

Cabonne LEP 2012 Amendment 2 - Rezoning of Industrial Land at Eugowra

Proposal Title : **Cabonne LEP 2012 Amendment 2 - Rezoning of Industrial Land at Eugowra**

Proposal Summary : **To undertake the following amendments to the Cabonne LEP 2012:**

1.To rezone 19 hectares (27 allotments) from zone IN1 – General Industrial to zone RU5 – Village at Nanima Street, Eugowra and apply a minimum lot size of 2,000m² ; and

2.To rezone Lot 164 DP 750159 from zone RU1 – Primary Production to zone E1 – National Parks and Nature Reserves, being an allotment of land acquired by NPWS to form part of Nangar National Park; and

3.To amend a mapping anomaly to rename Main Road 61 Federation Way to Henry Parkes Way.

PP Number : **PP_2015_CABON_001_00**

Dop File No : **15/01587**

Proposal Details

Date Planning
Proposal Received : **15-Jan-2015**

LGA covered : **Cabonne**

Region : **Western**

RPA : **Cabonne Shire Council**

State Electorate : **ORANGE**

Section of the Act : **55 - Planning Proposal**

LEP Type : **Spot Rezoning**

Location Details

Street : **Nanima Street**

Suburb : **Eugowra** Postcode : **2806**

Land Parcel : **Lot 1 DP 819710**

Street : **Nanima Street**

Suburb : **Eugowra** Postcode : **2806**

Land Parcel : **Lot 2 DP 333426**

Street : **Nanima Street**

Suburb : **Eugowra** Postcode : **2806**

Land Parcel : **Lot 1 DP 333426**

Street : **Nanima Street**

Suburb : **Eugowra** Postcode : **2806**

Land Parcel : **Lot 124 DP 750182**

Street : **Nanima Street**

Suburb : **Eugowra** Postcode : **2806**

Land Parcel : **Lot 161 DP 750182**

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Street :	Nanima Street	City :	Eugowra	Postcode :	2806
Suburb :					
Land Parcel :	Lot 164 DP 750182				
Street :	Nanima Street	City :	Eugowra	Postcode :	2806
Suburb :					
Land Parcel :	Lot 1 DP 726959				
Street :	Nanima Street	City :	Eugowra	Postcode :	2806
Suburb :					
Land Parcel :	Lot 1 DP 653136				
Street :	Nanima Street	City :	Eugowra	Postcode :	2806
Suburb :					
Land Parcel :	Lot 163 DP 750182				
Street :	Nanima Street	City :	Eugowra	Postcode :	2806
Suburb :					
Land Parcel :	Lot 162 DP 750182				
Street :	Nanima Street	City :	Eugowra	Postcode :	2806
Suburb :					
Land Parcel :	Lot 160 DP 750182				
Street :	Nanima Street	City :	Eugowra	Postcode :	2806
Suburb :					
Land Parcel :	Lot 1 DP 544925				
Street :	Nanima Street	City :	Eugowra	Postcode :	2806
Suburb :					
Land Parcel :	Lot 9 DP 573326				
Street :	Nanima Street	City :	Eugowra	Postcode :	2806
Suburb :					
Land Parcel :	Lot 10 DP 573326				
Street :	Nanima Street	City :	Eugowra	Postcode :	2806
Suburb :					
Land Parcel :	Lot 10 DP 612646				
Street :	Nanima Street	City :	Eugowra	Postcode :	2806
Suburb :					
Land Parcel :	Lot 155 DP 750182				
Street :	Nanima Street	City :	Eugowra	Postcode :	2806
Suburb :					
Land Parcel :	Lot 7 DP 573326				
Street :	Nanima Street	City :	Eugowra	Postcode :	2806
Suburb :					
Land Parcel :	Lot 6 DP 573326				

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Street :	Nanima Street	City :	Eugowra	Postcode :	2806
Suburb :					
Land Parcel :	Lot 5 DP 573326				
Street :	Nanima Street	City :	Eugowra	Postcode :	2806
Suburb :					
Land Parcel :	Lot 2 DP 16986				
Street :	Nanima Street	City :	Eugowra	Postcode :	2806
Suburb :					
Land Parcel :	Lot 3 DP 16986				
Street :	Nanima Street	City :	Eugowra	Postcode :	2806
Suburb :					
Land Parcel :	Lot 1 DP 16986				
Street :	Nanima Street	City :	Eugowra	Postcode :	2806
Suburb :					
Land Parcel :	Lot 158 DP 750182				
Street :	Nanima Street	City :	Eugowra	Postcode :	2806
Suburb :					
Land Parcel :	Lot 157 DP 750182				
Street :	Nanima Street	City :	Eugowra	Postcode :	2806
Suburb :					
Land Parcel :	Lot 11 DP 612646				
Street :	Nanima Street	City :	Eugowra	Postcode :	2806
Suburb :					
Land Parcel :	Lot 4 DP 573326				
Street :	Nanima Street	City :	Eugowra	Postcode :	2806
Suburb :					
Land Parcel :	Pt Lot 3943 DP 1200868				
Street :	Dripping Roack Road	City :	Eugowra	Postcode :	2806
Suburb :					
Land Parcel :	Lot 164 DP 750159				

