



New South Wales

Cowra Local Environmental Plan 1990 (Amendment No 14)

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Planning, make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*. (DUB0108100/PC)

FRANK SARTOR, M.P.,
Minister for Planning

2006 No 172

Clause 1 Cowra Local Environmental Plan 1990 (Amendment No 14)

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under the

Environmental Planning and Assessment Act 1979

1 Name of plan

This plan is *Cowra Local Environmental Plan 1990 (Amendment No 14)*.

2 Aims of plan

The aims of this plan are:

- (a) to provide greater security for all forms of agriculture and to facilitate opportunities for diversification and farm expansion, and
- (b) to minimise the potential for land use conflict between agriculture and settlement by requiring new dwellings to be ancillary to agricultural use, and
- (c) to minimise the fragmentation and loss of agricultural land, and
- (d) to reduce the uncoordinated demand for roads, infrastructure and services on the wider community that can be caused by inappropriately located settlement for lifestyle purposes, and
- (e) to enhance the natural resource outcomes associated with sustainable management of rural lands, and
- (f) to minimise settlement of rural areas for lifestyle purposes and encourage such development to be located after broad strategic land use assessment.

3 Land to which plan applies

This plan applies to all land within the local government area of Cowra to which *Cowra Local Environmental Plan 1990* applies.

4 Amendment of Cowra Local Environmental Plan 1990

Cowra Local Environmental Plan 1990 is amended as set out in Schedule 1.

5 Applications made before 4 March 2005

This plan does not apply to or in respect of a development application that was made before 4 March 2005, being the first day of public exhibition of the draft of this plan.

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Schedule 1 Amendments

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(Clause 4)

[1] Clause 2 Aims, objectives etc

Omit clause 2 (2) (a). Insert instead:

- (a) in relation to the rural needs of the Shire:
 - (i) to encourage and preserve all forms of agriculture, and
 - (ii) to preserve agricultural land for all forms of agriculture, and
 - (iii) to provide greater security for all forms of agriculture and to facilitate opportunities for diversification and farm expansion, and
 - (iv) to minimise the potential for land use conflict between agriculture and settlement by requiring new dwellings to be ancillary to agricultural use, and
 - (v) to minimise the fragmentation and loss of agricultural land, and
 - (vi) to reduce the uncoordinated demand for roads, infrastructure and services on the wider community, and
 - (vii) to improve the natural resource outcomes associated with sustainable management of rural lands, and
 - (viii) to minimise settlement of rural areas for lifestyle purposes and encourage such development to be located after broad strategic land use assessment, and
 - (ix) subject to subparagraph (i), to provide for other types of development appropriate in rural zones, particularly tourist oriented and employment generating development, and
 - (x) to ensure mineral resources and energy generation potential are not sterilised by competing land uses.

[2] Clause 5 Interpretation

Insert in alphabetical order in clause 5 (1):

sustainable natural resource management means ensuring that the health, diversity and productivity of the nation's natural resources are maintained or enhanced for the benefit of future

generations through the conservation of biological diversity and the integrity of ecosystems.

[3] Clause 5 (2) (d)

Insert at the end of clause 5 (2) (c):

, and

- (d) a reference to “Cowra Shire” (except in the expression “Cowra Shire Council”) or “the Shire” is a reference to the local government area of Cowra.

[4] Clause 9 Zone objectives and development control table

Omit item 1 of the matter relating to Zone No 1 (a) (the Rural Zone) in the Table to the clause.

Insert instead:

1 Objectives of zone

The objectives of this zone are:

- (a) to promote sustainable agriculture, and
- (b) to preserve agricultural land, and
- (c) to provide greater security for all forms of agriculture and to facilitate opportunities for diversification and farm expansion, and
- (d) to ensure settlement is ancillary to agriculture and does not result in inefficiencies due to reduction in holding size, land use conflict or fragmentation of agricultural land, and
- (e) to ensure non-agricultural development is sited to avoid or mitigate impacts on agriculture, avoid land use conflict and to conserve agricultural land as a resource, and
- (f) to take into consideration the potential economic recovery of known mineral and extractive resources in the siting of development, and
- (g) to provide for other types of development appropriate in rural zones, particularly tourist oriented and employment generating development within the capability of the land to support the development, and
- (h) to facilitate sustainable natural resource management by managing development of agricultural land, and

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- (i) to ensure development in the rural area does not result in demand for the provision of infrastructure or services above those required to service the existing rural community.

[5] Clause 10 Subdivision of land generally

Omit clause 10 (2). Insert instead:

- (2) Land may be subdivided without development consent where the subdivision is for the purpose of:
 - (a) consolidation of allotments, or
 - (b) rectifying encroachments along boundaries of allotments, or
 - (c) adjusting the boundaries of allotments where an additional allotment is not created and where the adjustment:
 - (i) does not facilitate the transfer of a second dwelling onto a separate allotment that is below the minimum area for the zone, and
 - (ii) ensures there is sufficient land within each allotment, on which a dwelling-house exists or could exist, for the satisfactory disposal of effluent on each allotment, and
 - (iii) ensures there is a separation (where possible) between the perimeter of dwelling-houses or dwelling-house sites and adjoining agricultural property boundaries of at least 150 metres on land in Zone No 1 (a).

