

Coonamble LEP 2011 Amendment No 1

**PLANNING PROPOSAL FOR MULTIPLE MATTERS AND
SITES**

(Coonamble Shire)

V1 GATEWAY DETERMINATION

April 2014

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Introduction

Purpose

The Coonamble Shire Council (CSC) has been considering a number of amendments to Coonamble LEP 2011 for some time. At the Council meeting of 11 December 2013, Council resolved to review the LEP and receive a further report on it in 2014. Council received that report at its meeting of 9 April 2014, and resolved as follows:

"15.2 REVIEW OF LOCAL ENVIRONMENTAL PLAN

0832 RESOLVED on the motion of Crs Webb and Keady that Council:

- (1) submit to the "Gateway", as administered by NSW Planning and Infrastructure, a Planning Proposal to facilitate a range of LEP amendments, as submitted to Council, for a determination;*
- (2) advise the Minister for Planning & Infrastructure, or his delegate, that Coonamble Shire Council is NOT seeking plan-making delegations for this planning proposal;*
- (3) advise the Minister for Planning & Infrastructure, or his delegate, that the minimum exhibition period for the exhibition of the Planning Proposal should be for a period not less than 28 days and should be concurrent;*
- (4) upon receiving an affirmative Determination Notice from the NSW Planning & Infrastructure, any additional studies or work required in satisfaction of demonstrating the suitability of the proposed changes in land use be completed;*
- (5) upon satisfactory completion of the Planning Proposal and supporting information, it be publicly exhibited in accordance with the Determination Notice or, where there is no such condition or the condition prescribes a period less than 28 days, for a period not less than 28 days;*
- (6) note that following public exhibition of the Planning Proposal, a report is to be submitted to Council at the earliest time detailing the content of submissions received and how those, if any, issues have been addressed; AND FURTHER*
- (7) that Council not include any proposal for a review of land known as "The Meglo" on the Quambone Road to an IN3 zone – and that the current zone remain the same;*
- (8) that Council not include in the proposal any reduction in lot size in the RU1 zone (Primary Production);*
- (9) that Council not consider a review of land between the Castlereagh Highway and the river on the Dubbo Road zoned RU1, nor consider any reduction in lot size."*

Property details and existing zones

The planning proposal directly affects:

- Approximately 17 properties along Castlereagh Street in the vicinity of Namoi Street and McCullough Street, which are currently zoned R1 Residential under Coonamble LEP 2011 (Figure 1);
- Approximately 11 properties along Railway Street and the Quambone Road, which are currently zoned R1 Residential under Coonamble LEP 2011 (Figure 2); and
- One lot (Lot 2161 DP 881316) along Effie Durham Drive zoned R5 Large Lot Residential under Coonamble LEP 2011 (Figure 3).



Figure 1 Existing zones under Coonamble LEP 2011 for Castlereagh Street subject land

*Not identified in the Land Use Strategy 2009
Figure 19 - Coonamble Shire Commercial Land*

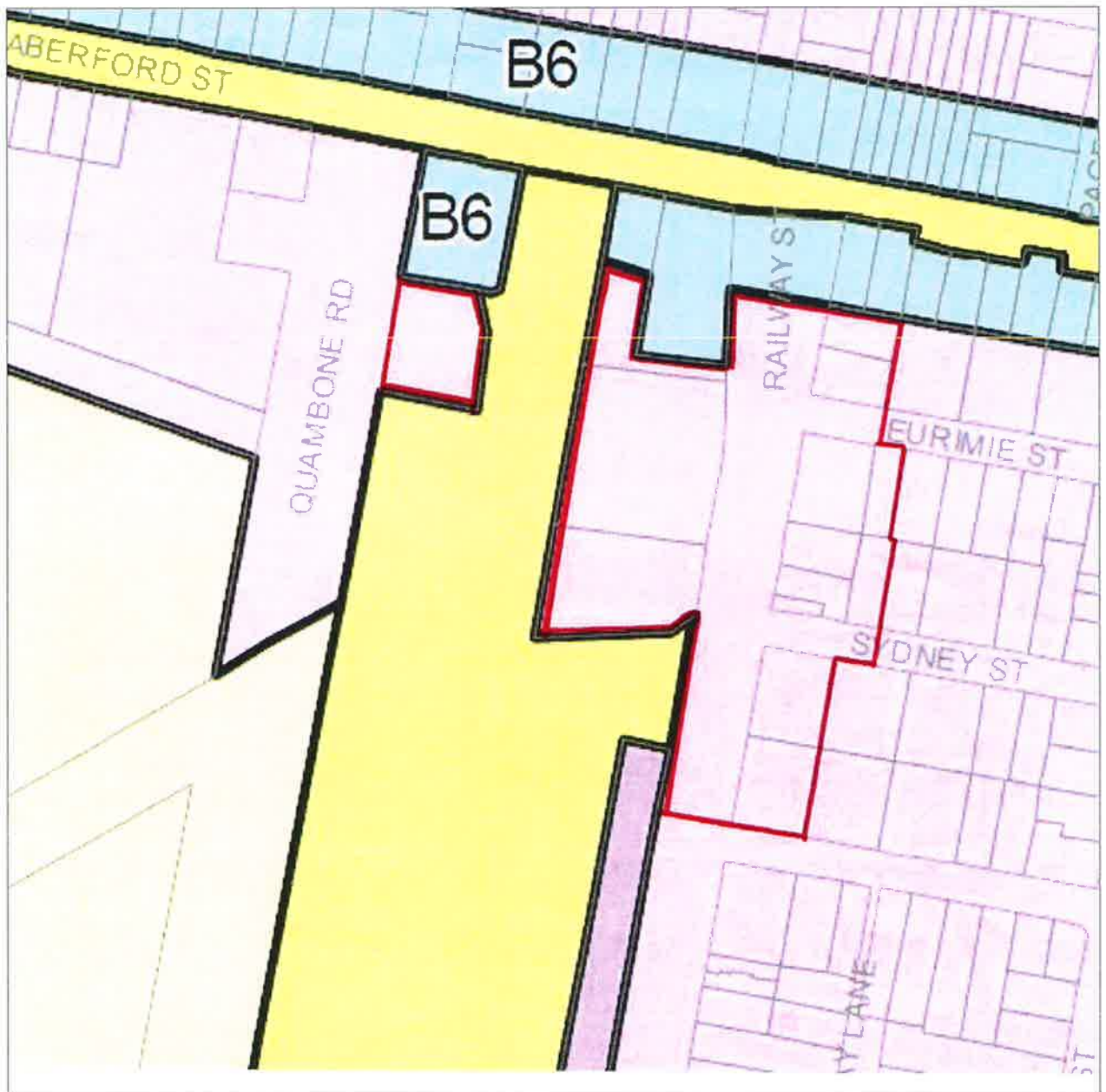


Figure 2 Existing zones under Coonamble LEP 2011 for Railway Street subject land

*Not identified in the Land Use Strategy 2007
figure 19 - Coonamble Shire Commercial Land*



Figure 3 Existing zones under Coonamble LEP 2011 for Effie Durham Drive subject land

Not identified in the Land Use Strategy 2009.
- figure 17 - Coonamble Shire Industrial Land
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Site context, setting and existing land use

The properties along Castlereagh Street are a mix of uses including a disused ambulance station, motel, fire station, electricity depot, medical centre, offices, shops and a charity centre. There are also three dwelling houses amongst the other commercial and business uses. The Castlereagh River runs along the western edge of the subject land. To the north it adjoins the existing zoned business area. To the east and south it adjoins residential land uses. A land use map documenting the existing uses of the subject land is at Figure 4.

