Asset Protection Zones.

Signage

48. Appropriate safety signage shall be displayed adjacent to the site entrance on Euromedah Road, advising of emergency contact details.

**5 MODIFICATION TO DEVELOPMENT APPLICATION 2019/47 ELECTRICITY
GENERATING WORKS – 5MW SOLAR FARM (Cont'd)**

Upgrading of Solar Panels

49. Upgrading of solar panels and ancillary infrastructure. Over time, the applicant may upgrade the solar panels and ancillary infrastructure on site provided these upgrades remain within approved development footprint of the site. Prior to carrying out any such upgrades, the Applicant shall provide revised layout plans of the development to the Council incorporating the proposed upgrades.

G. COMPLETION OF THE USE OF THE LAND/DEVELOPMENT

50. Within 18 months of the site being decommissioned, the site shall be returned, as far as practicable, to its condition prior to the commencement of construction in consultation with relevant landowners, unless the site is being retained for future development purposes. All solar panels and associated above ground structures including but not necessarily limited to, the substation, the control and facilities building and electrical infrastructure, including underground infrastructure to a depth of 300 millimetres, shall be removed from the site unless otherwise agreed by the Council, except where the substation, control room or overhead electricity lines are transferred to or in the control of the local electricity network operator. All other elements associated with the project, including site roads, shall be removed unless otherwise agreed to by the Council.

H. PRESCRIBED CONDITIONS

51. Prescribed conditions of development consent in accordance with Division 8A of the Environmental Planning and Assessment Regulation 2000 that must be fulfilled
52. Clause 98: Compliance with Building Code of Australia and insurance requirements under the Home Building Act 1989
53. Clause 98A: Erection of signs
54. Clause 98B: Notification of Home Building Act 1989 requirements
55. Clause 98C: Conditions relating to entertainment venues
56. Clause 98D: Condition relating to maximum capacity signage
57. Clause 98E: Condition relating to shoring and adequacy of adjoining property
58. Please refer to the NSW State legislation for full text of the clauses under Division 8A of the Environmental Planning and Assessment Regulation 2000. This can be accessed at <http://www.legislation.nsw.gov.au>.

**5 MODIFICATION TO DEVELOPMENT APPLICATION 2019/47 ELECTRICITY
GENERATING WORKS – 5MW SOLAR FARM (Cont'd)**

I. ESSENTIAL ENERGY COMMENTS

(Note: Comments updated with Modification DA2019/47.2)

1. If the proposed development changes, there may be potential safety risks and it is recommended that Essential Energy is consulted for further comment.

2. Any existing encumbrances in favour of Essential Energy (or its predecessors) noted on the title of the above properties should be complied with.

3. All proposed works/improvements/infrastructure must:
 - a. remain clear of the 20.0 metre wide easement; and
 - b. remain clear of any trafficable areas (e.g. poles and stays).

4. The proposed main vehicle access will pass under Essential Energy's existing overhead powerlines. If such access alters from the existing track, then minimum ground clearances as per Essential Energy's requirements for trafficable areas must be maintained at all times. Refer Essential Energy's policy CEOM7106.25 Minimum Clearance Requirements for NSW and refer the latest industry guideline currently known as ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure.

5. Satisfactory arrangements are to be made with Essential Energy with respect to the proposed solar farm development. It is the Applicant's responsibility to enter into the required Connection Agreements and any other requirements with Essential Energy for the development, which may include the payment of fees and contributions. Refer Essential Energy's Network Connections team for requirements via email networkconnections@essentialenergy.com.au.

6. In addition, Essential Energy's records indicate there is electricity infrastructure located within the properties and within close proximity of the properties. Any activities within this location must be undertaken in accordance with ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure. Approval may be required from Essential Energy should activities within the property encroach on the electricity infrastructure.

7. Prior to carrying out any works, a "Dial Before You Dig" enquiry should be undertaken in accordance with the requirements of Part 5E (Protection of Underground Electricity Power Lines) of the Electricity Supply Act 1995 (NSW).

