

Planning Services

Gateway Determination Report

LGA	Cowra Council
PPA	Cowra Council
NAME	- Ranken Street, Cowra – is the rezoning of 25 lots from IN2 Light Industrial (IN2) to R2 Low Density Residential (R2) and the introduction of a 2000m2 minimum lot size. - Kite Street Tennis Courts – is the rezoning of RE1 Public Recreation to R1 General Residential Land. (10 homes)
NUMBER	PP_2018_COWRA_005_00
LEP TO BE AMENDED	Cowra Local Environmental Plan 2012
ADDRESS	Ranken Street, Cowra 41 Kit Street, Cowra
DESCRIPTION	<u>Ranken & Hartley Streets</u> Lots 21-23 DP 839395, Lots 1-10, 13-18 & 32-34 DP 5805, Lots 1 & 2 DP 872743, Lot 1 DP 808037, Lot 351 DP 213582, Lots 101 & 102 DP 828113 and Lots 101 & 102 DP 1011231 <u>Kite Street</u> Lots 25-27 DP 977420
RECEIVED	6 March 2018 – Additional Information 2 July 2018
FILE NO.	IRF18/18/1134
POLITICAL DONATIONS	There are no donations known or gifts to disclose and a political donation disclosure is not required
LOBBYIST CODE OF CONDUCT	There have been no known meetings or communications with registered lobbyists with respect to this proposal

INTRODUCTION

Description of planning proposal

The planning proposal seeks to amend the Cowra Local Environmental Plan 2012 (LEP) and consist of the following two elements:

Ranken and Hartley Streets

The planning proposal seeks to rezone 25 lots (listed above) in Ranken and Hartley Streets, Cowra, from light industrial to residential, in recognition of the current and likely future use of the land. Specifically, this will entail:

- Rezoning the land from IN2 Light Industrial to R2 Low Density Residential (a new zone in the LEP).
- Amending the minimum lot size from having no requirement to 4000m².

Kite Street

The planning proposal seeks to rezone Lots 25, 26 & 27 Section 8 DP 977420 from RE1 Public Recreation to R1 General Residential and proposes a minimum lot size of 700m².

Council have confirmed that the land is operational under the Local Government Act 1993.

Site description

Ranken and Hartley Streets

Ranken and Hartley Streets are located in West Cowra, intersecting 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 property 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 as shown in Figure 1.

