

Chapter 5 h)

Other Development



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Any Other Development Not Specified in this Plan

Not all development proposals are addressed by this plan. Council staff will provide guidance for development on the nearest compatible land use type as well as draw from information available from relevant state agencies/government departments. The objective will be to ensure that development meets the objectives of any relevant State Environmental Planning Policy, the Narromine Local Environmental Plan and the relevant zone, as well as this plan.



Crops within the Narromine Area

Transportable Dwellings

Development for the purpose of transportable and relocatable dwellings consists of a joint Local Development (Use Only) & Section 68 (Transportable Dwellings) application. The documentation requirements for these applications are listed in the Documentation Table.

Transportable homes and relocatable dwellings are subject to the following additional requirements:

- The relocatable dwelling is to have a new or as new appearance, external cladding including walls and roof;
- Provide evidence that the Local Government Authority (Council) where the dwelling was originally located or being relocated to has approved the relocation of the dwelling. This evidence can be either via development consent or letter;
- Evidence that the applicant/owner has investigated costs (transportation) associated with relocating the dwelling.

Demolition

This section applies to any structure that is required to be demolished. This can include alterations and additions to an existing building. All buildings, structures (including walls and roof lines in additions or alterations) must be identified on the plans. All demolition work must comply with Australian Standard AS2601 – Demolition of structures.

Asbestos and other potential contaminants

Any development that involves the demolition or renovation of buildings containing asbestos material or other contaminate must incorporate appropriate safety measures for its removal and safe disposal.

All asbestos removal is to be undertaken in accordance with the requirements of Safe Work Australia's "Your Guide to Working with Asbestos". Written notice must be provided to Narromine Shire Council five (5) working days (excluding public holidays) prior to commencement of any works and is to include the following details:

- Date the demolition will commence
- Name, address, contact details (including after hours)
- Licence number of the demolisher and asbestos removalist (if different)
- Work must not commence prior to the nominated demolition date.

Note: it is the responsibility of the persons undertaking demolition work to obtain the relevant Safe Work Australia licences and permits.

The owner is to notify all owners and occupiers of premises on either side, opposite and at the rear of the development site five (5) working days prior to demolition. Such notification is to be clearly written on A4 size paper stating the date the demolition will commence and is to be placed in the letterbox of every premise (including every residential flat or unit, if any). The demolition must not commence prior to the date and time stated in the notification.

Demolition of buildings where asbestos is determined to be present should only occur 9am – 5pm Monday to Friday, and must not occur on Saturdays, Sundays or Public Holidays, to ensure that the persons carrying out the work have access to Safe Work Australia professionals if required.

A Safe Work Australia licensed contractor must undertake removal of more than 10 square metres of bonded asbestos. Removal of friable asbestos material must only be undertaken by a contractor that holds a current friable asbestos removal licence.

Demolition sites that involve the removal of asbestos must display a standard commercially manufactured sign containing the words 'DANGER ASBESTOS REMOVAL IN PROGRESS' measuring not less than 400mm x 300mm is to be erected in a prominent visible position on the site to the satisfaction of Council's officers. The

sign is to be erected prior to demolition work commencing and is to remain in place until such time as all asbestos has been removed from the site to an approved waste facility. This ensures compliance with Clause 259(2)c of the Occupational Health and Safety Regulation 2001.

All asbestos waste must be stored, transported and disposed of in compliance with the Protection of the Environment Operations (Waste) Regulation 2005. All receipts detailing method and location of disposal must be submitted to Council as evidence of correct disposal when requested to do so.

An asbestos clearance certificate prepared by a qualified occupational hygienist or Council approved provider, must be provided to Council at the completion of works.

Note:

Additions and alterations of old buildings may also involve the disturbance or removal of lead paint and other contaminants which may affect human health. The management and removal of lead paint is to be undertaken in accordance with AS 4361.2 – Guide to lead paint management - residential and commercial buildings.

Amendment to the Local Environmental Plan (Planning Proposal)

What is zoning?

Zoning is used to manage the different land uses and development types throughout the Narromine Shire. Zoning patterns, which are shown on the zoning maps in the LEP, set out various types of zones for residential, commercial, employment, open space and special use activities. For each zone, the LEP specifies the types of development that may be carried out (with or without development consent from Council) and the types of development that are prohibited.

What is rezoning?

A rezoning is a change to the zone of a parcel of land. This can increase or decrease the range of permissible uses for a site or change the development controls that are applicable. Land can only be rezoned through a formal amendment to the LEP.

Applications to rezone land should only be submitted in the following circumstances:

- Where land cannot be reasonably developed or used under the existing zoning
- Where development of land in accordance with the existing zone would not be in the public interest

What is Minimum Lot Size?

