



IRF23/226

Gateway determination report – PP-2022-4192

Rezone and minimum lot size amendment –
93 Campbells Lane, Coolamon 2701

February 23

Published by NSW Department of Planning and Environment

dpie.nsw.gov.au

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Subtitle: Rezone and minimum lot size amendment –

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Acknowledgment of Country

The Department of Planning and Environment acknowledges the Traditional Owners and Custodians of the land on which we live and work and pays respect to Elders past, present and future.

Contents

1	Planning Proposal	1
1.1	Overview and objectives of planning proposal	1
1.2	Explanation of provisions	2
1.3	Site description and surrounding area.....	4
1.4	Mapping.....	8
2	Need for the planning proposal	10
3	Strategic assessment	11
3.1	Regional Plan	11
3.2	District Plan [If relevant]	12
3.3	Local.....	13
3.4	Local planning panel (LPP) recommendation.....	Error! Bookmark not defined.
3.5	Section 9.1 Ministerial Directions	14
3.6	State environmental planning policies (SEPPs)	16
4	Site-specific assessment	17
4.1	Environmental.....	17
4.2	Social and economic.....	17
4.3	Infrastructure	17
5	Consultation.....	19
5.1	Community	19
5.2	Agencies.....	19
6	Timeframe	19
7	Local plan-making authority	19
8	Assessment Summary.....	19
9	Recommendation.....	20

Table 1 Reports and plans supporting the proposal

Relevant reports and plans
DOCUMENT 1 - Planning Proposal – Rezoning (MJM Consulting Engineers, 6 December 2022)
DOCUMENT 2 –Coolamon Shire Council Minutes from Ordinary meeting held 15 December 2022
DOCUMENT 3 – Appendix A – Proposed Subdivision layout (27 April 2022)

DOCUMENT 4 – Appendix B – Letter from Goldfields Water

DOCUMENT 5 – Appendix C – Drainage Analysis Report (MJM Consulting Engineers, 28 August 2022)

DOCUMENT 6 – Appendix D – Essential Energy Map (5 July 2022)

DOCUMENT 7 – Appendix E – Letter from Jemena Gas Network Protection

DOCUMENT 8 – Appendix F – Biodiversity Assessment Report (GHD, 26 May 2022)

DOCUMENT 9 – Appendix G – Aboriginal Cultural Heritage Assessment Report (Biosis, 25 May 2022)

DOCUMENT 10 – Appendix H – Preliminary Site Investigation (McMahon Earth Science, August 2022)

DOCUMENT 11 – Detailed Site Investigation (McMahon Earth Science, December 2022)

DOCUMENT 12 – Bushfire Assessment Report (MJM Consulting Engineers, 16 September 2022)

DOCUMENT 13 – Coolamon Shire Council – Further information response (31 January 2022)

DOCUMENT 14 – DPE comments regarding Draft Coolamon Settlement Strategy (14 July 2022)

DOCUMENT 15 – Scoping Proposal – Final- Rev A (MJM Consulting Engineers, 8 September 2022)

1 Planning proposal

1.1 Overview

Table 2 Planning proposal details

LGA	Coolamon Shire Council
PPA	Coolamon Shire Council
NAME	Zoning and minimum lots size changes at Coolamon (Approx. 25 homes and associated construction jobs)
NUMBER	PP-2022-4192
LEP TO BE AMENDED	Coolamon Local Environmental Plan (LEP) 2011
ADDRESS	93 Campbells Lane, Coolamon 2701
DESCRIPTION	Part Lot 21 DP1224134
RECEIVED	4/01/2023
FILE NO.	IRF23/226
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
DWELLINGS/JOBS	25/0

1.2 Objectives of planning proposal

The planning proposal and supporting material contain objectives and intended outcomes that adequately explain the intent of the proposal.

The objectives of the planning proposal are to amend the Coolamon LEP 2011 to:

- Facilitate large lot residential development at the subject site, set amongst a similar rural-residential housing product
- Accommodate projected population growth in close proximity to available infrastructure and the Coolamon town centre

The objectives of this planning proposal are clear and align with the strategic intent specified in the Coolamon Shire Settlement Strategy 2022 (CSSS).

1.3 Explanation of provisions

Please see Document 1 for a full copy of the planning proposal and Document 2 for the report to Council endorsing the proposal. The proposal seeks to amend the Coolamon LEP 2011 per the changes below:

Table 3 Current and proposed controls

Control	Current	Proposed
Zone	RU1 Primary Production (RU1)	R5 Large Lot Residential (R5)
Minimum lot size	200 hectares	2 hectares
Number of dwellings	0	25 (approximately)
Number of jobs	N/A	Unknown – planning and construction related jobs

To achieve the above, the following amendments are required:

- Amendment to Coolamon LEP 2011 Land Zoning Map (Land Zoning Map - Sheet LZN_003F) from RU1 Primary Production to R5 Large Lot Residential (subject site only).
- Amendment to Coolamon LEP 2011 Lot Size Map (Lot Size Maps -Sheet LSZ_003F) from 200 ha MLS to 2 ha MLS (subject site only)
- Addition of Zone R5 land use table to Part 2 of the Coolamon LEP 2011 (Land Use Table)
- Remove reference to 'Zone R5 Large Lot Residential' from 'Note' within Section 4.6(6)

Amendments and additional material required prior to exhibition

- Clause 4.2B LEP provision**- The planning proposal, as submitted, sought to extend application of clause 4.2B of the Coolamon LEP 2011 (Erection of dwelling houses in certain rural zones) to Zone R5. This proposed amendment is not required to achieve the intended outcomes as the R5 Zone land use table will permit dwellings (and the replacement of dwellings) with consent. As the inclusion of the proposed amendment would pose an unnecessary and additional assessment burden for housing permissibility, it has been requested, and agreed by Council to be removed from the planning proposal prior to exhibition (see Council response provided 31 January 2023 (Document 13)).
- Zone R5 Land Use Table** - The planning proposal was submitted without an accompanying draft R5 zone land use table. Upon request, a copy of which was provided by Council on 31 January 2023 (Document 13). The draft land use table meets the minimum directions set out in the Standard Instrument—Principal Local Environmental Plan 2006, and Standard Instrument (Local Environmental Plans) Order 2006. However, Council has also included an additional non-standard objective, being:

“To facilitate and promote and increased range of living opportunities by providing for low intensity residential development compatible with the rural characteristics of the locality”

The objectives suitability will be determined by Parliamentary Counsel as part of instrument finalisation. A condition on the Gateway determination is recommended to ensure Document 13 accompanies the exhibition package.

