



Coolamon Local Environmental Plan 2011

Planning Proposal:

- Rezone Land in Coolamon to IN2 Light Industrial Zone
- Amend Clause 5.4 to Decrease the Potential Maximum Floor Area for 'Secondary Dwellings'
- Insert a New Model LEP Clause to permit subdivision in Rural Zones for certain permitted uses.

FEBRUARY 2020

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Part 1 – Objectives

The Planning Proposal is seeking to amend the Coolamon LEP 2011 as follows;

- Item 1:** Rezone land in Coolamon for light industrial development and insert a land use table for the IN2 Light Industrial Zone.
- Item 2:** Amend Clause 5.4 to reduce the floor space applied to *secondary dwellings*.
- Item 3:** Insert 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.

Part 2 –Explanation of the Provisions

To achieve the objectives outlined in Part 1, this planning proposal seeks to:

Item 1: Coolamon Light Industrial Zone

Make amendments to the Coolamon LEP 2011 Land Zoning Map Sheet LZN_003G and Lot Size Map Sheet LSZ_003G to rezone approximately 4 hectares of land at Lot 2 DP 838319 and approximately 1 hectare of part Lot 2 DP 1221837. Wade Street, Coolamon from SP2 Infrastructure zoning to IN2 Light Industrial zoning with a 2,000 m² minimum lot size (See Figure 1) to facilitate the provision of industrial and employment land within the LGA.



Figure 1: Location of proposed IN2 Light Industrial Zone in Coolamon (Blue denotes extension of 12 metres from original gateway approval required for servicing etc.)

The Coolamon LEP 2011 does not currently include any IN2 Light Industrial Zone land therefore the planning proposal will also insert the following land use table (mandated Objectives and Land Uses under Standard Instrument LEP highlighted in red).

IN2 Light Industrial

1 Objectives of zone

- To provide a wide range of light industrial, warehouse and related land uses.
- To encourage employment opportunities and to support the viability of centres.
- To minimise any adverse effect of industry on other land uses.
- To enable other land uses that provide facilities or services to meet the day to day needs of workers in the area.
- To support and protect industrial land for industrial uses.

2 Permitted without consent

Home businesses; Home occupations; Roads.

3 Permitted with consent

Depots; Funeral homes; Garden centres; Hardware and building supplies; Industrial training facilities; Kiosks; Landscaping material supplies; Light industries; Liquid fuel depots; Neighbourhood shops; Oyster aquaculture; Places of public worship; Plant nurseries; Recreation facility (Indoor), Rural supplies; Self-storage units; Take away food and drink premises; Tank-based aquaculture; Timber yards; Vehicle repair station, Vehicle sales or hire premises; Veterinary hospitals; Warehouse or distribution centres.

4 Prohibited

Agriculture; Airports; Amusement centres; Animal boarding or training establishments; Biosolids treatment facilities; Camping grounds; Caravan parks; Cemeteries; Centre-based child care facilities; Commercial premises; Correctional centres; Crematoria; Eco-tourist facilities; Educational establishments; Entertainment facilities; Farm buildings; Forestry; Function centres; Health services facilities; Heavy industrial storage establishments; Heavy industries; Home-based child care; Home occupations (sex services); Information and education facilities; Livestock processing industries; Pond-based aquaculture; Recreation facilities (major); Registered clubs; Residential accommodation; Respite day care centres; Sawmill or log processing works; Stock and sale yards; Storage premises; Tourist and visitor accommodation; Water recreation structures; Wharf or boating facilities. Any other development not specified in item 2 or 3.

Item 2: Reduce Maximum Floor Area for Secondary Dwellings

To amend subclause 5.4 (9) (b) 'Controls relating to miscellaneous permissible uses' to ensure that the floor area for secondary dwelling does not exceed 33% of the total floor area of the principal dwelling.

Clause 5.4 (9) currently provides:

Secondary dwellings

If development for the purposes of a secondary dwelling is permitted under this Plan, 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) 100% of the total floor area of the principal dwelling.

Proposed Clause 5.4 (9):

Secondary dwellings

If development for the purposes of a secondary dwelling is permitted under this Plan, 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) 33% of the total floor area of the principal dwelling.

Item 3: Insert New Model Clause – Permit Subdivision for Permitted Uses in Rural Zones

To insert a new Model LEP clause to make provision for exceptions to minimum lot sizes in RU1 Primary Production Zone and RU4 Primary Production Small Lots Zone to enable the subdivision of land to create lots of an appropriate size to meet the needs of current permissible uses other than for the purpose of a dwelling house or dual occupancy.

Exceptions to minimum lot sizes for certain rural subdivisions

- (1) *The objective of this clause is to enable the subdivision of land in certain rural areas to an appropriate size to meet the needs of current permissible uses other than for the purpose of dwelling houses or dual occupancies.*
- (2) *This clause applies to land in the following zones:*
- (a) Zone RU1 Primary Production,
(b) Zone RU4 Primary Production Small Lots.
- (3) *Land to which this clause applies may, with development consent, be subdivided to create a lot of a size that is less than the minimum lot size shown on the Lot Size Map in relation to that land, if the consent authority is satisfied that the use of the land after the subdivision will be the same use (other than for a dwelling house or a dual occupancy) permitted under the existing development consent for the land.*
- (4) *Development consent must not be granted for the subdivision of land to which this clause applies unless the consent authority is satisfied that:*
- (a) *the subdivision will not adversely affect the use of the surrounding land for agriculture, and*
(b) *the subdivision is necessary for the ongoing operation of the permissible use, and*
(c) *the subdivision will not increase rural land use conflict in the locality, and*
(d) *the subdivision is appropriate having regard to the natural and physical constraints affecting the land.*

Part 3 –Justification

This planning proposal attends to matters that are considered to be minor.

Justification includes:

Item 1: Coolamon Light Industrial Zone

Land identified for re - zoning is required as a result of the need to provide light industrial land within the Township of Coolamon, there is currently no such land use zoning within the LGA and Council has seen an increase in development types that would be more suited within such a zone.

