



PLANNING PROPOSAL

Cowra Local Environmental Plan 2012

August 2014

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1. INTRODUCTION

This Planning Proposal has been prepared by Cowra Shire Council in accordance with the requirements of Section 55 of the Environmental Planning & Assessment Act 1979 and the NSW Department of Planning & Infrastructure's 'A Guide to Preparing Planning Proposals' and 'Guide to Preparing Local Environmental Plans'.

The Planning Proposal seeks to amend Cowra Local Environmental Plan 2012 by identifying development the purposes of a 'dwelling-house' as Additional Permitted Use for Lot 1 DP 872743, being 25 Ranken Street Cowra.

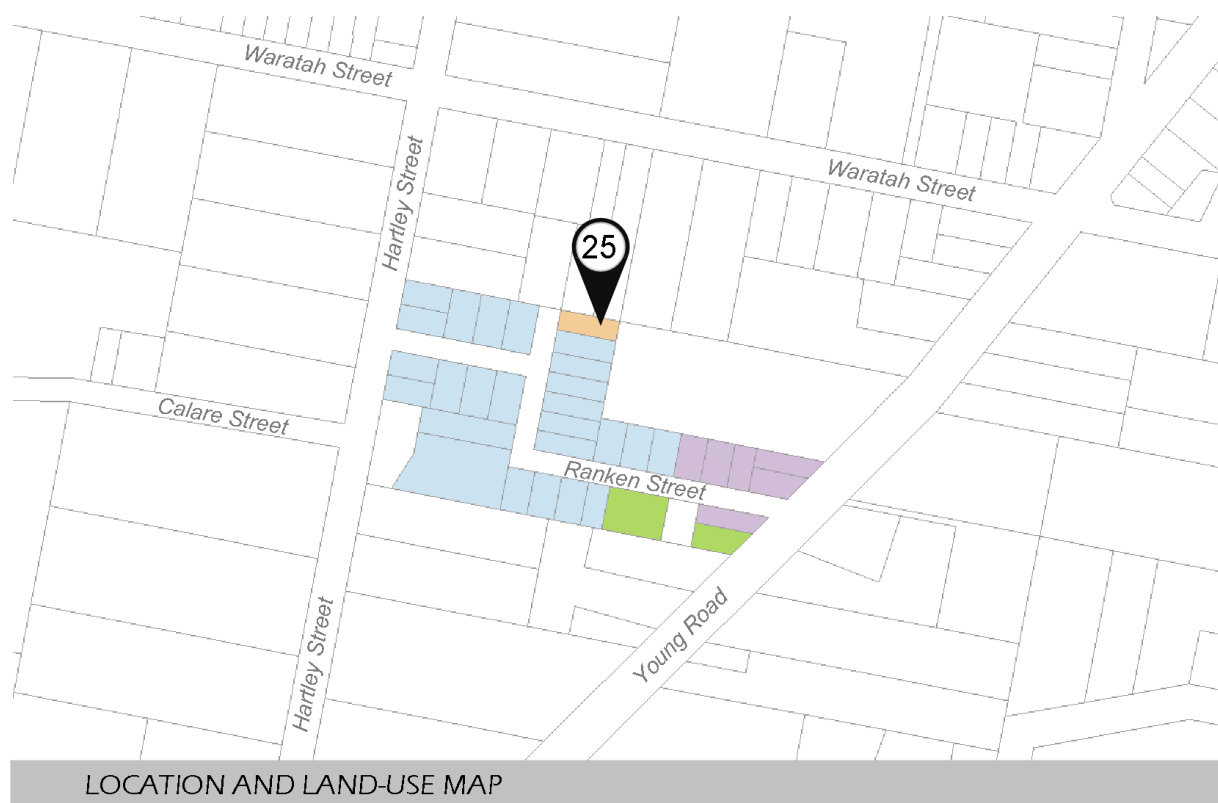
A Gateway Determination is requested from the Department in accordance with Section 56 of the Environmental Planning & Assessment Act 1979.

2. BACKGROUND

Cowra Council has received a proposal from the owners of Lot 1 DP 872743, being 25 Ranken Street Cowra to construct a residential dwelling on the land. The dwelling proposal is unable to be supported by Council because the development is prohibited in the IN2 Light Industrial zone. This is despite the proposal being consistent with the use of immediate adjoining land and the majority of existing property holdings in Ranken Street.