**5 MODIFICATION TO DEVELOPMENT APPLICATION 2019/47 ELECTRICITY
GENERATING WORKS – 5MW SOLAR FARM (Cont'd)**

8. Given there is electricity infrastructure in the area, it is the responsibility of the person/s completing any works around powerlines to understand their safety responsibilities. SafeWork NSW (www.safework.nsw.gov.au) has publications that provide guidance when working close to electricity infrastructure. These include the Code of Practice – Work near Overhead Power Lines and Code of Practice – Work near Underground Assets.

J. TRANSPORT FOR NSW COMMENTS

(Note: Comments included with Modification DA2019/47.2).

- Safe Intersection Sight Distance (SISD) as outlined in Austroads Guide to Road Design Part 4A and relevant Roads and Maritime Supplements to Austroads is to be provided and maintained in both directions at the intersection of Eumungerie Rd and Euromedah Rd.
- During the construction period temporary installation of 'Advance truck warning signs' (W5-22 Size B) with distance plates (W8-5 Size B) under, 300m from the intersection on both approaches along Eumungerie Road. These are to be removed once construction has been completed.
- The developer should consider measures to limit impacts associated with peak traffic such as the provision of private buses for construction employees from a suitable park and meet location in Narromine, in consultation with Council.
- Prior to the commencement of construction works, the Construction Traffic Management Plan (TMP) should be revised to reflect the updated proposal, with consideration of incorporating a Driver Code of Conduct.

TMP Annexure:

Traffic Management Plan and Driver Code of Conduct

The Traffic Management Plan (TMP) and Driver Code of Conduct is to outline measures to manage traffic related issues associated with all phases of the development (e.g. deliveries, construction, operation, maintenance, decommissioning), any construction or excavated materials, machinery and personnel involved. The TMP is to detail the potential impacts associated with the development, the measures to be implemented, and the procedures to monitor and ensure compliance. The TMP is to address (but not be limited to):

a. Specific commitments for the provision and use of buses and car-pooling during construction to limit peak hourly traffic in accordance with the approved Environmental Impact Statement (EIS) and conditions of consent. Plans and measures to manage the impacts of personal vehicle parking at pickup points (e.g. in towns) are to be detailed.

~~b. An enforceable policy for staff and contractors to use the designated commuter route in preference to back roads, where the journey is not unreasonably lengthened, as detailed in the approved EIS.~~

**5 MODIFICATION TO DEVELOPMENT APPLICATION 2019/47 ELECTRICITY
GENERATING WORKS – 5MW SOLAR FARM (Cont'd)**

- c. Details of origin, destination, quantity, size and frequency of vehicle movements associated with the development including those accessing and egressing the site.
 - d. Timings and staging of construction and operation of the development.
 - e. Existing and projected background traffic, peak hour volumes and types and their interaction with projected development related traffic.
 - f. Loads, weights, lengths and number of movements of haulage and construction related vehicles including Over Size Over Mass (OSOM) loads.
 - g. The management and coordination of construction and staff vehicle movements to the site and measures to limit disruption to other motorists, including special OSOM management measures.
 - h. Scheduling of haulage vehicle movements to occur outside of daily commuter peak periods, local special event times, school bus (both in rural and town areas) and school zone operating hours.
 - i. Active communication procedures for traffic such as school buses or haulage vehicles from other quarries, or near potential safety hazards.
 - j. Scheduling of heavy vehicle movements to minimise convoy or platoon lengths.
 - k. Consideration to minimise the route length for road transport, particularly for OSOM loads.
 - l. Any OSOM will be the subject of separate permits through the National Heavy Vehicle Regulator.
 - m. Mitigation of local climate conditions that may affect road safety for vehicles used during construction, operation and decommissioning of the facility (e.g. scheduling during daylight hours, or outside of fog, wet weather, ice or snow).
 - n. Transport of hazardous materials in accordance with the relevant transport codes.
 - o. Specific mitigation measures along the approved transport routes. Road and intersection improvement works are to be completed prior to the commencement of on-site construction unless specifically approved otherwise by Council in writing or in the conditions of consent.
 - p. Consultation and engagement with affected stakeholders, including regulatory authorities, landowners, businesses, bus operators and so forth.
 - q. Policies and procedures for addressing concerns raised by the community on project related matters.
 - r. Dust suppression and mitigation measures on public roads and within the site boundaries.
 - s. Toolbox meetings to facilitate continuous improvement initiatives and incident awareness.
 - t. Truckloads are to be covered at all times when being transported, to minimise dust and loss of material onto roads which may form a traffic hazard.
 - u. Measures to ensure responsible fatigue management and discourage driving under the influence of alcohol and/or drugs, dangers of mobile phone use and driving to the conditions, and adherence to posted speed limits.
- (End of TMP Annexure)