Two (2) parcels of land have been identified for rezoning as a result of Council recently purchasing some SP2 Infrastructure Land (Railway) from Transport for NSW. Lot 2, DP 838319 has been purchased from Transport for NSW and the purchase of Lot 2, DP 1221837 is in the process of being purchased. The planning proposal will be forwarded to Transport for NSW during exhibition process. It is proposed that the land be rezoned from SP2 Infrastructure to IN2 Light Industrial land.

The minimum lot size proposed for the subject land identified in this planning proposal is 2000 m2 and is identified in the proposed re-zoning map - this applies to the item in table 1 below. A 2000 m2 proposed MLS is considered to be of a size that promotes and facilitates the location of those land uses permitted under the proposed land use table at a scale appropriate for the locality.

Table 1: Land Use Zoning Map Amendments

Location	Property	Land use	Current Zoning	Amended Zoning	Min. Lot Size
Wade Street, Coolamon	Lot: 2 DP: 838319	Vacant – Railway Infrastructure Land	SP2 Infrastructure	IN2 Light Industrial	2000m2
Wade Street Coolamon	Lot: 2 DP 1221837 (12 metre portion for entire lot length – abutting abovementioned lot)	Vacant – Railway Infrastructure Land	SP2 Infrastructure	IN2 Light Industrial	2000m2

Justification

The Township of Coolamon has over a period of time witnessed a significant increase in development types such as mechanics (vehicle repair station), cabinet / joinery makers, plumbers and other trades (light industrial), landscaping businesses (landscape and garden supplies) seeking to establish their respective developments on land that is zoned RU5 Village or RU4 Rural Small Holdings. Whilst the scale of some of these businesses may, in some instance, be carried out under a Home Business or Home Industry Land Use definition, it is considered for such developments that do not meet relevant LEP controls, the provision of light industrial land would be more appropriate and suitable and serve to reduce the potential for any land use conflict.

Justification includes:

- There is currently no land zoned IN2 Light industrial under the Coolamon Local Environmental Plan 2011 (CLEP2011).
- There are no natural or man-made hazards present on the land. The land is not flood prone, bush fire prone nor is it considered to be potentially contaminated.

- Since the gazettal of the CLEP 2011 there has been an increasing number of development types such as mechanics (vehicle repair station), cabinet / joinery makers, plumbers and other trades (light industrial), landscaping businesses (landscape and garden supplies) seeking to establish their respective developments on land that is zoned RU5 Village or RU4 Rural Small Holdings. To date and where appropriate such developments have been carried out under the banner of Home Business or Home Industry.
- An opportunity to purchase vacant SP2 Infrastructure Land presented itself to council in a prime location that is considered to be most suitable for light industrial land development.
- The rezoning of such land is considered to present an ideal opportunity to provide for a zone within the LGA that can more appropriately house light industrial land uses.
- The changes do not have any adverse economic, environmental or social impacts as they are not policy changes, in fact the rezoning would promote positive triple bottom line outcomes within and for the LGA.
- Whilst the new light industrial zone is proposed adjacent to an existing RU5 Village Zone and adjoins existing residential land uses, Council considers that given the buffer of approximately 40 metres from proposed lot boundary of new zone with existing RU5 property zone lines, combined with the proposed 'permitted' industrial land use types in land use table, there will be no land use conflict promotion.

Strategic Context

The Planning Proposal would make minor, but important amendments to the CLEP 2011 that would provide for some much needed light industrial zoned land within the LGA. These changes are important to ensure that the CLEP remains contemporary and meets the requirements of future land owners, the wider community and Council's overall Strategic land use direction.

Relationship to Riverina Murray Regional Plan 2036

The planning proposal is considered to be consistent with the Riverina Murray Regional Plan 2036 (RMRP). Council considers that the following directions are most relevant to the rezoning component of the planning proposal:

- Direction 4: Promote business activities in industrial and commercial areas. The creation of IN2 Light Industrial land will make provision for industrial land development opportunities in the LGA that is currently not provided for and ensure that such land uses are conducted on land zoned for such purposes, thus avoiding the land use conflict opportunities that arise with such uses being carried out in other zones.
- Direction 6: Promote the expansion of education and training opportunities. The creation of IN2 Land will result in employment opportunities within the LGA for trade based employment types and facilitate the training of apprentices in such trades.

Direction 23: Build Resilience in towns and villages. The rezoning component of the planning proposal will create opportunity for development to be carried out in a zone dedicated and compatible with such uses and which can be used to support the sustainability of existing towns and villages. It is considered that by providing additional development opportunities, opportunities will be created that will allow villages and communities to become more robust and economically diverse and will contribute to the growth and prosperity of village / regional areas.

State Environmental Planning Policy 55

Complies.

The SEPP requires Council to consider contamination of land as part of a rezoning application. The site is not listed on Councils potentially contaminated land register, however, a report has been prepared by McMahon Earth Sciences and is attached to the planning proposal.

The report concludes that there is no qualitative or quantitative evidence of previous contaminating activities nor gross surface or subsurface soil contamination on site.

McMahon assesses that the site is suitable for development as commercial/industrial land.

Applicable S 9.1 Directions

Table 2: S 9.1 Direction Response to each Land Use Zoning Map Amendment

S. 9.1 Direction Applying	Issues	Consistent?
1.1 Business and Industrial Zones	No	Yes. The rezoning supports the objectives of the direction and will serve to encourage employment growth in a suitable location, and support the viability of identified centres (Coolamon).
3.4 Integrated Land Use and Transport	No	Yes. The rezoning of the subject land will result in the location of light industrial land uses on land in a central location within the township of Coolamon. The location of the

		rezoning and provision of light industrial land will improve access to jobs and services by walking, cycling and public transport and serve to reduce dependence on cars.
4.3 Flood Prone Land	No	Yes. The land is not flood prone.
4.4 Planning for Bush Fire Protection	No	Yes. The land is not bushfire prone.
5.10 Implementation of Regional Plans 'Riverina Murray Regional Plan 2036'	No	Yes. The proposed amendment is consistent with this objective, which is to give legal effect to the vision, land use strategy, policies, outcomes and actions contained in regional strategies. It is considered that this component of the planning proposal is consistent with the following: Direction 4: Promote business activities in industrial and commercial areas. The creation of IN2 Light Industrial land will make provision for industrial land development opportunities in the LGA that are currently not provided for and ensure that such land uses are conducted on land zoned for such purposes, thus