2.1. LOCATION AND LAND-USE

Ranken Street is located in West Cowra, intersecting with Hartley Street and the Olympic Way (Young Road). The area is characterised by a pattern of small residential subdivision allotments created in the early 1900's, with the average holding size being in the order of 1200m². The majority of holdings in Ranken Street accommodate existing single detached dwellings, however there are a number of existing light industrial uses located closer to the Olympic Way including a small Brickworks Factory and a Self-Storage Complex. Several allotments also remain vacant, however these form part of larger holdings that already have a dwelling. A simple map showing the location of 25 Ranken Street as well as existing land-use is included below. A more detailed land-use map with supporting site photographs has been included in Appendix 3.

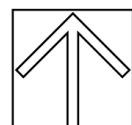


LEGEND

-  Occupied Holdings (Residential)
-  Vacant Holdings
-  Light Industrial (Brickworks)
-  Light Industrial (Storage Sheds)



25 Ranken Street



2.2. ZONING

Under the provisions of (the former) Cowra Local Environmental Plan 1990, the land was zoned 4(c) Special Industrial and dwellings were permissible with consent. Prior to Cowra Local Environmental Plan 1990, the relevant environmental planning instrument was the Cowra Interim Development Order, which also permitted dwellings with consent. The planning controls under previous planning schemes have therefore enabled Ranken Street to develop into an area primarily used for residential purposes, despite the land having been zoned for light industrial purposes.

The current environmental planning instrument is Cowra Local Environmental Plan 2012 and the land is zoned IN2 Light Industrial. This zoning was inherited from (the former) Cowra Local Environmental Plan 1990, being the equivalent Standard Instrument zone to the 4(c) Special Industrial zone. The Cowra Shire Land-use Strategy & LEP Review process did not identify the need to rezone the land.

A map showing the current zoning of the land under Cowra LEP 2012 has been included in Appendix 1.

2.3. PLANNING ISSUE

The current zoning of the land at 25 Ranken Street has sterilised the development potential of the land. The site is most suited to residential development, however this is not permitted in the IN2 Light Industrial zone. Residential use of the property would be consistent with the use of adjoining lands, as well as the dominant land-use in Ranken Street generally. The small size of the land coupled with constraints posed by adjoining land-use means there is limited scope for industrial activities on the land.

This Planning Proposal seeks to address this planning issue by amending Cowra Local Environmental Plan 2012 to allow development for dwelling purposes as an 'Additional Permitted Use' for Lot 1 DP 872743, being 25 Ranken Street Cowra.

3. OBJECTIVES OR INTENDED OUTCOMES

Section 55(2)(a) of the Environmental Planning & Assessment Act 1979 requires the Planning Proposal to include a statement of the objectives or intended outcomes of the proposed instrument. This statement is included below.

The intended outcomes of the Planning Proposal is to enable the use of land at 25 Ranken Street for the purposes of a dwelling-house.

4. EXPLANATION OF PROVISIONS

Section 55(2)(b) of the Environmental Planning & Assessment Act 1979 requires the Planning Proposal to include an explanation of the provisions that are to be included in the proposed instrument.

The intended outcome of the Planning Proposal is to be achieved by:

- Using Schedule 1 of Cowra Local Environmental Plan 2012 to identify development for the purposes of a 'dwelling house' as an Additional Permitted Use for Lot 1 DP 872743, being 25 Ranken Street Cowra.
- Mapping Lot 1 DP 872743 on an Additional Permitted Uses Map in Cowra Local Environmental Plan 2012.

The proposed wording in Schedule 1 is set out below.

Use of certain land at Ranken Street, Cowra

This clause applies to Lot 1 DP 872743, being 25 Ranken Street Cowra as shown on the Additional Permitted Uses Map. Development for the purposes of "dwelling house" are permitted with development consent.

A draft 'Additional Permitted Use' Map has been included in Appendix 2 of this Report.

5. JUSTIFICATION OF PROPOSED LEP AMENDMENTS

Section 55(2)(c) of the Environmental Planning & Assessment Act 1979 requires the Planning Proposal to include justification for the objectives, outcomes and provisions and the process for the implementation (including whether the proposed instrument will comply with relevant directions under Section 117).

In accordance with the Department's 'Guide to Preparing Planning Proposals', the justification for the Planning Proposal has been provided below:

5.1. NEED FOR THE PLANNING PROPOSAL

Is the Planning Proposal a result of any strategic study or report?

The Planning Proposal is not a result of any strategic study or report. A landowner enquiry as prompted Cowra Council to initiate the Planning Proposal.

Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Amending Cowra Local Environmental Plan 2012 is the only way to achieve the objectives of the Planning Proposal.

