

Please contact

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31 January 2023

Dear Llyan

Re: PP-2022-4153 - Amendment 5 Coolamon LEP 2011 - 1 Jerricks Lane, Coolamon (Council reference PP2022/01) & PP-2022-4192 Campbells Lane Coolamon

I make reference to the abovementioned Planning Proposals, meeting held on 30 January 2023 and your email dated 30 January 2023.

Council appreciates your comments and feedback resulting from the Departments preliminary assessment and completeness check. The feedback provided and issues raised by the Department has been identified in the below table along with Councils response.

Department of Planning Comment	Councils Response
1. R5 Large Lot Residential Land use Table – request for proposed indicative R5 Land use Table	<p>Council proposes the following indicative R5 Large Lot Residential Land use Table.</p> <p>Zone R5 Large Lot Residential</p> <p>1 Objectives of zone</p> <ul style="list-style-type: none">To provide residential housing in a rural setting while preserving, and minimising impacts on, environmentally sensitive locations and scenic quality.To ensure that large residential lots do not hinder the proper and orderly development of urban areas in the future.To ensure that development in the area does not unreasonably increase the demand for public services or public facilities.To minimise conflict between land uses within this zone and land uses within adjoining zones.To facilitate and promote an increased range of living opportunities by providing for low intensity residential development compatible with the rural characteristics of the locality. <p>2 Permitted without consent</p> <p>Environmental protection works; Home-based child care; Home occupations</p> <p>3 Permitted with consent</p> <p>Bed and breakfast accommodation; Building identification signs; Business identification signs; Dual occupancies; Dwelling houses; Group homes; Home industries; Kiosks; Neighbourhood shops; Oyster aquaculture; Plant nurseries; Pond-based aquaculture; Roads; Roadside stalls; Sewage reticulation systems; Tank-based aquaculture; Any other development not specified in item 2 or 4</p>

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	<p>4 Prohibited</p> <p>Agriculture, Air transport facilities; Airstrips; Amusement centres; Boat building and repair facilities; Car parks; Charter and tourism boating facilities; Commercial premises; Correctional centres; Crematoria; Depots; Entertainment facilities; Electricity generating works; Extractive industries; Freight transport facilities; Function centres; Heavy industrial storage establishments; Helipads; Home occupations (sex services); Industrial retail outlets; Industrial training facilities; Industries; Intensive livestock agriculture; Local distribution premises; Marinas; Mooring pens; Moorings; Mortuaries; Open cut mining; Public administration buildings; Recreation facilities (indoor); Recreation facilities (major); Registered clubs; Research stations; Residential accommodation; Restricted premises; Rural industries; Service stations; Sewerage systems; Sex services premises; Signage; Storage premises; Tourist and visitor accommodation; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Warehouse or distribution centres; Waste or resource management facilities; Wholesale supplies</p>
2. Proposed Amendment to Section 4.2b - Erection of Dwelling Houses In Certain Rural Zones	<p>Council does not support the inclusion of an amendment to Section 4.2b of the Coolamon Local Environmental Plan 2011. This is not required.</p> <p>The proposed amendment was proposed by the applicants in their respective Planning Proposals.</p>
3. Supply and Demand Data Update to Address Both PP-2022-4153 Jerricks Lane and PP-2022-4192 Campbells Lane Coolamon	<p>The Population of Coolamon, where the 2 planning proposal are located is projected to grow by 15.80% over the next 17 years.</p> <p>The Coolamon Settlement Strategy has undertaken a lot yield analysis for all towns and villages within the LGA. The strategy identifies that for Coolamon there is an existing RU4 Lot Yield Supply (2 Ha) of 245 allotments and an existing RU5 Lot Yield Supply (800 m2) of 447 allotments.</p> <p>Recent subdivisions in the area have sold prior to release of subdivision certificate and registration of the new allotments. Examples being:</p> <ul style="list-style-type: none"> • DA 2021/97 – Subdivision of 1 lot into 8 for rural residential purposes; and • DA2019/72 – Subdivision of 1 lot into 14 for rural residential purposes (all lots now built upon). <p>There have been numerous other 2 and 3 lot subdivisions created both on RU4 land and RU5 zone land within Coolamon since 2019 that have created over 50 allotments.</p> <p>Over the 2021 and 2022 financial years, Council has approved over 45 new dwelling applications with 70% of those approvals being completed – new dwellings completed.</p> <p>As part of the Coolamon Settlement Strategy process Council created a Land Supply monitoring template report which will be presented to the July 2023 Council Meeting. The report amongst other things, will report on existing vacant allotments, lot yield, dwelling approvals and subdivisions undertaken during the reporting period.</p>