The properties along Railway Street/Quambone Road include a mix of uses such as transport depot, service station, auto electrician, welding workshop and steel supplies, but also include a hair dresser shop, pub and squash courts. There are no dwellings in this area. To the west of Quambone Road is rural land. To the east of the subject land is predominantly residential land. While to the north are businesses with frontage to Aberford Street. Beyond McMahon Street to the south is a mix of dwellings and non-residential uses. The Coonamble railway station and associated lines and yards are the main land use between Railway Street and Quambone Road. A land use map documenting the existing uses of the subject land is at Figure 5.

The single lot along Effie Durham Drive has a dwelling on it. The lot is approximately 3 ha in area and is part of a wider R5 Large Lot Residential area located north of the aerodrome. The aerodrome land is cropped or grazed depending on the season and conditions. Land to the west, east and north is all zoned and used for rural residential purposes, and is predominantly in lots of about 3 ha or larger. An air photo of the site is at Figure 6.

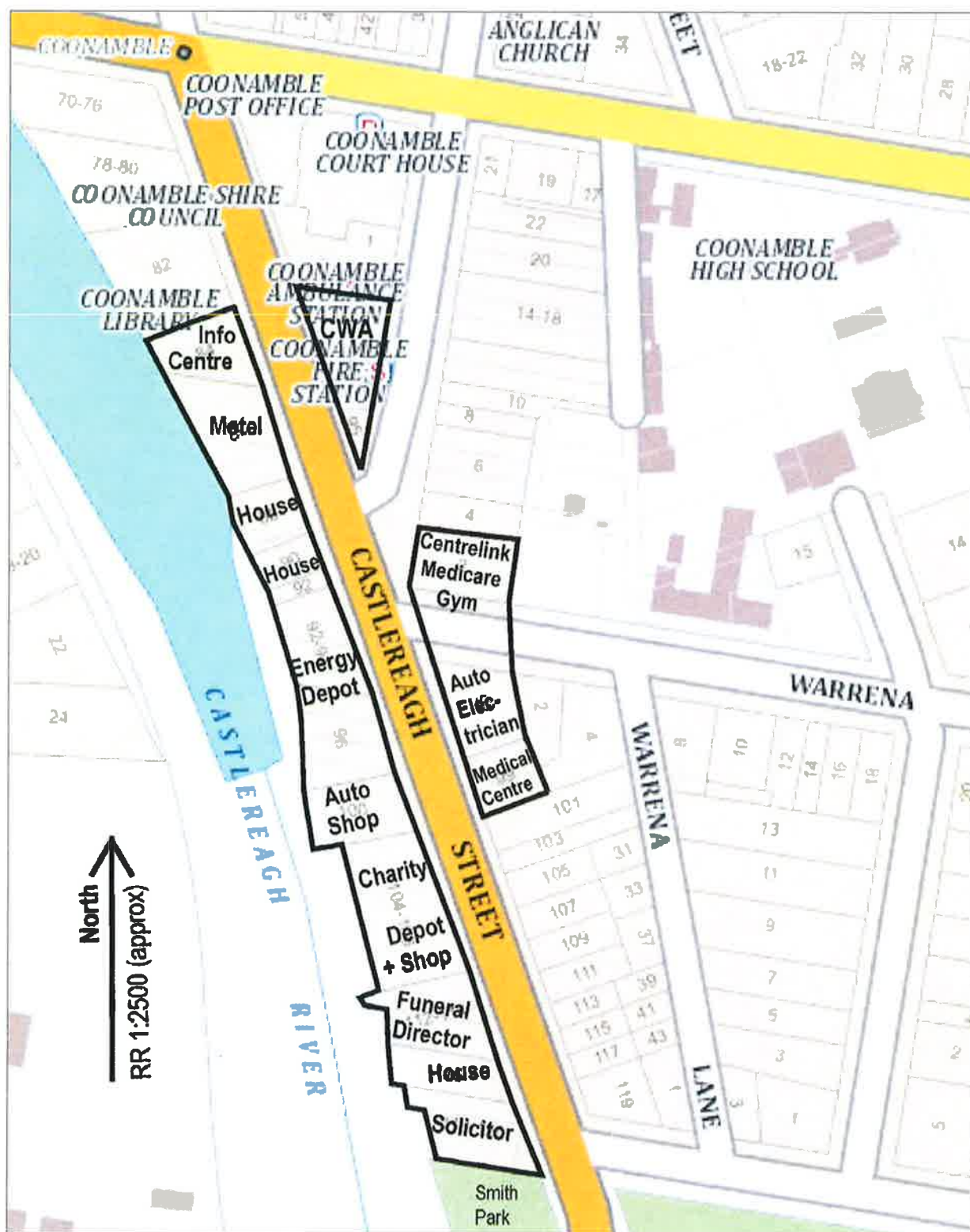


Figure 4 Land use map for Castlereagh Street subject land

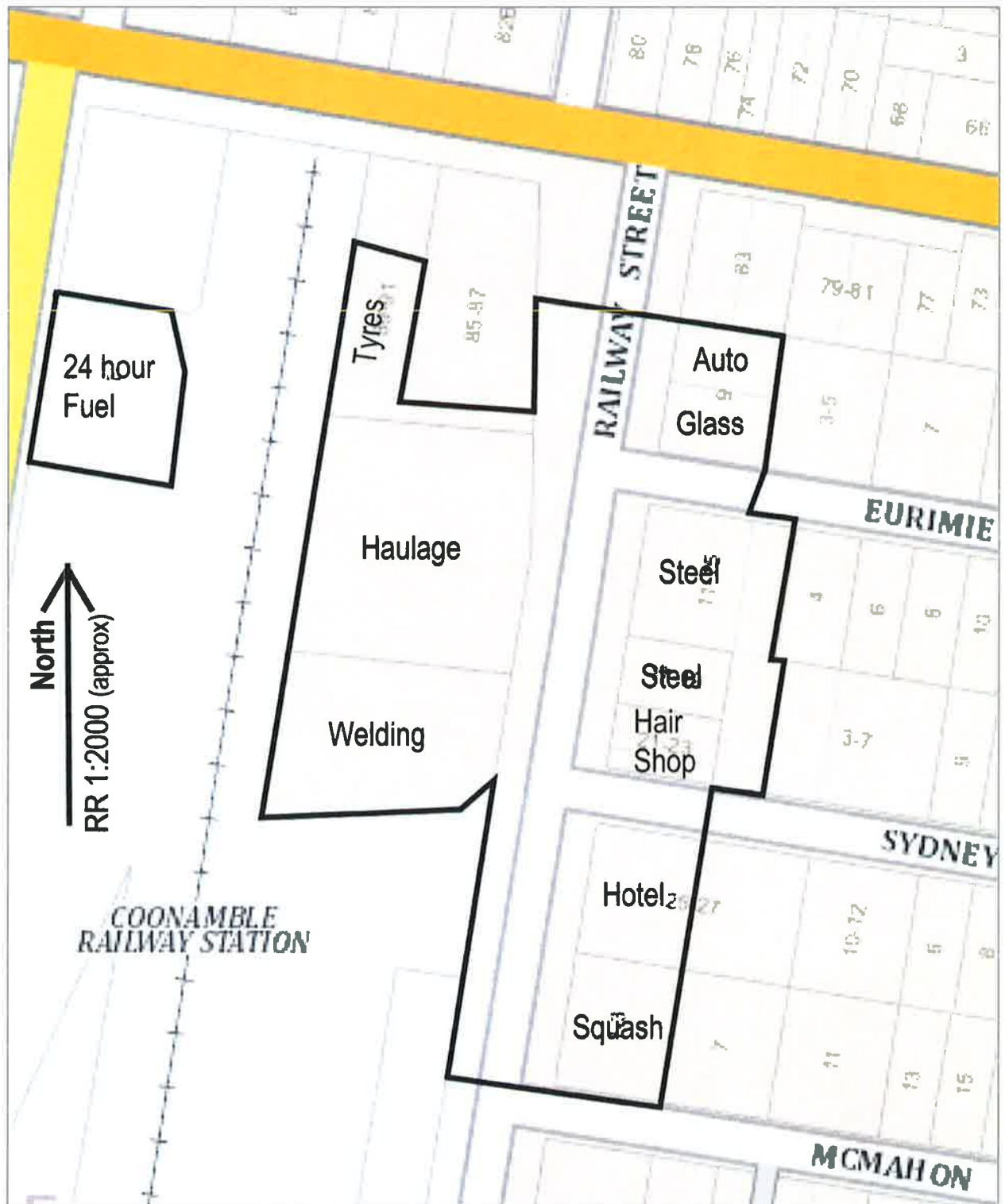


Figure 5 Land use map for Railway Street subject land

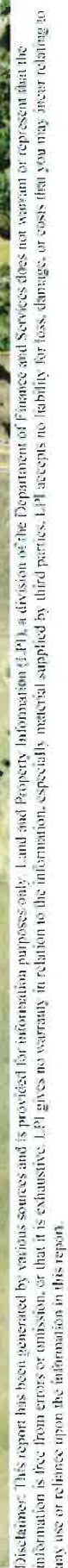


Figure 6 Air photo for Effie Durham Drive subject land

Part 1 Objectives and intended outcomes

Objective and intended outcome

This planning proposal will:

- Recognise the existing business uses along Castlereagh Street and provide opportunity for additional new businesses adjoining and in close proximity to the existing town centre to be assessed on merit in the future;
- Recognise the existing industrial uses on land along Railway Street and Quambone Road, and permit additional industrial uses on merit in the future;
- Reduce the Minimum Lot Size (MLS) for Lot 2161 DP 881316 (zoned R5 Large Lot Residential) on Effie Durham Road from the current 2 ha MLS to 8000 m².

Part 2 Explanation of provisions

The intended outcome is to be achieved by an amendment to Coonamble Shire Council LEP 2011 as follows:

- Amend the Land Zoning Map to change the subject land along Castlereagh Street from R1 General Residential to B2 Local Centre, and amend the Minimum Lot Size (MLS) map to remove the MLS consistent with the rest of the B2 zone;
- Amend the Land Zoning Map to change the subject land along Railway Street and Quambone Road from R1 General Residential to IN1 General Industrial, and amend the Minimum Lot Size (MLS) map to remove the MLS consistent with the rest of the IN1 zone;
- Amend the Minimum Lot Size (MLS) map to reduce the MLS for Lot 2161 DP 881316 from 2 ha to 8000 m².

Part 3 Justification

Section A Need for the planning proposal

1 Is the planning proposal a result of any strategic study or report?

No. The planning proposal is a general amendment to LEP 2011 that combines a number of unrelated issues and sites into one LEP amendment. It is a “tidy up” LEP amendment rather than a strategic amendment.

2 Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

A planning proposal is considered to be the most appropriate means of rationalising the use of the B2 and IN1 zone boundaries, and altering the MLS for a small area of R5 zoned land.

3 Is there a net community benefit?

The Net Community Benefit Criteria is identified in the NSW Government’s publication *The Right Place for Business and Services*. Assessment against the Net Community Benefit Assessment Criteria is addressed in Table 1. Based on this assessment there is likely to be a net community benefit in the proposed B2 and IN1 expansion.

Table 1: Assessment of Net Community Benefit

Criteria	Compliance with Criteria