**5 MODIFICATION TO DEVELOPMENT APPLICATION 2019/47 ELECTRICITY
GENERATING WORKS – 5MW SOLAR FARM (Cont'd)**

K. NSW RURAL FIRE SERVICE - GENERAL CONDITIONS

(Note: Comments included with Modification DA2019/47.2).

General Conditions Intent of measures: to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting firefighting activities.

1. A Bush Fire Emergency Management and Operations Plan should identify all relevant risks and mitigation measures associated with the construction and operation of the wind or solar farm. This should include:

- detailed measures to prevent or mitigate fires igniting;
- work that should not be carried out during total fire bans;
- availability of fire-suppression equipment, access and water;
- storage and maintenance of fuels and other flammable materials;
- notification of the local NSW RFS Fire Control Centre for any works that have the potential to ignite surrounding vegetation, proposed to be carried out during a bush-fire fire danger period to ensure weather conditions are appropriate; and
- appropriate bush fire emergency management planning.

Note: It is important to be aware of operations that may be carried out on days of Total Fire Ban and any prohibited activities or exemptions that are notified by the Commissioner of the NSW RFS under the Rural Fires Act s.99.

Asset Protection Zones Intent of measures: to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting firefighting activities.

2. From the start of building works, the property around the building must be managed as an inner protection area (IPA) for a distance of at least 20 metres in accordance with the requirements of Appendix 4 of Planning for Bush Fire Protection 2019. When establishing and maintaining an IPA the following requirements apply:

- tree canopy cover should be less than 15% at maturity;
- trees at maturity should not touch or overhang the building;
- lower limbs should be removed up to a height of 2m above the ground;
- tree canopies should be separated by 2 to 5m;
- preference should be given to smooth barked and evergreen trees;
- large discontinuities or gaps in vegetation should be provided to slow down or break the progress of fire towards buildings;
- shrubs should not be located under trees;
- shrubs should not form more than 10% ground cover;
- clumps of shrubs should be separated from exposed windows and doors by a distance of at least twice the height of the vegetation.
- grass should be kept mown (as a guide grass should be kept to no more than 100mm in height); and
- leaves and vegetation debris should be removed.

**5 MODIFICATION TO DEVELOPMENT APPLICATION 2019/47 ELECTRICITY
GENERATING WORKS – 5MW SOLAR FARM (Cont'd)**

Construction Standards Intent of measures: to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting firefighting activities.

3. New construction shall be undertaken using non-combustible materials.

4. The existing building must be upgraded to improve ember protection by enclosing all openings (excluding roof tile spaces) or covering openings with a non-corrosive metal screen mesh with a maximum aperture of 2mm. Where applicable, this includes any sub floor areas, openable windows, vents, weepholes and eaves. External doors are to be fitted with draft excluders.

Access – Property Access Intent of measures: to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting firefighting activities.