3. **Planning proposal applies to part Lot 21-** Lot 21 DP 1224134 (indicated by the yellow broken line in Figure 1) is dual zoned; the bulk is RU1, with the battle axe handle on the southern boundary zoned RU4 Primary Production Small Lots (RU4). The proposed amendment will implement changes to the zoning and minimum lot size mapping RU1 zoned portion, only (see Figure 1 and 2 below). Any reference to the subject land should be taken to refer to “part Lot 21 DP1224134”.

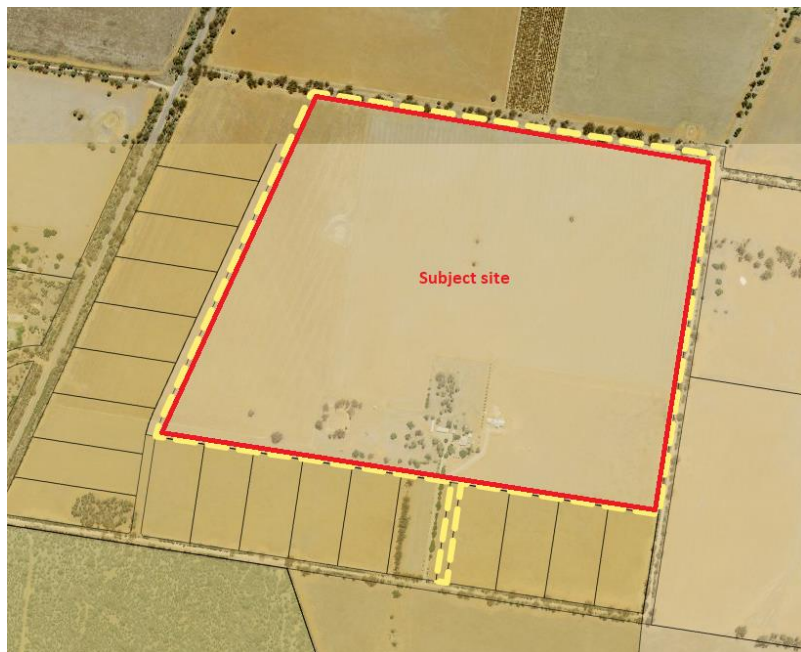


Figure 1 Subject lot (source: ePlanning Spatial Viewer)



Figure 2 Excerpt from planning proposal showing proposed zoning change (source: Planning Proposal, p5)

4. **Supply and demand update -** The planning proposal justifies the need for this amendment based on the CSSS which projects a 15.8% growth rate and 280 additional dwellings required in the Coolamon township by 2040. The CSS cites the existing available supply of RU4 zoned

land around Coolamon has a potential yield of 245 lots if developed to potential under existing 2 hectares minimum lot size provisions. The planning proposal did not include supply and demand commentary, as such, further information was requested from Council. In the response provided on 31 January 2023, Council noted that while a suitable volume of existing zoned land supply remains in Coolamon, it is unlikely to be realised in the short term, due to a lack of owner interest to develop. The response also noted that there is healthy demand for residential land in Coolamon, reflected by both the lot sales market, and recent housing approval data. The current demand is not being accommodated by available residential land, and therefore Council seeks to release the subject land (and land to the south in Jerricks Lane), to create supply in the short term. The Council response (Document 13) will be condition to be included as part of the exhibition package.

With the requested changes and information, the planning proposal contains an explanation of provisions that adequately explains how the objectives of the proposal will be achieved. The planning proposal, as submitted, does not seek the required amendments advised in Council correspondence dated 31 January 2023 however this change does not affect the intention of planning proposal and can be actioned as part of the LEP instrument drafting request.

Additional comments

Coolamon Development Control Plan 2015

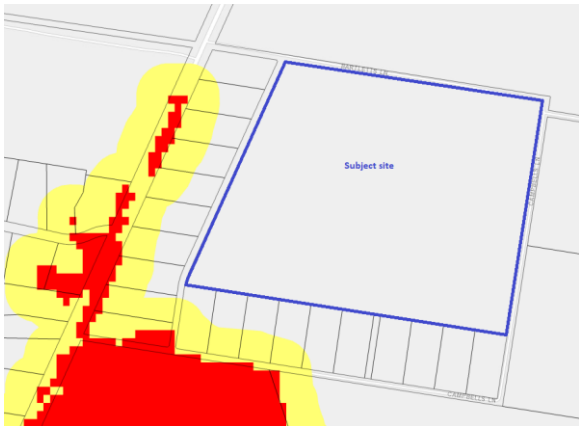
Subsequent amendment to parts of the Coolamon Development Control Plan 2015 (DCP) will also be required to ensure future development in the proposed Zone R5 land use table is suitably captured by the DCP controls and considerations (for example Part C Development Controls). Council has advised that a recent update to the Coolamon Shire Section 7.11 Contributions Plan 2017 will suitably apply to the proposed R5 zone.

1.4 Site description and surrounding area

A discussion of the site characteristics is contained within Table 4, below, with the site indicated by the red outline in Figure 3. The subject site is located in Coolamon, approximately 2.1 km north-east of the Coolamon township main street, see Figure 4 for reference (site is indicated by yellow broken line).

Table 4 site characteristics discussion

Site Characteristic	Discussion
<i>Site area</i>	Approx. 67 hectares – trapezoid shaped portion excluding battle axe leading south from the centre of the southern boundary (see Figure 1)
<i>Topography</i>	Relatively flat (gentle slope <1-5% towards the north-east)