Cowra Council has considered utilising the provisions of Clause 5.3 of Cowra Local Environmental Plan 2012 – Development near zone boundaries to grant consent to a dwelling on the land at 25 Ranken Street Cowra. Whilst the investigation of the site and its surroundings has concluded that the use of the land for dwelling purposes would enable a more logical and appropriate development of the site, the land is located further than the nominated distance of 100 metres from nearest R5 Large Lot Residential zone. Clause 5.3 cannot therefore not be used by Council to grant consent to the erection of a dwelling on the land at 25 Ranken Street Cowra.

5.2. RELATIONSHIP TO STRATEGIC PLANNING FRAMEWORK

Is the Planning Proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy?

There is no regional or sub-regional strategy that applies to the Cowra Local Government Area.

Is the Planning Proposal consistent with council's local strategy or other local strategic plan?

Cowra Local Environmental Plan 2012 was prepared based on the strategic recommendations contained in the Cowra Shire Land-use Strategy and the Cowra LEP Justification Report. The strategic process did not identify the need to change the light industrial zoning of Lot 1 DP 872743, or Ranken Street generally.

The Planning Proposal is however considered justified for the following reasons:

- Residential use of the property would be consistent with the use of adjoining lands, as well as the dominant land-use in Ranken Street generally.
- The small size of the land coupled with constraints posed by adjoining land-use means there is limited scope for industrial activities on the land.
- The Planning Proposal does not raise any land-use planning or compatibility issues that the Council's local strategy aimed to avoid.

Is the Planning Proposal consistent with applicable State Environmental Planning Policies?

An assessment of the Planning Proposal against relevant State Environmental Planning Policies has been included in the table below:

Policy	Statement of consistency
SEPP No 1 – Development Standards	The Planning Proposal has been reviewed against the SEPP. No inconsistencies identified.
SEPP No 15 – Rural Landsharing Communities	The Planning Proposal has been reviewed against the SEPP. No inconsistencies identified.
SEPP No 21 – Caravan Parks	The Planning Proposal has been reviewed against the SEPP. No inconsistencies identified.
SEPP No 22 – Shops and Commercial Premises	The Planning Proposal has been reviewed against the SEPP. No inconsistencies identified.

Policy	Statement of consistency
SEPP No 30 – Intensive Agriculture	The Planning Proposal has been reviewed against the SEPP. No inconsistencies identified.
SEPP No 32 – Urban Consolidation (Redevelopment of Urban Land)	The Planning Proposal has been reviewed against the SEPP. No inconsistencies identified.
SEPP No 33 – Hazardous and Offensive Development	The Planning Proposal has been reviewed against the SEPP. No inconsistencies identified.
SEPP No 36 – Manufactured Home Estates	The Planning Proposal has been reviewed against the SEPP. No inconsistencies identified.
SEPP No 55—Remediation of Land	The Planning Proposal has been reviewed against the SEPP. The proposal is to grant development for the purposes of a 'dwelling-house' as an Additional Permitted Use for 25 Ranken Street Cowra. A review of Council records indicates the land has not been previously been used for a purpose identified in Table 1 of the <i>Managing Land Contamination Planning Guidelines SEPP No. 55 – Remediation of Land 1998</i> which could have involved the use of contaminants. Immediately adjoining land holdings are currently being used for residential purposes and do not pose a potential land contamination threat. Further investigations into potential contamination would appear unwarranted as part of the preparation of the Planning Proposal.
SEPP No 60—Exempt and Complying Development	The Planning Proposal has been reviewed against the SEPP. No inconsistencies identified.
SEPP No 62—Sustainable Aquaculture	The Planning Proposal has been reviewed against the SEPP. No inconsistencies identified.
SEPP No 64—Advertising and Signage	The Planning Proposal has been reviewed against the SEPP. No inconsistencies identified.

Policy	Statement of consistency
SEPP (Affordable Rental Housing) 2009	The Planning Proposal has been reviewed against the SEPP. Affordable rental housing is currently not permissible in the IN2 zone. The Planning Proposal does not alter the permissibility of development on the land in accordance with the provisions of the SEPP.
SEPP No 65—Design Quality of Residential Flat Development	The Planning Proposal has been reviewed against the SEPP. No inconsistencies identified.
SEPP (Building Sustainability Index: BASIX) 2004	The Planning Proposal has been reviewed against the SEPP. No inconsistencies identified.
SEPP(Exempt and Complying Development Codes) 2008	The Planning Proposal has been reviewed against the SEPP. No inconsistencies identified.
SEPP (Housing for Seniors or People with a Disability) 2004	The Planning Proposal has been reviewed against the SEPP. No inconsistencies identified.
SEPP (Infrastructure) 2007	The Planning Proposal has been reviewed against the SEPP. No inconsistencies identified.
SEPP (Major Development) 2005	The Planning Proposal has been reviewed against the SEPP. No inconsistencies identified.
SEPP (Mining, Petroleum Production and Extractive Industries) 2007	The Planning Proposal has been reviewed against the SEPP. No inconsistencies identified.
SEPP (Rural Lands) 2008	The Planning Proposal has been reviewed against the SEPP. No inconsistencies identified.