5. Property access roads must comply with the following requirements of Table 7.4a of Planning for Bush Fire Protection 2019:

- property access roads are two-wheel drive, all-weather roads;
- the capacity of road surfaces and any bridges/causeways is sufficient to carry fully loaded firefighting vehicles (up to 23 tonnes), bridges and causeways are to clearly indicate load rating.
- hydrants are provided in accordance with the relevant clauses of AS 2419.1:2005;
- there is suitable access for a Category 1 fire appliance to within 4m of the static water supply where no reticulated supply is available;
- at least one alternative property access road is provided for individual dwellings or groups of dwellings that are located more than 200 metres from a public through road;
- minimum 4m carriageway width;
- in forest, woodland and heath situations, rural property roads have passing bays every 200m that are 20m long by 2m wide, making a minimum trafficable width of 6m, at the passing bay;
- a minimum vertical clearance of 4m to any overhanging obstructions, including tree branches;
- property access must provide a suitable turning area in accordance with Appendix 3;
- curves have a minimum inner radius of 6m and are minimal in number to allow for rapid access and egress;
- the minimum distance between inner and outer curves is 6m;
- the crossfall is not more than 10 degrees;
- maximum grades for sealed roads do not exceed 15 degrees and not more than 10 degrees for unsealed roads; and
- a development comprising more than three dwellings has formalised access by dedication of a road and not by right of way.

**5 MODIFICATION TO DEVELOPMENT APPLICATION 2019/47 ELECTRICITY
GENERATING WORKS – 5MW SOLAR FARM (Cont'd)**

Note: Some short constrictions in the access may be accepted where they are not less than 3.5m wide, extend for no more than 30m and where the obstruction cannot be reasonably avoided or removed. The gradients applicable to public roads also apply to community style development property access roads in addition to the above.

Water and Utility Services Intent of measures: to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting firefighting activities.

6. The provision of water, electricity and gas must comply the with following in accordance with Table 7.4a of Planning for Bush Fire Protection 2019:

- A 20,000 litre static water supply tank must be provided on site;
- a connection for firefighting purposes is located within the IPA or non-hazard side and away from the structure;
- 65mm Storz outlet with a ball valve is fitted to the outlet;
- ball valve and pipes are adequate for water flow and are metal;
- supply pipes from tank to ball valve have the same bore size to ensure flow volume;
- underground tanks have an access hole of 200mm to allow tankers to refill direct from the tank;
- a hardened ground surface for truck access is supplied within 4m;
- above-ground tanks are manufactured from concrete or metal;
- raised tanks have their stands constructed from non-combustible material or bush fire resisting timber - (see Appendix F of AS 3959);
- unobstructed access can be provided at all times;
- underground tanks are clearly marked;
- tanks on the hazard side of a building are provided with adequate shielding for the protection of firefighters;
- all exposed water pipes external to the building are metal, including any fittings;
- where pumps are provided, they are a minimum 5hp or 3kW petrol or diesel-powered pump, and are shielded against bush fire attack; any hose and reel for firefighting connected to the pump shall be 19mm internal diameter; and
- fire hose reels are constructed in accordance with AS/NZS 1221:1997, and installed in accordance with the relevant clauses of AS 2441:2005;
- where practicable, electrical transmission lines are underground;
- where overhead, electrical transmission lines are proposed as follows:
 - lines are installed with short pole spacing (30m), unless crossing gullies, gorges or riparian areas; and
 - no part of a tree is closer to a power line than the distance set out in accordance with the specifications in ISSC3 Guideline for Managing Vegetation Near Power Lines.
- reticulated or bottled gas is installed and maintained in accordance with AS/NZS 1596:2014 and the requirements of relevant authorities, and metal piping is used;
- all fixed gas cylinders are kept clear of all flammable materials to a distance of 10m and shielded on the hazard side;
- connections to and from gas cylinders are metal;
- polymer sheathed flexible gas supply lines are not used; and
- above-ground gas service pipes are metal, including and up to any outlets.