Site Characteristic	Discussion
<i>Biodiversity/vegetation</i>	<p>The site is not mapped by the LEP Terrestrial Biodiversity mapping. The Biodiversity Assessment Report (Document 8) submitted with the planning proposal notes:</p> <ul style="list-style-type: none"> • Grey Box, Yellow Box, Blakely's Red Gum and White Cypress Pine occur onsite in various tracts and locations (north and west of the farmhouse and surrounding the farm dam to the west) • Two patches (the northern patch, and the patch surrounding the southern dam) would conform to the NSW Biodiversity Conservation Act 2016 (BC Act) listing for the endangered Grey Box Woodland community, due to the correct composition of canopy species. <ul style="list-style-type: none"> ○ These patches would not conform to the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act) listing for the community as the patch is less than 0.5 ha, and the degraded condition (predominantly exotic species) of the groundcover stratum • No threatened fauna species listed under either the BC Act or EPBC Act were recorded during site survey • Fauna habitat onsite is limited and only likely to support highly mobile fauna species such as birds, with large remnant eucalypts surrounding the farm dam onsite containing hollows. <p>The Biodiversity Assessment Report provided with the planning proposal confirms that harm to onsite biodiversity can be largely avoided and no hollow bearing trees would require removal to support the proposal.</p>
<i>Hazard</i>	<p>The site is not mapped as bushfire prone land, or in a flood planning area. The land is located in proximity to mapped bush fire prone land (see insert below). No consultation with NSW Rural Fire Service has been undertaken to date. Consultation with Rural Fire Service will be undertaken as part of public exhibition.</p> 
<i>Heritage</i>	<p>The site is not mapped as containing known Aboriginal or non-Aboriginal heritage items or places. An Aboriginal Due Diligence Assessment (Document 9) provided with the planning proposal concludes that there is low potential for Aboriginal sites to be located within the subject site. There are no AHIMS registered objects or places onsite. No further work is required to support the planning proposal.</p>

Site Characteristic	Discussion
<i>Servicing</i>	<p>Via extension of and/or connection to services in the area, the site has access to the following:</p> <ul style="list-style-type: none"> ○ reticulated water supply ○ power ○ telecommunications <p>Sewer and stormwater will be required to be managed onsite as no reticulated infrastructure is available.</p>
<i>Road access</i>	<p>Road access is available from Bartletts Lane (adjoining to the north) and Campbells Lane (linkage to the south).</p>
<i>Encumbrances/restrictions</i>	<p>The site is, and will be encumbered by easements for overhead powerlines (See Document 3 showing potential subdivision layout).</p>
<i>Existing use</i>	<p>The site has been used for agriculture and/or cropping since at least 1961 (see page 16 of Aboriginal Due Diligence Assessment (Document 9)). Based on this existing use and subsequent risk of land contamination, the applicant has provided a preliminary (Document 9) and detailed site investigation (Document 10) to assess contamination levels and risk. The investigations conclude that the site is suitable for the proposed intended future residential development.</p>
<i>Existing development</i>	<p>The site contains two (2) farm sheds, 1 (one) dwelling house, two (2) farm dams and stock yards (west of the farm sheds). The site also contains a demolition site (former house and garage) and a filled farm dam. The reminder of the site consists of farm paddocks and associated infrastructure</p>
<i>Nearby uses</i>	<p>As indicated by Figure 3, the site is surrounded on the west and south boundary by low density/rural residential development on 2-hectare (approximately) allotments. Land to the north and east is RU1 zoned and utilised for cropping/agriculture. Approximately 220m south-south-west is the Kindra State Forest</p>



Figure 3 Lot 21 DP 1224134 and onsite development (source: Imagery: Google Maps)

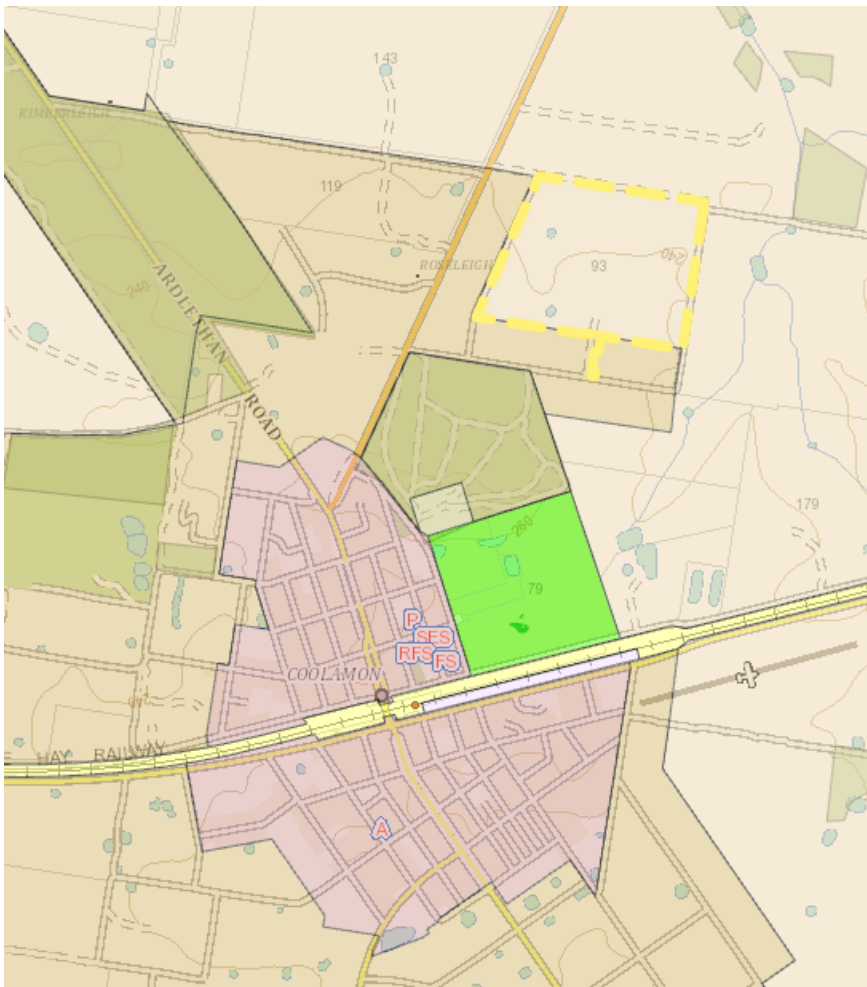


Figure 4 Site context (source: ePlanning Spatial viewer)

1.5 Mapping

The planning proposal includes mapping showing the proposed changes to the land zoning and minimum lot size maps, which are suitable for community consultation. The indicative mapping does not require updating prior to exhibition.