		<p>avoiding the land use conflict opportunities that arise with such uses being carried out in other zones.</p> <p>Direction 6: Promote the expansion of education and training opportunities. The creation of IN2 Land will result in employment opportunities within the LGA for trade based employment types and facilitate the training of apprentices in such trades.</p> <p>Direction 23: Build Resilience in towns and villages. The rezoning component of the planning proposal will create opportunity for development to be carried out in a zone dedicated and compatible with such uses and which can be used to support the sustainability of existing towns and villages. It is considered that by providing additional development opportunities, opportunities will be created that will allow villages and communities to become more robust and economically diverse and will</p>
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		contribute to the growth and prosperity of Coolamon and the wider region.
6.1 Local Plan Making	No	Yes. The rezoning is consistent with the objectives of the direction and it is considered that the rezoning and corresponding land use table provide LEP provisions that encourage the efficient and appropriate assessment of development.

Recommendation

Endorse the land use zoning map amendments.

Item 2: [Reduce Maximum Floor Area for Secondary](#)

Amending the development standards associated with Secondary Dwellings to ensure that the use of such development types remains consistent with the land use definition.

Justification

It has been identified that there is a need to amend the development standards contained in Clause 5.4 (9) of the CLEP 2011 associated with Secondary Dwellings to ensure that the use of such development types remains consistent with the land use definition.

The need to amend the clause is required to reduce the size of secondary dwellings that are allowed on land as Council has recently seen a proliferation of developments that, whilst currently in compliance with current standards under the clause, would be more appropriately defined as 'dual occupancies'.

Strategic Context

The Planning Proposal would make minor, but important amendments to the CLEP 2011. These changes are important to ensure that the CLEP remains contemporary and meets the requirements of the land owners, the wider community and Council's overall Strategic land use direction.

Relationship to Riverina Murray Regional Plan 2036

The planning proposal is considered to be consistent with the Riverina Murray Regional Plan 2036 (RMRP). Council considers that the following directions are most relevant to the rezoning component of the planning proposal:

Direction 1: Protect the regions diverse and productive agricultural land. The planning proposal does not detract from or adversely affect agricultural production in the locality and is considered to promote a consistent approach to land uses in the RU4 Primary Production Small Lots Zones in the region. Reducing the permissible floor area for secondary dwellings will reduce potential land use conflict with adjoining RU1 Agricultural land that may arise by virtue of increased population densities on rural residential land adjoining agricultural land.

Direction 27: Manage rural residential development. It is agreed that a consistent planning approach is required to ensure that rural residential development does not increase pressures on infrastructure and services. Rural Residential land should also avoid the potential to create land use pressure on adjoining and neighbouring agricultural land. The planning proposal seeks to reduce the size of secondary dwellings that are currently allowed to be located on rural residential land that is considered satisfactory with these objectives.

Applicable S 9.1 Directions

Table 3: S 9.1 Direction Response to Reducing Maximum Floor Area for Secondary

S. 9.1 Direction Applying	Issues	Consistent?
1.2 Rural Zone	No.	Yes. The proposed amendment to the secondary dwelling size clause is not inconsistent with the objective of this direction and will not impinge on the agricultural production value of rural land.
1.5 Rural Land	No.	The proposed amendment to the secondary dwelling size clause is consistent with the objectives of this direction and serves to protect rural land by ensuring appropriately sized secondary dwellings are

		located on such land.
3.1 Residential Zones	No.	<p>Yes.</p> <p>The proposed amendment to the clause will remain consistent with the objectives of this direction. The clause will still ensure that there is a variety and choice of housing types to provide for existing and future housing needs within the LGA.</p> <p>Secondary dwellings by their very definition assist in promoting the efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and the amendment will not alter this.</p>
3.4 Integrated Land Use and Transport	No.	<p>Yes.</p> <p>The proposed amendment is consistent with the objectives of this direction.</p>
4.3 Flood Prone Land	No.	<p>Yes.</p> <p>Council does not foresee there being any inconsistency with this direction. In the event that a development application is lodged on flood affected land, Council will ensure that the objectives of the direction are complied with i.e. ensuring that development of flood prone land is</p>

		consistent with the NSW Government's Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005, and ensure that the flood related provisions of the CLEP 2011 are complied with.
4.4 Planning for Bush Fire Protection	No.	Yes. Council does not foresee there being any inconsistency with this direction. In the event that a development application is lodged on bush fire prone land, Council will ensure that the objectives of the direction are complied with i.e. encourage the sound management of any development on bush fire prone land.
5.10 Implementation of Regional Plans 'Riverina Murray Regional Plan 2036'	No.	Yes. The proposed amendment is consistent with this objective, which is to give legal effect to the vision, land use strategy, policies, outcomes and actions contained in regional strategies. It is considered that this component of the planning proposal is consistent with the following: Direction 1 Protect the regions diverse and

		<p>productive agricultural land.</p> <p>The planning proposal does not detract from or adversely affect agricultural production in the locality. Reducing the permissible floor area for secondary dwellings will reduce potential land use conflicts on agricultural and rural residential land.</p> <p>Direction 27 Manage rural residential development. It is agreed that a consistent planning approach is required to ensure that rural residential development does not increase pressures on infrastructure and services. Rural Residential land should also avoid the potential to create land use pressure on adjoining and neighbouring agricultural land.</p> <p>The planning proposal seeks to reduce the size of secondary dwellings that are currently allowed to be located on rural residential land and is considered to be consistent with the Directions objectives.</p>
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6.1 Local Plan Making	No.	Yes. The amendment to clause 5.4 (9) of the CLEP 2011 is consistent with the objectives of the direction and it is considered that the amendment does not remove existing provisions that encourage the efficient and appropriate assessment of development.
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Recommendation

To amend Clause 5.4 (9) 'Secondary dwellings' to read:

If development for the purposes of a secondary dwelling is permitted under this Plan, 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) 33% of the total floor area of the principal dwelling.*

Item 3: [Insert New Model Clause – Permit Subdivision for Permitted Uses in Rural Zones](#)

Insert new LEP clause to make provision for exceptions to minimum lot sizes for certain rural subdivisions to enable the subdivision of land in certain rural areas to an appropriate size to meet the needs of current permissible uses other than for the purpose of dwelling houses or dual occupancies.

