

**HS4) COOLAMON SHIRE COUNCIL LOCAL ENVIRONMENTAL PLAN 2011, GROUP
PLANNING PROPOSAL PUBLIC EXHIBITION REPORT (P.03-03, SC299)**

Report

The planning proposal received Gateway Determination to proceed to public exhibition, which has now been carried out as per the Gateway Determination conditions. This report summarises the submissions received and recommends the planning proposal be approved as exhibited and the plan be made using the General Manager's delegated authority.

Background

At its meeting held on 21 November 2019, Council resolved to forward a Planning Proposal to the Department of Planning and Environment to rezone land, amend Clause 5.4 controls for secondary dwellings, and insert a new LEP clause to make provision for Exceptions to Minimum Lot Sizes for Rural Subdivisions within Coolamon LEP 2011 within the Coolamon Local Environmental Plan 2011.

A further report was presented to the Council meeting held on 20 February 2020, requesting that Council support a minor alteration to the rezoning component of the planning proposal. Council resolved to support the variation and the variation was subsequently endorsed by the Department.

Public exhibition and community consultation was carried out in accordance with Section 3.34 (2) (c) and (d) and Section 3.35 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and the Gateway Determination issued by the Department of Planning and Environment.

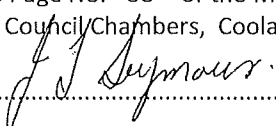
Exhibition and Notification

The planning proposal was placed on public exhibition for 28 days from 25 March until 30 April 2020 (Inclusive). An advertisement was placed in the following media for the following dates:

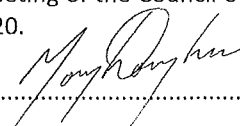
- *Daily Advertiser*: 25 and 28 March and 11 and 15 April 2020.
- *Temora Independent*: 27 March and 10 and 17 April 2020.

In accordance with the Gateway Determination, Council placed the following material on exhibition:

- The Planning Proposal as approved for exhibition by Councillors.
- The Council report(s) and minutes resolving to proceed with the planning proposal.



MAYOR



GENERAL MANAGER.

- Draft Maps as approved by Council.
- Gateway Determination.

The information was made available for viewing at Council's Customer Service Centre located in the Council's Coolamon Office and was also available on Council's website.

In addition to the public exhibition identified above, the planning proposal was also provided to the following public authorities in accordance with the Gateway Determination:

- NSW Rural Fire Service; and
- Transport for NSW.

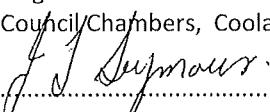
Each public authority/agency was provided with a copy of the planning proposal and relevant supporting material and given 21 days (as required by the Gateway Determination) to comment on the proposal.

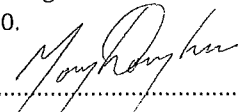
Submissions

One (1) written submission was received from a member of the public relating to the Planning Proposal.

All Agencies consulted on the Planning Proposal made submissions. Below is a summarised table of the submissions received for this proposal and a response to submissions received -

Submission	Issues	Response
NSW RFS	No objection is raised to the proposal subject to future development on bush fire prone land complying with relevant sections of Planning for Bush Fire Protection 2019.	Council will ensure that future development on bush fire prone land complies with relevant sections of Planning for Bush Fire Protection 2019.
John Holland Rail on Behalf Transport for NSW	Neither JHR nor TfNSW have objections to the proposed rezoning of the Land and the Additional Land provided that the proposed land use for IN2 Light Industrial does not include freight/passenger rail operation facilities as a prohibited use to allow future transport purposes if deemed required in the public interest at any future time.	Council has updated the IN2 'Light Industrial' Land Use table to include 'Freight Transport Facility' as a permitted land use. <i>Freight Transport Facility means a facility used principally for the bulk handling of goods for transport by road, rail, air or sea, including any facility for the loading and unloading of vehicles, aircraft, vessels or containers used to transport those goods and for the parking, holding,</i>


..... MAYOR


..... GENERAL MANAGER.

MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE SHIRE OF COOLAMON
HELD IN THE COUNCIL CHAMBERS, COOLAMON ON THE 14TH MAY, 2020.