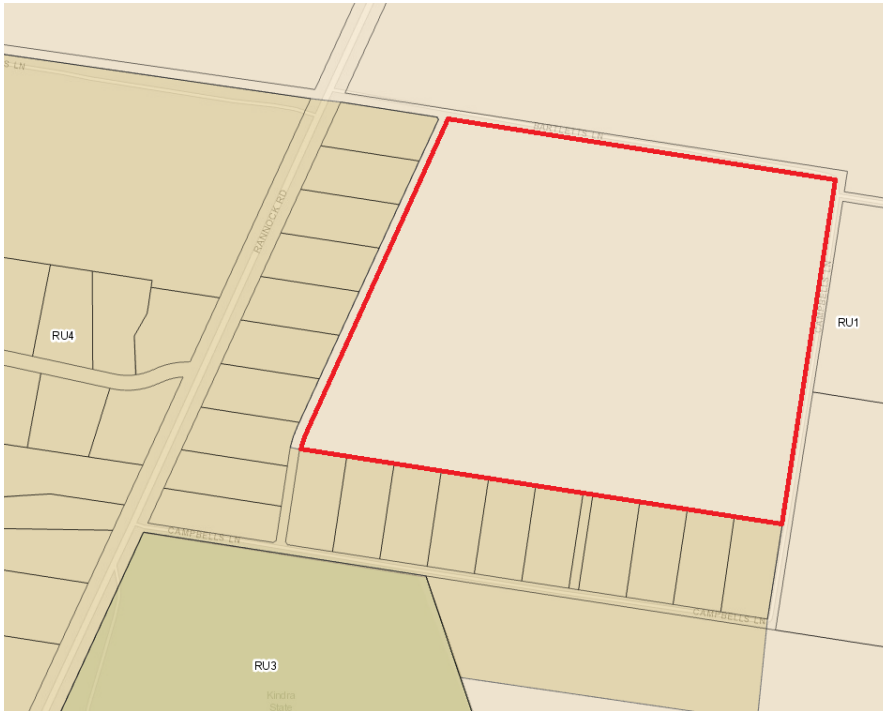


Figure 5 Current zoning map

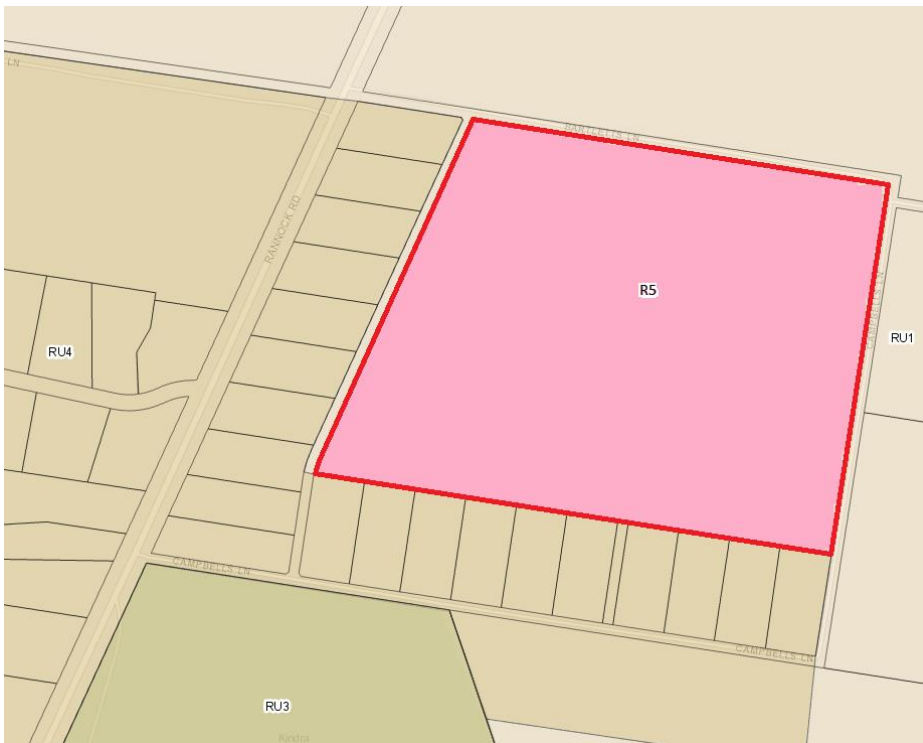


Figure 6 Proposed zoning map

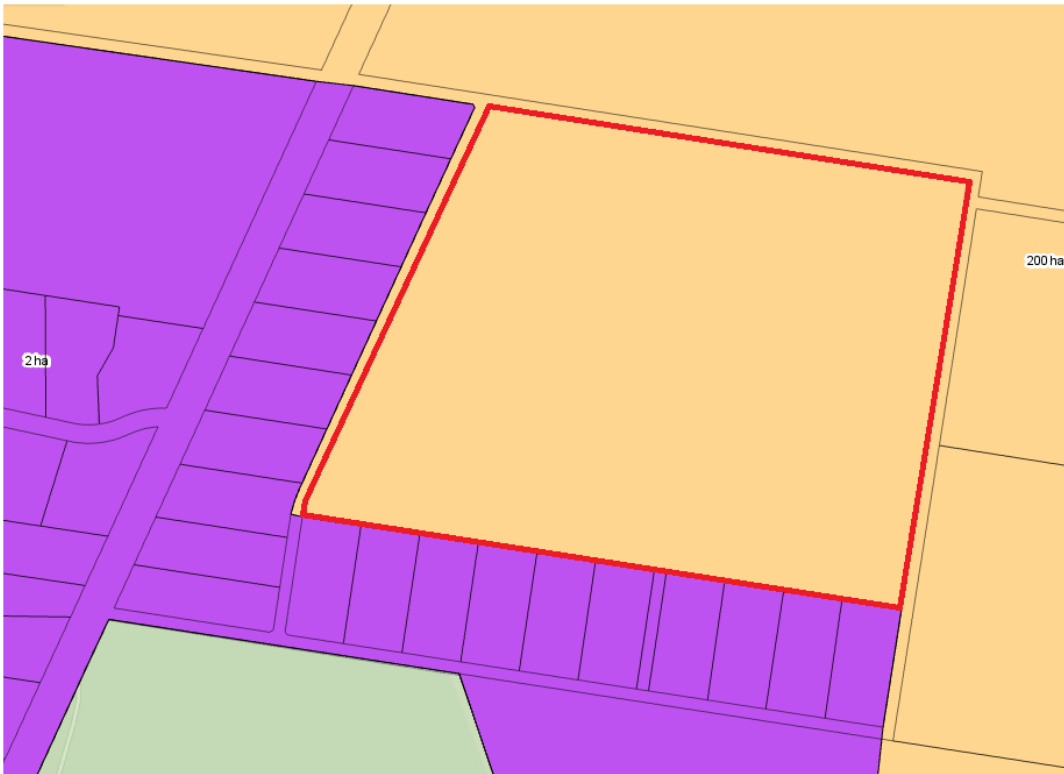


Figure 7 Current minimum lot size map

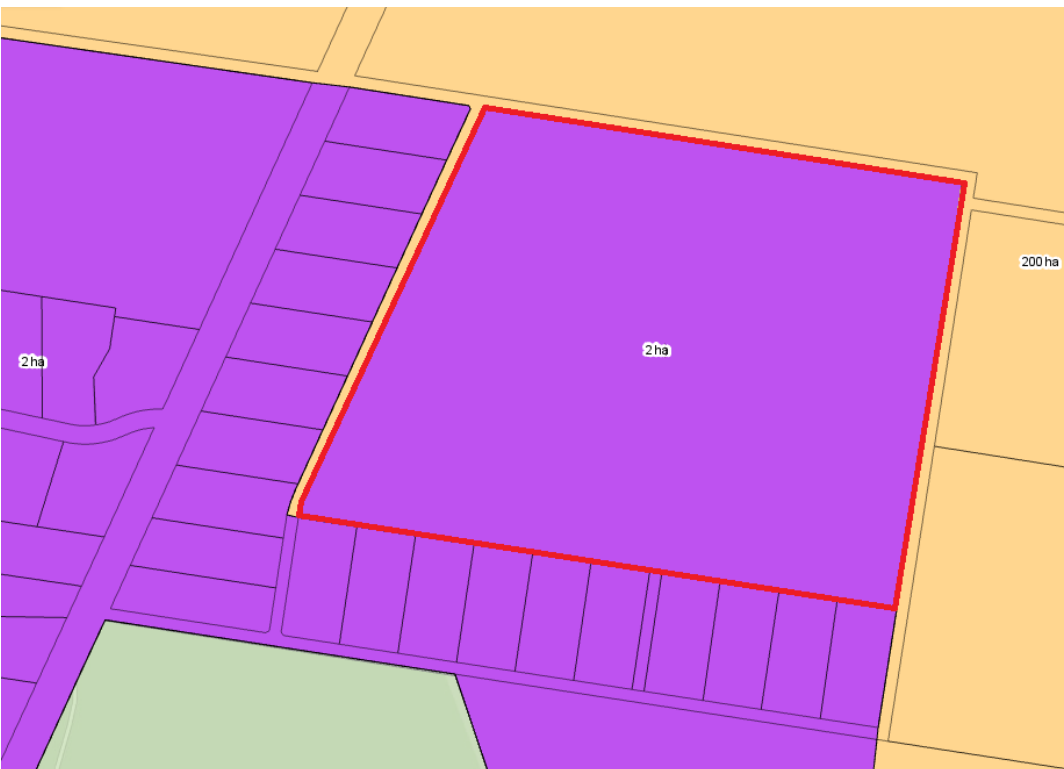


Figure 8 Proposed minimum lot size map

1.6 Background

This proposal is the part of the first stage of rural residential land release proposed by the CSSS, adopted by Council in late 2022. The CSSS staging map earmarks this site (and 2 subsequent sites) for rezone between 2022 – 2025, as shown in the excerpt below (Figure 9). As part of the Department of Planning and Environment's (DPE) review of the Draft CSSS, DPE requested that land identified in the CSSS staging map as 'RU4:2022-2025' be instead zoned R5 Large Lot Residential. This proposal aligns with that request. The