Is the Planning Proposal consistent with applicable Ministerial Directions?

An assessment of the Planning Proposal against relevant Section 117 Ministerial Directions has been included in the table below:

Policy	Statement of Consistency
Direction 1.1 – Business & Industrial Zones	The Ministerial Direction is relevant, as the land to which the Planning Proposal relates is zoned IN2 Light Industrial. The Planning Proposal does not reduce the area and location of IN2 zoned land, and does not reduce the total potential floor space area for industrial uses in industrial zones. Whilst it is proposed to nominate ‘dwelling-houses’ as an Additional Permitted Use, the land will be retained in the IN2 Light Industrial zone and as a result the Planning Proposal is consistent with the terms of this Ministerial Direction.
Direction 1.2 – Rural Zones	The Ministerial Direction does not apply.
Direction 1.3 – Mining, Petroleum Production & Extractive Industries	The Planning Proposal is not inconsistent with the terms of the Ministerial Direction. The Planning Proposal does not have the effect of prohibiting mining or extractive industry operations, or restricting the potential development of resources which are of State or regional significance.
Direction 1.4 – Oyster Aquaculture	The Ministerial Direction does not apply.
Direction 1.5 – Rural Lands	The Ministerial Direction does not apply.
Direction 2.1 – Environment Protection Zones	The Planning Proposal is not inconsistent with the terms of the Ministerial Direction. The Planning Proposal does not affect land that is identified as environmentally sensitive, and does not involve land that is located within an environment protection zone.
Direction 2.2 – Coastal Protection	The Ministerial Direction is not relevant.

Policy	Statement of Consistency
Direction 2.3 – Heritage Conservation	The Planning Proposal is not inconsistent with the terms of the Ministerial Direction. The Planning Proposal does not affect land that has been identified in Schedule 5 of Cowra Local Environmental Plan 2012. Provisions are already included in Cowra Local Environmental Plan 2012 which facilitate the conservation of items and places of European and Aboriginal heritage significance.
Direction 2.4 – Recreation Vehicle Areas	The Planning Proposal is not inconsistent with the terms of the Ministerial Direction. The Planning Proposal does not aim to enable the land to be used for purpose of a recreation vehicle area.
Direction 3.1 – Residential Zones	The Ministerial Direction is relevant as the Planning Proposal affects land within a zone in which residential development is proposed to be permitted. The Planning proposal is of minor significance to the residential housing market. The erection of a dwelling on the land at 25 Ranken Street is simply infill development. The Planning Proposal will have a positive yet negligible impact in terms of broadening housing choice or reducing the consumption of land for housing and associated urban development on the urban fringe. The Planning Proposal does however make more efficient use of existing infrastructure and services by enabling the land to be developed for its highest and best use. Existing provisions are contained in Cowra LEP 2012 relating to the provision of essential services to any residential development on the land. The Planning Proposal is assessed to be consistent with the terms of the Ministerial Direction.
Direction 3.2 – Caravan Parkes & Manufactured Home Estates	The Planning Proposal is not inconsistent with the terms of the Ministerial Direction. The Planning Proposal does not aim to identify suitable zones, locations and provisions for caravan parks.

