



Coolamon Local Environmental Plan 2011

Planning Proposal:

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

August 2017

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Part 1 – Objectives

The Amendments Planning Proposal is to; address inappropriate zoning and a planning proposal request to amend current zones, adjust land use tables, amend minor mis - description of a heritage item and to insert new LEP clause to make provision for development proposed in the vicinity of sewerage treatment and landfill facilities and within Coolamon LEP 2011.

Part 2 –Explanation of the Provisions

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

- Make amendments to the CLEP 2011 zoning maps which have been found to be in error and deal with a planning proposal request concurrently;
- Make a minor amendment to the CLEP 2011 heritage map (2000_COM_HER_001B_020_20131220) which has been found to be in error;
- To amend Schedule 5 of the CLEP 2011 to rectify incorrect address details for the London Hotel, located in Mirrool Street, Ardlethan;
- To add an additional permitted land use, 'Community Facility', to the Rural Small Holdings (RU4) Zone land use table. This matter was prompted by the Coolamon Men's Shed which proposed a Men's Shed Development at the Coolamon Showground with such a land use currently being prohibited in the RU4 Zone.
- To add an additional permitted land use, 'Function Centre', to the Rural Small Holdings (RU4) land use table. This matter was promoted by Gemma Carrey's 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 zone options for this type of development within the LGA.
- To add an additional permitted land use, 'Light Industry', to the Rural Small Holdings (RU4) Zone land use table. This matter was prompted by Cletus John Petty's 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.
- To add additional permitted land uses, 'Recreation Facility (Indoor), Recreation Facility (Major), Recreation Facility (Outdoor)', to the Rural Small Holdings (RU4) and Primary Production Zone land use tables. 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.
- To insert a new LEP clause to make provision for development proposed in the vicinity of sewerage treatment and landfill facilities.

Part 3 –Justification

Background

This planning proposal attends to matters that are considered to be minor. The re-zoning is not a major policy change. A response to the relevant S.117 Ministerial Directions is found at Table 2 in this document.

They are;

- 1) Land identified for re - zoning as a result of a historical mapping translation errors from 1995 – 2011 LEP), a recent subdivision and application from landowner to rezone land 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
- 5) Insert new LEP clause to make provision for development proposed in the vicinity of sewerage treatment and landfill facilities.

A recent approval of a subdivision for rural residential use has presented an opportunity to rezone residue land to more accurately reflect existing and future land use patterns. The rezoning of the subject land will not only rectify what appears to be an error in the translation of previous LEP Zoning to the zoning identified for the land under the Standard Instrument LEP but address a request by the land owner to rezone the subject land. One heritage item requires its address status to be changed on the applicable heritage map and in the Schedule of the CLEP 2011. Staff have also identified the need to update land use tables to ensure certain activities are permissible and insert a clause in the LEP to give consideration to development proposed in the vicinity of the Coolamon Landfill and Sewerage Treatment Facilities. In order to make these minor amendments to CLEP 2011, a Planning Proposal is required.

The Planning Proposal is structured as follows;

- a) Zoning Map Amendments
- b) Heritage Map and Schedule Amendments
- c) Land Use Table Amendments
- d) LEP clause to make provision for development proposed in the vicinity of sewerage treatment and landfill facilities.

Strategic

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.

a) 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 the landowner via a planning proposal attached to this document.

The zoning errors 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 they inconsistent with the adopted masterplan for the area.

Table 1 details the proposed mapping amendments. Table 2 details a response to the relevant S.117 Ministerial Directions. Part 4 of this Planning Proposal includes the maps showing an aerial photograph with the subject site outlined in red, the current zone and then the proposed re-zoning.

Minimum Lot Sizing (MLS) for relevant subject site only

The minimum lot sizes proposed in this document are associated with the surrounding and or adjacent matching zoning.

The relevant minimum lot size is stated in each *proposed re-zoning* map where relevant - this applies to the item in table 1 below.

N.B. For clarity, there are no specific minimum lot size maps shown in this Planning Proposal.

Table 1: Land Use Zoning Map 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 200 ha
	Lot 274, DP 750829	Vacant– Rural Small Holdings	Rural Small Holdings	Part RU4 Rural Small Holdings and Part RU1 Primary Production Zone	2 ha and 200 ha

				to reflect DCP Masterplan	
	Lot 278, DP 750829	Agriculture	Primary Production	Part RU4 Rural Small Holdings and Part RU1 Primary Production Zone to reflect DCP Masterplan	2 ha and 200 ha
	Lot 279, DP 750829	Rural Small Holdings –with only agricultural outbuildings located upon it	Rural Small Holdings	Part RU4 Rural Small Holdings and Part RU1 Primary Production Zone to reflect approved subdivision layout and DCP Masterplan	2 ha and 200 ha
	Lot 280, DP 750829	Vacant– Rural Small Holdings	Rural Small Holdings	Part RU4 Rural Small Holdings and Part RU1 Primary Production Zone to reflect approved subdivision layout and DCP Masterplan	2 ha and 200 ha
	Lot 1, DP 241219	Vacant– Rural Small Holdings and Primary Production	Part Rural Small Holdings, Part Primary Production	Part RU4 Rural Small Holdings and Part RU1 Primary Production Zone to reflect approved subdivision layout and DCP Masterplan	200 ha

Table 2: S.117 Response to each Land Use Zoning Map Amendments

Location	Property	S. 117 Direction Applying	Issues	Consistent?
Cains and Jerricks Lane	Lot 273, DP 750829 Lot 274, DP 750829 Lot 278, DP 750829 Lot 279, DP 750829 Lot 280, DP 750829 Lot 1, DP 241219	Rural Lands	The subject allotments should be dual zoned, and comprise a mix of Rural Small Holdings (RU4) and Primary Production (RU1). A subdivision proposal, approved by Council,	Yes. The proposal is deemed consistent with the aims of the SEPP and will ensure / promote the orderly and economic use and development of

			has created a number of Rural Small Holding allotments along the frontage of Cains Lane and both Council and the land owner are keen to mimic the subdivision pattern / layout along the Jerricks Lane frontage with the residue land being rezoned for Primary production purposes consistent with adjoining land use/zoning. The rezoning of the land to Primary Production (RU1) will more accurately reflect approved land use and subdivision and promote more efficient use of the residue RU1 zoned land. No additional RU4 zoned land is being requested.	rural lands for rural and related purposes.
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b) 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 first hotel was commenced by Mr JD 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.

Recommendation

It is recommended that Schedule 5 of the CLEP 2011 be amended to reflect the correct address of the item, being 12 Mirrool Street, Ardlethan or Lot 2, DP 1088081.