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 :	Release Area Name :
Regional / Sub Regional Strategy :	Consistent with Strategy :
MDP Number :	Date of Release :
Area of Release (Ha) :	Type of Release (eg Residential / Employment land) :
No. of Lots : 0	No. of Dwellings (where relevant) : 0
Gross Floor Area : 0	No of Jobs Created : 0

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

If No, comment :

Have there been meetings or
communications with
registered lobbyists? : **No**

If Yes, comment :

Supporting notes

Internal Supporting Notes : **The rezoning of 19 hectares (27 allotments) at Nanima Street, Eugowra from zone IN1 General Industrial to zone RU5 is the result of requests from the residents of Nanima Street to return the subject land to a village zone to reflect the current and future use of the allotments. The area is a mix of vacant allotments and residential dwellings, and low impact industrial uses.**

The subject allotments were previously a village zone, under the provisions of the Cabonne Local Environmental Plan 1990. The current IN1 zoning was included in the Cabonne LEP 2012 and supported by the Cabonne Settlement Strategy. Since the Implementation of the Cabonne LEP 2012, there has been no uptake of the IN1 land in Eugowra. The proposed RU5 zone will facilitate a wider mix of land use permissibility in

the village of Eugowra.

Lot 164 DP 750159, Dripping Rock Road, Eugowra has been purchased by the National Parks and Wildlife Service for inclusion in the adjacent Nangar National Park. The subject site is therefore required to be rezoned from zone RU1 Primary Production to zone E1 National Parks and Nature Reserves. It is proposed that the subject site be used as an access to the Park, and will protect the existing and relatively undisturbed mature white box woodland endangered ecological community found on the subject site.

Finally, the proposed Amendment includes the renaming of Federation Way (MR61) to the Henry Parkes Way. The road was renamed in 2010, however, the gazetted name change did not transfer to the Cabonne LEP 2012 mapping sets.

External Supporting
Notes :

Adequacy Assessment

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

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

Comment : **A Statement of Objectives has been provided stating the outcomes of the planning proposal are as follows:**

To undertake the following amendments to the Cabonne LEP 2012:

1.To rezone 19 hecatres(27 allotments) from zone IN1 – General Industrial to zone RU5 – Village at Nanima Street, Eugowra and apply a minimum lot size of 2,000m2 ; and

2.To rezone Lot 164 DP 750159 from zone RU1 – Primary Production to zone E1 – National Parks and Nature Reserves, being an allotment of land acquired by NPWS to form part of Nangar National Park; and

3.To amend a mapping anomaly to rename Main Road 61 from Federation Way to Henry Parkes Way, rather than Federation Way.

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

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

Comment : **The explanation of provisions is consistent with the intended outcome of the Planning Proposal.**

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

1.2 Rural Zones

* May need the Director General's agreement

1.5 Rural Lands

2.1 Environment Protection Zones

4.3 Flood Prone Land

4.4 Planning for Bushfire Protection

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

SEPP (Exempt and Complying Development Codes) 2008

SEPP (Rural Lands) 2008

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

SEPP 55 – REMEDIATION OF LAND

SEPP 55 is applicable to the proposed rezoning of 19 hectares (27 allotments) at Nanima Street, Eugowra from IN1 to RU5. The subject land contains a mix of existing residential and industrial land uses, and also vacant land. This planning proposal does not propose to undertake any development as part of the rezoning. Council has considered SEPP 55 in the Planning Proposal, and should future subdivision or development occur in Nanima Street, then investigations will be required as part of the DA process. Even though the land is proposed to be rezoned to allow a more sensitive uses this is consistent with the former zoning of the land. It is therefore considered that the Planning Proposal is consistent with SEPP 55.

SEPP 55 is not considered to be applicable to the rezoning of Lot 164 DP 750159, Dripping Rock Road, Eugowra, or the renaming of Federation Way to Henry Parkes Way.

SEPP (EXEMPT AND COMPLYING DEVELOPMENT CODES) 2008. All parts of the planning proposal are considered to be consistent with the aims and functions of the SEPP.

SEPP (RURAL LANDS) 2008

The Planning Proposal is considered to be consistent with the SEPP (Rural Lands) 2008. Lot 164 DP 750159 is proposed to be rezoned from zone RU1 to zone E1. The subject land is not large enough to undertake a viable agricultural use, has been acquired by the NPWS and is surrounded by E1 land, being the Nangar National Park. The planning proposal is considered to be consistent with the SEPP (Rural Lands).