The degree to which the policy and its objectives can be satisfied.	This planning proposal seeks to amend the LEP to allow appropriate development of the land. The policy document <i>The Right Place for Business and Services</i> has a focus on ensuring growth within existing centres and minimising dispersed trip generating development. The extension of the B2 Local Centre zone south along Castlereagh Street will recognise existing businesses that operate there, and allow for the addition of small scale businesses and professional offices in close proximity to the existing CBD. It will minimise dispersal of trip generating development. The extension of the existing IN1 General Industrial zone also recognises existing businesses that operate there, and will also allow for the addition of small scale industries and renewal of abandoned sites to new industrial uses. As the Railway Street precinct is on the edge of town, it should keep some industrial traffic out of the urban area of Coonamble.
The proposed level of accessibility to the catchment of the development by public transport, walking and cycling.	The proposed B2 zone is well placed to service pedestrian and cycle traffic from the CBD as well as nearby residential areas. Castlereagh Street is a public transport route that already has bus stops in place. The Railway Street precinct is well placed to take advantage of the Coonamble to Dubbo Rail Line if this was ever to be re-opened. It is also well placed in proximity to Quambone Road, Carinda Road and the Castlereagh Highway.
The likely effect on trip patterns, travel demand and car use.	The proposed B2 and IN1 zone expansions may lead to an increase in trips that are business related. However, the roads and intersections that service these areas are capable of dealing with any increases.

Criteria	Compliance with Criteria
The likely impact on the economic performance and viability of existing centres (including the confidence of future investment in centres and the likely effects of any oversupply in commercial or office space on centres).	Negative impact on the CBD from the B2 expansion seems unlikely, and the 17 properties include 11 that are already being used for business purposes. Negative impact on the Coonamble industrial areas from the IN1 expansion seems unlikely, and the 11 properties include 8 that are already being used for industrial or business purposes.
The amount of use of public infrastructure and facilities in centres, and the direct and indirect cost of the proposal to the public sector.	It is not anticipated that the proposal will generate any significant public infrastructure requirements as the B2 and IN1 sites are well serviced by roads, power, water and sewerage.
The practicality of alternative locations, which may better achieve the outcomes, the policy is seeking.	The Council is responding largely to existing land use patterns, and has not considered alternative locations for B2 or IN1 zones.
The ability of the proposal to adapt its format or design to more likely secure a site within or adjoining a centre or in a better location.	Both the B2 and IN1 expansion areas are within the existing urban area of Coonamble.

Section B Relationship to strategic planning framework

1 Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

The Western Councils' Sub Regional Land Use Strategy (2009) is the overarching framework for the management of growth for the Coonamble local government area.

The Strategy recognises the Railway Street precinct as one of two areas where industry has clustered historically in Coonamble (s11.5). The planning proposal is therefore broadly consistent with the suggested industrial direction for Coonamble outlined in the Strategy.

Amending Council's prevailing LEP for the site to expand the B2 zone is consistent with the following Sub Regional Actions on Economic Growth:

(s6.1a)

“....facilitates the establishment of new businesses...including providing access to major road and rail routes, suitable land and separation distances from adjoining land uses”; and

(s6.6b)

“Ensure all new commercial development is located within existing settlement boundaries within identified business zones in order to prevent retail leakage from towns”.

Expanding the IN1 zone is consistent with the Sub Regional Actions on Industry (s6.2) to:

“Make adequate provision for accessible local service industry and support activities that are serviced by water, storm water, sewerage and waste disposal systems”; and

(s6.5b)

“Provide market ready and commercially attractive land....to position the Sub Region to take advantage of strategic export opportunities”; and

(s6.3b)

“Locate high impact industries.....which require sensitive siting, substantial separation distances.....in primary production areas”.

