

**Amendment 1 - Schedule 1 Additional Permitted Use - Dwelling Lot 1 DP872743 No. 25
Ranken Street Cowra**

Proposal Title :	Amendment 1 - Schedule 1 Additional Permitted Use - Dwelling Lot 1 DP872743 No. 25 Ranken Street Cowra		
Proposal Summary :	To amend the Cowra Local Environmental Plan 2012 to allow development for a dwelling house as an 'Additional Permitted Use' on Lot 1 DP 872743 25 Ranken Street Cowra.		
PP Number :	PP_2014_COWRA_001_00	Dop File No :	14/144881

Proposal Details

Date Planning Proposal Received :	01-Sep-2014	LGA covered :	Cowra
Region :	Western	RPA :	Cowra Shire Council
State Electorate :	BURRINJUCK	Section of the Act :	55 - Planning Proposal
LEP Type :	Spot Rezoning		

Location Details

Street :	25 Ranken Street		
Suburb :	Cowra	City :	Cowra
		Postcode :	2794
Land Parcel :	Lot 1 DP 872743		

DoP Planning Officer Contact Details

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RPA Contact Details

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DoP Project Manager Contact Details

Contact Name :	Wayne Garnsey
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Land Release Data

Growth Centre :	N/A	Release Area Name :	N/A
Regional / Sub Regional Strategy :	N/A	Consistent with Strategy :	N/A

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MDP Number :		Date of Release :	
Area of Release (Ha) :	0.00	Type of Release (eg Residential / Employment land) :	Residential
No. of Lots :	0	No. of Dwellings (where relevant) :	1
Gross Floor Area :	0	No of Jobs Created :	0

The NSW Government Lobbyists Code of Conduct has been complied with :

If No, comment :

Have there been meetings or communications with registered lobbyists? :

If Yes, comment :

Supporting notes

Internal Supporting Notes : The Planning Proposal seeks to amend the Cowra Local Environmental Plan 2012, to allow development for a dwelling house as an 'Additional Permitted Use' on Lot 1 DP 872743, being 25 Ranken Street Cowra.

The Planning Proposal is required as Cowra Shire Council has received a proposal from the owners of No. 25 Ranken Street Cowra to construct a residential dwelling on the land. The land is currently zone IN2 Light Industrial and dwelling houses are prohibited.

The land is vacant and the surrounding land use is predominately residential. The IN2 Light Industrial zone adjoins land zoned R5 Large Lot Residential. The zoning of this area under the (former) Cowra Local Environmental Plan 1990 was 4(c) Special Industrial and development for residential purposes was permissible with consent of Council at the time. This has allowed Ranken Street to develop into an area that is used primarily for residential purposes, creating a planning anomaly whereby the zoning of the land does not properly reflect the predominant use of the land in the area.

The current Industrial 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 use is not permitted in the IN2 Light Industrial zone.

The rezoning will require the use of Schedule 1 of the Cowra Local Environment Plan 2012 to identify development for the purposes of a 'dwelling house' as an Additional Permitted Use on Lot 1 DP 872743, No. 25 Ranken Street Cowra. Council is proposing the inclusion of an Additional Permitted Uses Map as part of this Planning Proposal and this is supported to provide clarity.

Existing use right provisions in the Environmental Planning and Assessment Act 1979 would enable the continued use of the existing dwellings in this area, despite residential development being prohibited in the IN2 Light Industrial zone. The original Planning Proposal included an additional 25 residential holdings, adjacent to No.25 Ranken Street, however the Council resolution did not include these properties. As a result along with the existing use rights provision in the Environmental Planning and Assessment Act 1979 the original Planning Proposal is not considered to be appropriate and has been reduced to the single lot. Council is encouraged to further investigate the strategic potential for the remaining lots in this locality.

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Council has requested delegations to complete the Planning Proposal and this is considered appropriate.

External Supporting
Notes :

Adequacy Assessment

Statement of the objectives - s55(2)(a)

Is a statement of the objectives provided? **Yes**

Comment : **The statement of the objectives clearly states the purpose of the planning proposal is to amend the Cowra Local Environmental Plan 2012, to allow development for a dwelling house as an 'Additional Permitted Use' on Lot 1 DP 872743, No. 25 Ranken Street Cowra.**

Explanation of provisions provided - s55(2)(b)

Is an explanation of provisions provided? **Yes**

Comment : **The explanation of provisions clearly states that the objective of the planning proposal will be achieved on completion of the use of Schedule 1 of the Cowra Local Environment Plan 2012 to identify development for the purposes of a 'dwelling house' as an Additional Permitted Use on Lot 1 DP 872743, No 25 Ranken Street Cowra. This is considered a suitable mechanism to achieve the objective of this Planning Proposal rather than rezoning a single lot at this stage without a strategic assessment.**

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **Yes**

b) S.117 directions identified by RPA : **1.1 Business and Industrial Zones
3.1 Residential Zones
3.3 Home Occupations
6.3 Site Specific Provisions**

* May need the Director General's agreement

Is the Director General's agreement required? **No**

c) Consistent with Standard Instrument (LEPs) Order 2006 : **Yes**

d) Which SEPPs have the RPA identified? **SEPP No 55—Remediation of Land**

e) List any other
matters that need to
be considered :

Have inconsistencies with items a), b) and d) being adequately justified? **Yes**

If No, explain : **1.1 Business and 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 reduce the area and location of IN2 zoned land, as well as the total potential floor space 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 the Planning Proposal is inconsistent with the terms of the Ministerial Direction. This inconsistency is considered as being minor as the proposed use is consistent with surrounding use. This area needs to be considered in a strategic context.**

3.1 Residential Zones - The Ministerial Direction is relevant as the Planning Proposal affects lands 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 infill development. The Planning Proposal will have a positive yet negligible impact in terms of broadening housing choice and 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 given the lot size. Existing provisions are contained in Cowra LEP 2012 relating to the provision of essential services to any residential development on the land.

