

**HS6) 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 amend and rectify inappropriate zoning, amend a minor mis - description of a heritage item, adjust land use tables and to insert new LEP clause to make provision for development proposed in the vicinity of sewerage treatment and landfill facilities within Coolamon LEP 2011.

Background

The implementation and application of the Coolamon Local Environmental Plan 2011 (CLEP 2011) has inadvertently resulted in a minor zoning and heritage mapping error. One heritage item requires its status to be updated in the Schedules of the CLEP 2011. Staff have also identified the need to update land use tables to ensure certain activities are permissible and include a new clause to assist with considering development that is proposed in proximity of waste disposal facilities and sewerage treatment works. In order to make these minor amendments to CLEP 2011, a Planning Proposal is required.

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
- Heritage Map and Schedule Amendment,
- Land Use Table Amendments; and
- Proposed New LEP Clause

The matters to be addressed in this planning proposal are summarised as follows:

- 1) Land identified for re - zoning as a result of a recent subdivision and application for a planning proposal by a landowner to more accurately reflect current and future land use of the land;
- 2) Amending incorrect heritage mapping identified at one location;
- 3) Amending Schedule 5 of the CLEP 2011, in relation to the abovementioned item, to ensure correct address details are listed;
- 4) Adjusting land use tables to facilitate better planning outcomes; and

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- 5) Insert new LEP clause to make provision for development proposed in the vicinity of sewerage treatment and landfill facilities.

Zoning Map Amendments

Six (6) parcels of land have been identified for rezoning as a result of them being, in the first instance, incorrectly zoned under the 2011 LEP and as a result of the issue being highlighted again via a recent subdivision approval.

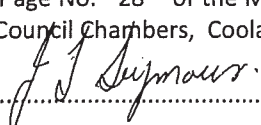
Application for rezoning has also been made to amend / rezone the subject land by Mr. Bruce Hutcheon via a planning proposal attached to this report.

The zoning amendments are considered minor in nature as;

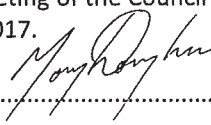
- The intention of Council was to carry across and translate the old CLEP 1995 suite of zonings into a new suite of zonings in 2011 for the draft Coolamon LEP. At some point in the translation process to the mapping, six (6) parcels of land were misidentified, resulting in inappropriate zonings being applied.
- A recent subdivision application has presented an opportunity to rectify the zoning matters and more accurately define/capture current and future land uses.
- The changes do not have any significant economic, environmental or social impacts as they are not policy changes, nor are inconsistent with the adopted masterplan for the area.

Table 1 details the proposed mapping amendments.

Location	Property	Land use	Current Zoning	Amended Zoning	Min. Lot Size
Cains and Jerricks Lane	Lot 273, DP 750829	Vacant – Rural Small Holdings	Rural Small Holdings	Part RU4 Rural Small Holdings and Part RU1 Primary Production Zone to reflect DCP Masterplan	2ha and 200ha
	Lot 274, DP 750829	Vacant– Rural Small Holdings	Rural Small Holdings	Part RU4 Rural Small Holdings and Part RU1 Primary Production Zone to reflect DCP Masterplan	2ha and 200ha
	Lot 278, DP 750829	Agriculture	Primary Production	Part RU4 Rural Small Holdings and Part RU1 Primary Production Zone to reflect DCP Masterplan	2ha and 200ha



MAYOR



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Table 1: Land Use Zoning Map Amendments

Heritage Map and Schedule Amendments

One item has been identified as needing amendment on the Heritage Mapping Overlays and Schedule 5 of the CLEP 2011.

The London Hotel

The intention of the 2011 LEP is to protect the cultural heritage of heritage items, including the London Hotel.

Schedule 5 to the 2011 LEP clearly lists the London Hotel as a heritage item requiring consent for any external alteration to the building in accordance with cl. 5.10(2)(b). It is noted that the Hotel's details (address and property description) are incorrect.

The address currently listed in Schedule 5 of the CLEP is 10 Mirrool Street, Ardlethan or Lot 1, DP 367864.

The correct address is 12 Mirrool Street, Ardlethan or Lot 2, DP 1088081.

Statement of Heritage Significance

The London Hotel is a good example of a western plains hotel with wide verandahs, spread out around a corner site. In 1909 the erection of Ardlethan's

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first hotel was commenced by Mr J D Boyd, owner of the Old London Hotel Premises. In 1910 the transfer of the licence from the Old London Hotel was obtained and the New London Hotel was opened by Mr Boyd.

The first London Hotel was located near the junction of the Newell Highway and the Coolamon Road from 1860-1906. A small monument containing the top of an old Tooth's beer barrel and a plaque marks the site. The present London Hotel was built in 1909 by James and Robert Boyd when the license was transferred. It is a brick building, painted over, with the high ceilings of the front section clad in pressed metal. The verandah is skillion with iron roof. The building has recently been extensively renovated. Building Material: brick, plaster, pressed metal, bull nosed iron roof.

Heritage Item	Issue	Mapping Amendment	Schedule 5
London Hotel, 12 Mirrool Street, Ardlethan (Lot 2, DP 1088081)	Incorrect address details currently listed in Schedule 5 for the item.	Amend map: 2000_COM_HER_001B_020_20131220	Amend Schedule 5

Land Use Table Amendments

The following changes are recommended to the land use tables of the CLEP 2011:

Recommendation

To add an additional permitted land use, 'Community Facility', to the Rural Small Holdings (RU4) Zone land use table.