The objectives and actions in the Strategy relevant to rural residential development do not apply to the proposed MLS change on land at Effie Durham Drive. The Strategy noted that prevailing lot sizes in existing rural residential areas exhibited a market preference for 4 ha lots rather than the 2 ha MLS. In this case the suggested 0.8 ha MLS is for one lot which is approximately 3 ha in area. The change in MLS could create a maximum of two additional lots in the 0.8 ha to 1 ha size range. This is a minor matter and any inconsistency with the Strategy is not significant.

2 Is the planning proposal consistent with the local Council’s Community Strategic Plan, or other local strategic plan?

Council has recently adopted a 10 year + *Community Strategic Plan 2026*. The plan is based on five key themes being Our People, Our Economy, Our Environment, Our Infrastructure, Our Leadership. The planning proposal is generally consistent with the following relevant Goals:

EC1.1 Re-establish and promote a robust and well patronised main street shopping precinct in Coonamble.	The extension of the B2 zone south along Castlereagh Street is consistent with this community goal to revitalise the main street of Coonamble.
EC2.1 Identify and attract industry programs that identify new industry, and attract them to the Shire (rural technology, manufacturing, tourism).	The extension of the IN1 zone is consistent with the goal to attract industry by providing opportunities to re-use abandoned industrial buildings and establish new businesses in a cluster along Railway Street.

On this basis the planning proposal is generally consistent with Council’s strategic plans.

3 Is the planning proposal consistent with the applicable State Environmental Planning Policies (SEPPs)?

The State Environmental Planning Policies relevant to the planning proposal are identified in Table 2 and discussed in the following section.

Table 2: Consistency with SEPPs

State Environmental Planning Policy	Consistency
SEPP No 1 – Development Standards	N/A
SEPP No 4 – Development Without Consent and Miscellaneous Exempt and Complying Development	N/A
SEPP No 6 – Number of Storeys in a Building	N/A
SEPP No 10 – Retention of Low Cost Rental Accommodation	N/A
SEPP No 14 – Coastal Wetlands	N/A
SEPP No 15 – Rural Landsharing Communities	N/A
SEPP No 19 – Bushland in Urban Areas	N/A
SEPP No 21 – Caravan Parks	N/A
SEPP No 22 – Shops and Commercial Premises	Consistent. See additional comment below.
SEPP No 26 – Littoral Rainforests	N/A
SEPP No 29 – Western Sydney Recreation Area	N/A
SEPP No 30 – Intensive Agriculture	N/A
SEPP No 32 – Urban Consolidation (Redevelopment of Urban Land)	N/A
SEPP No 33 – Hazardous and Offensive Development	N/A
SEPP No 36 – Manufactured Home Estates	N/A
SEPP No 39 – Spit Island Bird Habitat	N/A
SEPP No 41 – Casino Entertainment Complex	N/A
SEPP No 44 – Koala Habitat Protection	N/A
SEPP No 47 – Moore Park Showground	N/A
SEPP No 50 – Canal Estate Development	N/A
SEPP No 52 – Farm Dams and Other Works in Land and Water Management Plan Areas	N/A
SEPP No 53 – Metropolitan Residential Development	N/A
SEPP No 55 – Remediation of Land	Consistent. See additional comment below.
SEPP No 59 – Central Western Sydney Regional Open Space and Residential	N/A
SEPP No 60 – Exempt and Complying Development	N/A
SEPP No 62 – Sustainable Aquaculture	N/A

State Environmental Planning Policy	Consistency
SEPP No 64 – Advertising and Signage	N/A
SEPP No 65 – Design Quality of Residential Flat Development	N/A
SEPP No 70 – Affordable Housing (Revised Schemes)	N/A
SEPP No 71 – Coastal Protection	N/A
SEPP (Affordable Rental Housing) 2009	N/A
SEPP (Building Sustainability Index: BASIX) 2004	N/A
SEPP (Exempt and Complying Development Codes) 2008	N/A
SEPP (Housing for Seniors or People with a Disability) 2004	N/A
SEPP (Infrastructure) 2007	Consistent. See additional comment below.
SEPP (Kosciuszko National Park – Alpine Resorts) 2007	N/A
SEPP (Major Development) 2005	N/A
SEPP (Mining, Petroleum Production and Extractive Industries) 2007	Consistent. See additional comments below.
SEPP (Rural Lands) 2008	N/A
SEPP (Sydney Region Growth Centres) 2006	N/A
SEPP (Miscellaneous Consent Provisions) 2007	N/A
SEPP (Western Sydney Employment Area) 2009	N/A
SEPP (Western Sydney Parklands) 2009	N/A
SEPP (Orana Regional Environmental Plan No 1—Siding Spring)	Consistent. See additional comments below.

SEPP No 22 – Shops and Commercial Premises

The extension of the B2 zone will create a further opportunity for use of this SEPP as it only applies to a shop or commercial premises in a business zone. The SEPP allows Council to permit an otherwise prohibited use in the B2 zone with consent, subject to certain considerations. The planning proposal is consistent with the SEPP.

SEPP No 55 – Remediation of Land

SEPP 55 (Remediation of Land) recognises that land which is known to be contaminated by past land uses can still be zoned for development as long as:

- “(a) the planning authority has considered whether the land is contaminated, and*
- (b) if the land is contaminated, the planning authority is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for all the purposes for which land in the zone concerned is permitted to be used, and*
- (c) if the land requires remediation to be made suitable for any purpose for which land in that zone is permitted to be used, the planning authority is satisfied that the land will be so remediated before the land is used for that purpose.”*

In this case a preliminary site contamination investigation has not been carried out for any of the subject land.

In the case of the B2 and IN1 expansion there is a significant decrease in the opportunity for residential accommodation when compared to the existing R1 zone. There is a range of existing uses on the subject land, including some that may have resulted in land contamination (eg existing industrial land uses). Because the planning proposal is not increasing the range of sensitive land uses on the site, it is consistent with the SEPP and no preliminary site contamination investigation is warranted.

SEPP (Infrastructure) 2007

Under clause 104 (Traffic Generating Development) in Division 17, some future development applications (should the planning proposal be agreed) would have to be referred to RMS prior to the determination of the application because they have frontage to a State classified road (Castlereagh Highway). This is currently the case with the existing array of land uses on the subject land.

The planning proposal is consistent with the SEPP.

SEPP (Mining, Petroleum Production and Extractive Industries) 2007

Nothing in this planning proposal will alter the permissibility of mining or extractive industries on the subject land.

The planning proposal is consistent with the SEPP.

SEPP (Orana Regional Environmental Plan No 1—Siding Spring)

This REP (now a deemed SEPP) has no plan preparation clauses and aims to require consultation and/or concurrence for development that generates light that can cause artificial sky glow at the Siding Spring Observatory. It applies to a 100 km radius around the observatory, and Coonamble town is about 75 km away. The biggest concerns are with lights within 18 km of the Observatory.

Nothing in this planning proposal is likely to generate major light emissions. The planning proposal is consistent with the SEPP.

4 Is the planning proposal consistent with applicable Ministerial Directions (s117 Directions)?

Consistency with the s117 Directions is assessed in the following Table 3.