proposal aims to provide for logical expansion of rural residential housing product consistent with the development immediately adjoining the subject site to the west and south. This planning proposal was lodged the same day as PP-2022-4153 (Jerricks Lane) which also seeks R5 zoning and 2ha MLS for land on Dyces Lane (see Figure 9 below).

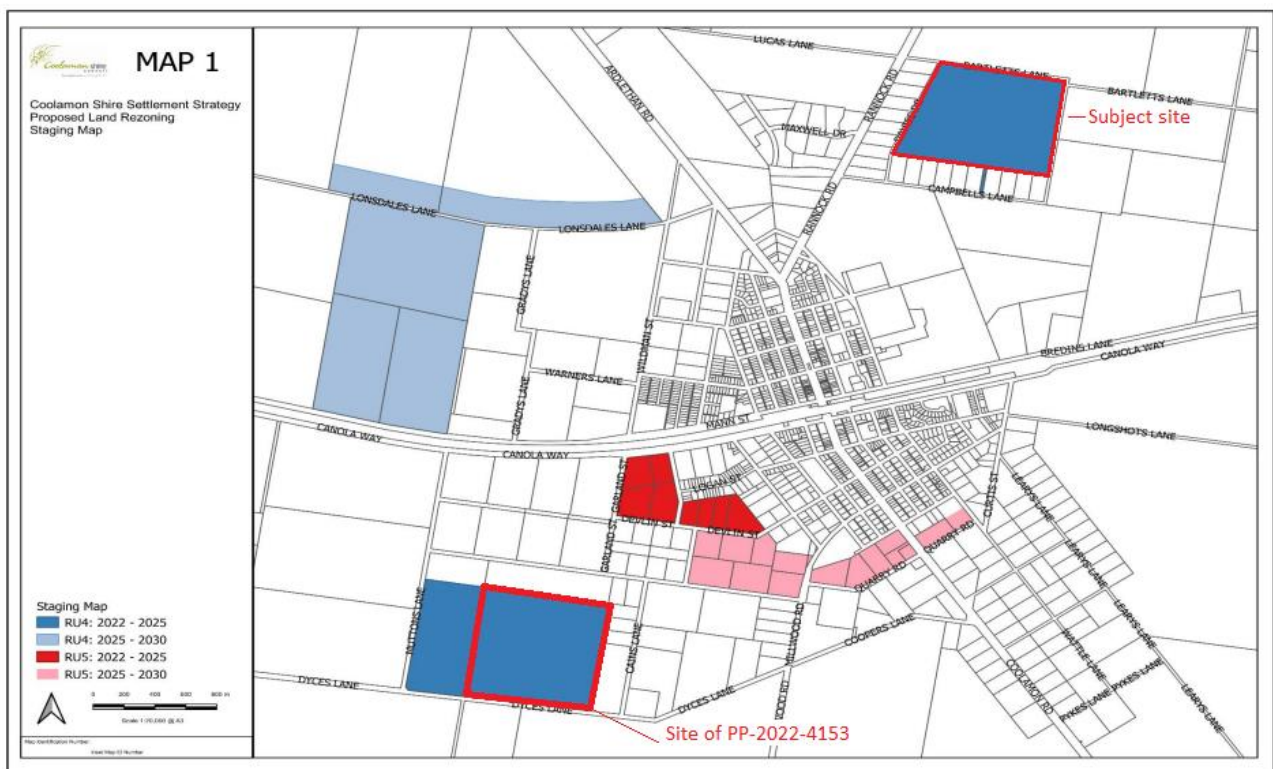


Figure 9 CSSS staging map (Source: Coolamon Shire Settlement Strategy, p.99)

2 Need for the planning proposal

The planning proposal cites the following need for the proposal:

- Forecast population growth of 15.8% and demand for an additional 280 dwellings in the Coolamon township by 2040
- Alignment with the recommendations of the CSSS which proposes to meet short term growth and housing demand via staged release of R5 and RU5 zoned land between 2022-2025.