	<p>Whilst there is undoubtedly land already zoned for residential dwellings – the owners of such land do not want to subdivide due to costs associated with infrastructure provision, age (a majority of these landowners are elderly and have no desire to subdivide) and many landowners have no desire to reduce their allotment sizes to accommodate higher density residential land.</p> <p>Coolamon is growing and people are seeking to purchase and build on land that is being released. There is a clear demand for residential land – even though there is currently ample supply of appropriately zoned land, however much of this land is not being developed by landowners for the reasons identified above.</p>
4. Land Release Area To The West	<p>It is noted that the Coolamon Settlement Strategy Staging Plan identifies 3 parcels of land as the first stage of release during 2022-2025 identified as follows:</p> <ul style="list-style-type: none"> • The subject site (Lot 47 DP1252259) – Site 4 on Map 3; • Adjoining land to the west (Lot 46 DP1252259) - Site 5 on Map 3; and • Land to the north (Lot 21 DP1224134) - Site 3 on Map 3 (PP for R5 rezone received). <p>Council confirms that Site 5 was considered upon the lodgement of the Planning Proposal for Site 4, however, the land owner has provided Council with no indication of a desire to proceed with a rezoning at this time. The owner of site 4 has undertaken all required specialist studies and reports that supports the planning proposal and the owner of site 4 has not. There is a demonstrated need provided by the owner of site 4 that any proposed rezoning and subsequent subdivision would again sell off the plans and prior to subdivision. This has also been evidenced by inquiries received by Council as to timing of the release of stage 4 by persons seeking to purchase and build on this land.</p> <p>The Settlement Strategy underwent extensive community consultation and Council had no submissions, enquiry from the land owner of site 5. Council is not seeking to undertake an involuntary planning proposal on site 5 without an approach or interest from the landowner.</p>
5. Flooding	<p>Council notes that since the flood events which effected NSW throughout 2022, an independent expert flood enquiry and associated recommendations have been endorsed by the NSW Government. This requires a focus on flood planning issues at various levels. We also confirm your advice that Coolamon are in the early stages of completing a Flood Study for the Coolamon Township, however this project will not be realised in the short term.</p> <p>The Jerricks Lane Planning proposal was accompanied by a comprehensive and detailed local flood study/impact assessment. The site is only affected by minor overland stormwater flow and Councils engineering staff have reviewed the study and raise no issue in respect of flood behaviour post development.</p> <p>The study identifies that:</p> <p>Pre development:</p> <p>The 10% AEP flooding displays a similar behaviour to the 1% AEP flooding, although it is smaller in extent and depth. In the 1% AEP event, the average depth across the site is approximately 200 mm, however depths of up to 400 mm are observed in small sections at the northwest corner. In the 10% AEP depths are generally below</p>

100 mm, with greater depths of up to 300 mm observed at the northwest corner.

Post development:

The results indicate that the post-development flood behaviour upstream of Cains Lane remains generally unchanged. Once flow reaches the subject site, it is partially retained by the proposed north-south road, resulting in increased flood depths (in the order of 300 – 700 mm) upstream (east) of the road and reduced flood affectation downstream (west) of the road.