Table 3: Consistency with s117(2) Directions

S117 Direction	Application	Relevance to this planning proposal	Consistency with direction
1. Employment and Resources			
1.1 Business and Industrial Zones	Applies when a relevant planning authority prepares a planning proposal that will affect land within an existing or proposed business or industrial zone (including the alteration of any existing business or industrial zone boundary).	The objectives of this direction are to: (a) encourage employment growth in suitable locations, (b) protect employment land in business and industrial zones, and (c) support the viability of identified strategic centres. A planning proposal must: (a) give effect to the objectives of this direction, (b) retain the areas and locations of existing business and industrial zones, (c) not reduce the total potential floor space area for employment uses and related public services in business zones, (d) not reduce the total potential floor space area for industrial uses in industrial zones, and (e) ensure that proposed new employment areas are in accordance with a strategy that is approved by the Director-General of the Department of Planning.	Consistent. All areas proposed for IN1 And B2 are suitable and will support existing centres. No areas or floor space will be lost or reduced. The new areas are largely consistent with the mapped future industrial and commercial areas in the Western Councils' Sub Regional Strategy. Variations from the Strategy are minor.
1.2 Rural Zones	Applies when a relevant planning authority prepares a planning proposal that will affect land within an existing or proposed rural zone (including the alteration of any existing rural zone boundary). Under this direction a planning proposal must:	No rural land is affected by the planning proposal. The land at Effie Durham Drive is already zoned R5. No land will be lost from agricultural production.	Consistent.

S117 Direction	Application	Relevance to this planning proposal	Consistency with direction
	(a) not rezone land from a rural zone to a residential, business, industrial, village or tourist zone. (b) not contain provisions that will increase the permissible density of land within a rural zone (other than land within an existing town or village).		
1.3 Mining, Petroleum Production and Extractive Industries	Applies when a relevant planning authority prepares a planning proposal that would have the effect of: (a) prohibiting the mining of coal or other minerals, production of petroleum, or winning or obtaining of extractive materials, or (b) restricting the potential development of resources of coal, other minerals, petroleum or extractive materials which are of State or regional significance by permitting a land use that is likely to be incompatible with such development.	Nothing in this planning proposal will prohibit or restrict exploration or mining. The B2 and IN1 extension areas are within the existing urban boundary of Coonamble and therefore unlikely to be suitable for mining or extractive industries in any case.	Consistent.
1.4 Oyster Aquaculture	Applies when a relevant planning authority prepares any planning proposal that proposes a change in land use which could result in: (a) adverse impacts on a Priority Oyster Aquaculture Area or a "current oyster aquaculture lease in the national parks estate", or (b) incompatible use of land between oyster aquaculture in a Priority Oyster Aquaculture Area or a "current oyster aquaculture lease in the national parks estate" and other land uses.	No Priority Oyster Aquaculture Areas exist in Coonamble.	N/A

S117 Direction	Application	Relevance to this planning proposal	Consistency with direction
1.5 Rural Lands	Applies when: (a) a relevant planning authority prepares a planning proposal that will affect land within an existing or proposed rural or environment protection zone (including the alteration of any existing rural or environment protection zone boundary), or (b) a relevant planning authority prepares a planning proposal that changes the existing minimum lot size on land within a rural or environment protection zone. A planning proposal to which clauses (a) and (b) apply must be consistent with the Rural Planning Principles listed in <i>State Environmental Planning Policy (Rural Lands) 2008</i>. A planning proposal to which clause (b) applies must be consistent with the Rural Subdivision Principles listed in <i>State Environmental Planning Policy (Rural Lands) 2008</i>.	This planning proposal will not affect land in a rural or environment protection zone.	Consistent.
2 Environment and Heritage			
2.1 Environment Protection Zones	(4) A planning proposal must include provisions that facilitate the protection and conservation of environmentally sensitive areas. (5) A planning proposal that applies to land within an environment protection zone or land otherwise identified for environment protection purposes in a LEP must not reduce the environmental protection standards that apply to the land (including by modifying development standards that apply to the land). This requirement does not apply to a change to a development standard	The planning proposal does not alter or remove any environment protection zone, and no ecologically significant vegetation is present on the site.	Consistent.

S117 Direction	Application	Relevance to this planning proposal	Consistency with direction
	for minimum lot size for a dwelling in accordance with clause (5) of Direction 1.5 "Rural Lands".		
2.2 Coastal Protection	Direction applies when a relevant planning authority prepares a planning proposal that applies to land in the coastal zone.	This proposal is not located within the coastal zone.	N/A
2.3 Heritage Conservation	A planning proposal must contain provisions that facilitate the conservation of: (a) items, places, buildings, works, relics, moveable objects or precincts of environmental heritage significance to an area, in relation to the historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value of the item, area, object or place, identified in a study of the environmental heritage of the area, (b) Aboriginal objects or Aboriginal places that are protected under the <i>National Parks and Wildlife Act 1974</i>, and (c) Aboriginal areas, Aboriginal objects, Aboriginal places or landscapes identified by an Aboriginal heritage survey prepared by or on behalf of an Aboriginal Land Council, Aboriginal body or public authority and provided to the relevant planning authority, which identifies the area, object, place or landscape as being of heritage significance to Aboriginal culture and people.	The subject land contains no identified heritage items under the Coonamble LEP 2011.	Consistent.
2.4 Recreation Vehicle Areas	A planning proposal must not enable land to be developed for the purpose of a recreation vehicle area (within the meaning of the <i>Recreation Vehicles Act 1983</i>):	The proposal does not enable land to be developed for the purpose of a recreation vehicle area.	N/A

S117 Direction	Application	Relevance to this planning proposal	Consistency with direction
	(a) where the land is within an environmental protection zone, (b) where the land comprises a beach or a dune adjacent to or adjoining a beach, (c) where the land is not within an area or zone referred to in paragraphs (4)(a) or (4)(b) unless the relevant planning authority has taken into consideration: (i) the provisions of the guidelines entitled <i>Guidelines for Selection, Establishment and Maintenance of Recreation Vehicle Areas, Soil Conservation Service of New South Wales, September 1985</i>, and (ii) the provisions of the guidelines entitled <i>Recreation Vehicles Act, 1983, Guidelines for Selection, Design, and Operation of Recreation Vehicle Areas, State Pollution Control Commission, September 1985</i>.		
3. Housing, Infrastructure and Urban Development			
3.1 Residential Zones	(3) This direction applies when a relevant planning authority prepares a planning proposal that will affect land within: (a) an existing or proposed residential zone (including the alteration of any existing residential zone boundary), (b) any other zone in which significant residential development is permitted or proposed to be permitted. (4) A planning proposal must include provisions that	The planning proposal does affect residential zoned land in Castlereagh Street and Railway Street. By rezoning the land to B2 and IN1 respectively, it will reduce the amount of residential land in Coonamble. No houses, however, will be affected by the IN1 zone and only four houses will be affected by the B2 zone. This will have a minor impact on residential development opportunities in Coonamble. Two additional dwelling opportunities could be created in the R5 zone change on Effie Durham Drive by reducing the MLS to 0.8 ha. This will	Consistent.

