

Planning Services

Gateway Determination Report

LGA	Coolamon Shire Council
RPA	Coolamon Shire Council
NAME	Group Planning Proposal - amend land use zones and minimum lot size maps, amend the RU1 Primary Production and RU4 Primary Production Small Lots land use tables, amend minor misdescription of a heritage item in Schedule 5 Environmental Heritage and amend heritage map, insert new LEP clause to make provision for development proposed in the vicinity of sewerage treatment and landfill facilities within Coolamon LEP 2011 (0 homes, 0 jobs)
NUMBER	PP_2017_COOLA_002_00
LEP TO BE AMENDED	Coolamon Local Environmental Plan (CLEP) 2011
ADDRESS	Multiple
DESCRIPTION	Multiple
RECEIVED	25 August 2017
FILE NO.	17/12021
QA NUMBER	qA417726
POLITICAL DONATIONS	There are no donations or gifts to disclose and a political donation disclosure is not required
LOBBYIST CODE OF CONDUCT	There have been no meetings or communications with registered lobbyists with respect to this proposal

INTRODUCTION

Description of Planning Proposal

The planning proposal seeks to undertake a range of minor and housekeeping amendments, including:

1. Six minor amendments to zoning and lot size map (LZN_003G and LSZ_003G) to reflect approved subdivision layouts, Development Control Plan (DCP) and Masterplan
2. Correct the address of Item 117 in Schedule 5 Environmental Heritage and minor amendment to heritage map
3. Amendment to the RU4 Primary Production Small Lots Zone Land Use Table to include:
 - Community Facility
 - Function Centre
 - Light Industry
 - Recreation Facility (Indoor)
 - Recreation Facility (Major)
 - Recreation Facility (Outdoor)
4. Amendment to the RU1 Primary Production Zone Land Use Table to include:
 - Recreation Facility (Indoor)

- Recreation Facility (Major)
 - Recreation Facility (Outdoor)
5. Insert a new Part 6 Local Provision Clause in the CLEP which relates to development in proximity of waste disposal facilities and sewerage treatment works

Site Description

The planning proposal will affect a number of different lots, all are within the Coolamon Council Local Government area. Specifically, the allotments affected by Amendments 1 and 2 affect the following Lots:

- Amendment 1 – Lots 273, 274, 278-280 DP 750829 and Lot 1 DP 241219, Cairns and Jerricks Lane Coolamon.
- Amendment 2 – Lot 2 DP 1088081, 12 Mirrool Street, Ardlethan.

Summary of Recommendation

Proceed as per submitted, subject to standard conditions. The Planning Proposal will address inappropriate zoning and a planning proposal request to amend current zones, adjust land use tables, amend minor misdescription of a heritage item and to insert a new LEP clause to make provision for development proposed in the vicinity of sewerage treatment and landfill facilities, which are considered to be suitable.

PROPOSAL

Objectives or Intended Outcomes

The Planning Proposal will:

- address inappropriate zoning and a planning proposal request to amend current zones to reflect existing subdivisions, the DCP and masterplan.
- adjust land use tables to align permissible uses with existing uses and provide social and economic benefit to the Coolamon LGA.
- amend minor misdescription of a heritage item.
- Insert a new LEP clause to make provision for development proposed in the vicinity of sewerage treatment and landfill facilities, to protect land adjoining the existing facilities.

The objectives of the planning proposal have been made clear in the report provided to the Department.

Explanation of Provisions

- The six amendments to land zone and lot size maps have been adequately explained in the planning proposal.
- The amendment to Schedule 5 Environmental Heritage has been adequately explained in the planning proposal. The amendment intends to correct an error where Item I17 has been incorrectly listed as having an address of Lot 1 DP 367864, 10 Mirrool Street, Ardlethan. The correct property details are Lot 2 DP 1088081, 12 Mirrool Street, Ardlethan.
- The land use table amendments have been clearly articulated in the planning proposal, where a number of additional uses are being added to the RU4 Primary Production Small Lots Zone and the RU1 Primary Production Zone.

- The additional Part 6 Additional local provision clause has been clearly explained in the planning proposal and 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 existing landfill and sewerage treatment plants.

Mapping

The mapping is adequate for public exhibition.

Final Maps consistent with the Department's Technical Guidelines will need to be prepared prior to finalising the LEP.

NEED FOR THE PLANNING PROPOSAL

Council justified the need for the planning proposal as follows:

- 1) Land identified for rezoning as a result of a historical mapping translation errors from 1995 – 2011 LEP, a recent subdivision and an application from a 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.

Having considered the above a planning proposal is the best means to achieve the intended outcomes.

STRATEGIC ASSESSMENT

Riverina Murray Regional Plan

The planning proposal does not provide commentary on the Riverina Murray Regional Plan (the Plan). A condition will be applied to amend the application to include commentary on the Plan to ensure its inclusion. However, an assessment of the Planning Proposal's consistency is provided below:

- Direction 1: Protect the region's diverse and productive agricultural land. The planning proposal does not detract from the agricultural production in the area and provides a consistent approach to land uses in the RU1 Primary Production and RU4 Primary Production Small Lots Zones in the region.
- Direction 7: Promote tourism opportunities. The planning proposal directly aligns with Direction 7, in the Plan. The inclusion of Function Centre into the RU4 Primary Production Small Lots Zone will contribute to ongoing tourism opportunities around the existing village areas in the Coolamon Shire area.
- Direction 23: Build resilience in towns and villages. The planning proposal intends to provide additional land uses around the existing villages. Providing additional development opportunities allows villages to become more robust and contributes to the growth and prosperity of regional areas.

