

**DIRECTOR - ENVIRONMENTAL SERVICES REPORT TO THE
EXTRAORDINARY COUNCIL MEETING TO BE HELD ON MONDAY
15 JUNE 2020**

Author: Director – Environmental Services

Item No: I.

Subject: Cowra Local Environmental Plan 2012 (Amendment No. 7)

Precis: Environmental Services has received a Planning Proposal from Water NSW which seeks to amend Cowra Local Environmental Plan 2012 by rezoning part of Lot 75 in DP 46453 from E2 Environmental Conservation to SP3 Tourist. It is proposed for this land to be used as a caravan park, subject to development consent. Part of Wyangala Waters Holiday Park (Holiday Park) needs to be relocated to part of Lot 75 in DP 46453 because of the raising of the Wyangala Dam Wall by Water NSW, which has been declared to be a critical state infrastructure project. This report seeks Council's endorsement of the Planning Proposal for submission to the NSW Department of Planning, Industry & Environment with a request for a Gateway Determination.

Budget: Nil.

Recommendation:

1. That Council notes the Planning Proposal prepared by Water NSW dated 9 June 2020 for the rezoning of part of Lot 75 DP 46453 from E2 Environmental Conservation to SP3 Tourist.
2. That the Planning Proposal be submitted to the NSW Department of Planning, Industry and Environment seeking a gateway determination in accordance with Section 3.34 of the Environmental Planning & Assessment 1979.
3. That subject to the issue of the gateway determination from the NSW Department of Planning, Industry and Environment, the Planning Proposal is placed on exhibition in accordance with the requirements of that determination and Council's Community Participation Plan 2020.
4. That the Planning Proposal be reported back to Council for further consideration post public exhibition.

I. Cowra Local Environmental Plan 2012 (Amendment No. 7)

Introduction

Cowra Council has received a Planning Proposal from Water NSW. The Planning Proposal is included in Attachment 'A' of this report.

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The Planning Proposal seeks to amend Cowra Local Environmental Plan 2012 by rezoning part of Lot 75 in DP 46453 from E2 Environmental Conservation to SP3 Tourist. A map showing the site is included in Section 1.3 of the Planning Proposal.

The need for the rezoning has arisen because the Wyangala Waters Holiday Park (Holiday Park) needs to be relocated as a result of the raising of the Wyangala Dam Wall by Water NSW. The new site for the Holiday Park needs to be zoned appropriately to allow Council to issue a development application for the use and subsequent operation of the new site for the purposes of a caravan park.

This report seeks Council's endorsement of the Planning Proposal for submission to the NSW Department of Planning, Industry & Environment with a request for a Gateway Determination.

Background

Water NSW is proposing to raise the dam wall at Wyangala by a nominal 10m, although the exact level is still to be determined. This will increase the capacity of the existing dam by approx. 53%. The need to deliver the project is critical to the State's drought recovery process and the security of town water users and associated industries in the Lachlan Valley region reliant on the delivery of reliable water for ongoing viability.

A significant portion of the infrastructure within the existing Holiday Park will be inundated once the new dam is operational. It is therefore necessary to relocate the Holiday Park to a new site, which is higher ground about one kilometre north of its current location. Additionally, the existing site has been nominated as a preferred construction compound and potential construction camp. The relocation of the existing Holiday Park will be required prior to October 2021.

Water NSW is working with Reflections to develop and deliver a new Holiday Park before construction of the dam starts. Commencement of works on the new Holiday Park is anticipated to commence in October 2020.

The existing Holiday Park is located within an SP3 Tourist zone under Cowra Local Environmental Plan 2012. The nature of this zone allows the existing Holiday Park to obtain approval for a wider range of land and community uses which are required as part of the operation of a Holiday Park.

The site that has been planned for the relocation of the Holiday Park is zoned E2 Environmental Conservation. Development for the purposes of a caravan park is prohibited in the zone. To address this issue, the proposal is to expand the current SP3 Tourist zone to the extent necessary to accommodate the planned relocation of the Holiday Park.

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The Proposal

The Planning Proposal, prepared by Water NSW, was submitted to Council on 9 June 2020 and seeks to amend the Cowra Local Environmental Plan 2012 by rezoning part of Lot 75 in DP 46453 from E2 Environmental Conservation to SP3 Tourist.

The intent of the rezoning is to enable the use of Lot 75 DP 46453 for the purposes of a caravan park. Water NSW is currently in the process of preparing the development application for the caravan park and will submit this to Council in due course.

It is expected that the Planning Proposal and the development application will be progressed in parallel, which is permitted in accordance with Section 3.39 of the Environmental Planning and Assessment Act 1979.

Planning Assessment

The role of the Planning Proposal is to explain the intended effect of the LEP Amendment and provide appropriate planning justification. This justification has been set out in Part D of the Planning Proposal and is supported by Environmental Services.

The justification generally concludes the proposal will be of acceptable environmental impact, with some issues requiring further investigation and assessment as part of the forthcoming development application to Council for the new caravan park.

Process

The process for the rezoning of the land is summarised below:

1. Council endorses the Planning Proposal for submission to the NSW Department of Planning, Industry & Environment seeking a Gateway Determination in accordance with Section 3.34 of the Environmental Planning and Assessment Act 1979.
2. A Gateway Determination is issued by the Department, specifying whether the Planning Proposal is to proceed and if so, in what circumstances. The purpose of the Gateway Determination is to ensure there is sufficient justification early in the process to proceed with a Planning Proposal.
3. If the Department specifies in the Gateway Determination that the Planning Proposal can proceed, Council may proceed to place the Planning Proposal on public exhibition in accordance with the consultation requirements of the Environmental Planning and Assessment Act 1979.
4. After considering any submissions received as a result of public exhibition and making any necessary alterations, Council must submit the Planning Proposal to

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the Department. The Director-General will make arrangements for drafting of the amendment to Cowra Local Environmental Plan 2012 and subsequent ministerial making of the plan.

Council can expect to be updated on this matter and involved with subsequent decision making at key steps in the planning process.

Conclusion

Cowra Council has received a Planning Proposal from Water NSW. The Planning Proposal seeks to amend Cowra Local Environmental Plan 2012 by rezoning part of Lot 75 in DP 46453 from E2 Environmental Conservation to SP3 Tourist. The intent of the rezoning is to enable the use of Lot 75 DP 46453 for the purposes of a Caravan Park.

Water NSW is currently in the process of preparing the Development Application for the new caravan park and will submit this to Council in due course. It is expected that the planning proposal and the development application will be progressed in parallel, which is permitted in accordance with Section 3.39 of the Environmental Planning and Assessment Act 1979.

The justification for the Planning Proposal is supported by Environmental Services and Council is asked to endorse this document for submission to the NSW Department of Planning, Industry and Environment with a request for a Gateway Determination.

Attachments

Attachment A Planning Proposal – 9 June 2020

Kate Alberry
Director – Environmental Services
10 June 2020