S117 Direction	Application	Relevance to this planning proposal	Consistency with direction
	encourage the provision of housing that will: (a) broaden the choice of building types and locations available in the housing market, and (b) make more efficient use of existing infrastructure and services, and (c) reduce the consumption of land for housing and associated urban development on the urban fringe, and (d) be of good design. (5) A planning proposal must, in relation to land to which this direction applies: (a) contain a requirement that residential development is not permitted until land is adequately serviced (or arrangements satisfactory to the council, or other appropriate authority, have been made to service it), and (b) not contain provisions which will reduce the permissible residential density of land.	slightly offset the potential loss of dwellings in Castlereagh Street (if they are used for business purposes in due course).	
3.2 Caravan Parks and Manufactured Home Estates	Applies when a relevant planning authority prepares a planning proposal. (1) In identifying suitable zones, locations and provisions for caravan parks in a planning proposal, the relevant planning authority must: (a) retain provisions that permit development for the purposes of a caravan park to be carried out on land, and (b) retain the zonings of existing caravan parks, or in the case of a new principal LEP zone the land in accordance with an appropriate zone under the Standard Instrument (Local	This proposal does not seek development for the purposes of a caravan park or manufactured homes estate, nor does it impact upon any land that does permit development for the purposes of a caravan park or manufactured homes estate.	N/A

S117 Direction	Application	Relevance to this planning proposal	Consistency with direction
	Environmental Plans) Order 2006 that would facilitate the retention of the existing caravan park. (2) In identifying suitable zones, locations and provisions for manufactured home estates (MHEs) in a planning proposal, the relevant planning authority must: (a) take into account the categories of land set out in Schedule 2 of SEPP 36 as to where MHEs should not be located, (b) take into account the principles listed in clause 9 of SEPP 36 (which relevant planning authorities are required to consider when assessing and determining the development and subdivision proposals), and (c) include provisions that the subdivision of MHEs by long term lease of up to 20 years or under the <i>Community Land Development Act 1989</i> be permissible with consent.		
3.3 Home Occupations	Planning proposals must permit home occupations to be carried out in dwelling houses without the need for development consent.	This proposal does not alter home occupation provisions in Coonamble LEP.	N/A
3.4 Integrating Land Use and Transport	Applies when a relevant planning authority prepares a planning proposal that will create, alter or remove a zone or a provision relating to urban land, including land zoned for residential, business, industrial, village or tourist purposes. (3) A planning proposal must locate zones for urban purposes and include provisions that give effect to and are consistent with the aims, objectives	The planning proposal is not in itself a major traffic generator as it largely rezones existing uses that are already in place. It will not result in significant increased resident population. The proposed B2 expansion adjoins the existing CBD and is walking distance to other businesses and services. It should reinforce the existing CBD. The proposed IN1 builds on existing industrial uses,	Consistent.

S117 Direction	Application	Relevance to this planning proposal	Consistency with direction
	and principles of: (a) <i>Improving Transport Choice – Guidelines for planning and development</i> (DUAP 2001), and (b) <i>The Right Place for Business and Services – Planning Policy</i> (DUAP 2001).	which is good for concentrating transport infrastructure.	
3.5 Development Near Licensed Aerodrome	Applies when a relevant planning authority prepares a planning proposal that will create, alter or remove a zone or a provision relating to land in the vicinity of a licensed aerodrome. The main requirements of the Direction are that Council take into consideration the Obstacle Limitation Surface (OLS) as defined by that Department of the Commonwealth for residential purposes, nor increase residential densities in areas where the ANEF, as from time to time advised by that Department of the Commonwealth, exceeds 25.	This proposal will alter the MLS provision relating to land at Effie Durham Road, which is about 750 m to the north of the Coonamble aerodrome. This will allow potentially a further two dwellings on land that is currently zoned R5 Large Lot Residential. It will not have an impact on the building heights in this locality. It will increase dwellings near the aerodrome, but it is not a heavily used facility, has no regular commuter flights and is typically used by light planes. Noise is unlikely to be an issue. The approach direction to the runway is north-east to south-west, and it does not fly over the subject land. It is a minor change.	Consistent.
4. Hazard and Risk			
4.1 Acid Sulfate Soils	Applies when a relevant planning authority prepares a planning proposal that will apply to land having a probability of containing acid sulfate soils as shown on the Acid Sulfate Soils Planning Maps.	The subject land has not been identified as being acid sulfate soils.	N/A
4.2 Mine Subsidence and Unstable Land	Applies when a relevant planning authority prepares a planning proposal that permits development on land that: (a) is within a mine subsidence district, or (b) has been identified as unstable in a study,	This proposal does not impact on any mine subsidence area.	N/A

S117 Direction	Application	Relevance to this planning proposal	Consistency with direction
	strategy or other assessment undertaken: (i) by or on behalf of the relevant planning authority, or (ii) by or on behalf of a public authority and provided to the relevant planning authority.		
4.3 Flood Prone Land	Applies when a relevant planning authority prepares a planning proposal that creates, removes or alters a zone or a provision that affects flood prone land. (4) A planning proposal must include provisions that give effect to and are consistent with the NSW Flood Prone Land Policy and the principles of the <i>Floodplain Development Manual 2005</i> (including the <i>Guideline on Development Controls on Low Flood Risk Areas</i>). (5) A planning proposal must not rezone land within the flood planning areas from Special Use, Special Purpose, Recreation, Rural or Environmental Protection Zones to a Residential, Business, Industrial, Special Use or Special Purpose Zone. (6) A planning proposal must not contain provisions that apply to the flood planning areas which: (a) permit development in floodway areas, (b) permit development that will result in significant flood impacts to other properties, (c) permit a significant increase in the development of that land, (d) are likely to result in a substantially increased requirement for government	Coonamble Shire is currently reviewing its flood mapping and this information will not be available for a further 6 months. The proposed IN1 and B2 expansion affects land currently zoned R1, so the zone change is not from a rural zone to an urban zone. The B2 land is flood affected but is inside the town levee. The IN1 land is not known to be flood affected. The change to MLS for the existing R5 zone affects land that is not known to be flood affected. The land immediately to the east of the subject land is flood affected. Council does not have a floodplain risk management plan prepared in accordance with the principles and guidelines of the Floodplain Development Manual 2005. Council has yet to clearly define its flood planning area. The planning proposal will not permit development on flood prone land (beyond that already permitted) based on current local knowledge, and is therefore consistent with this Direction. The overall area to be affected is relatively minor and either in the urban area or close to it. When these sites are isolated by flood, the whole Castlereagh River floodplain will be flood affected and there is unlikely to be a net increase in demand	Consistent.

S117 Direction	Application	Relevance to this planning proposal	Consistency with direction
	spending on flood mitigation measures, infrastructure or services, or (e) permit development to be carried out without development consent except for the purposes of agriculture (not including dams, drainage canals, levees, buildings or structures in floodways or high hazard areas), roads or exempt development. (7) A planning proposal must not impose flood related development controls above the residential flood planning level for residential development on land, unless a relevant planning authority provides adequate justification for those controls to the satisfaction of the Director-General (or an officer of the Department nominated by the Director-General). (8) For the purposes of a planning proposal, a relevant planning authority must not determine a flood planning level that is inconsistent with the Floodplain Development Manual 2005 (including the <i>Guideline on Development Controls on Low Flood Risk Areas</i>) unless a relevant planning authority provides adequate justification for the proposed departure from that Manual to the satisfaction of the Director-General (or an officer of the Department nominated by the Director-General).	for flood rescue services for these sites, given the warning times in such events.	
4.4 Planning for Bushfire Protection	Applies when a relevant planning authority prepares a planning proposal that will affect, or is in proximity to land mapped as bushfire prone land. (9) In the preparation of a planning proposal the	The proposal contains no areas of land identified as being Bushfire Prone.	N/A

S117 Direction	Application	Relevance to this planning proposal	Consistency with direction
	relevant planning authority must consult with the Commissioner of the NSW Rural Fire Service following receipt of a gateway determination under section 56 of the Act, and prior to undertaking community consultation in satisfaction of section 57 of the Act, and take into account any comments so made, (10) A planning proposal must: (a) have regard to <i>Planning for Bushfire Protection 2006</i>, (b) introduce controls that avoid placing inappropriate developments in hazardous areas, and (c) ensure that bushfire hazard reduction is not prohibited within the APZ. (11) A planning proposal must, where development is proposed, comply with the following provisions, as appropriate: (a) provide an Asset Protection Zone (APZ) incorporating at a minimum: (i) an Inner Protection Area bounded by a perimeter road or reserve which circumscribes the hazard side of the land intended for development and has a building line consistent with the incorporation of an APZ, within the property, and (ii) an Outer Protection Area managed for hazard reduction and located on the bushland side of the perimeter road, (b) for infill development (that is development		