The proposed roads remain virtually flood free in both the 1% and 10% AEP, with flow travelling through the proposed culverts and swales rather than overtopping the roads. Most of the flow retained by the proposed north-south road travels south and crosses the road towards the west via the proposed southernmost culvert, which has the largest dimensions, resulting in greater flood depths and extents through the lots to the southwest. The lots to the east of the proposed north-south road also experience greater depths due to the retention of flow produced by the proposed road.

Flood depths in the lots to the northwest of the north-south road remain generally below 100 mm, although greater depths of up to 350 mm can be observed in the lot located at the northwest corner. The lots to the southwest of the north-south road are generally subject to depths of up to 150 mm, with greater depths of up to 300 mm observed in the northeast corner lot. Flood depths in the lots to the east of the north-south road are generally below 200 mm, although depths of up to 700 mm occur near the proposed road where flow is retained by the road embankment.

Under post-development conditions, velocities within the site are generally lower than in pre-development conditions, likely due to the increase in hydraulic roughness caused by the residential development, and by the slowing of flow caused by the road embankments. In the 1 % AEP event, the average velocities across the site are generally below 0.2 m/s, with some localised areas where higher velocities of up to 0.5 m/s occur.

The hazard classification within the site under post-development conditions remains largely unchanged from that under pre-development conditions, with most of the site covered by Hazard H1 (No Restrictions). Some areas immediately upstream of the proposed north-south road experience higher hazard classifications of H2 (Unsafe for Small Vehicles) and H3 (Unsafe for Vehicles and the Elderly), likely due to the increase in flood depths caused by the road embankment. These areas however are quite localised and only cover a small portion of the site.

The inclusion of the raised internal road into the development ensures that the northwest portion of the site is largely flood free in the 1% AEP event. However, some ponding is created behind the road therefore causing an increase in water levels on the eastern and southern portions of the site upstream of the internal roads. The inclusion of the culverts underneath the raised road alleviates this ponding and as such, the impact is limited only to the internal boundary of the site itself and properties east of the site boundary are not impacted. The maximum increase in water level within the property boundary is approximately 600 mm at some locations immediately upstream of the north-south road.

Some increase in water levels outside of the property boundary in the order of 40 – 100 mm is observed to the south of the site, however this is contained within the Dycles Lane road reserve and within a small area along the northern boundary of the neighbouring properties. Furthermore, the increase in water levels does not result in an increase in hazard at this location, which is vastly covered by a hazard classification of H1 (No Restrictions).

Downstream of the property there is a decrease in water levels and flood extents within the neighbouring properties to the west, likely due to the retention of flow upstream caused by the proposed road embankments. Similarly, a decrease in water levels and flood extents is observed within the site on the north-western properties.

As such, the proposed development results in limited impact on flood behaviour outside of the site boundary.

Controls relating to minimum finished floor levels for development within flood liable land are set out in the Coolamon Shire Council's Development Control Plan (DCP). As per the DCP, the minimum finished floor level (FFL) of any habitable room is to be at or above the 1% AEP flood level plus a freeboard of 500 mm. The minimum FFLs for the proposed subdivided lots are provided in Appendix D of the report, and were calculated in accordance with the Coolamon Shire Council's DCP requirements.

It is noted that, due to the sloping nature of the terrain within the site, water levels across the proposed lots vary considerably between upstream and downstream boundaries. Therefore assigning a single minimum FFL for each lot based on the highest water level within the site could result in overly conservative and possibly impractical minimum FFLs in certain areas of the lots. As such, a minimum FFL range has been provided for the allotments, and the minimum FFLs at future buildings shall be determined based on the nearest upstream water level plus 500 mm freeboard closest to each of the proposed dwelling's entry points, in accordance with the 1% AEP water level contours map provided in Appendix C-1 of the report.

Several of the proposed lots (particularly along the eastern and southern boundaries) are subject to overland flow flood risk under post-development conditions. Any dwellings that are constructed on these lots will need to be suspended on piers rather than slab on ground to ensure they do not obstruct the flow paths and cause offsite impacts. The FFLs will also need to comply with minimum FPLs, and it is recommended that the underside of each floor is at least 0.5 m above the 1% AEP flood level. The subfloor area for each of these dwellings is to be sufficiently open to ensure overland flow can travel unimpeded (open pool-style fencing would be appropriate).