Submission	Issues	Response
		<i>servicing or repair of those vehicles, aircraft or vessels or for the engines or carriages involved.</i>
KDC Pty Ltd (KDC) on behalf of their client: Providence Asset Group (PAG)	The submission specifically relates to the point three of the March 2020 discussion paper which outlines Council's intent to insert a new model clause to enable the subdivision of land in rural areas to create lots for permissible uses, other than for the purpose of a dwelling house or dual occupancy. The submission was on behalf of a solar energy installer and sought clarification as to whether the clause would enable rural subdivision less than the minimum lot size to occur for electricity generating works.	Council has received advice from the NSW Department of Planning, Infrastructure and Environment that the draft clause permits subdivision of land below the MLS in RU1 and RU4 Zone to accommodate development (other than a dwelling house or dual occupation) that has been issued with a development consent. If the solar farm/electricity generating works is issued with a development consent on land zoned RU1 or RU4 then the clause can be used to accommodate a subdivision below the MLS to accommodate the development provided that the consent authority is satisfied that land within the lot will continue to be used as a solar farm/electricity generating works in accordance with the development consent.

It is recommended that the Planning Proposal be adopted with an amendment to the IN2 'Light Industrial' Land Use table to include 'Freight Transport Facility' as a permitted land use.

Budget

There are nil adverse financial implications to the Community or Council as a result of this report.

Policy

There are no Council Policies applicable to or affected by this report.

Impact on Public Utilities

There are impacts resulting from this report on Public Utilities. The public utility impacts will result from the rezoning component of the planning proposal and the potential future subdivision that may occur. Any future subdivision will result in the need for lots to be serviced by water, gas, electricity and telecommunications. These impacts are considered acceptable and achievable.

Risk Management and Work Health and Safety Issues for Council

There are no risk management or Work Health and Safety Issues to Council resulting from this report.

Internal / External Consultation

Consultation has been undertaken with the Department of Planning and Environment and further consultation will be undertaken as per the requirements of the Gateway Determination.

Internal consultation has been undertaken with relevant sections of Council.

In accordance with the Gateway Determination conditions, consultation with the required public authorities under Section 3.34 (2)(d) of the EP&A Act was undertaken and community consultation was undertaken as required under section 3.34 (2)(c) and 3.35 of the EP&A Act.

Attachments

1. The Planning Proposal with minor amendments that address Agency submissions. **Attachment No. 12.1**
2. Department of Planning's 'Gateway Determination'. **Attachment No. 12.2**
3. Planning Proposal Discussion Paper. **Attachment No. 12.3**
4. Agency and Public Submissions. **Attachment No. 12.4**

Recommendation

- 1) That Council note the report on the Public Exhibition of the Coolamon Shire Council Local Environmental Plan 2011, Group Planning Proposal; and
- 2) That Council Pursuant to Section 3.36 of the Environmental Planning and Assessment Act, 1979, proceed to request that the Minister legally draft the amendments to the Coolamon Local Environmental Plan 2011, in accordance with this report and the exhibited planning proposal.

RESOLVED on the motion of Cllr McCann and seconded by Cllr White: **96/05/2020**

- 1) That Council note the report on the Public Exhibition of the Coolamon Shire Council Local Environmental Plan 2011, Group Planning Proposal; and
- 2) That Council Pursuant to Section 3.36 of the Environmental Planning and Assessment Act, 1979, proceed to request that the Minister legally draft

the amendments to the Coolamon Local Environmental Plan 2011, in
accordance with this report and the exhibited planning proposal.

The Mayor called for a division

Those voting in favour: All present

Those voting against: Nil

**5) MINUTES OF THE AUDIT, RISK & IMPROVEMENT COMMITTEE
MEETING HELD 11TH MARCH, 2020.**

RESOLVED on the motion of Clr Maslin and seconded by Clr McCann that the
Minutes of the Audit, Risk & Improvement Committee Meeting held 11th March,
2020 be adopted. 97/05/2020

6) REPORTS: DELEGATES/MAYOR/COUNCILLORS

There were no reports.

Meeting Closed at 4.06pm.

Confirmed and signed during the Meeting held this 18th day of June, 2020.

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MAYOR