Justification

The Coolamon Local Environmental Plan (CLEP) currently does not contain provisions that allow the subdivision of rural land for lots sizes less than the mandated minimum lot sizes prescribed for rural zones. It has become apparent that at times there exist a genuine need to facilitate the subdivision of rural land at a size less than the minimum lot size i.e. for the provision of infrastructure, mining activities, electricity generating works. A clause is required to ensure subdivisions that are associated with an approved permitted use other than for a dwelling are able to be carried out.

Strategic Context

The Planning Proposal would make minor, but important amendments to the CLEP 2011. These changes are important to ensure that the CLEP remains contemporary and meets the requirements of the land owners, the wider community and Council's overall Strategic land use direction.

Relationship to Riverina Murray Regional Plan 2036

The planning proposal is considered to be consistent with the Riverina Murray Regional Plan 2036 (RMRP). Council considers that the following directions are most relevant to the rezoning component of the planning proposal:

Direction 1: The inclusion of an 'Exceptions to Minimum Lot Sizes for Rural Subdivisions' is designed to enable the subdivision of land in certain rural areas to an appropriate size to meet the needs of current permissible uses other than for the purpose of dwelling houses or dual occupancies and as such will not be still ensure the protection the regions diverse and productive agricultural land.

Applicable S 9.1 Directions

Section 9.1 Directions Applying Proposed New Model Clause

Table 4: S 9.1 Direction Response to Proposed New Model Clause

S. 9.1 Direction Applying	Issues	Consistent?
1.2 Rural Zone	No.	Yes. Council considers that the insertion of the proposed clause is not inconsistent with the objective of this direction, to protect the agricultural production value of rural land. The clause will ensure subdivision in rural zones which is associated with an approved permitted use other than for a dwelling can occur.
1.5 Rural Land	No.	Yes. The clause is considered to be consistent with the objectives of this direction, specifically it will

		facilitate the orderly and economic use and development of rural lands for rural and related purposes.
4.3 Flood Prone Land	No.	<p>Yes.</p> <p>Council does not foresee there being any inconsistency with this direction. In the event that a development application for subdivision of land in a rural zone is lodged on flood affected land, Council will ensure that the objectives of the direction are complied with i.e. ensuring that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005.</p>
4.4 Planning for Bush Fire Protection	No.	<p>Yes.</p> <p>Council does not foresee there being any inconsistency with this direction. In the event that a development application for subdivision is lodged on bush fire prone land, Council will ensure that the objectives of the direction are complied with i.e. encourage the sound management of any development</p>

		on bush fire prone land.
5.10 Implementation of Regional Plans 'Riverina Murray Regional Plan 2036'	No.	The proposed amendment is consistent with the objectives of this SEPP.
6.1 Local Plan Making	No	Yes. The amendment to clause 5.4 (9) of the CLEP 2011 is consistent with the objectives of the direction and it is considered that the amendment does not remove existing provisions that encourage the efficient and appropriate assessment of development.

Recommendation

Insert the following new clause in the CLEP:

Exceptions to minimum lot sizes for certain rural subdivisions

- (1) *The objective of this clause is to enable the subdivision of land in certain rural areas to an appropriate size to meet the needs of current permissible uses other than for the purpose of dwelling houses or dual occupancies.*
- (2) *This clause applies to land in the following zones:*
 - (a) *Zone RU1 Primary Production,*
 - (b) *Zone RU4 Primary Production Small Lots.*
- (3) *Land to which this clause applies may, with development consent, be subdivided to create a lot of a size that is less than the minimum lot size shown on the Lot Size Map in relation to that land, if the consent authority is satisfied that the use of the land after the subdivision will be the same use (other than for a dwelling house or a dual occupancy) permitted under the existing development consent for the land.*
- (4) *Development consent must not be granted for the subdivision of land to which this clause applies unless the consent authority is satisfied that:*
 - (a) *the subdivision will not adversely affect the use of the surrounding land for agriculture, and*
 - (b) *the subdivision is necessary for the ongoing operation of the permissible use, and*
 - (c) *the subdivision will not increase rural land use conflict in the locality, and*
 - (d) *the subdivision is appropriate having regard to the natural and physical constraints affecting the land.*

Part 4 – Mapping

Item 1 of this planning proposal will require amendments to the Land Zoning Map sheet LZN_003G and the Lot Size Map Sheet LSZ_003G to change the zone and lot size applying to Lot 2 DP 838319 (See Figure 1) from SP2 Infrastructure Zone with a nil minimum lot size to IN2 Light Industrial Zone with a 2,000 square metre minimum lot size.

Part 5 - Community Consultation

The Gateway Determination will confirm community consultation requirements. It is likely that the Proposal will be exhibited for a period of not less than 28 days.

Public exhibition of the planning proposal will include notification on the Coolamon Shire Council website, notification in the newspapers that circulate widely in the area (Wagga Wagga Daily Advertiser and the Temora Independent) and in writing to affected and adjacent landowners. Information relating to the planning proposal will also be on display at the following Coolamon Shire Council customer service centre:

Coolamon Shire Council Office
55 Cowabbie Street
COOLAMON, NSW, 2701

Part 6 - Timeline

The Project Timeline will assist with tracking the progress of the planning proposal through the various stages of consultation and approval. It is estimated that this amendment to Coolamon Shire Council Local Environmental Plan 2011 will be completed by April 2020.

Council requests delegation to carry out certain plan-making functions in relation to this proposal. Delegation would be exercised by Council's General Manager or Executive Manager Development and Environmental Services.

