



New South Wales

# **Cowra Local Environmental Plan 2012 (Amendment No 3)**

under the

**Environmental Planning and Assessment Act 1979**

The following local environmental plan is made by the local plan-making authority under the *Environmental Planning and Assessment Act 1979*.

**PAUL DEVERY, GENERAL MANAGER  
COWRA SHIRE COUNCIL**  
As delegate for the local plan-making authority

## **Cowra Local Environmental Plan 2012 (Amendment No 3)**

under the

Environmental Planning and Assessment Act 1979

### **1 Name of Plan**

This Plan is *Cowra Local Environmental Plan 2012 (Amendment No 3)*.

### **2 Commencement**

This Plan commences on the day on which it is published on the NSW legislation website.

### **3 Land to which Plan applies**

This Plan applies to the land to which *Cowra Local Environmental Plan 2012* applies.

### **4 Maps**

The maps adopted by *Cowra Local Environmental Plan 2012* are amended or replaced, as the case requires, by the maps approved by the local plan-making authority on the making of this Plan.

## **Schedule 1 Amendment of Cowra Local Environmental Plan 2012**

### **[1] Land Use Table**

Insert “Function centres;” and “Transport depots;” in appropriate order in item 3 of the matter relating to Zone RU1 Primary Production.

### **[2] Land Use Table, Zone RU4 Primary Production Small Lots**

Insert “Function centres;” and “Transport depots;” in appropriate order in item 3.

### **[3] Zone R2 Low Density Residential**

Insert in appropriate order:

#### **Zone R2 Low Density Residential**

##### **1 Objectives of zone**

- To provide for the housing needs of the community within a low density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To ensure that any non-residential land uses permitted within the zone are compatible with the amenity of the area.
- To ensure that development does not conflict with land uses permitted within adjoining zones.
- To ensure that development does not detract from the core objectives of nearby light industrial zones.

##### **2 Permitted without consent**

Home occupations; Roads

##### **3 Permitted with consent**

Boarding houses; Centre-based child care facilities; Dwelling houses; Group homes; Oyster aquaculture; Pond-based aquaculture; Respite day care centres; Tank-based aquaculture

##### **4 Prohibited**

Any development not specified in item 2 or 3.

### **[4] Land Use Table, Zone B5 Business Development**

Omit “Group homes;”, “Residential flat buildings;”, “Semi-detached dwellings;” and “Seniors housing;” from item 3.

### **[5] Land Use Table, Zone IN2 Light Industrial**

Insert “Animal boarding or training establishments;” and “Plant nurseries;” in appropriate order in item 3.

### **[6] Clause 4.1AA Minimum subdivision lot size for community title schemes**

Omit clause 4.1AA (2) (c).

**[7] Clauses 4.1C and 4.1D**

Insert after clause 4.1B:

**4.1C Exceptions to minimum subdivision lot sizes for certain residential development**

- (1) The objective of this clause is to encourage housing diversity without adversely impacting on residential amenity.
- (2) This clause applies to development on land in the following zone:
  - (a) R1 General Residential.
- (3) Development consent may be granted to a single development application for development to which this clause applies that is both of the following:
  - (a) the subdivision of land into 2 or more lots,
  - (b) the erection of a dwelling house, an attached dwelling or a semi-detached dwelling on each lot resulting from the subdivision, if the size of each lot is equal to or greater than 300 square metres.

**4.1D Boundary changes between lots in certain rural, residential and environment protection zones**

- (1) The objective of this clause is to permit the boundary between 2 or more lots to be altered in certain circumstances to give landowners a greater opportunity to achieve the objectives for development in a zone.
- (2) This clause applies to land in any of the following zones:
  - (a) Zone RU1 Primary Production,
  - (b) Zone RU3 Forestry,
  - (c) Zone RU4 Primary Production Small Lots,
  - (d) Zone R5 Large Lot Residential,
  - (e) Zone E1 National Parks and Nature Reserves,
  - (f) Zone E2 Environmental Conservation,
  - (g) Zone E3 Environmental Management.
- (3) Despite clause 4.1 (3), development consent may be granted to the subdivision of 2 or more adjoining lots, being land to which this clause applies, if the subdivision will not result in any of the following:
  - (a) an increase in the number of lots,
  - (b) an increase in the number of dwelling houses, secondary dwellings or dual occupancies on (or dwelling houses, secondary dwellings or dual occupancies that may be erected on) any of the lots.
- (4) Before determining a development application for the subdivision of land under this clause, the consent authority must consider the following:
  - (a) the existing uses and approved uses of other land in the vicinity of the subdivision,
  - (b) whether or not the subdivision is likely to have a significant impact on land uses that are likely to be preferred and the predominant land uses in the vicinity of the development,
  - (c) whether or not the subdivision is likely to be incompatible with a use referred to in paragraph (a) or (b),
  - (d) whether or not the subdivision is likely to be incompatible with a use of land in any adjoining zone,