Policy	Statement of Consistency
Direction 3.3 – Home Occupations	The Ministerial Direction requires the Planning Proposal to permit home occupations to be carried out in dwellings-houses without the need for development consent. The IN2 zone currently prohibits residential development and therefore home occupations as well. The Planning Proposal does not seek to identify ‘home occupations’ as an Additional Permitted Use for the identified property holdings, and there is no proposal to amend the Land-use Table to Cowra LEP 2012 to allow home occupations in the IN2 zone without consent. This is inconsistent with the terms of the Ministerial Direction, however it is considered justified on the grounds of minor significance given that the Planning Proposal affects only one property holding.
Direction 3.4 – Integrating Land Use & Transport	The Planning Proposal is not inconsistent with the terms of the Ministerial Direction. The Planning Proposal will have negligible impact in terms of integrating land-use and transport. Ranken Street is an established area defined by an existing network of public roads.
Direction 3.5 – Development Near Licenced Aerodromes	The Ministerial Direction does not apply. The Planning Proposal does not relate to land that is in the vicinity of a licenced aerodrome.
Direction 3.6 – Shooting Ranges	The Ministerial Direction does not apply.
Direction 4.1 – Acid Sulfate Soils	The Ministerial Direction does not apply.
Direction 4.2 – Mine Subsidence and Unstable Land	The Ministerial Direction does not apply.
Direction 4.3 – Flood Prone Land	The Ministerial Direction does not apply.
Direction 4.4 – Planning for Bushfire Protection	The Ministerial Direction does not apply.
Direction 5.1 – Implementation of Regional Strategies	The Ministerial Direction does not apply.

Policy	Statement of Consistency
Direction 5.2 – Sydney Drinking Water Catchments	The Ministerial Direction does not apply.
Direction 5.3 – Farming of State and Regional Significance on the NSW Far North Coast	The Ministerial Direction does not apply.
Direction 5.4 – Commercial and Retail Development along the Pacific Highway	The Ministerial Direction does not apply.
Direction 5.5 – Development in the vicinity of Ellalong, Paxton and Millfield	The Ministerial Direction does not apply.
Direction 5.6 – Sydney to Canberra Corridor	The Ministerial Direction does not apply.
Direction 5.7 – Central Coast	The Ministerial Direction does not apply.
Direction 5.8 – Second Sydney	The Ministerial Direction does not apply.
Direction 5.9 – North West Rail Link Corridor	The Ministerial Direction does not apply.
Direction 6.1 – Approval and Referral Requirements	The Planning Proposal is not inconsistent with the terms of the Ministerial Direction. The Planning Proposal does not seek to introduce provisions into Cowra LEP 2012 that require the concurrence, consultation or referral of DA's to the Minister or other public authorities.
Direction 6.2 – Reserving Land for Public Purposes	The Ministerial Direction does not apply.
Direction 6.3 – Site Specific Provisions	The Ministerial Direction is relevant because the Planning Proposal seeks to amend Cowra LEP 2012 in order to allow a particular development proposal to be carried out on land at 25 Ranken Street. The Planning Proposal does not seek to allow development for the purposes of dwellings permissible on all IN2 zoned land, or does not seek to change the zoning of identified property holdings to a zone that permits residential development.

Policy**Statement of Consistency**

Instead, the Planning Proposal seeks to use Schedule 1 of Cowra LEP 2012 to nominate 'dwelling-house' as an Additional Permitted Use for Lot 1 DP 872743. This approach is consistent with subclause (4)(c) of the Ministerial Direction.

Direction 7.1 – Implementation of the Metropolitan Plan for Sydney 2036

The Ministerial Direction does not apply.

5.3. ENVIRONMENTAL, SOCIAL AND ECONOMIC IMPACT ASSESSMENT

Consideration	Assessment
Flora & Fauna	Ranken Street in general has been cleared of any significant vegetation, consistent with an existing urban streetscape. A search of the NSW database has not identified any critical habitat, threatened species, populations or ecological communities in the vicinity of Ranken Street Cowra. The land is not affected by sensitive biodiversity resources as shown on the Sensitive Biodiversity Map in Cowra Local Environmental Plan 2012. Further studies in relation to potential flora and fauna impacts are considered unwarranted due to the minor nature of the Planning Proposal.
Bushfire	The land is not mapped as bushfire prone. Dwelling development is not constrained by bushfire risk.
Water Resources	The land is affected by sensitive water resources as shown on the Combined Local Map in Cowra Local Environmental Plan 2012. The land is mapped as a vulnerable groundwater area, along with the majority of the Cowra Township and surrounds. Ranken Street is currently not serviced by Council's reticulated sewerage system. For this reason, on-site waste disposal is required for properties in Ranken Street. This is not desirable for smaller allotments in a vulnerable groundwater area, and is not a sustainable long term option, however the situation is existing and whilst no funds have been allocated at this stage, the Council does hold plans to augment reticulated sewerage to this area at some point in the future. The Planning Proposal seeks to amend Cowra LEP 2012 to allow for the erection of a dwelling on the land at 25 Ranken Street. The proposal is of minor significance and is unlikely to generate unacceptable impacts on the vulnerable groundwater system, provided any new on-site waste management system is engineered appropriately having regard to site conditions. It is appropriate to deal with this issue as part of the Development Application process.
Infrastructure & Servicing	With the exception of reticulated sewer, Ranken Street is fully serviced with electricity, telecommunications, kerb and gutter infrastructure and reticulated water. The Planning Proposal does not generate a demand to upgrade existing infrastructure and services.
Flooding	The land is not mapped as flood prone.