Rationale

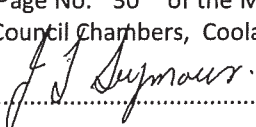
This matter was prompted by the Coolamon Men's Shed who proposed a Men's Shed Development at the Coolamon Showground with such a land use currently being prohibited in the RU4 Zone. On consideration, planning staff are of the opinion that 'Community Facilities' should be permitted with consent in the RU4 zone across the Shire. Amenity issues generated by such land uses are generally minor and can be properly assessed at the development application stage.

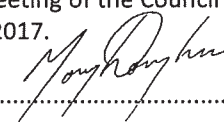
Recommendation

To add an additional permitted land use, 'Function Centre', to the Rural Small Holdings (RU4) land use table.

Rationale

This matter was prompted by a proposal for a Function Centre Development which was prohibited in the Primary Production Zone, it is also currently prohibited in the Rural Small Holdings Zone (RU4) and Council seeks to provide


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zone options for this type of development within the LGA. Function Centres are permissible with consent in other LEP's in the RU4 Zone e.g. The Dubbo LEP 2011.

On consideration, planning staff are of the opinion that 'Function Centres' should be permitted with consent in the RU4 zone across the Shire. Amenity issues generated by such land uses can be properly assessed at the development application stage. Council considers that there is significant social and economic benefits in allowing function centres as a permitted land use in the RU4 Zone.

Recommendation

To add an additional permitted land use, 'Light Industry', to the Rural Small Holdings (RU4) Zone land use table.

Rationale

This matter was prompted by a proposal for a small scale concrete sleeper development proposal on RU4 zoned Land in Coopers Lane, Coolamon, with such a land use currently being prohibited in the RU4 Zone. Similar land uses in the form of Landscape and Garden supplies, Depots, Extractive Industries and Timber and Building Supplies are permitted in the RU4 land use table currently. These existing permissible land uses could be viewed as having greater amenity related impacts than that of a Light Industry land use. On consideration, planning staff are of the opinion that 'Function Centres' should be permitted with consent in the RU4 zone across the Shire. Amenity issues generated by such land uses can be properly assessed at the development application stage.

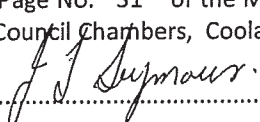
Recommendation

To add additional permitted land uses, 'Recreation Facility (Indoor), Recreation Facility (Major), Recreation Facility (Outdoor)', to the Rural Small Holdings (RU4) and Primary Production (RU1) Zone land use tables.

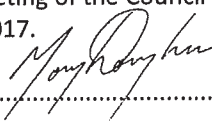
Rationale

This matter has been prompted by a recognition by Council of the potential economic and social opportunities that such permitted land uses may promote within the Local Government Area.

Many standard instrument LEP's across the state provide for such land uses as being permissible with consent. On consideration, planning staff are of the opinion that these land uses should be permitted with consent in the RU4 and RU1 zones across the Shire. Amenity issues generated by such land uses can be properly assessed at the development application stage.



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New LEP Clause

Recommendation

Insert the following new clause in the CLEP:

Development in proximity of waste disposal facilities and sewerage treatment works

- (1) *The objective of this clause is to protect the operational environment of sewage treatment plants and waste disposal facilities.*
- (2) *This clause applies to land identified on the Sewage Treatment Plant and Rubbish Tip Buffer Map.*
- (3) *Despite any other provision of this Plan, development consent must not be granted to development, including the erection of a dwelling, on land to which this clause applies, unless the consent authority is satisfied that the applicant has had regard to the following matters:*
 - (a) *the impact that any noise and other emissions associated with existing land uses would have on the proposed development,*
 - (b) *any opportunities to relocate the proposed development outside the land to which this clause applies,*
 - (c) *an assessment of whether the proposed development would adversely affect the operational environment of any development within the land to which this clause applies.*

Rationale

There has been discussion amongst planning staff and the Council with regards to recent developments in proximity to Council's Coolamon Landfill and Sewerage Treatment Plant sites. Council seeks to ensure that a suitable buffer distance is mapped and that appropriate considerations are undertaken prior to granting consent for developments in proximity to such infrastructure.

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 of a minor nature. In a number of cases the proposed changes simply correct mapping or identification errors. The proposed changes to land use tables are considered to

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promote a wider array of land use activities with the potential to garner positive social and economic benefits to the local government area.

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. **Attachment No. 7.1**
- Planning Proposal for Zone Amendment from Iris Planning. **Attachment No. 7.2**

Recommendation

That Council:

- 1) Receive and note the report.
- 2) Forward the group planning proposal to the Department of Planning and Environment under section 56(1), requesting that the Minister issue a "gateway determination" that will allow the planning proposal to proceed.

Councillor Bruce Hutcheon declared a pecuniary interest as a result of his Planning Proposal being dealt with as part of the report. Councillor Hutcheon left the meeting room at 3.06pm

The Mayor called for a Division.

RESOLVED on the motion of Cllr McCann and seconded by Cllr Jones that Council:

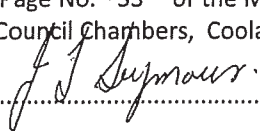
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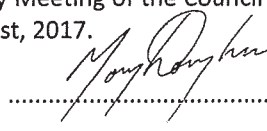
Those voting in favour of the motion: All those present

Those voting against the motion: Nil

Councillor Hutcheon returned to the Council meeting at 3.20pm



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