Key Stages of Consultation and Approval	Estimated Timeframe
STAGE 1 – Submit amended planning proposal to the Department	February 2020
STAGE 2 – Receive Altered Gateway Determination	March – April 2020
STAGE 3 – Preparation of documentation for Public Exhibition	March – April 2020
STAGE 4 – Public Exhibition of the planning proposal	April – May 2020
STAGE 5 – Review/consideration of submissions received	May – June 2020
STAGE 6 – Council Report	June – July 2020
STAGE 7 – Meetings	July – August 2020
STAGE 8 – Forward planning proposal to Department of Planning and Infrastructure with request amendment is made	August- September 2020
STAGE 9 – Date Council will make the Plan (if delegated), including any required consultation with the Parliamentary Counsel	September – October 2020
STAGE 10 – Anticipated date Council will forward Plan to the Department for notification	October – November 2020

Attachments

Attachment 1: Council Report

COOLAMON SHIRE COUNCIL LOCAL ENVIRONMENTAL PLAN 2011 MINOR AMENDMENTS

Summary

This report requests Council to resolve to prepare a planning proposal 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.

Background

The Township of Coolamon has over a period of time witnessed a significant increase in development types such as mechanics (vehicle repair station), cabinet / joinery makers, plumbers and other trades (light industrial), landscaping businesses (landscape and garden supplies) seeking to establish their respective developments on land that is zoned RU5 Village or RU4 Rural Small Holdings. Whilst the scale of some of these businesses may be carried out under a Home Business or Home Industry Land Use definition, it is considered for such developments that do not meet relevant LEP controls, the provision of light industrial land would be more appropriate and suitable and serve to reduce the potential for any land use conflict. One component of the Planning proposal is to rezone land from SP2 Infrastructure to IN2 Light Industrial.

Staff have also identified the need to amend the Secondary Dwelling standards contained under Clause 5.4 (9) of the CLEP. The need to amend the clause is required to reduce the size of secondary dwellings that are allowed on land as Council has recently seen a proliferation of developments that, whilst currently in compliance with current standards under the clause, would be more appropriately defined as 'dual occupancies' - in that the size of the secondary dwelling is the same size of the existing dwelling located on the site.

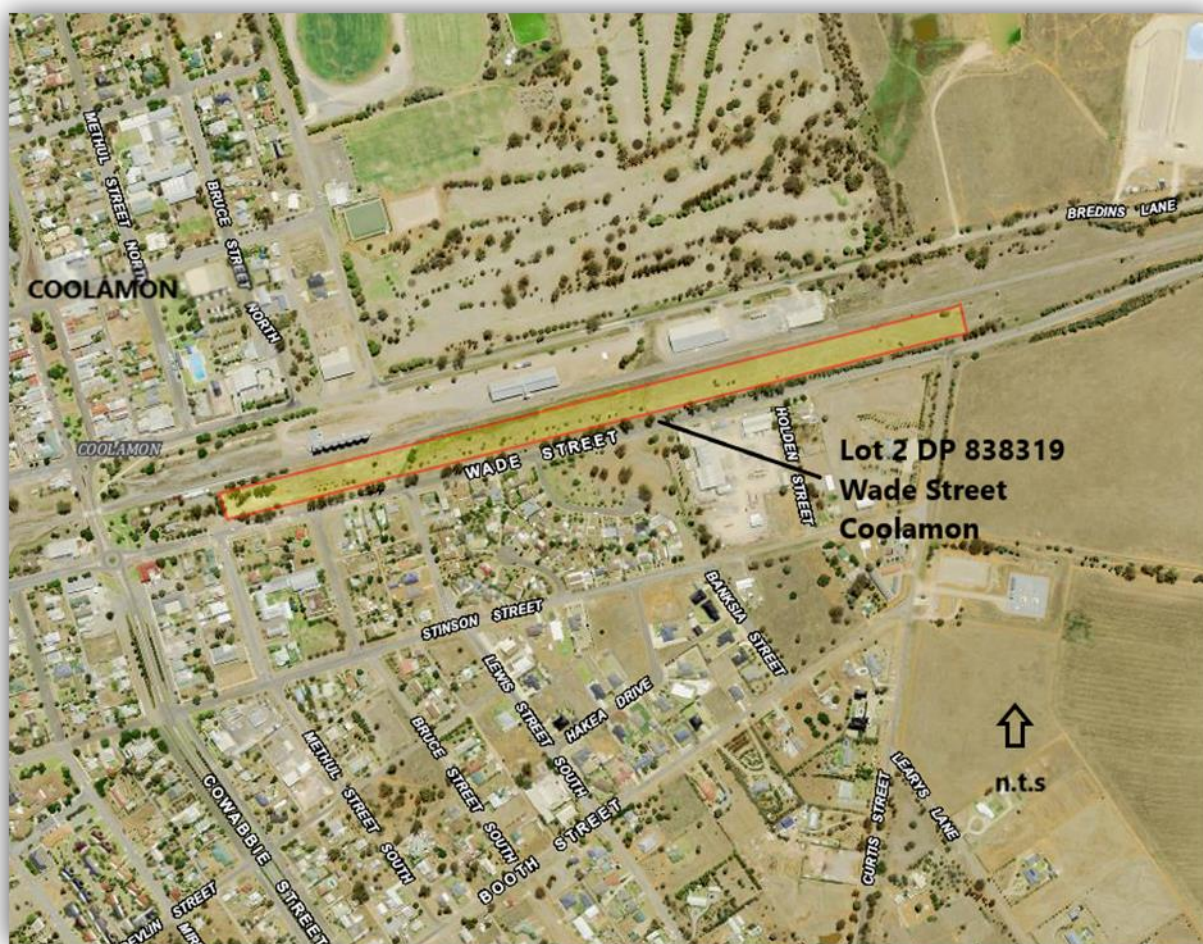
The Coolamon Local Environmental Plan (CLEP) currently does not contain provisions that allow the subdivision of rural land for lots sizes less than the mandated minimum lot sizes prescribed for rural zones. It has become apparent that at times there exist a genuine need to facilitate the subdivision of rural land at a size less than the minimum lot size i.e. for the provision of infrastructure, mining activities, electricity generating works. A clause is required to ensure subdivisions that are associated with an approved permitted use other than for a dwelling are able to be carried out.