MINISTERIAL DIRECTION 1.1 – BUSINESS AND INDUSTRIAL ZONES

This Direction applies to the rezoning of 19 hectares (27 allotments) in Nanima Street Eugowra from zone IN1 to zone RU5 is inconsistent with this direction as the planning proposal reduces the amount of industrial zoned land in Eugowra.

The subject land was rezoned from a village zone to zone IN1 as part of the Cabonne LEP 2012. Since the notification of the plan, there has been no increase in the number of Industrial uses in Nanima Street, and residents have requested that the subject allotments be rezoned to a more appropriate flexible village zone, being zone RU5 Village. The subject area includes a number of existing residential dwellings and vacant land, as well as a small number of existing industrial uses.

This land was not identified for industrial purposes under the adopted Blayney, Cabonne and Orange City Council's Sub-Regional rural and industrial land use strategy, July 2008 (endorsed 30 June 2011).

It is considered that the loss of 19 hectares of IN1 zoned land is not significant for the Eugowra village, and the inconsistency with the Direction is justified. The proposed zone RU5 allows flexible land use including business, residential and industrial uses.

This Direction does not apply to the rezoning of Lot 164 DP 750159, Dripping Rock Road, Eugowra, or the renaming of Federation Way to Henry Parkes Way.

MINISTERIAL DIRECTION 1.2 – RURAL ZONES & 1.5 RURAL LANDS

This Direction applies to the rezoning of Lot 164 DP 750159, Dripping Rock Road, Eugowra from zone RU1 to zone E1 is inconsistent with this Direction, however, it is considered to be of minor significance, given the land has been acquired by NPWS to add to Nangar NP. The proposed E1 zoning will give the subject land a greater level of protection, given the existing endangered ecological community found on the land.

The rezoning of the 19 hectares from IN1 to RU5 at Nanima Street, Eugowra and the

renaming of Federation Way to Henry Parkes Way are not applicable to this direction.

MINSITERIAL DIRECTION 2.1 – ENVIRONMENTAL ZONES

This Direction applies to the rezoning of Lot 164 DP 750159, Dripping Rock Road, Eugowra from zone RU1 to zone E1 is considered to be consistent with this Direction as the land has been acquired by NPWS and added to Nangar NP. There is no change to environmental provisions.

The rezoning of the 27 allotments from IN1 to RU5 at Nanima Street, Eugowra and the renaming of Federation Way to Henry Parkes Way are not applicable to this direction.

MINISTERIAL DIRECTION 3.1 – RESIDENTIAL ZONES

This Direction applies to the rezoning of the 19 hectares (27 allotments) from zone IN1 to zone RU5 at Namina Street, Eugowra will acknowledge the existing residential lots in the area and permit residential development with Council consent, and the planning proposal is considered to be consistent with this direction.

The rezoning of Lot 164 DP 750159, Dripping Rock Road, Eugowra and the renaming of Federation Way to Henry Parkes Way are not applicable to this direction.

MINISTERIAL DIRECTION 4.3 – FLOOD PRONE LAND

This Direction applies to the 19 hectares (27 allotments) at Namina Street, Eugowra that are identified in the Flood Planning Area under the provisions of the Cabonne LEP 2012.

Whilst the Direction does not support the development of flood prone land, the subject land currently provides for a number of dwellings existing on the allotments. Any future residential development on the subject land will be required to meet the requirements for flood prone land within the Cabonne LEP and DCP. The Ministers delegate can be satisfied that the inconsistency with this Direction is of minor significance as the land is within the Village of Eugowra, which was formally zoned village and such zoning is being reinstated and there is no change to the flooding provisions/considerations.

The rezoning of Lot 164 DP 750159, Dripping Rock Road, Eugowra and the renaming of Federation Way to Henry Parkes Way are not applicable to this direction.

MINISTERIAL DIRECTION 4.4 – PLANNING FOR BUSHFIRE PROTECTION

This Direction applies to the 19 hectares (27 allotments) at Nanima Street, Eugowra as they are partially identified as being bush fire prone. Whilst the Direction does not support the development of bushfire prone land, the subject land currently provides for a number of dwellings and industrial uses existing on the allotments. Any future development on the subject land will be required to meet the requirements for bushfire prone land within the Cabonne LEP and DCP. This inconsistency can be addressed by Council in the section 59 submission after consultation with the NSW RFS.

The rezoning of Lot 164 DP 750159, Dripping Rock Road, Eugowra and the renaming of Federation Way to Henry Parkes Way are not applicable to this direction.

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

If No, explain :

Mapping Provided - s55(2)(d)

Is mapping provided? **No**

Comment :

Indicative mapping has been included in the submitted planning proposal; however it is not in accordance with the Departments standard technical requirements for mapping.