**5 MODIFICATION TO DEVELOPMENT APPLICATION 2019/47 ELECTRICITY
GENERATING WORKS – 5MW SOLAR FARM (Cont'd)**

Landscaping Assessment

Intent of measures: to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting firefighting activities.

7. Landscaping within the required asset protection zone must comply with Appendix 4 of Planning for Bush Fire Protection 2019. In this regard, the following principles are to be incorporated:

- A minimum 1 metre wide area, suitable for pedestrian traffic, must be provided around the immediate curtilage of the building;
- Planting is limited in the immediate vicinity of the building;
- Planting does not provide a continuous canopy to the building (i.e. trees or shrubs are isolated or located in small clusters);
- Landscape species are chosen to ensure tree canopy cover is less than 15% (IPA), and less than 30% (OPA) at maturity and trees do not touch or overhang buildings;
- Avoid species with rough fibrous bark, or which retain/shed bark in long strips or retain dead material in their canopies;
- Use smooth bark species of trees species which generally do not carry a fire up the bark into the crown;
- Avoid planting of deciduous species that may increase fuel at surface/ ground level (i.e. leaf litter);
- Avoid climbing species to walls and pergolas;
- Locate combustible materials such as woodchips/mulch, flammable fuel stores away from the building;
- Locate combustible structures such as garden sheds, pergolas and materials such as timber garden furniture away from the building; and
- Low flammability vegetation species are used.

(End General NSW RFS Conditions).

Phil Johnston
Director Community and Economic Development

Attachment 1 – LEP HEALTH CHECK SUMMARY

REVIEW OF PRIORITY AREAS ADOPTED IN THE LOCAL STRATEGIC PLANNING STATEMENT (LSPS)**Vibrant Communities**

LSPS Priority	LSPS Action	Aligns	Timing	Staff Comments
Priority 1: A safe, active and healthy community	6. Revitalise the Narromine Sports Complex into an accessible, affordable multi-purpose Centre. 6.1 Review relevance of current zoning (RE1 Public Recreation) and permissible uses in future LEP reviews to support future 'multi-purpose' development.	CSP 2027	Medium Term: 6-10 years	Development is not hindered currently by the current LEP provisions. Include in future reviews.
Priority 3 Access to formal and informal education, information, and other services and opportunities to enhance their lives	1. Support agricultural education as an area identified with opportunity for growth. 12.1 In order to foster development within the area of education a supply of available lands is required. Future land use strategies and LEP review address opportunity for agricultural education and rural industry associations.	2018 Employment Lands Focus Strategy	Medium Term: 6-10 years	Future Strategy work to address. DPIE are currently reviewing employment zones framework, this will potentially have some influence.
Priority 4 A range of housing options for the community	15. Ensure appropriately zoned land that meets residential needs throughout the Shire's communities. 15.1 Recognise the expansion areas identified in the Narromine Shire Residential (And Large Lot Residential) Strategy for preferred rezoning opportunities. 15.2 Monitor take-up of all land use zones vacant land. Identify short falls. (Review as part of Narromine Shire Council Delivery Program 2017-2018 / 2020-2021).	CSP 2027	Medium Term: 6-10 years Short Term: 0-5 years	Review of the Narromine Shire Residential (And Large Lot Residential) Strategy recognised.
	18. Implement recommendations of the Narromine Shire Residential (And Large Lot Residential) Strategy. 18.1 Minimum of 10 years and maximum of 30 years supply of zoned land should be aimed to be in the pipeline or ready for development to avoid sudden supply/demand mismatch. Strategy is to guide planning proposals for rezoning, and LEP reviews.	Residential (& Large Lot Residential) Strategy 2018	Short Term: 0-5 years	Short term priority to be implemented. Many public submissions relate to the implementation of the Strategy. Minimum of 10 years and maximum of 30 years supply of zoned land currently not addressed – The Strategy has not been implemented to date. Recommend implementation to address short term actions.