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

Table 3: Heritage Mapping and Schedule Amendments

c) 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 Gemma Carrey's 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 zone options for this type of development in the RU4 Zone within the LGA. Function Centres are permissible with consent in other LEP's 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 Cletus John Petty's 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.

d) New CLEP 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

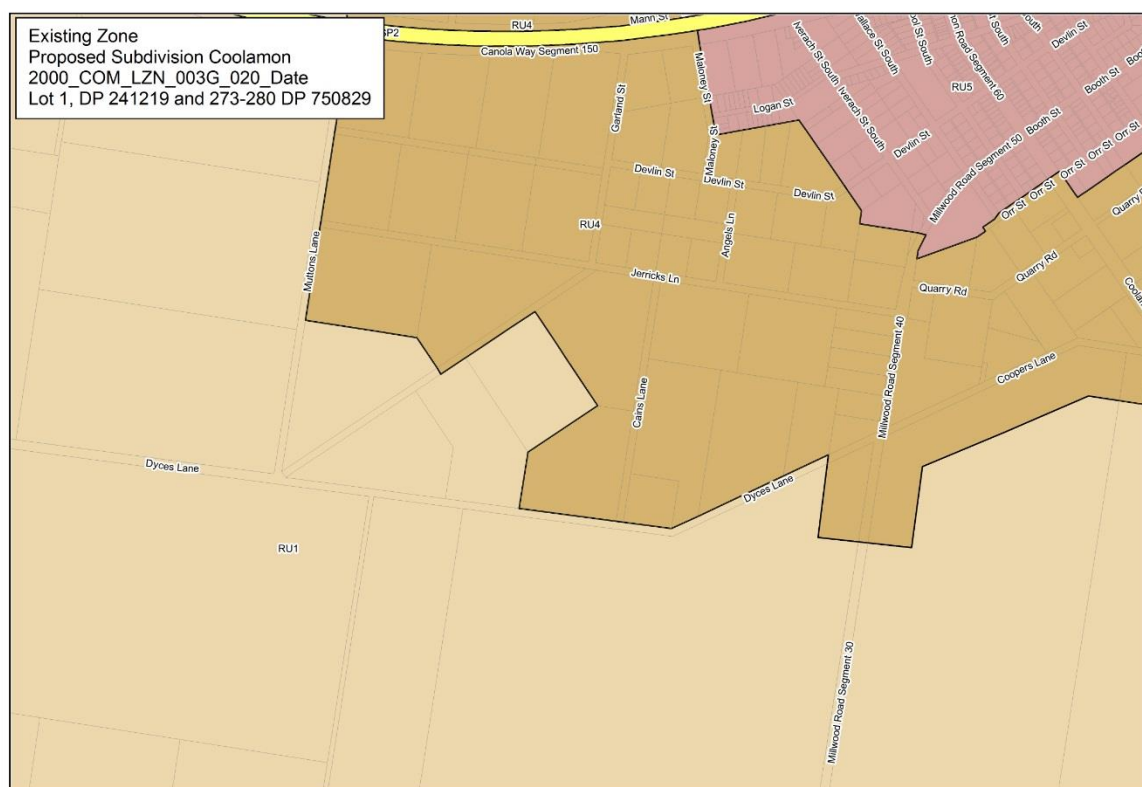
There has been discussion amongst planning staff and the Council with regards to recent developments in proximity to Council's Coolamon Landfill and Sewerage Treatment Plant sites. Council seeks to ensure that a suitable buffer distance is mapped and that appropriate considerations are undertaken prior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

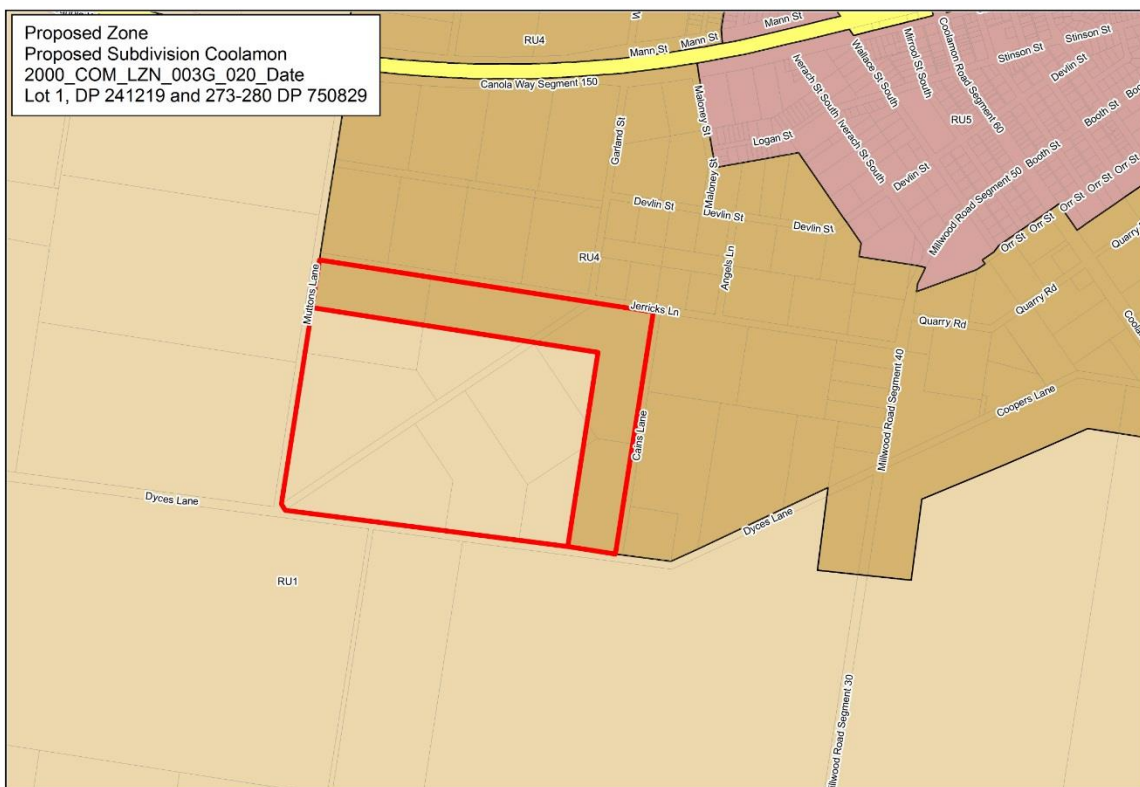
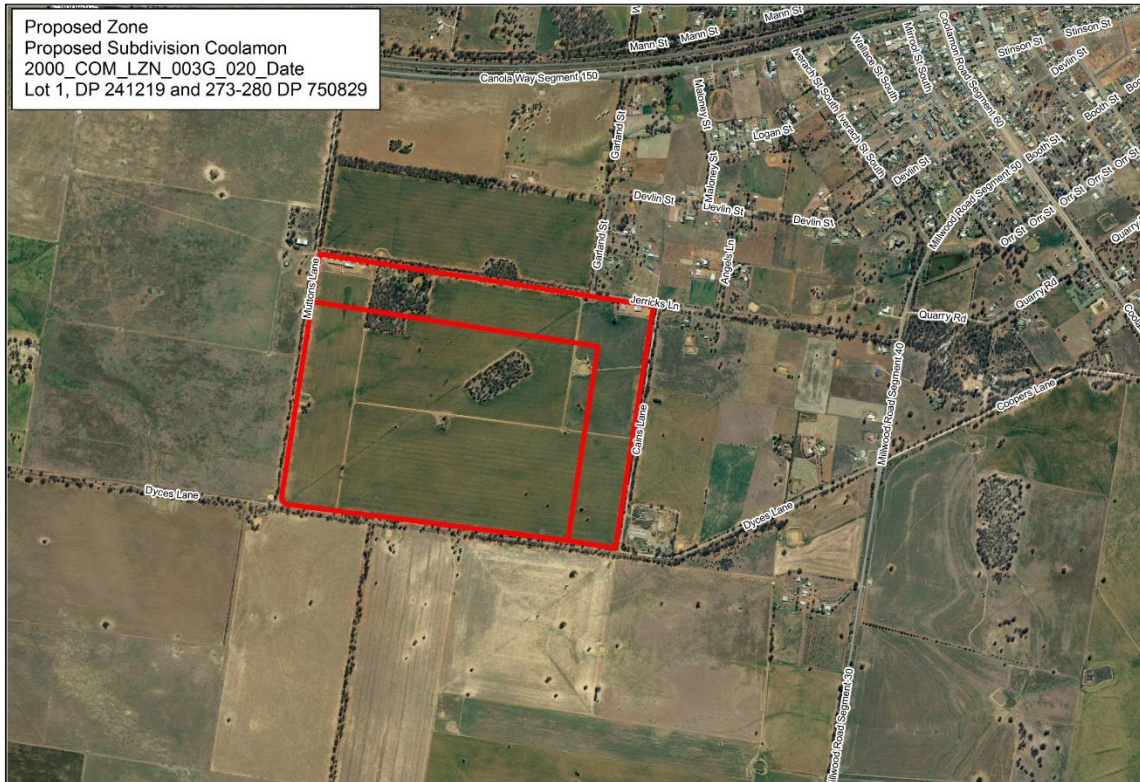
Part 4 – Mapping