As part of the Coolamon Flood Study, Council has recently had undertaken with Aerometric a LIDAR capture. Rather than request a detailed survey plan, at the cost of the applicant, and without the certainty that a PP will be approved for the site, Council has attached LIDAR information/map of the site. The LIDAR provides the Department with an opportunity to assess the potential height of the 7 worst affected proposed allotments with respect to future building./floor level heights. It is noted that the flood study provides detailed contour maps – the AHDs have been confirmed by a cross reference to the LIDAR attached.

	<p>As you are aware, it should be noted that the proposed subdivision layout is conceptual at Planning Proposal stage and that this may be amended throughout the process and prior to required development application lodgement for subdivision. Council considers that based on knowledge of the site, and the flood study, that flooding is minor in nature, has no impact to adjoining landowners, infrastructure and does not create unrealistic barriers to future residential development on the land.</p>						
6. Additional Issues To Be Addressed	<p>Council confirms the following:</p> <ul style="list-style-type: none"> The PP for Jerricks Lane currently refers to Lot 47 DP1252259 as the subject land. I confirm that Council has recently issued a Subdivision Certificate for the northern portion of this lot, and the title particulars for this land are likely to change in the short term. I confirm that the PP applies to "part Lot 47 DP1252259". In regards to the Jerricks Lane PP, I confirm that Council is satisfied that the proposal is consistent and give effects to the objectives of draft Riverina Murray Regional Plan 2041. The following table outline the objectives of the regional plan with the proposed rezoning outcomes. <table border="1"> <thead> <tr> <th>Objectives</th><th>Relationship with the proposed rezoning</th></tr> </thead> <tbody> <tr> <td>Objective 5 - Ensure housing supply, diversity, affordability and resilience</td><td rowspan="3">The proposed rezoning is to up zone the subject land from RU1 to R5. As proposed rezoning change the minimum lot size from 200Ha to 2 Ha, the number of allotments that the subject land can be subdivided will be increased. Therefore, the proposed rezoning supports the objective 5,6 and 7 as it generates more lots to provide housing facilities.</td></tr> <tr> <td>Objective 6 - Support housing in regional cities and their sub-regions</td></tr> <tr> <td>Objective 7 - Provide for appropriate rural residential development</td></tr> </tbody> </table> <ul style="list-style-type: none"> I confirm that Council will seek plan making delegation to finalise this LEP amendment. I confirm that Council would be extremely happy for any assistance that the Department can offer in respect to the planning proposal and LEP amendments. 	Objectives	Relationship with the proposed rezoning	Objective 5 - Ensure housing supply, diversity, affordability and resilience	The proposed rezoning is to up zone the subject land from RU1 to R5. As proposed rezoning change the minimum lot size from 200Ha to 2 Ha, the number of allotments that the subject land can be subdivided will be increased. Therefore, the proposed rezoning supports the objective 5,6 and 7 as it generates more lots to provide housing facilities.	Objective 6 - Support housing in regional cities and their sub-regions	Objective 7 - Provide for appropriate rural residential development
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Objective 5 - Ensure housing supply, diversity, affordability and resilience	The proposed rezoning is to up zone the subject land from RU1 to R5. As proposed rezoning change the minimum lot size from 200Ha to 2 Ha, the number of allotments that the subject land can be subdivided will be increased. Therefore, the proposed rezoning supports the objective 5,6 and 7 as it generates more lots to provide housing facilities.						
Objective 6 - Support housing in regional cities and their sub-regions							
Objective 7 - Provide for appropriate rural residential development							

Council notes that the above response will be required to form part of the consultation/exhibition documents.

Please contact me on 6930 1800 to discuss further as required.

Yours sincerely



Colby Farmer
Executive Manager
Planning and Environmental Services