

**HS3) COOLAMON SHIRE COUNCIL LOCAL ENVIRONMENTAL PLAN 2011 MINOR
AMENDMENTS (P.03-03, SC299)**

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.

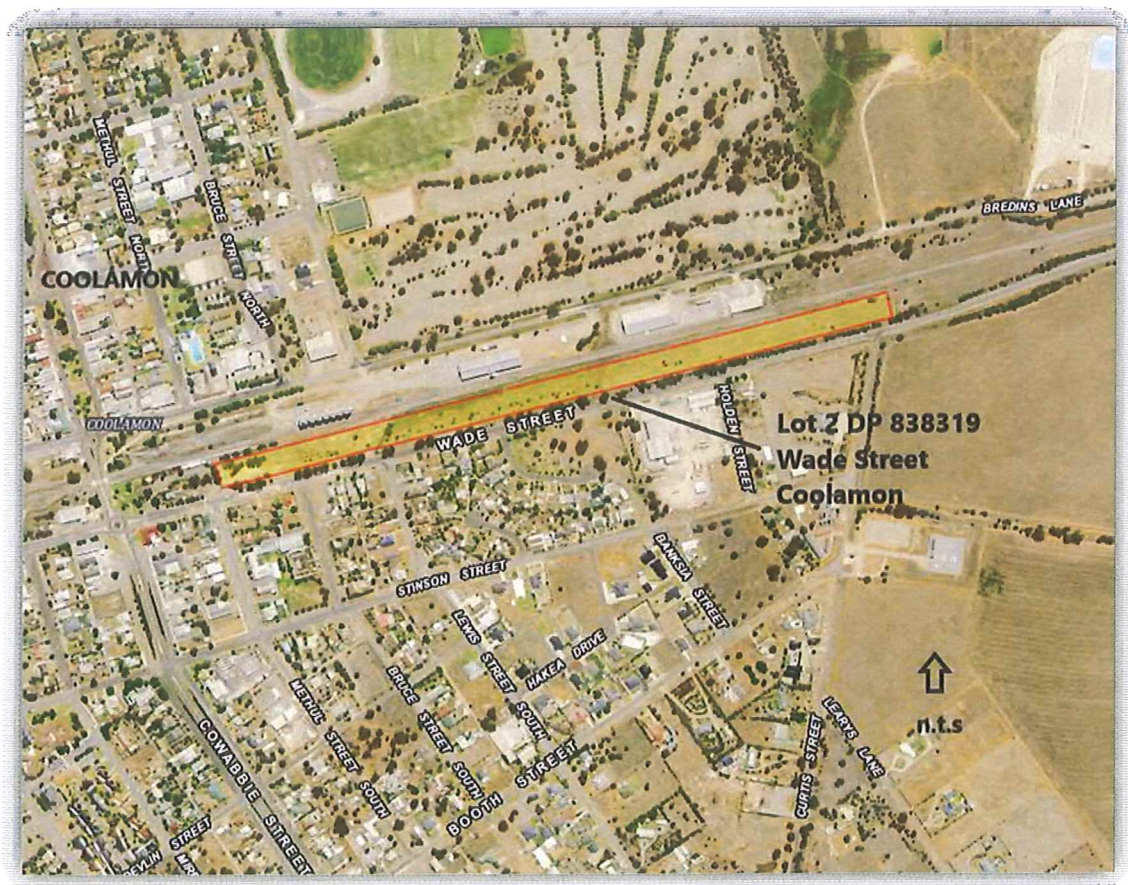
The Coolamon Local Environmental Plan (CLEP) currently does not contain provisions that allow the subdivision of rural land for lots sizes less than the mandated minimum lot sizes prescribed for rural zones. It has become apparent that at times there exist a genuine need to facilitate the subdivision 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 (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.
- Zoning gives confidence to businesses moving to town and removes the haphazard and smaller scale of backyard businesses.
- 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

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.

→ Attachments

Draft Planning Proposal to be submitted to NSW Department of Planning and Infrastructure and Environment. Attachment No. 13

Recommendation

That Council:

- 1) Receive and note the report.

- 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.

RESOLVED on the motion of Clr Crocker and seconded by Clr Hutcheon that
Council: 253/11/2019

- 1) Receive and note the report.
- 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.

The Mayor called for a division

Those voting in favour of the resolution: All those present

Those voting against the resolution: Nil