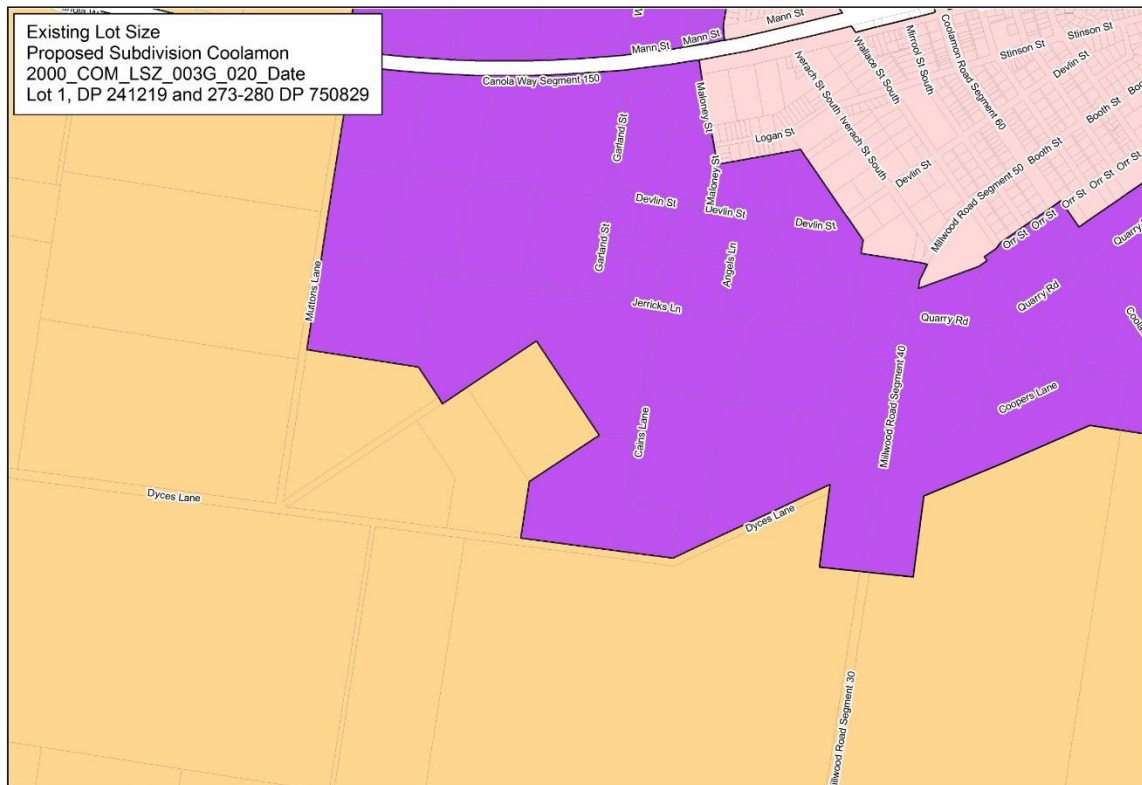
Mapping details for the proposed amendments to the CLEP 2011 are as follows:

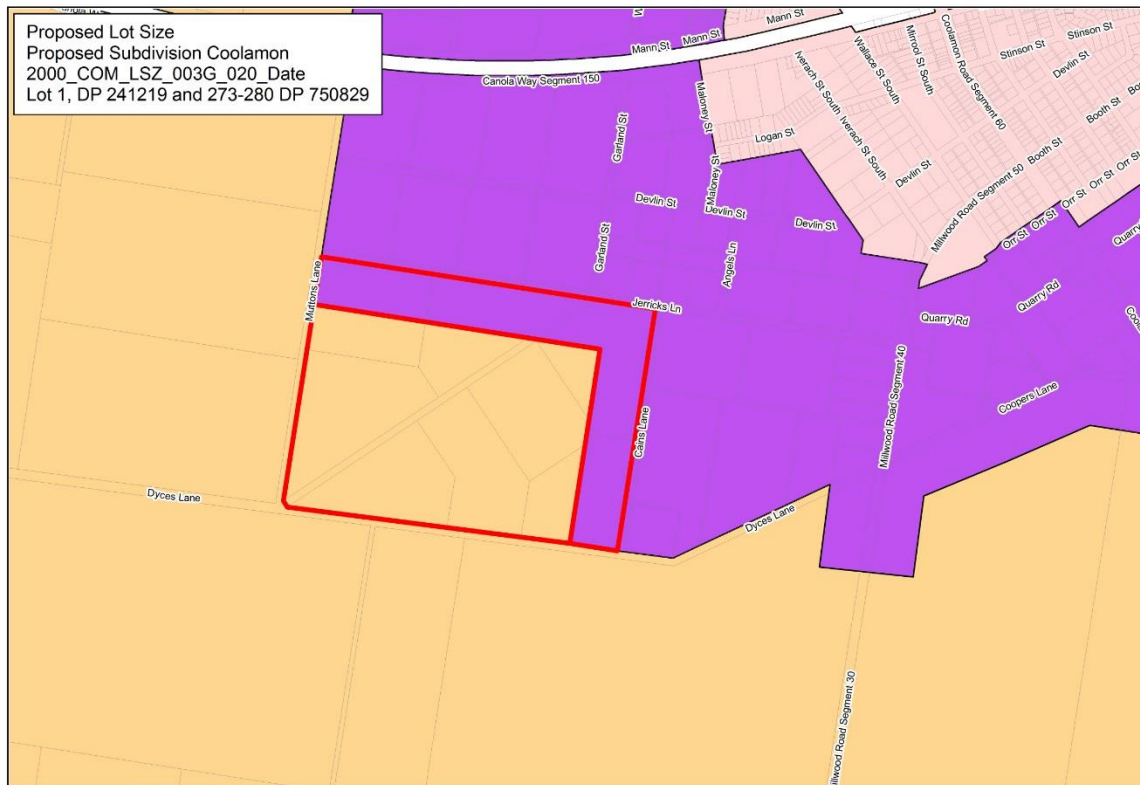
Zoning Map Amendments

Cains and Jerricks Lane, Coolamon



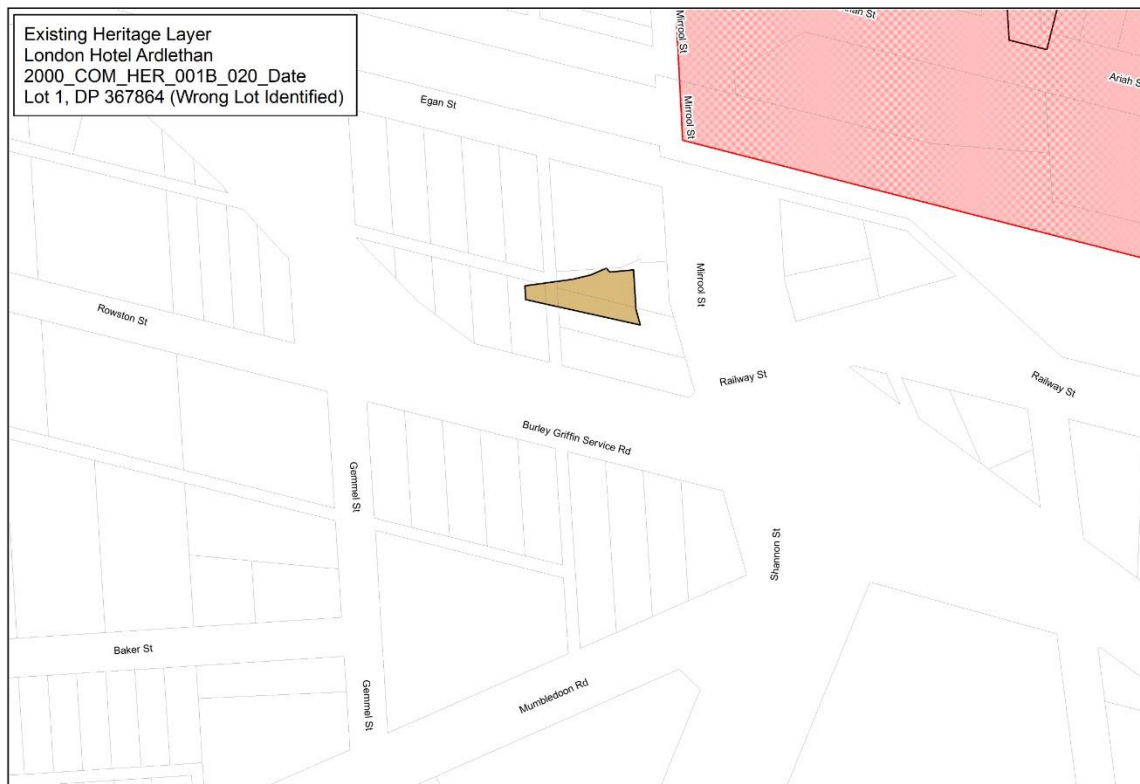


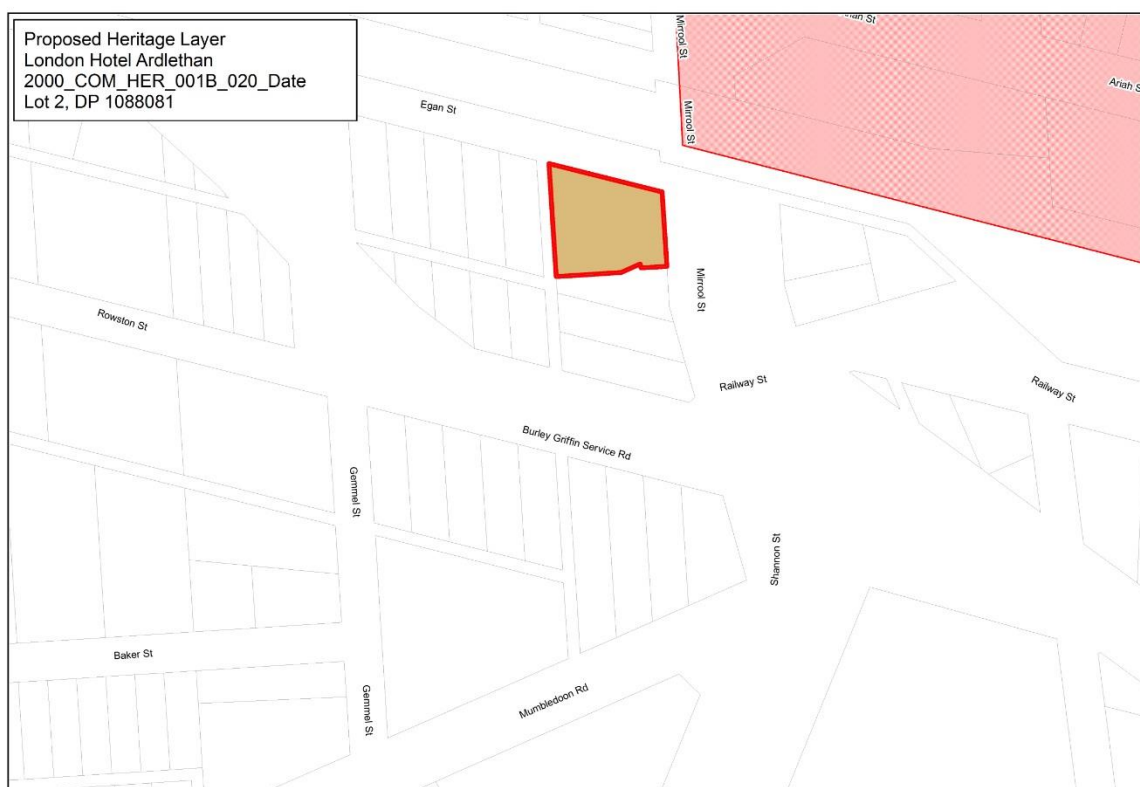
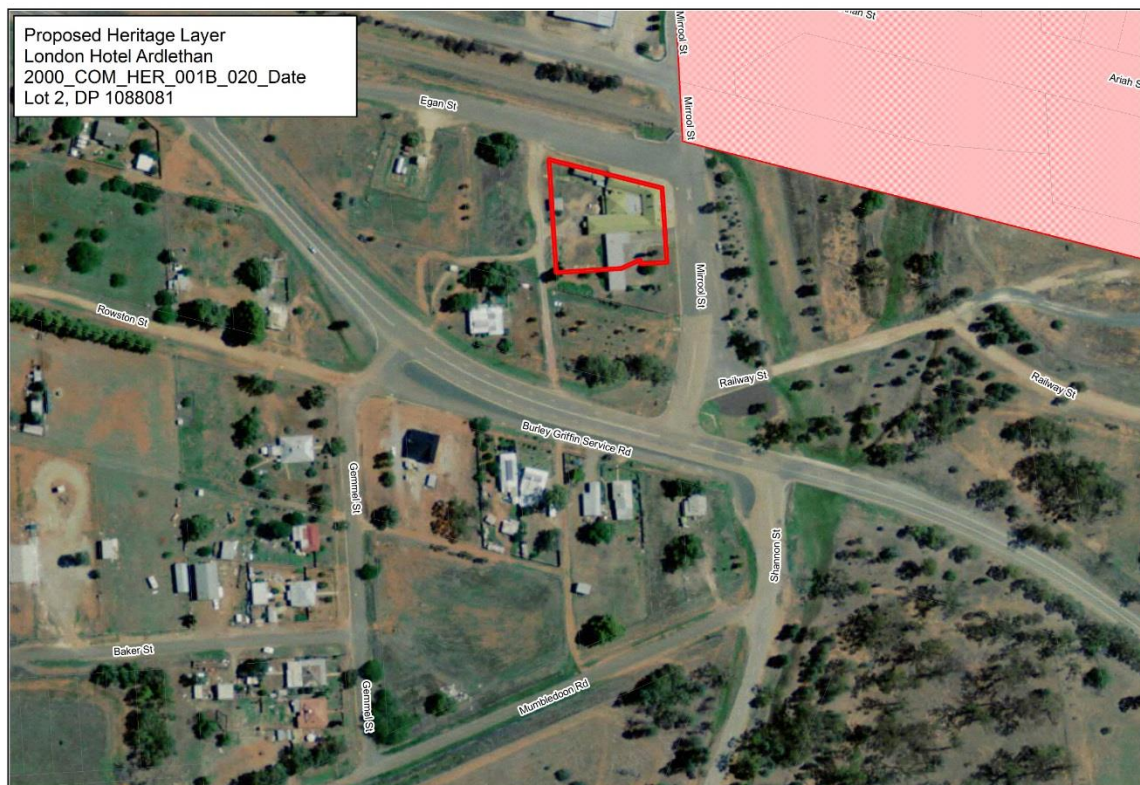