The supplementary information provided by the applicant to provide context on current housing demand and lot supply (as discussed in Section 1.3.4 of this report) notes:

- The existing supply of RU4 zoned land with 2 ha MLS is not being developed into low density/rural residential housing lots due to lack of owner interest in developing their land
- The Coolamon township continues to experience healthy demand for residential land, indicated by both lot sales activity and recent housing approval data. The current lot demand is outpacing available residential land supply and therefore new land is required to be released to accommodate short term growth.

The planning proposal is the result of the LSPS and CSSS adopted by Coolamon Shire Council.

Coolamon Shire Council Local Strategic Planning Statement 2019 - 2039

In accordance with Priority 8 *-Investigate opportunities for residential and rural residential land rezoning-* the Coolamon Shire Council LSPS identifies strong demand for rural residential growth and includes an action to create a residential land strategy to inform and identify residential land supply needs to 2039. The Coolamon Shire Settlement Strategy was created to implement the outcomes of this action.

Coolamon Shire Settlement Strategy

DPE evaluated the draft CSSS, providing in principle support of the strategy while noting that future planning proposals would need to address issues associated with flood risk, sewer servicing, and further justification for the proposed 4ha RU4 zoned lots to support the equine and harness racing industry. Additionally, DPE recommended that future rural residential areas be zoned to R5 Large Lot Residential, rather than as RU4 zoned land (as proposed in the CSSS) to accurately reflect use. A copy of the DPE correspondence is included as Document 14.

Assessment

The planning proposal is the most suitable means of achieving the intended outcomes to meet demand for desired housing product and capitalise on Coolamon's attractiveness/identity as a rural lifestyle alternative to the nearby City of Wagga Wagga. This site is not constrained by flood risk, is proposed to be serviced by onsite sewer management and does not form part of the area identified to provide housing to support the equine and harness racing industry. As such, the site does not require any further detailed studies or assessment identified in DPE response to the draft CSSS. The planning proposal is accompanied by the necessary studies/investigations to support site suitability and presents a logical and economical expansion of existing rural residential housing product in Coolamon.

3 Strategic assessment

3.1 Regional Plan

The following table provides an assessment of the planning proposal against relevant aspects of the Draft Riverina Murray Regional Plan 2041 (adopted 18 January 2023) which was in draft form at the time the planning proposal was lodged. The proposal is also consistent with the Riverina Murray Regional Plan 2036 (now superseded).

Table 4 Regional Plan assessment –Riverina Murray Regional Plan 2041

Regional Plan Objectives	Justification
OBJECTIVE 1: Protect, connect and enhance biodiversity throughout the region	Consistent - No impacts to local or regional biodiversity proposed by the planning proposal. The Biodiversity Assessment Report provided with the planning proposal confirms that harm to onsite biodiversity can be largely avoided. PP achieves the applicable outcomes within Strategy 1.1 relating to strategic and statutory planning.
OBJECTIVE 3: Increase natural hazard resilience	Consistent - The site is not mapped as bushfire or flood prone and achieves the applicable outcomes within Strategy 3.1.
OBJECTIVE 5: Ensure housing supply, diversity, affordability and resilience	Consistent – Coolamon Shire Council has prepared the CSSS which has been supported, with caveats, by DPE. The CSSS accords with Strategy 5.1 and 5.3.
OBJECTIVE 6: Support housing in regional cities and their sub-regions	Consistent – Coolamon provides a level of housing to population commuting to the regional city of Wagga Wagga. The planning proposal is consistent with achieving the overarching aims of Objective 6.
OBJECTIVE 7: Provide for appropriate rural residential development	Consistent – The planning proposal aligns with the outcomes of Strategy 7.1 to produce well planned rural residential development. Given the current settlement structure of Coolamon and the characteristics of the site, the PP is appropriately located to provide a logical expansion of existing rural residential product.
OBJECTIVE 11: Plan for integrated and resilient utility infrastructure	Consistent – The planning proposal aligns with outcomes of Strategy 11.1 and can be suitably serviced with all required utilities.

Table 5 Regional Plan assessment –Riverina Murray Regional Plan 2036

Regional Plan Directions	Justification
GOAL 1 Foster economic growth	Consistent – The proposal does not present any impact to the achievement of Goal 1 Directions and Actions. The subject land is not used for significant agricultural production and will accommodate the growth of the Coolamon population who will in turn support the local economy in the township. Additional employment will also be activated via future design and development of the subdivision and housing.

GOAL 2: A healthy environment with pristine waterways	Consistent - The site is not mapped as bushfire or flood prone, is not located along a river corridor and does not contain any mapped (or known) environmental assets. The proposal does not present any impact to the achievement of Goal 2 Directions and Actions.
GOAL 3: Efficient transport and infrastructure networks	Consistent – The proposal does not pose any impact to transport routes and will not limit the achievement of Goal 3 Directions and Actions
GOAL 4: Strong, connected and healthy communities	Consistent with Directions 22-29. The proposal will: <ul style="list-style-type: none"> ○ assist in providing rural housing options to the regional city of Wagga Wagga (Direction 22). ○ generate supply of housing product to meet current demand, increase housing choice, and facilitate growth of the Coolamon township (Directions 22, 23, 25, 26) ○ provide for logical expansion of rural residential development in a location which has been identified in the Coolamon Shire Settlement Strategy and can be serviced with all required infrastructure (Direction 27 and 28) ○ provide housing in a location which indicates no impact to Aboriginal cultural heritage or significance (Direction 29)

3.2 District Plan

The site is not affected by a District Plan.