This planning proposal attends to matters that are considered to be minor and the structure of the Planning Proposal is as follows:

- Zoning Map Amendments
- Clause 5.4 Secondary Dwelling Amendment; and
- Proposed New LEP Clause for Exceptions to Minimum Lot Size for Rural Subdivision.

Zoning Map Amendments

One parcel (1) parcel of land has been identified for rezoning as a result of Council recently purchasing some SP2 Infrastructure Land (Railway) from Transport for NSW. It is proposed that the land be rezoned from SP2 Infrastructure to IN2 Light Industrial land.



The re zoning is considered to be relatively minor and appropriate for the subject land as;

- There is currently no land zoned IN2 Light industrial under the Coolamon Local Environmental Plan 2011 (CLEP2011).
- There are no natural or man-made hazards present on the land.
- Since the gazettal of the CLEP 2011 there has been an increasing number of development types such as mechanics (vehicle repair station), cabinet / joinery makers, plumbers and other trades (light industrial), landscaping businesses (landscape and garden supplies) seeking to establish their respective developments on land that is zoned RU5 Village or RU4 Rural Small Holdings. To date and where appropriate such developments have been carried out under the banner of Home Business or Home Industry.
- An opportunity to purchase vacant SP2 Infrastructure Land has availed itself to council in a prime location that is considered to be most suitable for light industrial land development.
- The rezoning of such land is considered to present an ideal opportunity to provide for a zone within the LGA that can more appropriately house light industrial land uses.
- The changes do not have any adverse economic, environmental or social impacts as they are not policy changes, in fact the rezoning would promote positive triple bottom line outcomes within and for the LGA.

Table 1: Land Use Zoning Map Amendments

Location	Property	Land use	Current Zoning	Amended Zoning	Min. Lot Size
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Wade Street, Coolamon	Lot: 2 DP: 838319	Vacant – Railway Infrastructure Land	SP2 Infrastructure	IN2 Light Industrial	2000m2
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The Coolamon LEP 2011 does not currently include any IN2 Light Industrial Zone land therefore planning proposal will also insert the following land use table (mandated Objectives and land uses under Standard Instrument LEP highlighted in red).

IN2 Light Industrial

1 Objectives of zone

- To provide a wide range of light industrial, warehouse and related land uses.
- To encourage employment opportunities and to support the viability of centres.
- To minimise any adverse effect of industry on other land uses.
- To enable other land uses that provide facilities or services to meet the day to day needs of workers in the area.
- To support and protect industrial land for industrial uses.

2 Permitted without consent

Home businesses; Home occupations; Roads.

3 Permitted with consent

Depots; Funeral homes; Garden centres; Hardware and building supplies; Industrial training facilities; Kiosks; Landscaping material supplies; Light industries; Liquid fuel depots; Neighbourhood shops; Oyster aquaculture; Places of public worship; Plant nurseries; Recreation facility (Indoor), Rural supplies; Self-storage units; Take away food and drink premises; Tank-based aquaculture; Timber yards; Vehicle repair station, Vehicle sales or hire premises; Veterinary hospitals; Warehouse or distribution centres.

4 Prohibited

Agriculture; Airports; Amusement centres; Animal boarding or training establishments; Biosolids treatment facilities; Camping grounds; Caravan parks; Cemeteries; Centre-based child care facilities; Commercial premises; Correctional centres; Crematoria; Eco-tourist facilities; Educational establishments; Entertainment facilities; Farm buildings; Forestry; Function centres; Health services facilities; Heavy industrial storage establishments; Heavy industries; Home-based child care; Home occupations (sex services); Information and education facilities; Livestock processing industries; Pond-based aquaculture; Recreation facilities (major); Registered clubs; Residential accommodation; Respite day care centres; Sawmill or log processing works; Stock and sale yards; Storage premises; Tourist and visitor accommodation; Water recreation structures; Wharf or boating facilities. Any other development not specified in item 2 or 3.

Clause 5.4 Controls for Secondary Dwellings

It has been identified that there is a need to amend the development standards contained in Clause 5.4 (9) of the CLEP 2011 associated with Secondary Dwellings to ensure that the use of such development types remains consistent with the land use definition.

The need to amend the clause is required to reduce the size of secondary dwellings that are allowed on land as Council has recently seen a proliferation of developments that, whilst currently in compliance with current standards under the clause, would be more appropriately defined as 'dual occupancies'.

Clause 5.4 (9) currently provides:

Secondary dwellings

If development for the purposes of a secondary dwelling is permitted under this Plan, 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) 100% of the total floor area of the principal dwelling.*

Proposed Clause 5.4 (9):

Secondary dwellings

If development for the purposes of a secondary dwelling is permitted under this Plan, 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) 33% of the total floor area of the principal dwelling.*

Recommendation

To amend Clause 5.4 (9) 'Secondary dwellings' to read:

If development for the purposes of a secondary dwelling is permitted under this Plan, 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) 33% of the total floor area of the principal dwelling.*

New CLEP Clause

The Coolamon Local Environmental Plan 2011 (CLEP) does not currently contain provisions that allow the subdivision of rural land for lots sizes less than the mandated minimum lot sizes prescribed for rural zones. It has become apparent that at times there exist a genuine need to facilitate the subdivision of rural land at a size less than the minimum lot size i.e. for the provision of infrastructure, mining activities, electricity generating works. A clause is required to ensure subdivisions that are associated with an approved permitted use other than for a dwelling are able to be carried out.