Consideration	Assessment
Heritage	The Planning Proposal does not affect any land that is identified in Schedule 5 of Cowra Local Environmental Plan 2012 as being of heritage significance. A search of the Aboriginal Heritage Information Management System (AHIMS) database has not identified any items or places of Aboriginal heritage significance that will be affected by the Planning Proposal. Further studies in relation to potential heritage impacts are considered unwarranted due to the minor nature of the Planning Proposal.
Land-use Conflict	The Planning Proposal is unlikely to generate unacceptable land-use conflict issues. The proposal to allow the land at 25 Ranken Street to be used for dwelling purposes is consistent with the use of adjoining land and the majority of existing property holdings in Ranken Street. In terms of land-use compatibility, the use of this land for dwelling purposes is more suitable and desirable than any other use permitted under the current IN2 zone.
Social & Economic Impacts	The Planning Proposal is of minor social and economic significance to the wider community, however positive impacts are likely to result for the owners 25 Ranken Street, who will be able to utilise the land for dwelling purposes, as they originally intended. Without an amendment to Cowra LEP 2012, the development potential of the land at 25 Ranken Street would be sterilised, with the small size of the land coupled with constraints posed by adjoining land-use significantly limiting the industrial potential of the site.
Traffic & Access	Ranken Street is an existing bitumen sealed road with kerb and gutter infrastructure. The existing road system is adequate and would not require upgrading to accommodate the modest increase in traffic that would likely result from the Planning Proposal.
Contamination	The proposal is to grant development for the purposes of a 'dwelling-house' as an Additional Permitted Use for 25 Ranken Street Cowra. A review of Council records indicates the land has not previously been used for a purpose identified in Table 1 of the <i>Managing Land Contamination Planning Guidelines SEPP No. 55 – Remediation of Land 1998</i> which could have involved the use of contaminants. Immediately adjoining land holdings are currently being used for residential purposes and do not pose a potential land contamination threat. Further investigations into potential contamination would appear unwarranted as part of the preparation of the Planning Proposal.

5.4. STATE AND COMMONWEALTH INTERESTS

Is there adequate public infrastructure for the Planning Proposal?

Public infrastructure is available and adequate. No upgrades would be required to public infrastructure as a direct result of the Planning Proposal.

What are the views of state and commonwealth public authorities consulted in accordance with the gateway determination?

The Planning Proposal is viewed as being of local significance only. A preliminary review of all issues associated with the Planning Proposal has not identified the need for consultation with state and commonwealth public authorities as part of the gateway determination process.

6. MAPPING

The Planning Proposal is supported by the following maps:

- Appendix 1 – Zoning Map – Cowra Local Environmental Plan 2012
- Appendix 2 – Draft Additional Permitted Uses Map – Cowra Local Environmental Plan 2012.
- Appendix 3 – Location, Land-use and Site Photographs Map.

7. COMMUNITY CONSULTATION

In accordance with Section 57(2) of the Environmental Planning and Assessment Act 1979, this planning proposal must be approved prior to community consultation is undertaken by the local authority.

The following consultation strategy will be adopted by Cowra Council for the Planning Proposal:

- Advertisement on Council's website for 14 days.
- Advertisement in the Cowra Guardian on at least two occasions.

The following material will be made available for inspection throughout the exhibition period:

- The Planning Proposal, in the form approved for community consultation by the Director General of the NSW Department of Planning & Environment.
- The Gateway Determination.
- Any studies or reports relied upon by the Planning Proposal (such as the Report to Council).