Local

The planning proposal is consistent with the Coolamon Shire Council's local strategic plan, whereby the planning proposal;

- encourages growth within existing village footprints;
- creates opportunities to participate in active healthy recreational activities;
- promotes and supports existing and new business investment within the shire; and
- promotes the local and regional economy.

Section 117(2) Ministerial Directions

1.2 RURAL ZONES: This Direction does apply to the planning proposal as it will affect land within an existing and proposed rural zone.

The proposed land uses, rezonings and buffers are considered to be CONSISTENT with this Direction.

1.5 RURAL LANDS: This Direction does apply to the planning proposal as it will affect land within an existing and proposed rural zone. It has been proposed to change the existing minimum lot size on land within a rural zone to rectify an error.

The proposal is considered to be CONSISTENT with this Direction. A condition will be placed on the Gateway Determination to ensure that the Planning Proposal is consulted with the Department of Primary Industries.

2.3 HERITAGE CONSERVATION: This Direction does apply to the planning proposal as it affects items, places, buildings, works, relics moveable objects or precincts of environmental heritage significance.

The proposal is considered to be CONSISTENT with this Direction.

4.3 FLOOD PRONE LAND: This Direction does apply to the planning proposal as it will create, remove or alter a zone or a provision that affects flood prone land.

The proposal is considered to be CONSISTENT with this Direction. A condition will be placed on the Gateway Determination to ensure that the Planning Proposal is consulted with Office of Environment and Heritage – Flood Unit.

State Environmental Planning Policies

The planning proposal is considered to be consistent with SEPP (Infrastructure) 2007, SEPP 44 Koala Habitat Protection and SEPP (Rural Lands) 2008.

SITE SPECIFIC ASSESSMENT

Environmental, Social and Economic impacts:

There are no significant environmental, social or economic impacts as a result of the proposal.

The amendments aim to rectify zoning issues from the implementation of the CLEP, provide additional compatible land uses in the RU1 Primary Production and RU4 Primary Production Small Lots Zone to stimulate economic development, and protect surrounding land around existing Council infrastructure.

CONSULTATION

Community

The planning proposal has proposed the following community consultation:

- 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.

This will be confirmed in the gateway conditions.

Agencies

Council has not proposed any consultation with any agencies. However, as there is a small portion of flood prone land that affects amendment one, a condition will be placed on the Gateway Determination to ensure the planning proposal is consulted with Office of Environment and Heritage – Flood Unit.

TIMEFRAME

Council anticipate the project will be completed by April-May 2018. It is considered appropriate to allow a 12 month timeframe given additional conditions are recommended as part of the Gateway Determination which require the preparation of LEP maps and a minor amendment to the planning proposal.

DELEGATION

Council has requested Council Officer Delegation to prepare the draft LEP under Section 59 of the Act. Appendix 4 – Evaluation Criteria for the Delegation of Plan making Functions was submitted.

Due to the planning proposal nature it is considered appropriate that delegations are given to Council.

CONCLUSION

- Preparation of the planning proposal is supported to proceed with conditions.
- The planning proposal addresses the Department's 'A guide to preparing planning proposals'.

RECOMMENDATION

It is recommended that the delegate of the Secretary:

1. Agree the proposal is generally consistent with Section 117 Directions, 1.2 Rural Zones, 1.5 Rural Lands, 2.3 Heritage Conservation and 4.3 Flood Prone Land.

It is recommended that the delegate of the Minister for Planning, determine that the planning proposal should proceed subject to the following conditions:

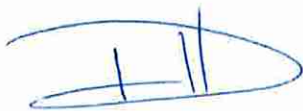
1. Prior to undertaking community consultation, the Planning Proposal is to be revised as follows:
 - (a) Amend the Planning Proposal to address the relevant directions in the Riverina Murray Regional Plan.
 - (b) Amend the Planning Proposal to address the following Section 117 Directions:
 - i. 2.3 Heritage Conservation
 - ii. 4.3 Flood Prone Land

The updated planning proposal is to be provided to the Department prior to exhibition.

2. Community consultation is required under Section 56(2)(c) and 57 of the Act as follows:
 - (a) The planning proposal should be made available for community consultation for a minimum of 28 days and in accordance with Part 5 – Community Consultation in the Council prepared Planning Proposal.
 - (b) The relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in Section 5.5.2 of *"A guide to preparing local environmental plans (Department of Planning and Environment 2016)"*.
3. Consultation is required with the following public authorities under Section 56(2)(d) of the EP&A Act:
 - Office of Environment and Heritage – Flood Unit
 - Department of Primary Industry

Each public authority is to be provided with a copy of the Planning Proposal and any relevant supporting material, and given at least 21 days to comment on the proposal.

4. The timeframe for completing the LEP is to be 12 months from the date of the Gateway determination.



5/9/17

Deanne Frankel
Team Leader, Southern Region



5.9.17

Fatima Abbas
Director Regions, Southern Region
Planning Services

Contact Officer: Haydon Murdoch
Planning Officer, Southern Region
Phone: (02) 6229 7914