3.3 Home Occupation – The Ministerial Direction requires the Planning Proposal to permit home occupation to be carried out in dwelling 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 occupation' as an Additional Permitted Use for the identified property, and there is no proposal to amend the Land-use Table to Cowra LEP 2012 to allow home occupation 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 and is to be restricted only for a dwelling house purpose.

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 dwelling houses permissible on all of the IN2 zoned land, and does not seek to change the zoning of identified property holdings to a zone that permits residential development. 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.

SEPP 55 Remediation of Land - State Environmental Planning Policy 55, remediation of land is to be addressed in Council's Section 59 submission to indicate the land is suitable for residential development.

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : Adequate locality maps are provided. A new Additional Permitted Use map is proposed and this mapping is to be submitted at section 59 that is compliant with the Department's "Standard technical requirements for LEP Maps".

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : It is proposed to publicly exhibit the planning proposal for 14 days on the Council's website as well as in the Cowra guardian on at least two occasions. Council will also notify in writing all land owners affected by the planning proposal. The proposed notification period of 14 days is acceptable in this case.

Additional Director General's requirements

Are there any additional Director General's requirements? **No**

If Yes, reasons :

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **Yes**

If No, comment :

Proposal Assessment

Principal LEP:

Due Date : **January 2013**

Comments in relation to Principal LEP : **Cowra LEP 2012 was notified on 25/01/2013.**

Assessment Criteria

Need for planning proposal : **The Planning Proposal is required to permit a dwelling house to be erected on the land. The development is prohibited 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. Council needs to assess this area in a strategic context to determine the best use of the area.

Consistency with strategic planning framework : **There is no regional or sub-regional strategy that applies to the Cowra Local Government Area.**
Cowra Local Environmental Plan 2012 was prepared based on the strategic recommendations contained in the endorsed 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 area 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.**
- A dwelling house was permissible on the land prior to Cowra Local Environment Plan 2012.**
- The Planning Proposal does not raise any land-use planning or compatibility issues that the Council's local strategy aimed to avoid. Council advice is that the land will remain predominantly residential.**
- _ Council needs to consider the land in the Ranken Street area in a strategic context.**

Environmental 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, being able to utilise the land for dwelling purposes. Studies in relation to potential environmental impacts are considered unnecessary due to the minor nature of the Planning Proposal (except for SEPP 55 considerations).**

There is concern the area is predominantly residential yet zoned for industrial use. Council needs to determine the correct landuse planning outcome for this area.

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Assessment Process

Proposal type : **Consistent** Community Consultation Period : **14 Days**

Timeframe to make LEP : **6 months** Delegation : **RPA**

Public Authority
Consultation - 56(2)
(d) :

Is Public Hearing by the PAC required? **No**

(2)(a) Should the matter proceed ? **Yes**

If no, provide reasons :

Resubmission - s56(2)(b) : **No**

If Yes, reasons :

Identify any additional studies, if required. :

If Other, provide reasons :

Identify any internal consultations, if required :

No internal consultation required

Is the provision and funding of state infrastructure relevant to this plan? **No**

If Yes, reasons :

Documents

Document File Name	DocumentType Name	Is Public
Planning Proposal - 25 Ranken Street - August 2014.pdf	Proposal	No
Report Attachments - Director - Environmental Services - Item 1 - LEP 2012 Amendment - General Committee 11 August 2014.pdf	Proposal	No

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

S.117 directions: **1.1 Business and Industrial Zones**
3.1 Residential Zones
3.3 Home Occupations
6.3 Site Specific Provisions

Additional Information : **That Ministers delegate determines and supports the Planning Proposal, subject to the following conditions:**

1.Proceed and finalise the Planning Proposal within 6 months of the Gateway Determination date.

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2. Community consultation to occur for a minimum of 14 days. No agency consultation is required

3. The rezoning will require the use of Schedule 1 of the Cowra Local Environment Plan 2012 to identify development for the purposes of a 'dwelling house' as an Additional Permitted Use on Lot 1 DP 872743, No 25 Ranken Street Cowra.

4. Council is to request the drafting and finalisation of the amendment no later than 6 weeks prior to the projected making of the amendment date.

5. Authorise Cowra Shire Council to utilise delegations to finalise the Planning Proposal.

6. State Environmental Planning Policy 55 - Remediation of land is to be addressed in Council's section 59 submission.

7. Prior to the submission of the planning proposal under section 59 of the EP&A Act the Additional Permitted Use Maps are to be compliant with the Department's "Standard technical requirements for LEP Maps".

Supporting Reasons :

The current industrial zoning of the land at No.25 Ranken Street has sterilised the development potential of the land. The site is most suited to residential development due to its size, serviceability and proximity to adjacent residential uses; however this is not permitted in the IN2 Light Industrial zone.

Council needs to consider this area in a strategic context for best use.

The General Manager, Western Region can use delegation in this case as the proposal is consistent with the surrounding land use and is a one off issue.

Signature:



Printed Name:

Jenna McRabb

Date:

16/9/14

Endorsed

W Ganssen 16/9/14

ATL