3.3 Local

The proposal states that it is consistent with the following local plans and endorsed strategies. It is also consistent with the strategic direction and objectives, as stated in the table below:

Table 6 Local strategic planning assessment

Local Strategies	Justification
Local Strategic Planning Statement	The proposal is consistent with Priority 8 of the Coolamon Shire Council Local Strategic Planning Statement 2019-2039 which seeks to respond to strong demand for rural residential growth by investigating opportunities for residential and rural-residential land rezoning.
Coolamon Shire Settlement Strategy (CSSS)	The CSSS identifies the subject site for first stage release to meet projected short term growth in a rural residential setting. The proposal aligns with the outcomes of the CSSS.

3.4 Section 9.1 Ministerial Directions

The planning proposal consistency with relevant section 9.1 Directions is discussed below:

Table 7 9.1 Ministerial Direction assessment

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
1.1 Implementation of Regional Plans	Yes	Complies with Direction 1.1 (1) requiring planning proposals to be consistent with a Regional Plan released by the Minister for Planning.
1.3 Approval and Referral Requirements	Yes	The proposal complies with (a), (b) and (c) of the Direction to ensure that LEP provisions encourage the efficient and appropriate assessment of development.
3.1 Conservation Zones	Yes	The proposal does not include provisions which seek to alter the protection and conservation of environmentally sensitive areas. The land is not mapped by the Coolamon LEP 2011 Sensitive Area mapping.
3.2 Heritage Conservation	Yes	The proposal will not alter the existing provisions within the Coolamon LEP 2011 to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.
3.5 Recreation Vehicle Areas	Yes	The proposal does not seek to permit or alter any standards or permissibility regarding Recreational Vehicle Areas.
4.3 Planning for Bushfire Protection	Yes and consultation required	<p>The subject land is not itself mapped as being bushfire prone, however is located in proximity to mapped bushfire risk. See map insert.</p> <p>While the applicant has not consulted with the Commissioner of the NSW Rural Fire Service to date, the planning proposal is supported by Bushfire Assessment Report (Document 12) which suitably addresses the requirements of this Direction. Any gateway determination issued in respect of this proposal will include a requirement to consult with the NSW Rural Fire Service, as required by the Direction.</p>

4.4 Remediation of Contaminated Land	Yes	Given that the subject site has been used for agriculture for a prolonged period (since at least 1961), the Direction applies. The applicant has provided a preliminary (Document 9) and detailed site investigation (Document 10) to assess contamination levels and risk which conclude that the site is suitable for the proposed intended future residential development. Chemical accumulation in areas around the site used for silos, chemical storage areas, sheep yards, machinery sheds, and potential fuel storage are superficial, of low significance, and low risk to current and future users. The septic system which serviced the former now demolished dwelling could not be located and further assessment is recommend if the septic system is found. This can be managed as part of subsequent development application process.
5.1 Integrating Land Use and Transport	No	The proposal is not located in a position which concentrates development in Coolamon's centre and is unlikely facilitate good connection to pedestrian/cycle and public transport networks. However, the proposal is compatible with surrounding land uses and will utilise available services and infrastructure (via extension), consistent with the CSSS. The development will provide for the logical extension of housing product which fits the existing character of Coolamon as a district town. The Acting Director Western Region, as the nominated officer, can be satisfied that the inconsistency with this Direction is of minor significance to the town, or region.
5.2 Reserving Land for Public Purposes	Yes	The proposal does not seek to create, alter or reduce existing zonings or reservations of land for public purposes
6.1 Residential Zones	No but justified	While the proposal is consistent with the objectives of the Direction, due to the location of the site, the proposal is inconsistent with Direction 6.1(1)(c) as the Regional Plan specifies a proposal must include provisions that will reduce the consumption of land for housing and associated urban development on the urban fringe. However, as the CSSS gives consideration to the objectives of this Direction and specifically identifies this site, the Acting Director Western Region, as the nominated officer, can be satisfied that the inconsistency with this Direction is justified in this instance.
6.2 Caravan Parks and Manufactured Home Estates	Yes	The proposal does not seek to affect or alter provisions affecting caravan parks or manufactured home estates. Caravan parks will be permitted with consent under the proposed Zone R5 land use table.

8.1 Mining, Petroleum Production and Extractive Industries	No	The Coolamon zone RU1 Primary Production zone currently permits open cut mining, and 'industries' with consent (thus permits mining). The proposal seeks to implement a Zone R5 land use table which will prohibit industries and open cut mining. As such, the Direction applies. The applicant has not sought the required input from NSW Mining, Exploration and Geoscience, however such consultation will be undertaken prior to community consultation, as a requirement of the Gateway determination. Given the current use of the site, the surrounding land uses, and CSSS specifically identifying this site for residential expansion. The inconsistency has not been resolved and consultation with NSW Mining, Exploration and Geoscience is required.
9.1 Rural Zones	No but justified	<p>The proposal is inconsistent with Direction 9.1(1)(a) as it seeks to rezone land from a rural zone to a residential zone. However, as the CSSS gives consideration to the objectives of this Direction and specifically identifies this site, the Acting Director Western Region, as the nominated officer, can be satisfied that the inconsistency with this Direction is of minor significance to the town, or region.</p> <p>In addition, the Department of Primary Industry (Agriculture) (DPI) made a submission on the CSSS. The submission, as presented in Council's exhibition report, supports strategic led planning for agriculture and that the sites proposed for rezoning in the CSSS are consistent with the strategic principles. No objection was made, however, DPI did note that it would support the inclusion of specific clauses requiring buffers and appropriate vegetation to be established as one mechanism that could assist in minimising land use conflicts between the large scale agricultural operations and new peri urban housing. A note reminding Council of this has been included in the Gateway Determination letter.</p>
9.2 Rural Lands	No but justified	While the proposal is technically inconsistent with Direction 9.2(1)(e), (f), and (g), the proposal is consistent with the Riverina Murray Regional Plan 2036, the Riverina Murray Regional Plan 2041, and local strategic plans for Coolamon Shire Council. The proposal, the supporting reports, and the CSSS suitably address the majority of assessment criteria of Direction 9.2(1) and (2) and the Acting Director Western Region, as the nominated officer, can be satisfied that the inconsistency with this Direction is of minor significance to the town, or region.

3.5 State environmental planning policies (SEPPs)

While the proposal is not inconsistent with the aims of all SEPPs however, all but one are not applicable to this planning proposal as they are either not triggered at planning proposal stage, or relate to specific application areas not applicable to the subject site.