S117 Direction	Application	Relevance to this planning proposal	Consistency with direction
	within an already subdivided area), where an appropriate APZ cannot be achieved, provide for an appropriate performance standard, in consultation with the NSW Rural Fire Service. If the provisions of the planning proposal permit Special Fire Protection Purposes (as defined under section 100B of the <i>Rural Fires Act 1997</i>), the APZ provisions must be complied with, (c) contain provisions for two-way access roads which link to perimeter roads and/or to fire trail networks, (d) contain provisions for adequate water supply for fire fighting purposes, (e) minimise the perimeter of the area of land interfacing the hazard which may be developed, (f) introduce controls on the placement of combustible materials in the Inner Protection Area.		
5. Regional Planning			
5.1 Implementation of Regional Strategies	Planning proposals must be consistent with a regional strategy released by the Minister for Planning.	The site is consistent with the Western Councils' Sub Regional Strategy as the IN1 areas was identified in the Strategy, and the B2 area is a minor expansion of an existing zone. The Western Councils' Sub Regional Strategy, however, is not named in this Direction and therefore the Direction does not apply.	N/A

S117 Direction	Application	Relevance to this planning proposal	Consistency with direction
5.2 Sydney Drinking Water Catchments	Applies when a relevant planning authority prepares a planning proposal that applies to the hydrological catchment.	The proposal is not within this catchment.	N/A
6. Local Plan Making			
6.1 Approval and Referral Requirements	A planning proposal must: (a) minimise the inclusion of provisions that require the concurrence, consultation or referral of development applications to a Minister or public authority, and (b) not contain provisions requiring concurrence, consultation or referral of a Minister or public authority unless the relevant planning authority has obtained the approval of: (i) the appropriate Minister or public authority, and (ii) the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General), - prior to undertaking community consultation in satisfaction of section 57 of the Act, and (c) not identify development as designated development unless the relevant planning authority: (i) can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the class of development is likely to have a significant impact on the environment, and	The planning proposal will not include provisions that require the concurrence, consultation or referral of development applications to a Minister or public authority.	N/A

S117 Direction	Application	Relevance to this planning proposal	Consistency with direction
	(ii) has obtained the approval of the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) prior to undertaking community consultation in satisfaction of section 57 of the Act.		
6.2 Reserving Land for Public Purposes	(4) A planning proposal must not create, alter or reduce existing zonings or reservations of land for public purposes without the approval of the relevant public authority and the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General).	The planning proposal does not create, alter or reduce land reserved for a public purpose.	N/A
6.3 Site Specific Provisions	Applies when a relevant planning authority prepares a planning proposal that will allow a particular development to be carried out. (4) A planning proposal that will amend another environmental planning instrument in order to allow a particular development proposal to be carried out must either: (a) allow that land use to be carried out in the zone the land is situated on, or (b) rezone the site to an existing zone already applying in the environmental planning instrument that allows that land use without imposing any development standards or requirements in addition to those already contained in that zone, or (c) allow that land use on the relevant land without imposing any development standards or requirements in addition to those already	The planning proposal does not seek to allow a particular development to be carried out. The planning proposal does not contain schematic drawings.	Consistent.

S117 Direction	Application	Relevance to this planning proposal	Consistency with direction
	contained in the principal environmental planning instrument being amended. (5) A planning proposal must not contain or refer to drawings that show details of the development proposal.		

Section C Environmental, social and economic impact

1 Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats will be adversely affected as a result of the proposal?

No. All of the proposed B2 and IN1 land is an existing urban area (see photos at Appendix 1). The site of the proposed R5 MLS amendment is also substantially cleared of native vegetation (Appendix 1) having been used for agriculture of various types for over 50 years.

2 Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

Flooding

The Coonamble town locality is in the floodplain of the Castlereagh River and Warrena Creek systems. A ring levee of approximately 7 km in length protects the township east of the Castlereagh River from flooding in both the Castlereagh River and Warrena Creek. The existing levee was constructed in 1976 to a design level that used a combination of the flood of record levels on both the Castlereagh River and Warrena Creek, with a freeboard above this level of roughly 0.6 m (source: Coonamble levee upgrade REF, Geolyse, 2012). Council is currently considering increasing the levee height to increase the level of protection it offers. The locality of the levee is shown in Appendix 2. Coonamble Shire is also currently preparing a Floodplain Management Study and Plan, however mapping is not predicted to be available until the second half of 2014.

An air photo (Appendix 2) shows the Castlereagh River peak at 1630 hours on 4 January 2010. This flood resulted in a gauge height on the Castlereagh River at Coonamble of 5.2 m.

The January 2010 flood event did not lead to an overtopping of the town levee and the proposed B2 expansion is wholly within the levee area. It is therefore protected in certain flood events to the same extent as the rest of the town within the levee. The B2 expansion area also backs onto the Castlereagh River in a location that is affected by bank erosion. Council intends to undertake bank stabilisation works as part of the levee upgrade.

Although the proposed IN1 expansion area is outside the town levee, it is relatively high ground and was not affected by flood water in the 2010 event (Appendix 2). The Effie Durham Drive R5 area was also not affected by the 2010 flood event (Pers Comm: Matt Cock, 2014).

If the upcoming flood study and plan establish that any of the subject land is flood prone (or more flood affected than previously thought), then fill and/or floor levels can be used to ensure that new structures are resilient to future flood events.

Contaminated Land

A preliminary contaminated land assessment is not required under SEPP 55 for the change from R1 to B2 or R1 to IN1 or the increase in dwelling density in an existing R5 zone.

Agricultural Land

There are no significant agricultural land issues raised by this planning proposal.

3 How has the planning proposal adequately addressed any social and economic effects?

Cultural Heritage

All of the sites in this planning proposal are currently in an urban zone and are heavily disturbed and/or developed. No heritage sites or places listed in Coonamble LEP 2011 are located on any of the land that is affected by this planning proposal.

Noise and other Pollution

The expanded IN1 area in Railway Street is relatively close to unrelated dwellings, particularly those located to the east along Eurimie, Sydney and McMahon Streets. Four existing dwellings will have a common boundary with land that will be zoned IN1. However, three of these already are neighbours to existing non-residential uses such as the steel depot, auto electrician, glass repairs and a squash courts. Council will need to exercise care in any fresh development application to ensure the neighbouring residential land uses are considered in relation to noise, dust, smoke, night lighting and odour pollution from future industrial uses.

Employment and Economic Impacts

The reduction in MLS for a small area of R5 along Effie Durham Drive will allow the construction of up to two additional dwellings in this location, which should have a small, but positive effect on the building related trades in the Coonamble area.

The proposed IN1 and B2 expansion will allow existing structures and buildings to be reused for employment related purposes in well-serviced and well-established urban areas. It will make it easier to start or expand a business in each of these places, which should have a positive effect on the Coonamble economy.

There would be no loss of housing or facilities with any of the land in this planning proposal.

Section D State and Commonwealth interests

1 Is there adequate public infrastructure for the planning proposal?

On balance the issues relating to infrastructure are plausible in terms of this strategic planning proposal stage.