Recommendation

Insert the following new clause in the CLEP:

Exceptions to minimum lot sizes for certain rural subdivisions

- (1) *The objective of this clause is to enable the subdivision of land in certain rural areas to an appropriate size to meet the needs of current permissible uses other than for the purpose of dwelling houses or dual occupancies.*
- (2) *This clause applies to land in the following zones:*
 - (a) *Zone RU1 Primary Production,*
 - (b) *Zone RU4 Primary Production Small Lots.*
- (3) *Land to which this clause applies may, with development consent, be subdivided to create a lot of a size that is less than the minimum lot size shown on the Lot Size Map in relation to that land, if the consent authority is satisfied that the use of the land after the subdivision will be the same use (other than for a dwelling house or a dual occupancy) permitted under the existing development consent for the land.*
- (4) *Development consent must not be granted for the subdivision of land to which this clause applies unless the consent authority is satisfied that:*
 - (a) *the subdivision will not adversely affect the use of the surrounding land for agriculture, and*
 - (b) *the subdivision is necessary for the ongoing operation of the permissible use, and*
 - (c) *the subdivision will not increase rural land use conflict in the locality, and*
 - (d) *the subdivision is appropriate having regard to the natural and physical constraints affecting the land.*

Consultation

There has been no public consultation on these proposed changes as yet. With Council approval, there will be a formal public exhibition period if the planning proposal proceeds past the Department of Planning's Gateway process.

Staff have had informal discussions with Officers from the NSW Department of Planning and Environment who have raised no objections to the proposal.

Conclusion

The proposed amendments to CLEP 2011 detailed in this report are considered to be of a minor nature. The rezoning component will introduce a much needed light industrial zone within the LGA and promote the ability for appropriate development types to be located on the subject land. The proposed changes to the development standards associated with secondary dwellings will ensure that such developments remain subservient to primary dwellings located on such land and reduce potential land use conflict with adjoining land uses. The introduction of an 'Exceptions to minimum lot sizes for certain rural subdivisions' clause will ensure that subdivisions in rural zones that are associated with an approved permitted use other than for a dwelling are able to be carried out.

Next Steps

Following endorsement by Council, the Planning Proposal will be forwarded to the Department of Planning and Infrastructure seeking a Gateway determination to proceed with the amendment. The Gateway decision will set out requirements for any additional investigations, consultations and the timing of any required changes to the CLEP 2011.

Recommendation

That Council:

- a. **receive and note the report**
- b. **forward the group planning proposal to the Department of Planning and Environment under section 3.34 (1), requesting that the Minister issue a “gateway determination” that will allow the planning proposal to proceed.**

Attachments

- Draft Planning Proposal to be submitted to NSW Department of Planning and Infrastructure.

See MINUTES AND RESOLUTION ATTACHED.

[Attachment 2: Council Report – Altered Gateway Determination](#)

COOLAMON SHIRE COUNCIL LOCAL ENVIRONMENTAL PLAN 2011 MINOR AMENDMENTS GATEWAY ALTERATION

Summary

This report requests Council to resolve to endorse a request to the NSW Department of Planning, Industry and Environment to alter a Gateway Determination issued in relation to an existing planning proposal 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.

The alteration specifically relates to adding additional land to the rezoning component of the planning proposal.

Background

Council may recall that at the Ordinary Council Business Meeting held on 21 November 2019, Council resolved to:

- 1) *Receive and note the report on the Coolamon Shire Council Local Environmental Plan 2011 Minor Amendments Planning Proposal; and*
- 2) *Forward the group planning proposal to the Department of Planning and Environment under section 3.34 (1), requesting that the Minister issue a “gateway determination” that will allow the planning proposal to proceed.*

Council staff forwarded the Planning Proposal to the Department of Planning Industry and Environment and Council was subsequently issued Gateway Determination / Approval on 11 December 2019.

It has come to Council's attention that additional land is required to be included in the Rezoning component of the Planning Proposal and Council will now need to request that the Department of

Planning, Industry and Environment re-issue the gateway approval with the additional land included in the planning proposal.

All other aspects of the planning proposal remain the same.

Zoning Map Amendments - Alterations

The rezoning component of the planning proposal seeks to rezone land from SP2 Infrastructure to IN2 Light Industrial. Originally the land proposed for rezoning was identified as being only Lot: 2 DP: 838319, Wade Street Coolamon. It has now been identified that for infrastructure servicing purposes, 12 metres of land from Lot: 2, DP 1221837 will now also be required to be rezoned from SP2 Infrastructure to IN2 Light Industrial.