Heritage Map Amendments – Item

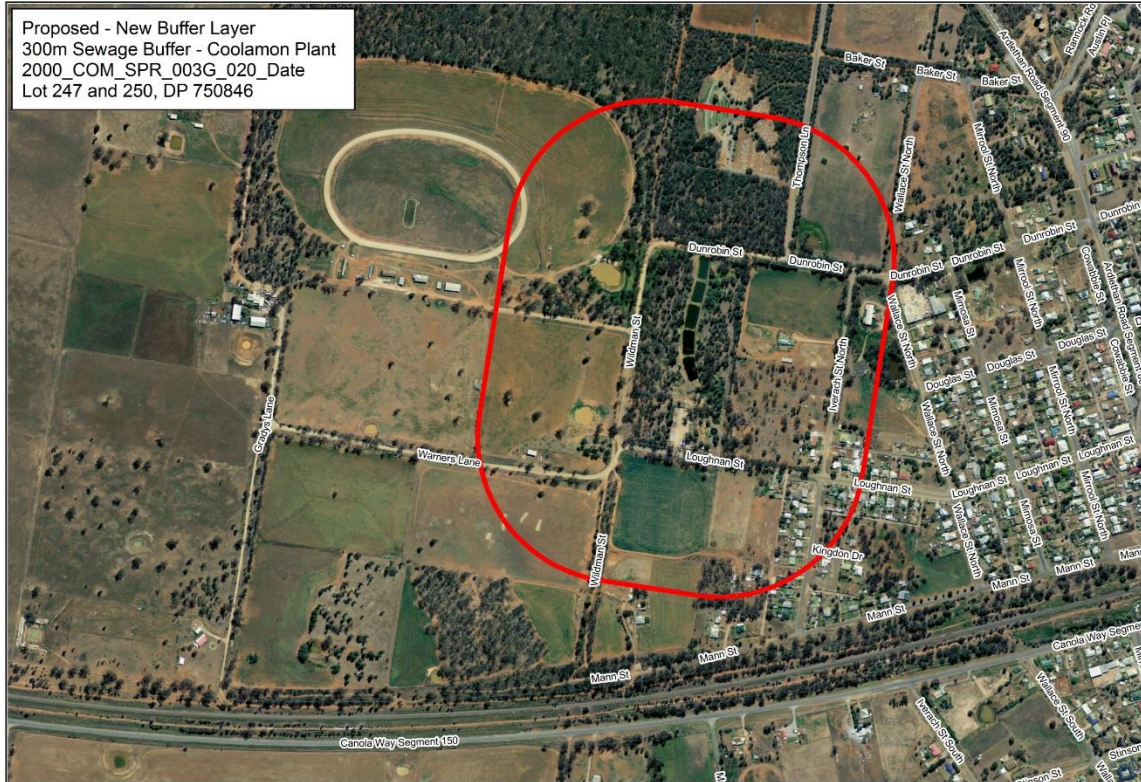
London Hotel, 12 Mirrool Street, Ardlethan (Lot 2, DP 1088081)



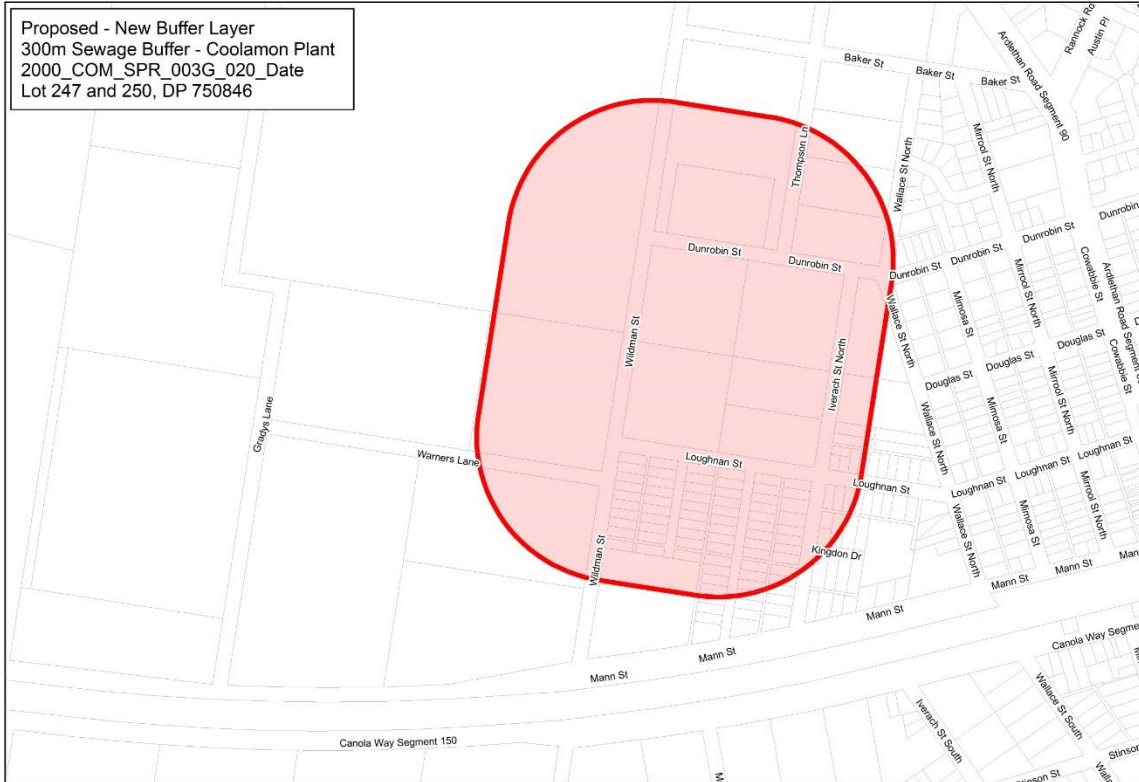


Sewage Treatment Plant and Rubbish Tip Buffer Map

Proposed - New Buffer Layer
300m Sewage Buffer - Coolamon Plant
2000_COM_SPR_003G_020_Date
Lot 247 and 250, DP 750846