The minimum lot size of a lot refers to the smallest size a lot may be either existing or subdivided to for the ability to apply for a dwelling house.

What information needs to be submitted with a request to amend the LEP?

A request for a LEP amendment to rezone land or change the minimum lot size must be accompanied by a covering letter and a copy of the Planning Proposal which contains the required supplementary information. An electronic version is also recommended to be submitted. If not all of the required information is provided, the application may be returned.

The list below identifies the required information to be submitted with a request. Please note that this is not an exhaustive list and Council may require additional information, research or further studies to be completed prior to proceeding with the proposal. Applicants will be advised in writing if any additional research or information is required.

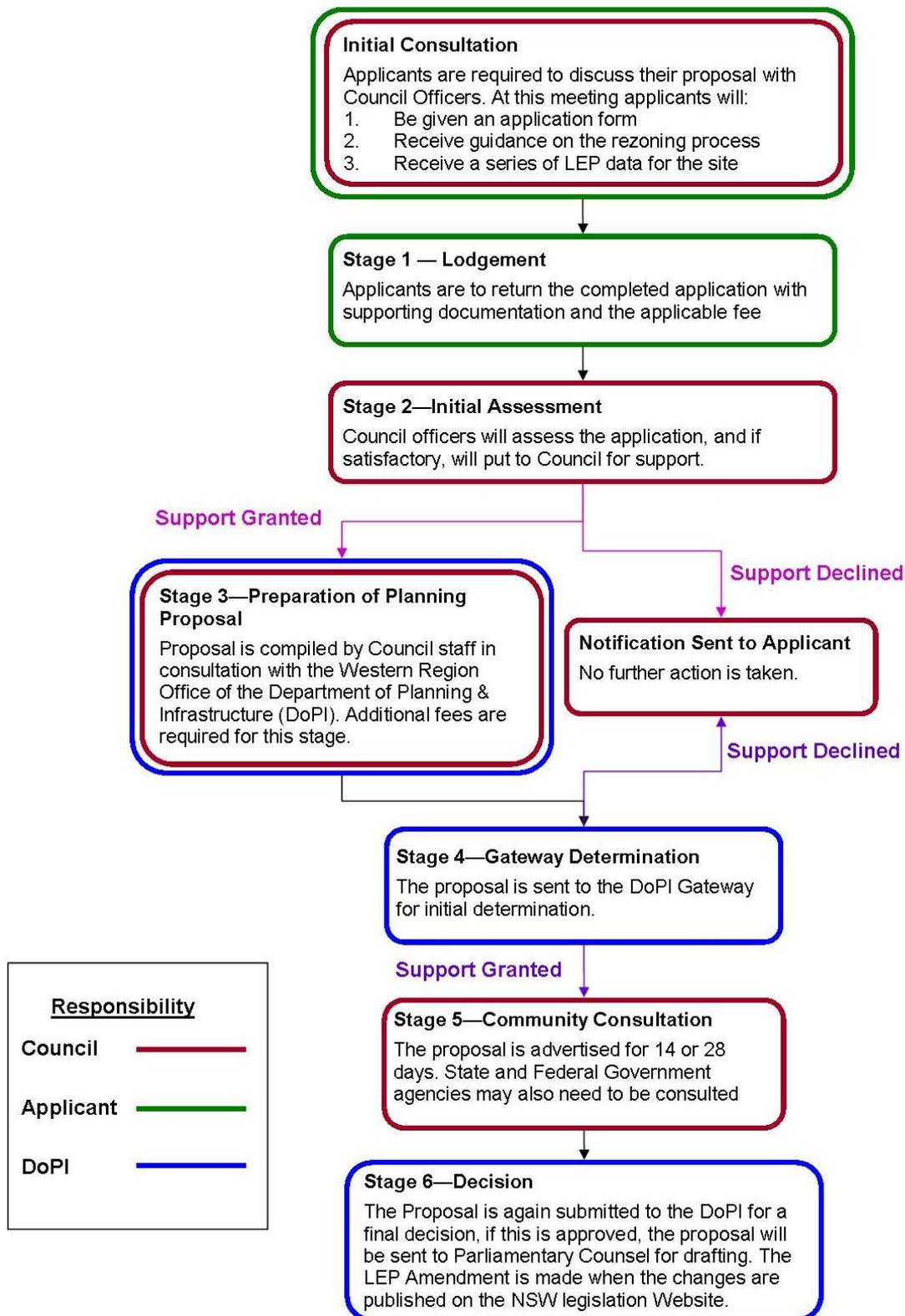
Information required for a planning proposal:

- Completed Application Form with:
 - Current owner's name/s, address and contact details
 - Subject area identification: Lot/DP and area (ha)
 - The purpose of the rezoning and how this purpose is consistent with the objectives of the proposed zone
- A comprehensive Statement of Environmental Effects – incl. flooding, bushfire, aboriginal heritage, environmentally sensitive areas, ground water vulnerability, etc. Information on the natural hazards applicable to the land can be found in the mapping associated with the Narromine Local Environmental Plan 2011. If any of these are applicable to the subject land, then further studies are required.
- Site Contamination Assessment & Site history (back 50yrs if possible)
- Current site plan showing: structures, natural features, vegetation, roads and topography
- Photographs of the site, including aerial photos, if available
- Surrounding land uses
- Economic and social impacts of the rezoning
- Impacts on infrastructure – Eg. Water, Sewer & Electricity requirements
- Any additional information that may support the application
- Aboriginal Heritage Assessment

Procedure for preparing LEP Amendments

Diagram 1 describes the process for the preparation, lodgement and assessment of a LEP Amendment under the EP&A Act and Regulations. The terms used in the diagram are further explained below.

The Planning Proposal Process



Gateway The Gateway ensures that the Planning Proposal is justified before any further resources are allocated to the preparation of a plan. The Department of Planning & Infrastructure LEP Review Panel will review the proposal against set criteria and advise Council whether or not to proceed with the drafting of the LEP.

Through the Gateway determination process Council will be advised:

- Whether the proposal should proceed further, with or without variation
- The level of community consultation required
- Input from State and Commonwealth authorities
- The necessity for a public hearing by the Planning Assessment Commission or other body
- The appropriate timeframes for the various stages of the proposal

Council will be notified of the Gateway determination within 15 working days of the notification being received.

Community Consultation Council will be advised through the Gateway determination of the appropriate community consultation process for the proposal. This will involve public exhibition of the plan for either 14 days (for low impact proposals) or 28 days (for other proposals). Council may choose to have a longer exhibition period if in its view, additional consultation is warranted. During the exhibition process any person can make a submission concerning the proposed plan. A public hearing may also be arranged, if deemed necessary, and a report prepared and made public.

Parliamentary Counsel Once Council has considered the draft LEP and all submissions made during the exhibition, any variations considered necessary will be made by Council. The plan will then be forwarded to the Department of Planning where the legal instrument will be drafted for the Minister.

Decision With the Minister's approval the plan becomes law and is published on the NSW Legislation website. The Minister may:

- Make the full plan
- Vary the plan
- Decide not to proceed with the plan
- Defer certain matters from the plan
- Delegate the making of the plan to the Director General

What matters does Council consider when assessing a rezoning request?

The range of matters considered by Council in the assessment of a planning proposal includes, but is not limited to, the following:

- The Western Councils Sub Regional Land Use Strategy
- The objectives of the EP&A Act,
- Any relevant State Environmental Planning Policies (SEPPs), deemed SEPPs, Departmental Circulars or Ministerial Directions under s117 of the EP&A Act (1979),
- The relevant objectives and provisions of the LEP,
- The provisions of The Narromine Development Control Plan 2011,
- Any relevant non-statutory planning document adopted or exhibited by Council (strategic plans, codes, concept plans and the like),
- The environmental impacts of the proposal,
- Whether site contamination may restrict the rezoning of the property,

- Any precedent that may be set as the result of the rezoning,
- Any submissions from the public, public authorities and/or advice obtained from other Departments within Council.

Are all applications supported by Council?

Council may not support applications for the rezoning of land of change of minimum lot size. Similarly, a Council resolution to prepare a draft LEP amendment does not necessarily guarantee that any changes will proceed. Ultimately, the Minister is the final decision maker and must be satisfied that the proposal is consistent with State planning directions and the objectives of the EP&A Act.

Following community consultation, the Minister has the following options; to make the LEP, to vary the LEP, to decide not to make the LEP or to defer the inclusion of any matter in the LEP. The Minister also has the discretion to arrange for a review of any planning proposal. It should be noted that the process is a complex one with no guarantee of Council or State Government approval.

What is the role of the public in the process?

Once a proposal has been passed through the Gateway, Council will be advised of the relevant community consultation that is to occur. A proposal will be publicly exhibited for a period of either 14 or 28 days, depending on the type of proposal, during which the public can make written submissions in response to the proposal.

In addition to placing an advertisement in the local press and on Council's website advising the community of the exhibition, Council will also notify in writing property owners who may be affected by the proposal. A public hearing may also be arranged at the discretion of Council or the Minister in response to any issue.

Council must take into consideration submissions from the public when it makes a decision whether or not to proceed with the application.

Disclosure of Political Donations

All planning proposals and draft LEPs must comply with NSW State Law regarding Political Donations. Under s147 of the EP&A Act, all relevant political donations and gifts must be disclosed by individuals or entities with a relevant financial interest when a *planning application* is made. A *planning application* includes a formal request to Council to initiate the making of a LEP.



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