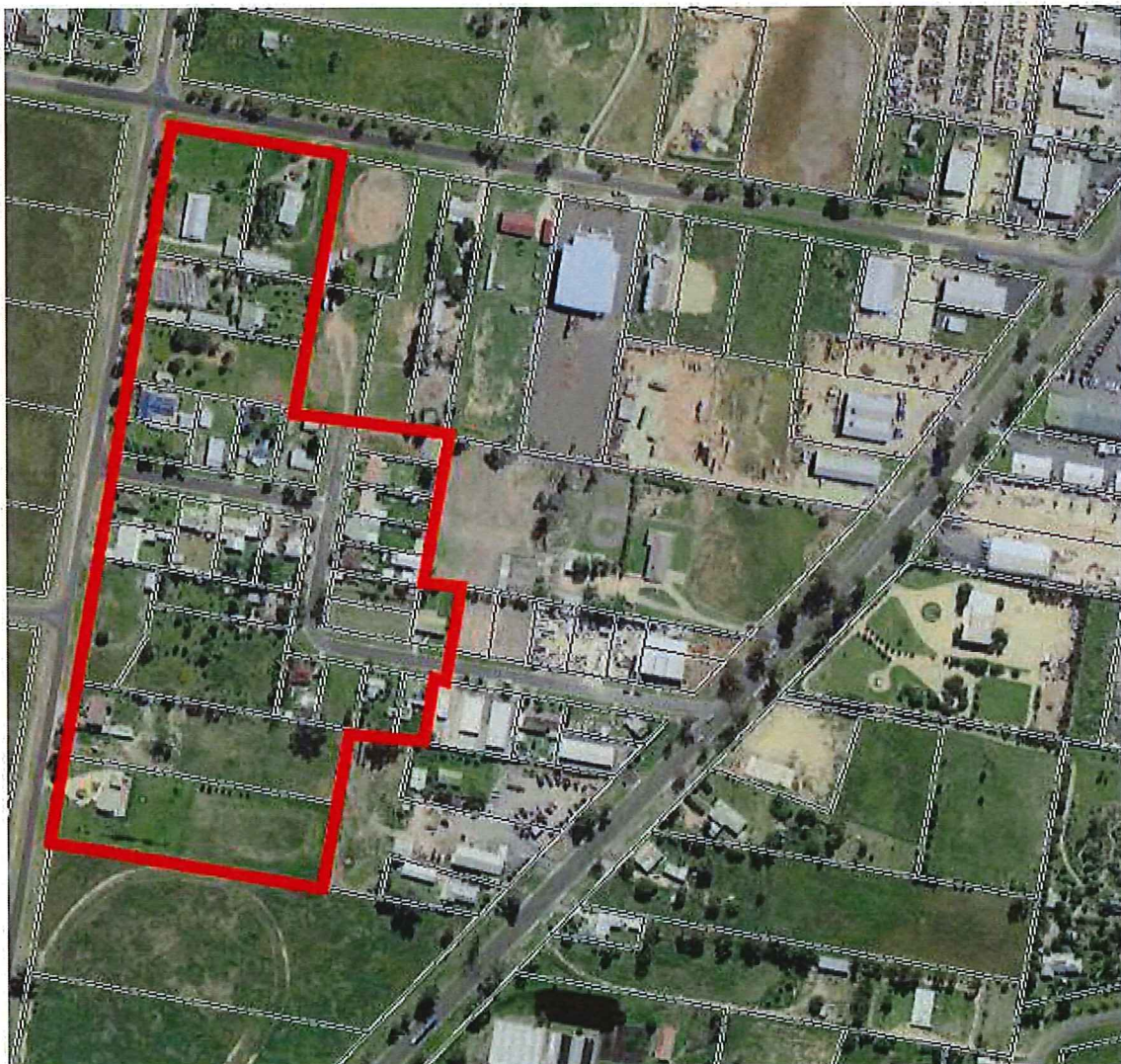


Figure 1: Site and Locality

Kite Street

The proposal is located on Lots 25, 26 and 27 DP 977420, 41 Kite Street Cowra. Figure 2 shows the location of the subject site. The site is bounded by the B5 Business Development Zone along Redfern Street to the east and R1 General Residential to the North, South and West.

The site was previously used as local community tennis courts which ceased use over 20 years ago. The land has not been actively used since 2006.



Figure 2: Site and Locality

Existing planning controls

Ranken and Hartley Streets

The site is currently zoned IN2 Light Industry. The land use table and zoning map extracts from the LEP is provided below.

Zone IN2 Light Industrial

1 Objectives of zone

- To provide a wide range of light industrial, warehouse and related land uses.
- To encourage employment opportunities and to support the viability of centres.
- To minimise any adverse effect of industry on other land uses.
- To enable other land uses that provide facilities or services to meet the day to day needs of workers in the area.
- To support and protect industrial land for industrial uses.

2 Permitted without consent

Environmental protection works

3 Permitted with consent

Aquaculture; Boat building and repair facilities; Car parks; Community facilities; Correctional centres; Crematoria; Depots; Electricity generating

works; Environmental facilities; Freight transport facilities; Funeral homes; Garden centres; Hardware and building supplies; Helipads; Heliports; Highway service centres; Industrial retail outlets; Industrial training facilities; Kiosks; Landscaping material supplies; Light industries; Mortuaries; Neighbourhood shops; Passenger transport facilities; Places of public worship; Recreation areas; Recreation facilities (indoor); Research stations; Restricted premises; Roads; Rural supplies; Service stations; Sex services premises; Signage; Storage premises; Take away food and drink premises; Timber yards; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Vehicle sales or hire premises; Veterinary hospitals; Warehouse or distribution centres; Water recreation structures; Water recycling facilities; Water supply systems; Wholesale supplies