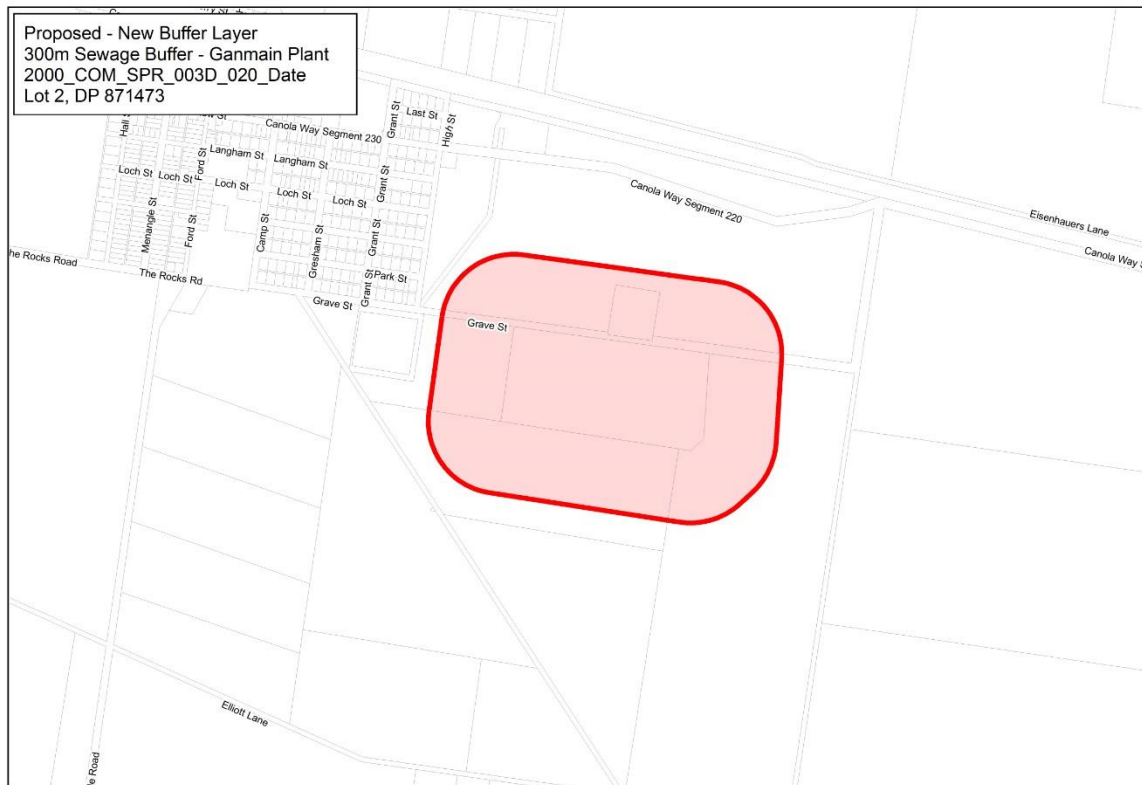


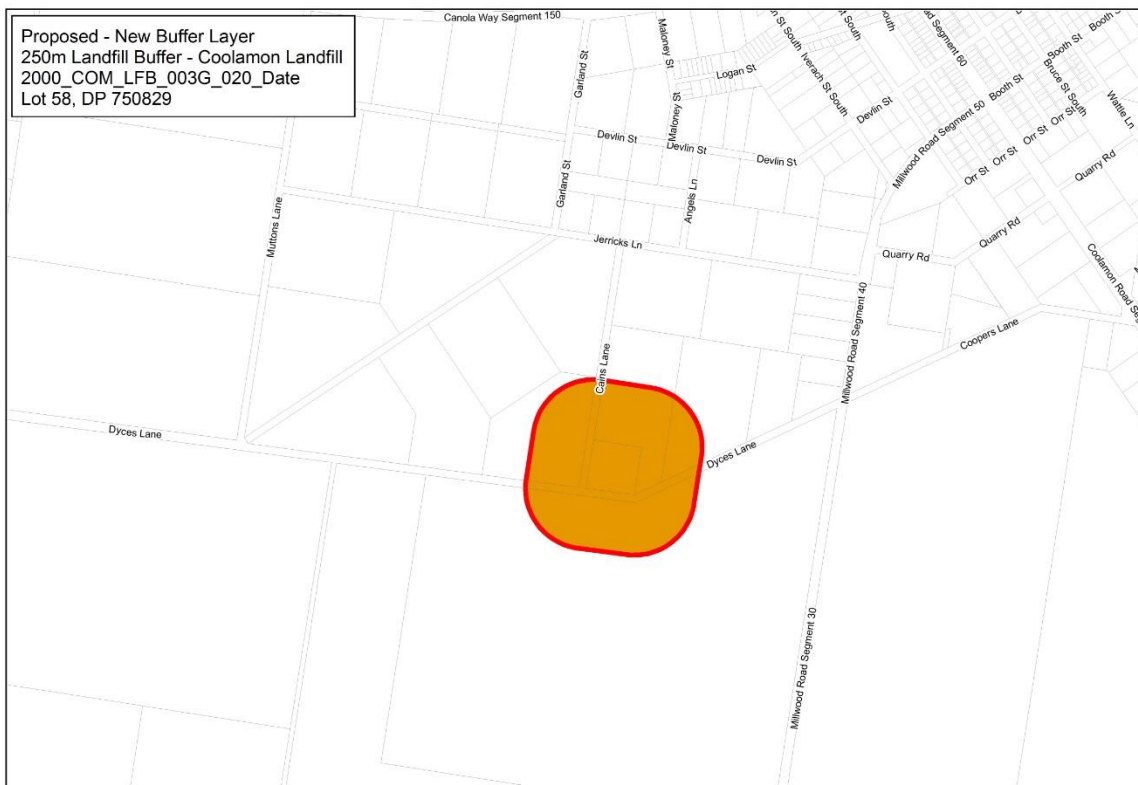
Proposed - New Buffer Layer
 300m Sewage Buffer - Coolamon Plant
 2000_COM_SPR_003G_020_Date
 Lot 247 and 250, DP 750846