Growing our Economy

LSPS Priority	LSPS Action	Aligns	Timing	Staff Comments
Priority 6 Sustain and grow our local population	<p>29. New plans and strategies are developed in line with the community's needs and encourages economic growth</p> <p>29.1 Review Land Use Strategies in line with results of Economic Development Strategy to ensure planned new land releases to stimulate economy (in line with Narromine Shire Council Delivery Program 2017-2018 / 2020-2021).</p> <p>29.2 Periodic review of the Narromine LEP 2011 - Scope to ensure the land use tables for each zone continue to encompass the strengths of the local economy. Both residential and employment land zones are established with due consideration to local amenity issues and expectations, and likely business development scenarios are able to be accommodated; also, residential opportunities are not hindered by planning controls (such as lot size).</p>	CSP 2027	Short Term: 0-5 years	Residential opportunities: R5 Large Lot Residential land remains close to fully developed or subdivision potential has been constrained by costs, landownership or the proposed Inland Rail alignment. Recommend implementation of Residential & Large Lot Residential Strategy.
Priority 7 Development, diversification and sustainability of the local business and industry base	<p>31. To foster our agricultural sector through the identification and support of value adding opportunities.</p> <p>31.1 Maintain discussions for developing employment lands related to the Agricultural Industry with developers.</p> <p>31.2 Continue to focus on sustainable agricultural practices, minimisation of land use conflicts, and facilitating farm adjustments in the Narromine LEP.</p> <p>31.3 Encourage diversification and value-adding in agriculture by recognising the diversity of modern agricultural enterprises and facilitate their growth through the Narromine LEP.</p> <p>31.4 Review and update the DCP to support agricultural land use and value adding opportunities. Consider the findings of the NSC Agricultural Land Use Strategy - Intensive Plant Agriculture.</p>	CSP 2027	Short Term: 0-5 years Long Term: 11-20 years	The LEP maintains focus on sustainable agricultural practices, minimisation of land use conflicts. Monitoring impacts of future infrastructure projects, such as Inland Rail, may influence need for farm adjustments. Clause 4.6 Exceptions to Development Standards is a likely mechanism in the LEP that could have potential relevance.

Protecting and Enhancing our Environment

LSPS Priority	LSPS Action	Aligns	Timing	Staff Comments
Priority 9 Manage natural environments for current and future generations	<p>40. Identify and protect areas of high natural value</p> <p>40.1 LEP and DCP revisions should include appropriate consideration of the protection of any newly identified areas of natural value and consider recognition of any area of outstanding biodiversity value (or identified in a biodiversity offset scheme).</p> <p>40.2 Protect and enhance and increase natural and green spaces by considering ecosystem change and species shift from climate change, applying ecosystem adaptation into strategic planning and land protection.</p>	CSP 2027	<p>Short Term: 0-5 years</p> <p>Long Term: 11-20 years</p>	Future comprehensive LEP reviews should include a review of any biodiversity offset areas associated with major projects.

REVIEW OF NARROMINE LEP 2011 PROVISIONS

PART 1: LAND USE ZONES

LAND ZONES	Land Use Table/Zone Related Issues	Staff Comments
RURAL LAND		
RU1 Primary Production	<p>Change of use from extensive agriculture to intensive plant agriculture - permitted with consent.</p> <p>Continue to address minimisation of land use conflicts, and facilitating farm adjustments in the Narromine LEP (including boundary adjustments for farm adjustment – Inland Rail impacts).</p> <p>Manage residential occupations through use of clause 4.2D Rural subdivision for intensive plant agriculture, where dwelling houses are permitted on 40ha lots.</p> <p>Existing smaller parcels on periphery of Trangie may support rural residential lifestyle opportunities without need for subdivision.</p>	<p>Recommend a DCP update relevant for guidance for developers.</p> <p>Any LEP amendment to follow Narromine Shire Council Agricultural Land Use Strategy Intensive Plant Agriculture February 2013. Goal is to foster agriculture. At this LEP health check a DCP amendment is considered satisfactory.</p>
RU3 Forestry	No issues recorded.	
RU5 Village	No issues recorded.	
RESIDENTIAL LAND		
R1 General Residential	New residential subdivisions have been recently approved in Narromine: two developments in Dappo Road & SkyPark final residential stage.	Recommend LEP amendment:

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LAND ZONES	Land Use Table/Zone Related Issues	Staff Comments
	<p>Continue to support variety of lot sizes & housing options for the community: Ensure appropriately zoned land that meets residential needs throughout the Shire's communities. Ensure residential opportunities are not hindered by planning controls (such as inappropriate lot size). Current min lot size for R1 zoned land is 450m² for subdivision. This encourages flexibility in lot size.</p> <p>Minimum of 10 years and maximum of 30 years supply of zoned land should be aimed to be in the pipeline or ready for development to avoid sudden supply/demand mismatch.</p>	<p>Implement short term recommendations of the Strategy to ensure future R1 land supply is zoned.</p>
<p>R5 Large Lot Residential</p>	<p>Supply of R5 Large Lot Residential land remains close to fully developed or subdivision potential has been constrained by costs or the new Inland Rail alignment. Limited lots have come to fruition since the 2009 and 2013 Strategies.</p>	<p>Recommend LEP amendment:</p> <p>Recognise the expansion areas identified in the Narromine Shire Residential (And Large Lot Residential) Strategy for preferred rezoning opportunities.</p> <p>Implement recommendations of the Strategy to ensure future R5 land supply is zoned.</p>
<p>EMPLOYMENT LAND</p>		
<p>B2 Local Centre</p>	<p>Ensure employment land zones are established with due consideration to local amenity issues and expectations. Likely business development scenarios are able to be accommodated, with focus on keeping main streets vibrant.</p> <p>Consider introducing a tourism zone or mixed-use zone on main entrance corridors/transport corridors.</p> <p>Trangie – Sites with existing use rights mixed land use areas due to historic village setting. Land use conflict occurring in some instances.</p> <p>Opportunities for emerging employment lands to be considered.</p>	<p>Need to support employment generating land uses, where infrastructure is available, in line with the adopted Economic Development Strategy (and Employment Lands Focus and Strategy).</p> <p>This may lead to site specific planning proposals for projects.</p>

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LAND ZONES	Land Use Table/Zone Related Issues	Staff Comments
IN1 General Industrial	<p>Available land for general & rural related industry in Trangie has been identified for investigation. Servicing issues have hindered some development in the industrial areas of Trangie.</p> <p>Narromine Aerodrome SP1 subdivision will support some growth for industry related to aviation.</p>	Further review of employment land opportunities is an opportunity for future strategic planning.
SP1 Special Activities	<p>Maintain aerodrome infrastructure to increase the viability and sustainability of aerodrome operations – heritage listing.</p> <p>Permissible land uses within Special Purpose zoned land - "Aviation" vs SP2 Infrastructure "Air Transport Facilities" – is not addressed in the DCP.</p>	The DCP may be avenue to define some uses as 'Aviation' as this is not a term defined in the LEP dictionary.
SP2 Infrastructure	<p>Inland Rail Project presents a key opportunity - create a secondary inland hub focusing on agricultural commodities.</p> <p>Consideration of compatible land uses in locations that are suitable along the classified road network - Mitchell Highway widening.</p>	This would be a site-specific planning proposal.
RECREATION AND ENVIRONMENTAL		
RE1 Recreation	<p>Strategically identified to revitalise the Narromine Sports Complex into an accessible affordable multi-purpose centre.</p> <p>Review relevance of current zoning RE1 Public Recreation for Narromine Sports Complex and permissible uses.</p>	In support of the Indoor Recreation Facility any additional development could be addressed as 'ancillary development' and the zone objectives supported as being compatible land uses. No LEP amendment required.
RE2 Recreation	No issues raised.	
E1 National Parks and Nature Reserves	No issues raised.	
E2 Environmental Conservation	Protection of any newly identified areas of natural value and consider recognition of any area of outstanding biodiversity value (or identified in a biodiversity offset scheme).	This is dealt with outside the LEP currently, and should be reviewed with future major projects for any areas requiring added protection via rezoning.
E3 Environmental Management	No issues raised.	
W2 Recreational Waterways	No issues raised.	