4 Prohibited

Any development not specified in item 2 or 3

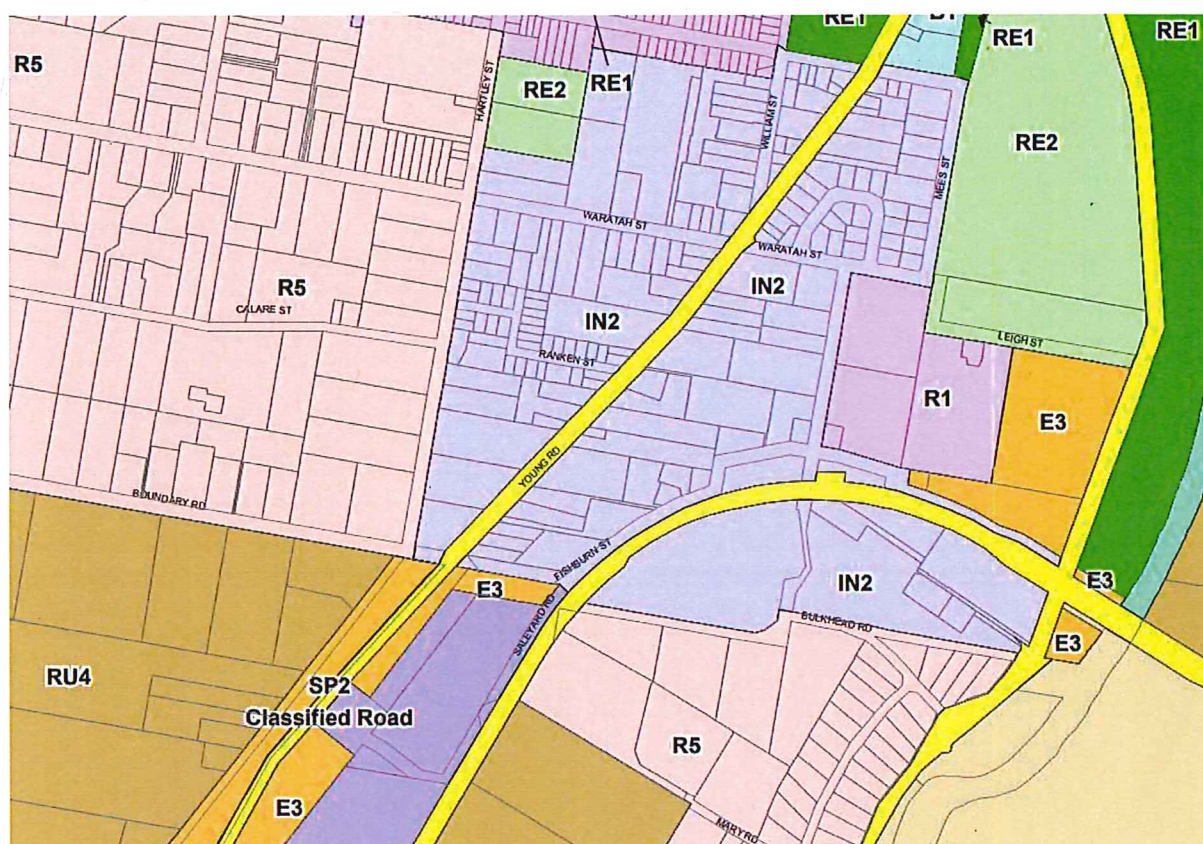


Figure 3: Land Zoning Map

Kite Street

The site is currently zoned RE1 Public Recreation. The land use table and zoning map extracts from the LEP is provided below.

Zone RE1 Public Recreation

1 Objectives of zone

- To enable land to be used for public open space or recreational purposes.
- To provide a range of recreational settings and activities and compatible land uses.
- To protect and enhance the natural environment for recreational purposes.

- To maximise public transport patronage and encourage walking and cycling.

2 Permitted without consent

Environmental protection works

3 Permitted with consent

Boat launching ramps; Boat sheds; Building identification signs; Business identification signs; Camping grounds; Caravan parks; Charter and tourism boating facilities; Community facilities; Environmental facilities; Information and education facilities; Jetties; Kiosks; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Roads; Water recreation structures; Water recycling facilities; Water supply systems