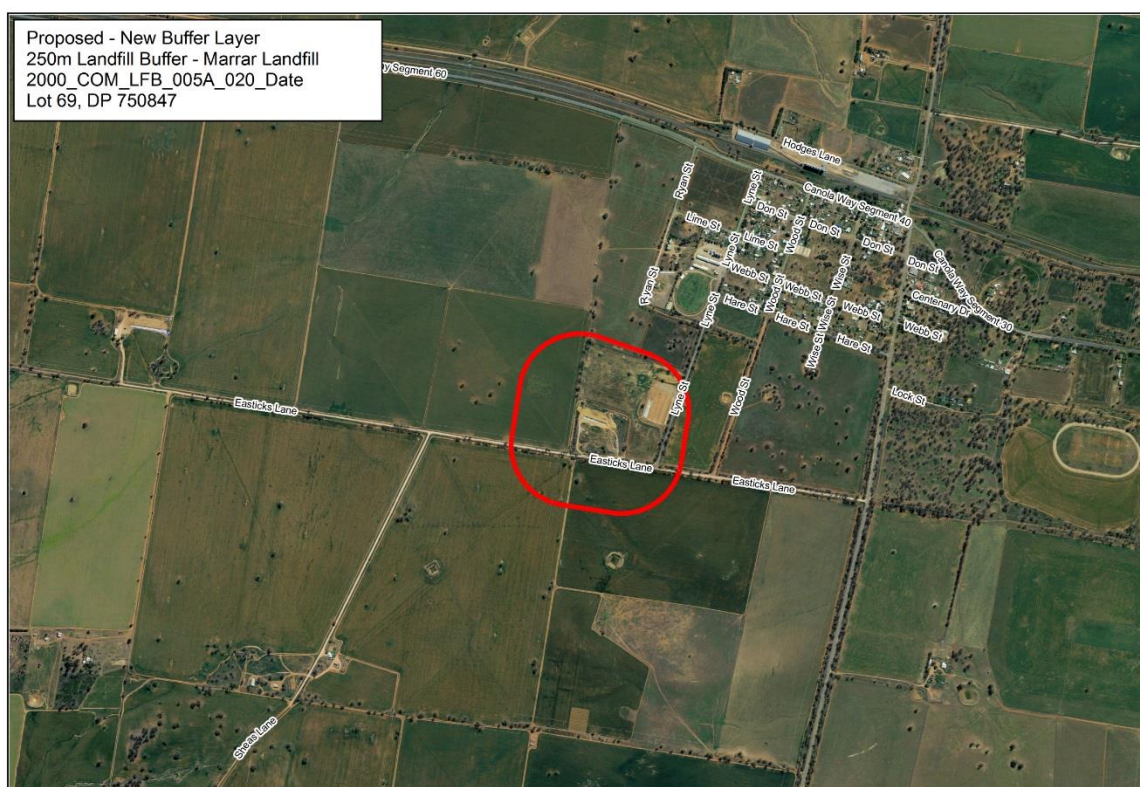
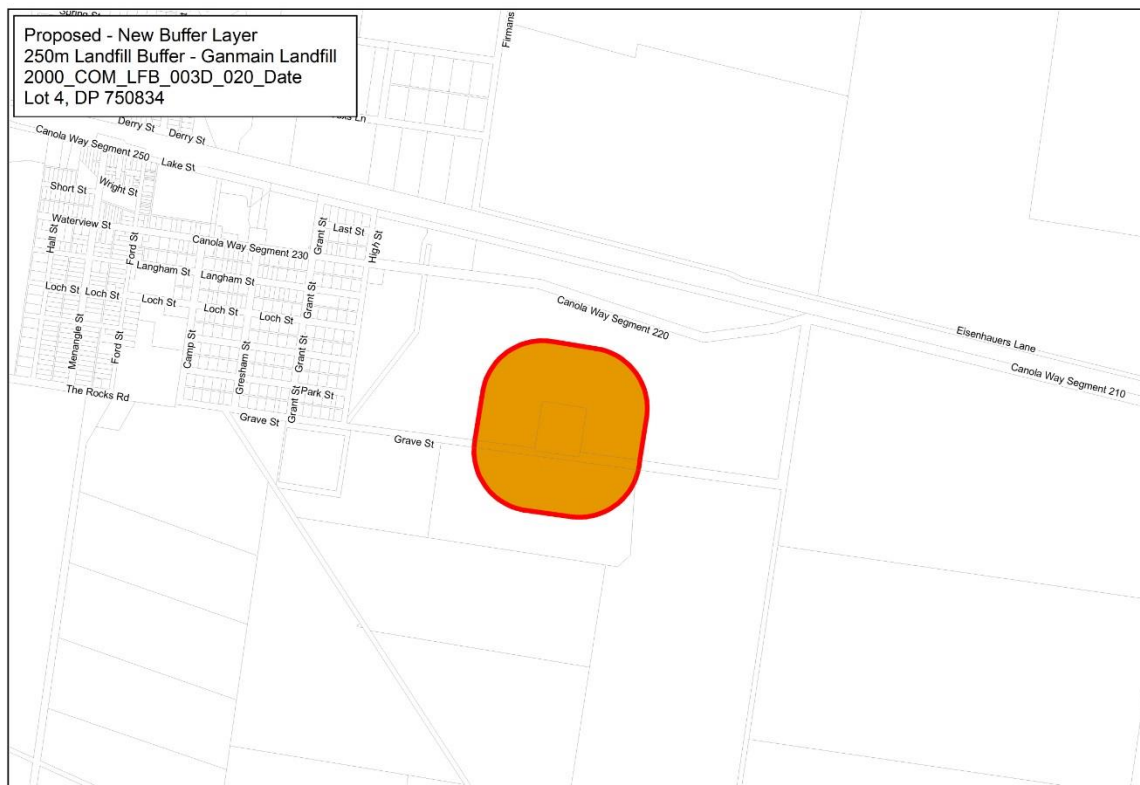