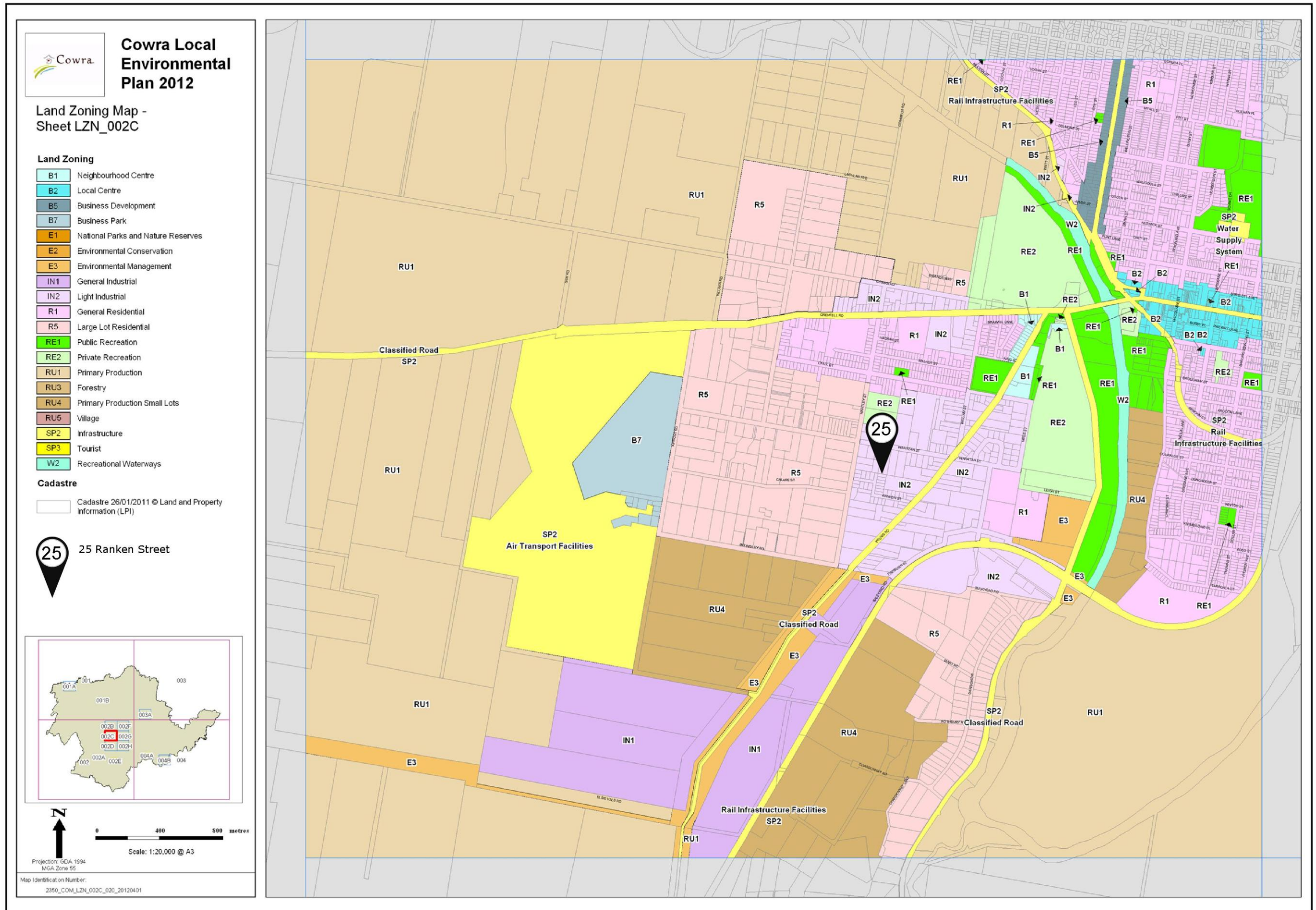
8. Project Timeline

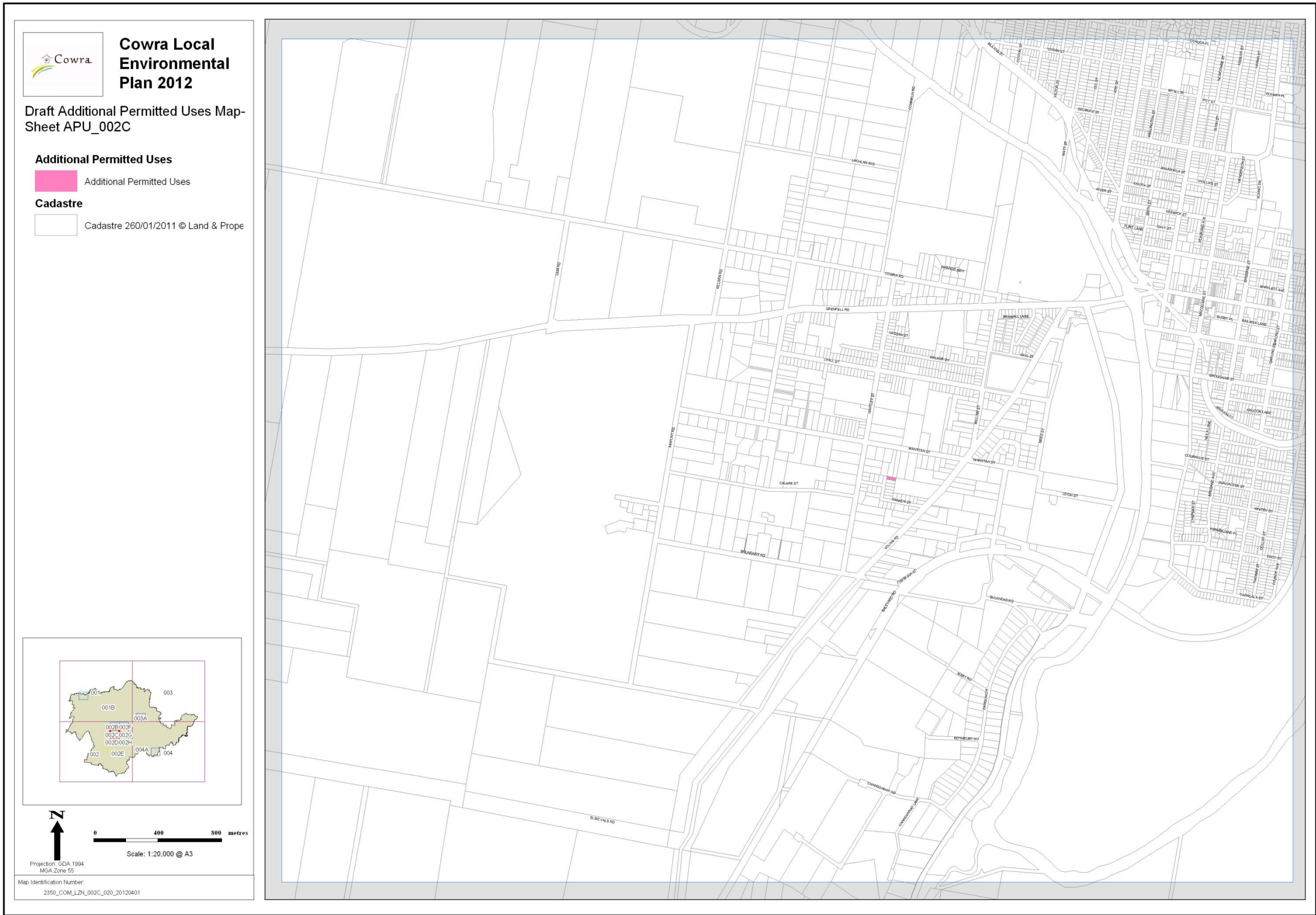
A project timeline has been developed as part of the Planning Proposal and is shown in the table below.

Milestone	Anticipated Complete Date
Gateway Determination	Mid September 2014.
Preparation of Technical Information	Completed. It is anticipated that sufficient technical information will have already been supplied to the Gateway.
Government Agency Consultation	No consultation is anticipated.
Public Exhibition	Early / Mid October 2014.
Public Hearing	No public hearing is anticipated.
Consideration of Submissions	Late October 2014.
Consideration of Proposal post exhibition	Late October 2014.
Submission to Department to finalise LEP	Late October 2014.
Making of the Plan	November 2014.

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Appendix 1 - Zoning Map





1

PHOTO NO. 1

THIS PHOTO SHOWS THE VIEW TAKEN FROM THE ENTRANCE OF 25 RANKEN STREET LOOKING TOWARDS THE EAST. THE PROPERTY IS CURRENTLY VACANT, EXCEPT FOR AN EXISTING COLOURBOND SHED.



2

PHOTO NO. 2

THIS PHOTO SHOWS THE VIEW TAKEN FROM LOCATION NO. 2 LOOKING SOUTH ALONG RANKEN STREET. THE PHOTO SHOWS EXISTING RESIDENTIAL DEVELOPMENT



3

PHOTO NO. 3

THIS PHOTO SHOWS THE VIEW TAKEN FROM LOCATION NO. 3 LOOKING EAST ALONG RANKEN STREET. THE PHOTO SHOWS EXISTING LIGHT INDUSTRIAL DEVELOPMENT, BEING A SELF STORAGE PREMISE AND SMALL BRICKWORKS



4

PHOTO NO. 4

THIS PHOTO SHOWS THE VIEW TAKEN FROM LOCATION NO. 4 LOOKING EAST ALONG RANKEN STREET. THE PHOTO SHOWS EXISTING RESIDENTIAL DEVELOPMENT

