

7) PROPOSED AMENDMENT TO COOTAMUNDRA LOCAL ENVIRONMENTAL PLAN 2013

Section 458 of the Local Government Act 1993 states:

458 Powers of Minister in relation to meetings

The Minister may, conditionally or unconditionally, allow a councillor or a member of a council committee who has a pecuniary interest in a matter with which the council is concerned to be present at a meeting of the council or committee, to take part in the consideration or discussion of the matter and to vote on the matter if the Minister is of the opinion:

- (a) that the number of councillors prevented from voting would be so great a proportion of the whole as to impede the transaction of business, or*
- (b) that it is in the interests of the electors for the area to do so.*

Each of the Councillors have an exemption from the Minister for Local Government under s.458 of the Local Government Act 1993 and may be involved in the discussions and decisions on this matter as it relates to the development of the Local Environment Plan for Cootamundra Shire.

All signed councillor Local Government Act 1993 Section 458 - Special Disclosure of Pecuniary Interests will be tabled and included in the Minutes to this meeting.

Both the General Manager and Director Engineering Services have provided written declarations of interest on this Item to the Mayor which are held on file.

Introduction

This report provides an update on a previous report to Council regarding a proposed amendment to the Cootamundra Local Environmental Plan 2013 to allow certain boundary adjustments in rural zones and also recommends the inclusion of additional zones in the proposed amendment.

Discussion

(a) History

Council gave consideration to a report at the October 2014 Council meeting on a proposed amendment to the Cootamundra Local Environmental Plan 2013 (LEP) to enable boundary adjustments in the RU1 and RU2 land use zones.

Council resolved to amend the LEP as follows:

That Council prepare a Planning Proposal to amend the Cootamundra Local Environmental Plan 2013 to enable a boundary adjustment between rural lots to include a provision which incorporates the following criteria:

- 1. The subdivision will be on land in the RU1 Primary Production and RU2 Rural Landscape zones;*
- 2. The subdivision will not result in an increase in the number of lots;*
- 3. The subdivision will not result in an increase in the number of dwellings on the lots or an increase in the number of dwelling entitlements on the lots;*
- 4. The minimum lot size for the subdivision of land by a boundary adjustment in the RU1 and RU2 zones is 5 hectares.*

(b) Additional zones

A Planning Proposal for the proposed amendment to the LEP was prepared and forwarded to the Department of Planning and Environment. Following consideration of this matter and in consultation with Council, the Department has suggested that Council withdraw the current Planning Proposal and seek a new resolution of the Council to include two additional rural zones in the boundary adjustment clause. The two additional zones proposed to be included in the Planning Proposal are the RU4 Primary Production Small Lots Zone and the E3 Environmental Management Zone.

The Department's suggestion has merit as there may be areas in the Shire where a property is included in one or more rural or environmental zones or adjoins a property in another rural or environmental zone. The inclusion of the RU4 and E3 zones will provide greater flexibility in the application of the boundary adjustment clause to the rural areas of the Shire.

(c) Minimum Lot Size

Item 4 of the resolution made at the October 2014 Council Meeting established a minimum lot size of 5 hectares for a boundary adjustment of lots in the RU1 and RU2 zones. This minimum is also considered to be an appropriate standard for the E3 Zone.

However, where a boundary adjustment occurs in relation to land in the RU4 zone, it is important to give consideration to the current Minimum Lot Size requirements of the LEP. The LEP has a minimum lot size in the RU4 zone of either two or five hectares, depending on location. Therefore, it has been recommended that the minimum lot size resulting from a boundary adjustment that affects the land in the RU4 zone should be the current minimum lot size for that land in the LEP.

RECOMMENDATION

That Council prepare a Planning Proposal to amend the Cootamundra Local Environmental Plan 2013 to enable a boundary adjustment between rural lots to include a provision which incorporates the following criteria:

- 1. The subdivision will be on land in the RU1 Primary Production; RU2 Rural Landscape; RU4 Primary Production Small Lots and E3 Environmental Management zones;**
- 2. The subdivision will not result in an increase in the number of lots;**
- 3. The subdivision will not result in an increase in the number of dwellings on the lots or an increase in the number of dwelling entitlements on the lots;**
- 4. The minimum lot size for a new lot created in a subdivision of land by a boundary adjustment in the RU1, RU2 and E3 zones is 5 hectares;**
- 5. The minimum lot size for a new lot created in a subdivision of land by a boundary adjustment in the RU4 zone is the lot size shown on the Cootamundra LEP 2013 Lot Size Map for that land.**