PART 2: REVIEW OF PROVISIONS

Clause	Issues	Staff Comments
Part 3 Exempt and Complying Development		
3.1 Exempt development 3.2 Complying development 3.3 Environmentally sensitive areas excluded	No issues raised.	Mapping for environmentally sensitive areas to be reviewed at a comprehensive LEP review.
Part 4 Principle Development Standards		
4.1 Minimum Lot size 4.1AA Minimum subdivision lot size for community title schemes 4.1A Minimum lot sizes for dual occupancy, multi dwelling housing and residential flat buildings 4.1B Exceptions to minimum lot sizes for certain residential development 4.1C Exceptions to minimum subdivision lot sizes for certain split zones	Mapping for minimum lot size has not generated any submissions, specifically outside request for dwelling entitlement for some rural land.	
4.2 Rural subdivision 4.2A Strata title subdivisions in certain rural and environmental protection zones 4.2B Erection of dwelling houses on land in certain rural and environmental protection zones 4.2C Erection of rural workers' dwellings 4.2D Rural subdivision for intensive plant agriculture 4.2E Boundary adjustments in certain rural and environmental protection zones	No issues raised.	
4.6 Exceptions to development standards		Council has not received any applications utilising clause 4.6 in the previous 12-month period.
Part 5 Miscellaneous Provisions		
5.4 Controls relating to miscellaneous permissible uses	Sub-clause 5.4(9) Secondary dwellings on land other than land in a rural zone - proposed new Housing State Environmental Planning Policy provides opportunity to adopt varied provisions for rural land.	A submission to the Policy is to be addressed as a separate resolution to respond to DPIE.

Clause	Issues	Staff Comments						
Part 6 Additional Local Provisions								
6.2 Flood planning	New data will impact the areas identified as flood prone land.	Council is currently undertaking a review of the Flood Policy and Associated Study. When adopted by Council, the LEP mapping will need to be reviewed to ensure new data identifying the 'Flood Planning Area' on the Flood Planning Map is updated to coincide with the most up to date data.						
6.4 Terrestrial biodiversity	New data (or identified in a biodiversity offset scheme) to be recorded.	Mapping for environmentally sensitive areas to be reviewed at a comprehensive LEP review.						
Schedule 5 Environmental heritage								
Part 1 Heritage Items	<p>An error in addressing for listed heritage item identified:</p> <table border="1"> <tr> <td>Narromine</td> <td>CBC Bank</td> <td>65 Dandaloo Street</td> <td>Lot A, DP 337986</td> <td>Local</td> <td>I9</td> </tr> </table> <p>The Narromine LEP 2011 and a search of the NSW State Heritage Inventory https://www.heritage.nsw.gov.au/search-for-heritage/search-for-nsw-heritage/</p> <p>The item refers to the former Commercial Banking Co. building/current NAB Bank. However, the address reference is incorrect and should refer to 72 Dandaloo Street. Mapping also incorrectly depicts the opposite street corner building as a heritage item.</p>	Narromine	CBC Bank	65 Dandaloo Street	Lot A, DP 337986	Local	I9	<p>General amendment recommended to review and check mapping for heritage items to ensure correct addresses and mapping correlate for listed properties.</p> <p>Amend Schedule 5:</p> <ul style="list-style-type: none"> Reference to item I9 to be updated and <p>Amend LEP Map:</p> <ul style="list-style-type: none"> Heritage Map - Sheet HER_004A
Narromine	CBC Bank	65 Dandaloo Street	Lot A, DP 337986	Local	I9			