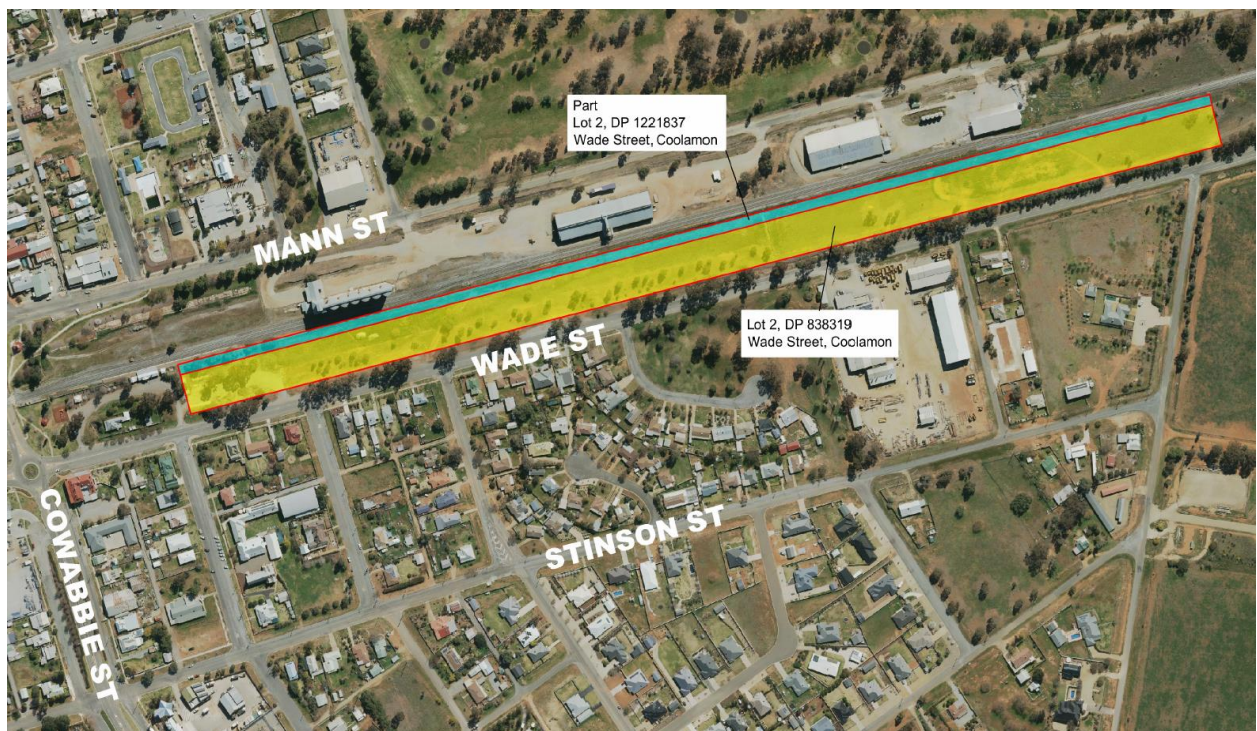


Figure 1: Location of proposed IN2 Light Industrial Zone in Coolamon (Blue denotes additional 12 metres of land to be rezoned for required infrastructure servicing etc.)

The re zoning is considered to be relatively minor and appropriate for the subject land as;

- There is currently no land zoned IN2 Light industrial under the Coolamon Local Environmental Plan 2011 (CLEP2011).
- There are no natural or man-made hazards present on the land.
- Since the gazettal of the CLEP 2011 there has been an increasing number of development types such as mechanics (vehicle repair station), cabinet / joinery makers, plumbers and other trades (light industrial), landscaping businesses (landscape and garden supplies) seeking to establish their respective developments on land that is zoned RU5 Village or RU4 Rural Small Holdings. To date and where appropriate such developments have been carried out under the banner of Home Business or Home Industry.
- An opportunity to purchase vacant SP2 Infrastructure Land has availed itself to council in a prime location that is considered to be most suitable for light industrial land development.
- The rezoning of such land is considered to present an ideal opportunity to provide for a zone within the LGA that can more appropriately house light industrial land uses.

- The changes do not have any adverse economic, environmental or social impacts as they are not policy changes, in fact the rezoning would promote positive triple bottom line outcomes within and for the LGA.

Table 1: Land Use Zoning Map Amendments

Location	Property	Land use	Current Zoning	Amended Zoning	Min. Lot Size
Wade Street, Coolamon	Lot: 2 DP: 838319	Vacant – Railway Infrastructure Land	SP2 Infrastructure	IN2 Light Industrial	2000m2
Wade Street Coolamon	Lot: 2 DP 1221837 (12 metre portion for entire lot length – abutting abovementioned lot)	Vacant – Railway Infrastructure Land	SP2 Infrastructure	IN2 Light Industrial	2000m2

The Coolamon LEP 2011 does not currently include any IN2 Light Industrial Zone land therefore planning proposal will also insert the following land use table (mandated Objectives and land uses under Standard Instrument LEP highlighted in red).

IN2 Light Industrial

1 Objectives of zone

- To provide a wide range of light industrial, warehouse and related land uses.
- To encourage employment opportunities and to support the viability of centres.
- To minimise any adverse effect of industry on other land uses.
- To enable other land uses that provide facilities or services to meet the day to day needs of workers in the area.
- To support and protect industrial land for industrial uses.

2 Permitted without consent

Home businesses; Home occupations; Roads.

3 Permitted with consent

Depots; Funeral homes; Garden centres; Hardware and building supplies; Industrial training facilities; Kiosks; Landscaping material supplies; Light industries; Liquid fuel depots; Neighbourhood shops; Oyster aquaculture; Places of public worship; Plant nurseries; Recreation facility (Indoor), Rural supplies; Self-storage units; Take away food and drink premises; Tank-based aquaculture; Timber yards; Vehicle repair station, Vehicle sales or hire premises; Veterinary hospitals; Warehouse or distribution centres.

4 Prohibited

Agriculture; Airports; Amusement centres; Animal boarding or training establishments; Biosolids treatment facilities; Camping grounds; Caravan parks; Cemeteries; Centre-based child care facilities; Commercial premises; Correctional centres; Crematoria; Eco-tourist facilities; Educational establishments; Entertainment facilities; Farm buildings; Forestry; Function centres; Health services facilities; Heavy industrial storage establishments; Heavy industries; Home-based child care; Home occupations (sex services); Information and education facilities; Livestock processing industries; **Pond-based aquaculture**; Recreation facilities (major); Registered clubs; Residential accommodation; Respite day care centres; Sawmill or log processing works; Stock and sale yards; Storage premises; Tourist and visitor accommodation; Water recreation structures; Wharf or boating facilities. Any other development not specified in item 2 or 3.

Consultation

There has been no public consultation on these proposed changes as yet, Council has not commenced any consultation following the issue of Gateway Determination given that it has been recognised that an alteration to the Gateway Determination is required.

With Council approval, there will be a formal public exhibition period if the alteration to planning proposal proceeds past the Department of Planning's Gateway alteration process.

Staff have had informal discussions with Officers from the NSW Department of Planning and Environment who have raised no objections to the proposal.

Conclusion

The proposed amendments to the rezoning component will simply incorporate additional land (12 metre strip for entire length of identified lot and adjoining Lot , DP 838319) to be zoned from SP2 Infrastructure to IN2 Light Industry. This additional land is required to facilitate infrastructure servicing requirements for the subsequent industrial land development.

Next Steps

Following endorsement by Council, the Amended Planning Proposal will be forwarded to the Department of Planning and Infrastructure seeking a Gateway Alteration determination to proceed with the amendment. The Gateway decision will set out requirements for any additional investigations, consultations and the timing of any required changes to the CLEP 2011.

Recommendation

That Council:

- a. **receive and note the report titled Coolamon Shire Council Local Environmental Plan 2011 Minor Amendments Gateway Alteration**
- b. **forward a the amended planning proposal to the Department of Planning, Industry and Environment under section 3.34 (1), requesting that the Minister issue an "altered gateway determination" that will allow the planning proposal to proceed.**

Attachments

- Draft Planning Proposal to be submitted to NSW Department of Planning and Infrastructure and Environment.