Maps will be required to be prepared by Council in accordance with the Departments technical guidelines and submitted for assessment as part of the s59 process.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : **Council has proposed 28 days community consultation.
Given the nature of the planning proposal, it is considered that 28 days is appropriate.**

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 :

Assessment Criteria

Need for planning
proposal : **The Planning Proposal is not the result of any specific study or report. The issues that the
Planning Proposal addresses have been identified through operational experience within
the Cabonne LEP 2012 and community feedback.**

**The Planning Proposal will correct mapping anomalies and rezone land to a more
appropriate zoning.**

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Consistency with strategic planning framework :

The Planning Proposal is consistent with the Blayney, Cabonne and Orange City Council's Sub-Regional rural and industrial land use strategy, July 2008 (endorsed 30 June 2011).

In relation to the rezoning of land at Namina Street, Eugowra, whilst the sub-regional strategy identified land at Manildra for future industrial expansion, it did not address the provision of additional industrial land at Eugowra. The zoning of the land to IN1 occurred during the Standard Instrument process, to facilitate small scale industrial development in each of the villages within Cabonne Council.

Since the inception of the Cabonne LEP 2012, there has been no take-up of this additional land, and is considered to be in excess of the requirements, given additional land in other villages. Light industrial uses are permissible with development consent within the RU5 Village zone, and the proposed RU5 zone will facilitate a greater range of development that is appropriate for the village area.

The rezoning of the 19 hectares (27 allotments) in Namina Street from IN1 to RU5 is not considered to be inconsistent with the Strategy, and will not restrict the existing allotments from future development.

The Cabonne Settlement Strategy 2012 (endorsed 15 October 2012) is also applicable to the Planning Proposal. This strategy identified a potential requirement for industrial land at Eugowra, and recommended that only home industries and low impact light industrial uses should be supported in the RU5 zone. The rezoning of the 19 hectares (27 allotments) in Namina Street is considered to be consistent with this Strategy.

Light industrial uses are permissible with development consent within zone RU5 Village.

The rezoning of Lot 164 DP 750159, Dripping Rock Road, Eugowra and the renaming of Federation Way to Henry Parkes Way are not included in either of these Strategies. It is considered that the rezoning of Lot 164 from zone RU1 to zone E1 is a more appropriate zone for the site, as the land has been acquired by NPWS. The renaming of Federation Way to Henry Parkes Way does not impact on the Strategies.

Environmental social economic impacts :

The Namina Street precinct is identified as being flood prone land. Any future residential development on the subject land will be required to meet the requirements for flood prone land within the Cabonne LEP 2012 and DCP.

No negative environmental or social impacts are expected in relation to the rezoning of Lot 164 DP 750159, Dripping Rock Road, Eugowra or the renaming of Federation Way to Henry Parkes Way.

Assessment Process

Proposal type : **Consistent** Community Consultation Period : **28 Days**

Timeframe to make LEP : **9 months** Delegation : **RPA**

Public Authority Consultation - 56(2) (d) : **Office of Environment and Heritage
NSW Department of Primary Industries - Agriculture**

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

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

If no, provide reasons :

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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 Team Recommendation

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

S.117 directions:

- 1.1 Business and Industrial Zones**
- 1.2 Rural Zones**
- 1.5 Rural Lands**
- 2.1 Environment Protection Zones**
- 4.3 Flood Prone Land**
- 4.4 Planning for Bushfire Protection**

Additional Information : 1. Community consultation is required under sections 56(2)(c) and 57 of the EP&A Act as follows:

(a) The planning proposal is required to be made publicly available on exhibition for 28 days as described in A Guide to Preparing LEPs (Department of Planning and Infrastructure 2012).

(b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of A Guide to Preparing LEPs.

2. Consultation is required with the NSW Rural Fire Service under section 56(2)(d) of the EP&A Act to comply with the requirements of section 117 Direction 4.4 Planning for Bushfire Protections. Council is to address this Direction in the section 59 submission.

NSW Rural Fire Service is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal.

3. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the Environmental Planning and Assessment Act 1979 Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).

4. Prior to submission of the planning proposal under Section 59 of the EP&A Act, LEP maps must be prepared and be compliant with the Department's 'Standard Technical Requirements for LEP Maps'.

5. The timeframe for completing the LEP is to be 9 months from the week following the date of the Gateway determination.

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Supporting Reasons : **The Planning Proposal can be supported as it will provide diversity to the potential land use mix with potential for social and economic benefit to the Eugowra Community. The Planning Proposal will also provide a higher level of protection to an allotment with noted significant environmental value to the Eugowra community.**

Signature:



Printed Name:

Jenna Menaldi

Date:

23/1/15

Endorsed
Wganscy
AGMWR

23/1/15