SEPP (Resilience and Hazards) 2021 – Chapter 4 Remediation of land, applies. The proposal is consistent with the SEPP which aims:

- To provide for a State-wide planning approach to the remediation of contaminated land

- To promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment by specifying certain considerations that are relevant in rezoning land.

Given that the subject site has been used for agriculture for a prolonged period (since at least 1961), the applicant has provided site investigations to assess contamination levels and risk (Documents 9 and 10). The investigation concludes that the site is suitable for the proposed future residential development and Council have not raised objection to the proposal.

4 Site-specific assessment

4.1 Environmental

As discussed in earlier sections of this report, the site is not mapped as containing significant sensitive biodiversity or known cultural heritage items and the supporting reports conclude that future development of the site as intended poses no significant environmental impact or risk. See previous comments for further detail. The site physically adjoins rural residential lots of approx. 2ha on the western and southern boundaries and provides for a logical extension of compatible residential development which is consistent with the adopted CSSS.

4.2 Social and economic

Coolamon is the main township of Coolamon Shire Council, providing a strong local economy and a range of services to the LGA. Coolamon is expected to accommodate 93% of the projected population increase to 2040 and is experiencing healthy demand for housing and rural residential product. The proposal will increase housing supply and choice and incoming population will in turn contribute to local spending and services within the Coolamon economy. Design and development of the subdivision is likely to generate employment associated civil design and construction.

4.3 Infrastructure

The following table provides an assessment of the adequacy of infrastructure to service the site and the development resulting from the planning proposal and what infrastructure is proposed in support of the proposal.

Table 8 Infrastructure assessment

Infrastructure	Assessment
Reticulated water supply	Available via extension of existing services – See Document 4 which notes there is adequate capacity to service residential intensification at 2ha allotments.
Electricity supply	Available via extension of existing services – See Document 6
Telecommunications	Available via extension – Fixed wireless telecommunication services are in vicinity of the site
Reticulated sewer	There is no reticulated sewerage infrastructure which will be available to this site. Onsite sewerage management will be required for subsequent development of the rezoned land. Based on the area of the eventual lots (minimum of 2ha) onsite sewerage management is not anticipated to pose any unmanageable impact.

Stormwater	There is no stormwater infrastructure available to this site. Stormwater will be required to be managed onsite for subsequent development of the rezoned land. It is proposed that future stormwater generated from residential development will be managed by a stormwater detention basin. See Document 5.
Transport	The site currently has road access via Campbells Lane. Campbells Lane currently services 10 lots directly and forms the southern access to Davies Drive (a further 10 lots serviced). Future development assessment will determine if Campbells Lane requires upgrade to service the potential 25 x 2 ha allotments. Public transport would not be available in proximity to this site making creating predominant reliance on private vehicles or taxis services (if available) to reach Coolamon CBD and surrounds.

5 Consultation

5.1 Community

Council has not proposed a specified consultation period. The *Local Environmental Plan Making Guideline* (September 2022) recommends a “standard” planning proposal be exhibited for a minimum of 20 working days. This exhibition period is considered appropriate, and forms the conditions of the Gateway determination.

5.2 Agencies

The Scoping Proposal (Document 15) supplied as part of the planning proposal recommends consultation with NSW Rural Fire Service.

Given the proximity of bushfire prone land to the subject site and the recommendation to rezone agricultural land, it is recommended the following agencies be consulted on the planning proposal and given 30 days to comment:

- NSW Rural Fire Service; and
- NSW Mining, Exploration and Geoscience in relation to Ministerial Direction 8.1.

6 Timeframe

Council has not proposed a timeframe to complete the LEP.

The Department recommends a time frame of 9 months to ensure it is completed in line with its commitment to reduce processing times. If the Gateway is supported it should also include conditions requiring Coolamon Shire Council to exhibit and report on the proposal by specified milestone dates.

A condition to the above effect is recommended in the Gateway determination.

7 Local plan-making authority

Council has advised that it would like to exercise its functions as a Local Plan-Making authority.

While a Councillor of Coolamon Shire Council has declared a pecuniary interest in the site/planning proposal, the Department recommends that Council be authorised to be the local plan-making authority based on the proposed outcomes being reflected in the adopted CSSS.

8 Assessment summary

The planning proposal is supported to proceed with conditions for the following reasons:

- The proposal seeks to implement the outcomes of the adopted CSSS which references this site for rural residential expansion between 2022-2025
- The site is unconstrained by biodiversity, heritage, or hazard and poses no loss of significant agricultural land.
- The site can be serviced with all required utilities and infrastructure for large lot residential product and is a logical expansion of the adjoining rural residential product.

As discussed in the previous sections 4 and 5, the proposal should be updated to:

- Remove reference to any changes to Section 4.2B of the Coolamon LEP 2011 – this is not required. Council on 31 January 2023 agreed to remove such item.

- Document 13 dated 31 January 2023, the additional material supplied by Coolamon Shire Council in response to DPE request for further information must also be included as part of the exhibition package for this proposal. A Gateway condition has been recommended.

9 Recommendation

It is recommended the delegate of the Secretary:

- Agree that any inconsistencies with section 9.1 Directions 4.3 Planning for Bushfire Protection, 5.1 Integrating Land Use and Transport, 6.1 Residential Zones, 9.1 Rural Zones and 9.2 Rural Lands are minor and justified and no further work is required.

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

1. Prior to community consultation, the planning proposal is to be updated to:
 - remove reference to any amendment to clause 4.2B of the Coolamon Local Environmental Plan 2011
 - amend the Project Timeline to reflect the Gateway determination of the proposal and subsequent milestones for finalisation in 9 months.
2. Consultation is required with the following public authorities:
 - NSW Rural Fire Service
 - NSW Mining, Exploration and Geoscience
3. The planning proposal should be made available for community consultation for a minimum of 20 days
 - (a) The correspondence supplied by Coolamon Shire Council on 31 January 2022 in response to Department of Planning and Environment request for further information is to be exhibited with the planning proposal as part of the public consultation package.
4. The timeframe for completing the LEP is to be 9 months from the date of the Gateway determination.
5. Given the nature of the proposal, Council should be authorised to be the local plan-making authority.
6. A public hearing is not required to be held in respect of this planning proposal.



(Signature)

16/02/2023 (Date)

Wayne Garnsey

Manager Local and Regional Planning, Western Region



_____ (Signature)

__21/02/2023__ (Date)

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