[6] Clause 12

Omit the clause. Insert instead:

12 Control of subdivision for agriculture in Zone No 1 (a)

- (1) This clause applies to land which is within Zone No 1 (a).
- (2) Subject to subclauses (3) and (4), the Council may consent to the creation of a vacant allotment of any area for the purpose of agriculture or intensive agriculture.
- (3) The Council may consent to the creation of an allotment for the purpose of agriculture that is occupied or will be occupied by an ancillary dwelling-house only if the allotment has an area of not less than 400 hectares.

- (4) Despite subclause (3), the Council may consent to the creation of an allotment for the purpose of intensive agriculture that is or will be subject to irrigation requiring a licence under the *Water Act 1912* or *Water Management Act 2000* and is occupied or will be occupied by an ancillary dwelling-house only if the allotment has an area of not less than 40 hectares.

[7] Clause 13

Omit the clause. Insert instead:

13 Control of subdivision for permissible uses other than agriculture or dwelling-houses

Despite clause 12, land in Zone No 1 (a) may be subdivided to create an allotment of any area, either vacant or occupied by a dwelling-house that is ancillary to a use granted prior consent, subject to the Council being satisfied that the allotment is being or will be used for a land use (other than agriculture, intensive agriculture or a dwelling-house) permitted on the land in that zone, but only if the Council is also satisfied that:

- (a) the size of the proposed allotment and its future use will be consistent with the objectives of the zone, and
- (b) the level of demand for any goods or services that are to be supplied from the allotment, and for any activities that are to be carried out on the allotment, and the extent to which the allotment is proposed to be used to meet that demand, justify the creation of the allotment, and
- (c) the future use of the allotment will not result in land use conflict or degradation of natural resources, and
- (d) the creation of the allotment is unlikely to adversely affect the existing and potential capability of the adjoining and adjacent land to be used for other permissible land uses in that zone, and
- (e) the allotment to be created and any subsequent development on the allotment is unlikely to have the effect of creating a demand for uneconomic provision of services by the Council.

[8] Clause 14 Subdivision in Zone No 1 (a) on non-prime agricultural land

Omit the clause.

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[9] Clauses 17, 17A and 17B

Omit clause 17. Insert instead:

17 Dwelling-houses—Zones Nos 1 (a) and 1 (c) in general

Despite any other provision of this plan (including clauses 17A and 17B), the Council may consent to the erection of a dwelling-house on an allotment of land within Zone No 1 (a) or 1 (c) if the Council is satisfied that:

- (a) the allotment was created in accordance with a consent granted before the appointed day, and it is an allotment on which a dwelling-house could have been lawfully erected immediately before the appointed day, or
- (b) the allotment comprises an allotment created for the purpose of a dwelling-house by a subdivision for which consent was granted under this plan.

17A Dwelling-houses in Zone No 1 (a)

The Council may consent to the erection of a dwelling-house on land within Zone No 1 (a) only if:

- (a) the land comprises a vacant existing holding, or
- (b) the use of the dwelling-house will be ancillary to and necessary for use of the land for the purpose of agriculture (other than intensive agriculture) and the land is, or will be consolidated into, a single vacant allotment that has an area of not less than 400 hectares, or
- (c) the use of the dwelling-house will be ancillary to and necessary for use of the land for the purpose of sustainable intensive agriculture and:
 - (i) the land is or will be subject to irrigation requiring a licence under the *Water Act 1912* or *Water Management Act 2000*, and
 - (ii) the land is, or the Council is satisfied that the land will be, consolidated into a single vacant allotment that has an area of not less than 40 hectares before the dwelling-house is erected, and
 - (iii) a condition is imposed on the consent that prohibits the erection of a dwelling-house before the commencement of the use of the land for the purpose of that sustainable intensive agricultural activity.

17B Dwelling-houses in Zone No 1 (c)

The Council may consent to the erection of a dwelling-house on land within Zone No 1 (c) only if:

- (a) the land has an area of not less than 4,000 square metres and not more than 2 hectares, or
- (b) the land comprises a vacant existing holding.

[10] Clause 19 Development in Zone No 1 (a) involving prime and non-prime agricultural land

Omit the clause.

[11] Clause 21

Omit the clause. Insert instead:

21 Additional dwellings

The Council may consent to the erection of an additional dwelling-house on land within Zone No 1 (a) or 1 (c) (including the alteration of an existing dwelling-house to create 2 dwellings) where:

- (a) in the case of land within Zone No 1 (a), the land has an area of not less than 40 hectares and will be consolidated into one single allotment, and
- (b) the additional dwelling-house is located on the same allotment or parcel of land as the existing dwelling-house and the additional dwelling-house will not be capable of being excised by way of transfer of a new or existing title, and
- (c) the dwelling-houses share a common access to a public road, where practicable, and
- (d) the Council is satisfied that satisfactory conditions and area exist to sustainably dispose of effluent from both dwelling-houses.