4 Prohibited

Water treatment facilities; Any other development not specified in item 2 or 3

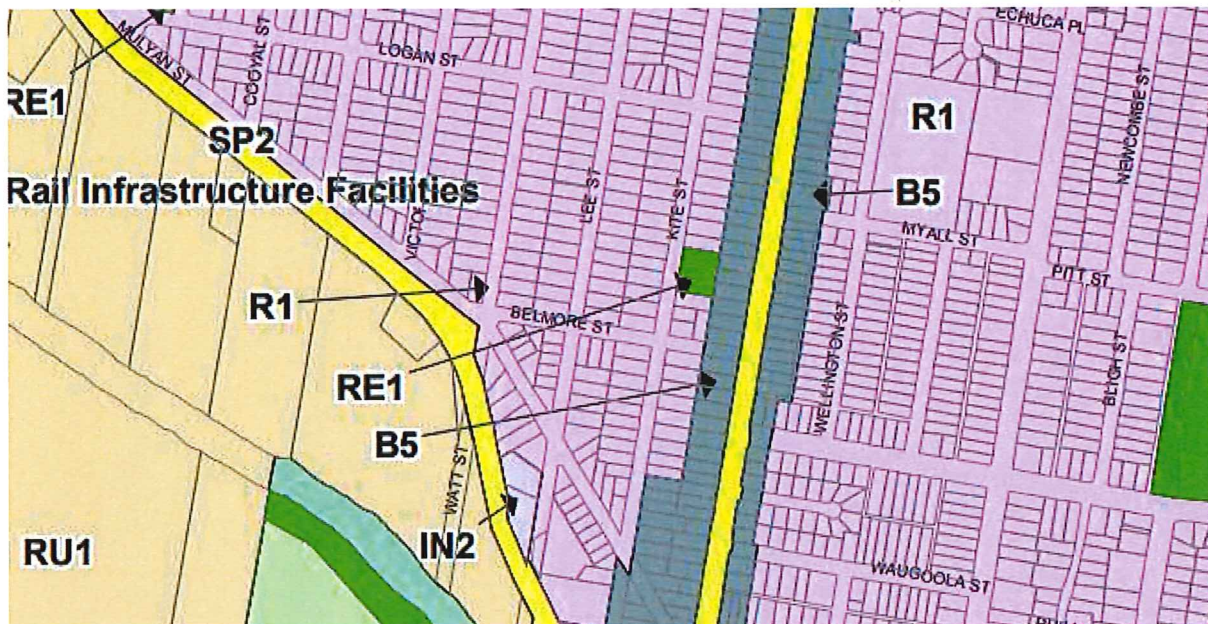


Figure 4: Land Zoning Map

Summary of recommendation

Proceed with Condition – The planning proposal satisfies the relevant Section 9.1 Directions and applicable State Environmental Planning Policies (discussed below).

A condition has been recommended to amend the planning proposal to include the proposed minimum lot sizes in the statement of intended affects.

Standard conditions have been applied to ensure that Council process the planning proposal in accordance with the *Environmental Planning and Assessment Act 1979* and guidelines.

PROPOSAL

Objectives or intended outcomes

Ranken and Hartley Streets

The planning proposal states:

To amend Cowra Local Environmental Plan 2012 by rezoning land in Ranken Street from light industrial to residential, in recognition of the current and likely future use of the land.

Comment: The objective of planning proposal is considered to be adequate and has been clearly explained.

Kite Street

The planning proposal states:

To amend Cowra Local Environmental Plan 2012 by rezoning Lots 25, 26 & 27 Section 8 DP 977420 for residential purposes.

Comment: The objective of planning proposal is considered to be adequate and has been clearly explained.

Explanation of provisions

Ranken and Hartley Streets

The planning proposal states:

- *Rezoning Lots 25, 26 & 27 Section 8 DP 977420 from RE1 Public Recreation to R2 Low Density Residential.*
- *Amending the Land Zoning Map – Sheet LZN_002C.*
- *Amending the Lot Size Map – Sheet LSZ_002C.*

The planning proposal provides a proposed land use table and objectives at Appendix 3, shown below:

Zone R2 Low Density Residential

1 Objectives of zone

- *To provide for the housing needs of the Ranken Street area within a low density residential environment.*
- *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 involve activities which could further detract from the functions of nearby light industrial zoned land,*
- *To ensure that development does not create un-manageable land-use conflict potential with uses likely to be permissible in adjoining zones.*

2 Permitted without consent

Home occupations; Roads

3 Permitted with consent

Boarding houses; Centre-based child care facilities; Dwelling houses; Group homes; Respite day care centres

4 Prohibited

Any development not specified in item 2 or 3.

Comment: The explanation of provisions is considered to be appropriate. However, a condition is recommended to ensure the minimum lot size amendment is stated in the explanation.

Kite Street

The planning proposal states:

- *Rezoning Lots 25, 26 & 27 Section 8 DP 977420 from RE1 Public Recreation to R1 General Residential.*

- *Amending the Land Zoning Map – Sheet LZN_002C.*
- *Amending the Lot Size Map – Sheet LSZ_002C.*

Comment: The explanation of provisions is considered to be appropriate. However, a condition is recommended to ensure the minimum lot size amendment is stated in the explanation.

Mapping

Both elements in the planning proposal will amend the following maps:

- *Amending the Land Zoning Map – Sheet LZN_002C.*
- *Amending the Lot Size Map – Sheet LSZ_002C.*

The maps that have been provided as part of the planning proposal are considered to be adequate. A condition is recommended to ensure that the maps are prepared in accordance with the Department's 'Standard Technical Requirements for Spatial Datasets and Maps' 2017.

NEED FOR THE PLANNING PROPOSAL

Ranken and Hartley Streets

The Planning Proposal is a result of the recommendations contained in the Issues Paper for the Review of Cowra Local Environmental Plan 2012 (Issues Paper).

The issues paper found that the IN2 Light Industrial zoning in the area around Ranken Street did not adequately reflect the existing uses of the land, being largely residential. The issues paper explored additional options, such as inserting additional permitted uses in Schedule 1 of the LEP. It concluded however, that most appropriate approach is to insert a new zone (R2 Low Density Residential) that is tailored to the characteristics of the area.