Infrastructure for the IN1 and B2 expansion

Both these areas have reticulated water and sewerage, and are serviced by sealed roads of a suitable standard. Electricity and telephone services are readily available to support business and industrial uses.

Infrastructure for the R5 MLS reduction area

Effie Durham Drive is not a sealed road, but is of a standard that Council considers suitable for rural residential access. Electricity and telephone services run along the road. There is no reticulated water and sewerage, but Council does not supply this to rural residential areas in most cases. The infrastructure is sufficient to support up to two additional dwelling in this location.

2 What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?

State and Commonwealth public authorities have not been formally involved in this particular planning proposal as it is yet to receive Gateway Approval.

At this stage there do not appear to be any issues of interest to Commonwealth authorities. No nationally threatened species are known or suspected to occur on the site.

NSW Roads and Maritime Services will be interested in the B2 expansion along the Castlereagh Highway, however it is within an existing urban area and reflects a pattern of land use that largely exists. Contact with RMS through the exhibition period should be sufficient.

Part 4 Community consultation

The Gateway Determination will specify the community consultation that must be undertaken on the planning proposal. The consultation will be tailored to specific proposals generally on the basis of a 14 day exhibition period for low impact planning proposals and a 28 day exhibition period for all other planning proposals.

Council considers this planning proposal should be exhibited for 28 days. Whilst the proposal is relatively small, it affects a number of private properties and the public needs to be aware at the planning proposal stage. It is not a principal LEP, and does not reclassify public land.

Summary and conclusions

Coonamble Shire Council has initiated a planning proposal to modify its 2011 LEP to address a number of unrelated matters that have arisen over time.

The preferred method to achieve this will be to:

- amend the zoning maps to add areas of B2 and IN1; and
- amend the MLS map in relation to multiple locations that correlate with the zone changes plus a small area of R5 land.

The planning proposal is broadly consistent with the Western Councils' Sub Regional Strategy and SEPPs. It is also consistent with Section 117 Directions.

A timetable for the processing of the planning proposal is enclosed at Appendix 3.

Appendices

- 1 Site photos
- 2 Flood levee and flood affected land in January 2010 event
- 3 Planning proposal timetable

APPENDIX 1
B2 Photos Castlereagh Street

Planning Proposal Multiple Sites in Coonamble Shire | April 2014





APPENDIX 1

B2 Photos Castlereagh Street

Planning Proposal Multiple Sites in Coonamble Shire | April 2014



APPENDIX 1

IN1 Photos Railway Street

Planning Proposal Multiple Sites in Coonamble Shire | April 2014





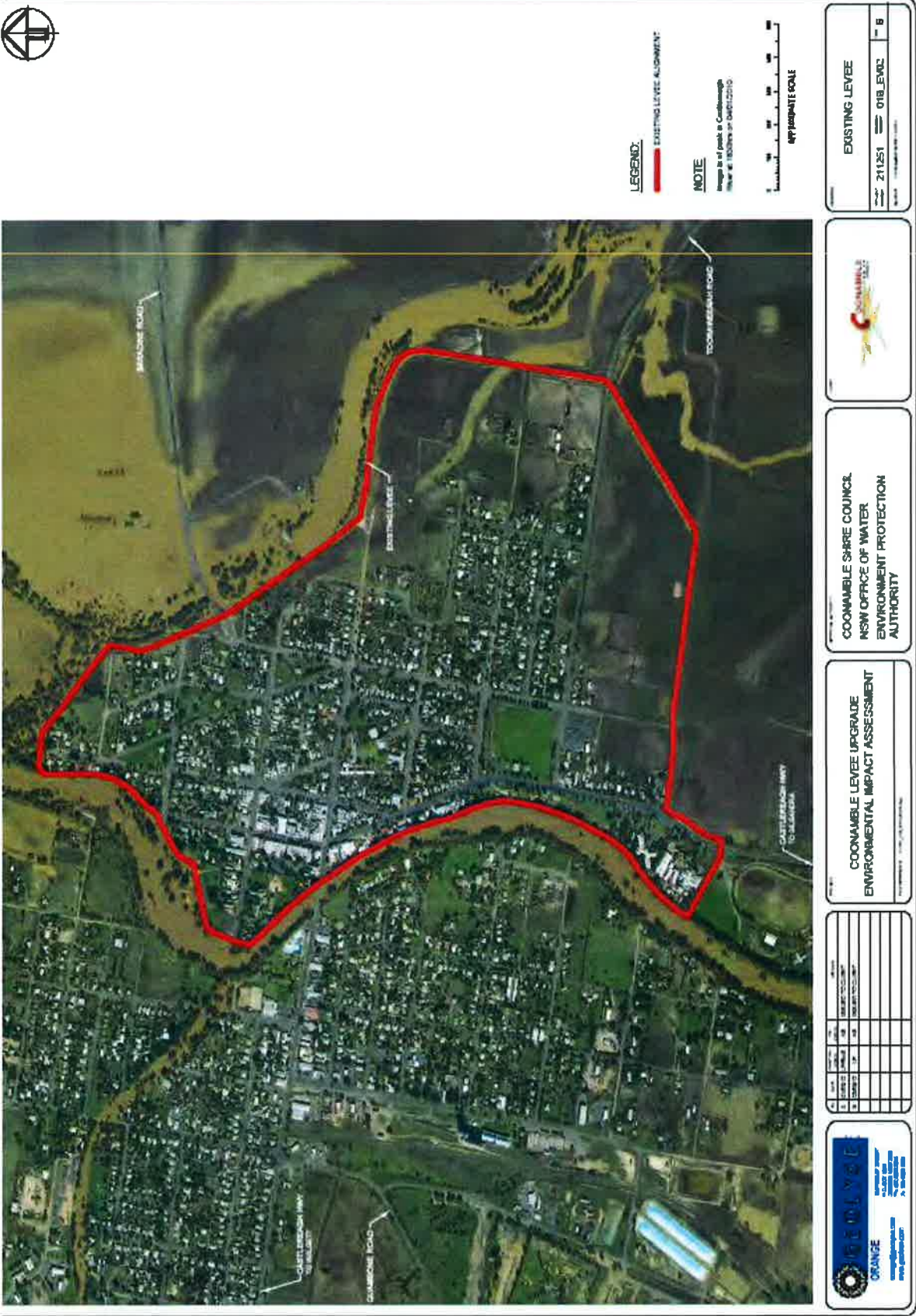
APPENDIX 1

IN1 Photos Railway Street

Planning Proposal Multiple Sites in Coonamble Shire | April 2014







APPENDIX 3

Planning Proposal Timetable

Planning Proposal Multiple Sites in Coonamble Shire | April 2014

Planning Proposal for Coonamble LEP 2011 Amendment

Indicative work program

Task	Estimated timeframe
Report to Council (recommendation regarding further actions)	December 2013
Inception meeting, site inspection, Councillors workshop	11/12 March 2014
Drafting of Planning Proposal	March 2014
Report to Council – Review and finalisation of Planning Proposal – send to DP&I	9 April 2014
Gateway Determination	May 2014
Finalisation of additional studies as requested by Council and Gateway Determination	June 2014
Review and update of the Planning Proposal in accordance with findings of studies	June 2014
Public exhibition of Planning Proposal for 28 days	July 2014
Agency consultation	July 2014
Review submissions	August 2014
Report to Council	August 2014
Preparation of a final Planning Proposal for submission to the DP&I requesting the LEP amendment to be made	September 2014
Submission to Planning Minister	October 2014
Responses to Ministerial comments	October 2014
Gazettal	November 2014