- (e) any measures proposed by the applicant to avoid or minimise any incompatibility referred to in paragraph (c) or (d),
  - (f) whether or not the subdivision is appropriate having regard to the natural and physical constraints affecting the land,
  - (g) whether or not the subdivision is likely to have an adverse impact on the environmental values or agricultural viability of the land.
- (5) This clause does not apply:
- (a) in relation to the subdivision of individual lots in a strata plan or a community title scheme, or
  - (b) if the subdivision would create a lot that could itself be subdivided in accordance with clause 4.1.

**[8] Clause 4.2A Subdivision for the purposes of intensive livestock agriculture or intensive plant agriculture**

Omit clause 4.2A (4) (b). Insert instead:

- (b) the lot has, or arrangements have been made for the lot to be provided with, a lawful and sustainable water supply that is or will be adequate for the use of the land for the purpose of intensive livestock agriculture or intensive plant agriculture, and

**[9] Clause 7.11**

Insert after clause 7.10:

**7.11 Development on land in karst areas**

- (1) The objective of this clause is to protect, maintain or improve the following:
  - (a) geodiversity of karst features, systems and development processes,
  - (b) water quality and flow within karst catchments,
  - (c) ecological processes within karst environments,
  - (d) sensitive or threatened flora and fauna species, communities, populations and habitats,
  - (e) scenic and cultural values of karst landscapes.
- (2) This clause applies to land identified as “Identified Karst Environment” on the Natural Resources Sensitivity—Land Map.
- (3) In deciding whether to grant development consent, the consent authority must take into consideration the following matters:
  - (a) the impact of the development on the karst environment, including the following:
    - (i) air and water quality,
    - (ii) biodiversity and geodiversity,
    - (iii) its heritage, geology and ecology,
    - (iv) its recreational values,
  - (b) any proposed measures to be undertaken to ameliorate any potentially adverse impacts,
  - (c) whether the development will cause an appreciable deterioration in the quality or natural flow of water entering the karst environment,

- (d) whether the development will cause an appreciable deterioration in the quality or natural movement of air entering the subterranean portion of any karst environment,
  - (e) whether the development will result in any change to the richness and distribution of indigenous flora and fauna species in any karst environment,
  - (f) whether the development will result in any loss, damage or harm to caves or other geomorphological features.
- (4) Before granting consent to development to which this clause applies, the consent authority must be satisfied that:
- (a) the development is designed, sited and managed to avoid potential adverse environmental impacts on karst features, systems and development processes, or
  - (b) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise the impact.
- (5) In this clause:
- karst environment*** means an area of land, including subterranean land, that has developed in soluble rock through the processes of solution, abrasion or collapse, together with its associated bedrock, soil, water, gases and biodiversity.

**[10] Schedule 5 Environmental heritage**

Omit items I22, I30, I35 and I65. Insert instead in appropriate order:

Cowra	Cowra Japanese Garden	Binni Creek Road	Part of Lot 7, DP 1173223	Local	I72
Cowra	St Raphael's Church and Brigidine Convent	7-9 Lachlan Street	Lots 1 and 2, Section 16, DP 758300; part of Lot 4, DP 219354; part of Lot 1, DP 1149483; part of Lot 5, DP 826380	Local	I30
Cowra	Grave of John Grant	Lachlan Valley Way ("Merriganowry")	Lot 2, DP 777730	Local	I22

Mandurama	Cliefden Caves Area - Natural and Cultural Landscape	460 Davies Creek Road and 531 Boonderoo Road	Part of Lot 1, DP 110520; part of Lot 281, DP 1128242; part of Lots 9 and 10, DP 114814; part of Lot 82, DP 1183542; part of Lot 1, DP 170590; part of Lot 1, DP 178636; part of Lots 22 and 23, DP 745991; part of Lots 62 and 68, DP 750395; part of Lots 1-4, DP 795356; part of Lot 1, DP 797976; part of Lot 1, DP 998772	State	I65
Woodstock	Walli Memorial Hall	Loftus Street	Lot 1, Section 27, DP 759112	Local	I71
Woodstock	Woodstock Soldiers Memorial Park	Sheet of Bark Road	Lot 1, Section 6, DP 759112; Lot 7003, DP 1017297; Lot 1, Section 7, DP 759112; Lot 701, DP 1019790	Local	I70

**[11] Dictionary**

Insert in alphabetical order:

*Natural Resources Sensitivity—Land Map* means the Cowra Local Environmental Plan 2012 Natural Resources Sensitivity—Land Map.