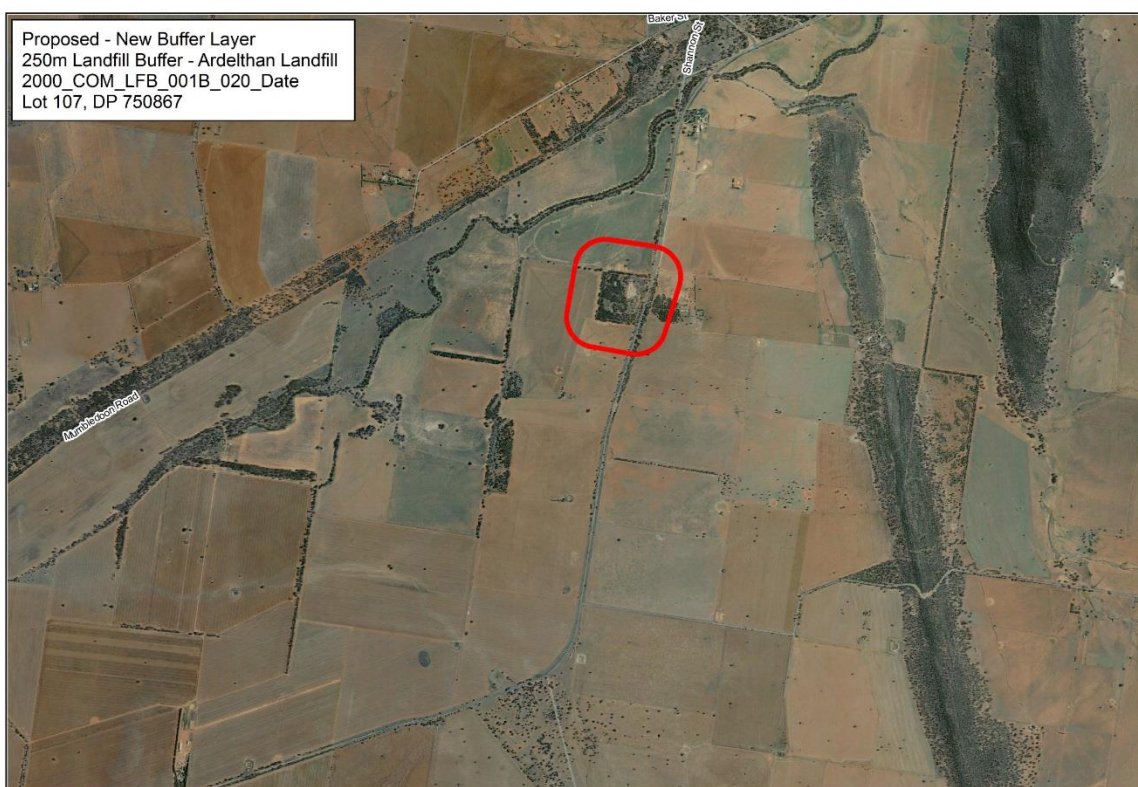
Proposed - New Buffer Layer
 300m Sewage Buffer - Ganmain Plant
 2000_COM_SPR_003D_020_Date
 Lot 2, DP 871473

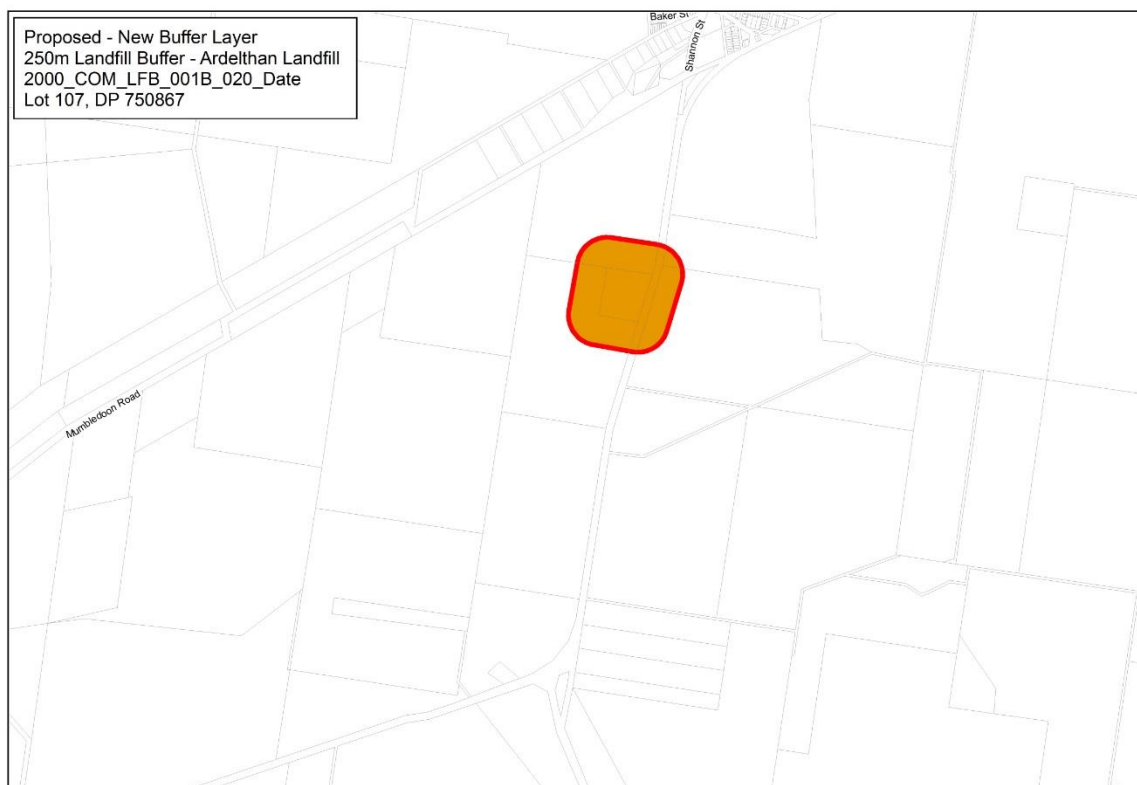












Part 5 - Community Consultation

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 December 2017.

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 planning proposal to the Department	September 2017

STAGE 2 – Receive Gateway Determination	October 2017
STAGE 3 – Preparation of documentation for Public Exhibition	November 2017
STAGE 4 – Public Exhibition of the planning proposal	November – December 2017
STAGE 5 – Review/consideration of submissions received	December 2017 – January 2018
STAGE 6 – Council Report	February 2018
STAGE 7 – Meetings	March 2018
STAGE 8 – Forward planning proposal to Department of Planning and Infrastructure with request amendment is made	March 2018
STAGE 9 – Date Council will make the Plan (if delegated), including any required consultation with the Parliamentary Counsel	April 2018
STAGE 10 – Anticipated date Council will forward Plan to the Department for notification	April – May 2018

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 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:

- 6) 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;
- 7) Amending incorrect heritage mapping identified at one location;
- 8) Amending Schedule 5 of the CLEP 2011, in relation to the abovementioned item, to ensure correct address details are listed;
- 9) Adjusting land use tables to facilitate better planning outcomes; and
- 10) 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 200 ha
	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	2 ha and 200 ha

	Lot 278, DP 750829	Agriculture	Primary Production	Part RU4 Rural Small Holdings and Part RU1 Primary Production Zone to reflect DCP Masterplan	2 ha and 200 ha
	Lot 279, DP 750829	Rural Small Holdings –with only agricultural outbuildings located upon it	Rural Small Holdings	Part RU4 Rural Small Holdings and Part RU1 Primary Production Zone to reflect approved subdivision layout and DCP Masterplan	2 ha and 200 ha
	Lot 280, DP 750829	Vacant– Rural Small Holdings	Rural Small Holdings	Part RU4 Rural Small Holdings and Part RU1 Primary Production Zone to reflect approved subdivision layout and DCP Masterplan	2 ha and 200 ha
	Lot 1, DP 241219	Vacant– Rural Small Holdings and Primary Production	Part Rural Small Holdings, Part Primary Production	Part RU4 Rural Small Holdings and Part RU1 Primary Production Zone to reflect approved subdivision layout and DCP Masterplan	200 ha

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 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 Gemma Carrey's 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 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 Cletus John Petty's 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.

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 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.

Recommendation

That Council:

- a. receive and note the report
- b. 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.

Attachments

- Draft Planning Proposal to be submitted to NSW Department of Planning and Infrastructure.
- Planning Proposal for Zone Amendment from Iris Planning.

See MINUTES AND RESOLUTION ATTACHED.

[Attachment 2: Planning Proposal for Zone Amendments by Iris Planning](#)

See attached Planning Proposal for Zone Amendments by Iris Planning.