Comment: This is considered to be the most approach and justifies the need for the planning proposal.

Kite Street

The planning proposal the planning proposal is a result of the recommendations contained in the Issues Paper. The issues paper found:

- *The property is currently owned by Cowra Council and is formally identified as Lots 25, 26 & 27 Section 8 DP 977420.*
- *Cowra Council is considering the disposal of the land. It is no longer being used for a community purpose, as the tennis courts and existing hall on the land have fallen into a state of disrepair. The land does not currently contribute to active or passive public recreation opportunities in the local area.*
- *The land is currently zoned RE1 Public Recreation. Cowra Infrastructure & Operations have requested the land be rezoned to R1 General Residential. This zoning is considered to be the most suitable for the land, having regard to the size of the lots and nature of surrounding land-use. Kite Street is an established residential area.*
- *The recommended planning response is to rezone the land to R1 General Residential zone.*

Comment: The available public recreation land analysis and history of the site provided in the planning proposal justifies the land ability to be rezoned. It is also considered that the planning proposal is the best mean of achieving the intended outcome.

STRATEGIC ASSESSMENT

Central West and Orana Regional Plan

Ranken and Hartley Streets

The planning proposal states:

The Planning Proposal is generally consistent with the Central West Orange Regional Plan 2036 (Regional Plan), which was released by the NSW Department of Planning & Environment in June 2017.

The Ranken Street Planning Proposal is unique in that it aims only to rationalise existing land-use. The Planning Proposal deals with a local planning issue only and has no regional significance.

The proposal has however been considered against the Regional Plan and whilst there are no inconsistencies, the proposal does not closely align with any of the identified Strategic Directions.

Comment: It is considered that the planning proposal is generally consistent with the regional plan.

Kite Street

The planning proposal states:

The Planning Proposal is generally consistent with the Central West Orange Regional Plan 2036 (Regional Plan), which was released by the NSW Department of Planning & Environment in June 2017.

The rezoning of the land is not a matter of regional planning significance. The proposal generally aligns with the Strategic Directions relating to the increasing of housing diversity and choice, however detailed assessment is considered unnecessary due to the minor significance of the rezoning proposal.

Comment: It is considered that the planning proposal is generally consistent with the plan.

Both matters are local and site specific. Whilst the planning proposal is generally consistent with the Regional Plan, there are no specific matters that directly relate to the planning proposals.

Local

Ranken and Hartley Streets

The planning proposal has resulted from the recommendations contained in the Issues Paper for the Review of Cowra Local Environmental Plan 2012 (Issues Paper). The Department provided comments on the issues paper. The issues paper concluded that the current IN2 Light Industrial Zone does not accurately reflect the existing uses of the Ranken and Hartley Streets, being largely Residential. In order to truly reflect the use of the land the issues paper recommended that a new R2 Low

Density Residential Zone be included in the LEP to accurately reflect the existing use of the land.

Comment: This approach is considered to be appropriate. The Ranken and Hartley Streets area, presents a unique settlement pattern adjoining an existing light industrial area. An assessment of the proposed land use table and objectives appear to be suitable for the area and do not present any additional impacts on the large lot residential area to the west.

Kite Street

The Cowra Shire Land-use Strategy did not contain any recommendations specific to the Kite Street Tennis Courts.

The zoning of the land under Cowra Local Environmental Plan 1990 was 6 – Open Space. The equivalent zone of RE1 Public Recreation was carried over when Cowra Local Environmental Plan 2012 was being prepared.

Cowra Council have undertaken an analysis of the recreation land in the Cowra township and the rezoning from recreation to residential will not lead to a shortage of usable public open space.

Section 9.1 Ministerial Directions

Ranken and Hartley Streets

Direction 1.1 – Business and Industrial Zones: This Direction does apply to the planning proposal as it will affect land within an existing business or industrial zone. The proposal is considered to be inconsistent with this Direction, as the rezoning will result in a reduction of land in the IN2 Light Industrial zone, and will therefore reduce the total potential floor space area for industrial uses in industrial zones.

The planning proposal states:

The inconsistency is justified for the following reasons:

- *The rezoning is proposed as a way of rationalising existing land-use. The land is currently being used for residential purposes and this use is expected to continue into the longer term. The likelihood of the land ever being made available to industrial use is very low. The*
- *The rezoning proposal will not result in a shortage of quality, useable and purposefully zoned industrial land. The commencement of Cowra Local Environmental Plan 2012 delivered nearly 80 hectares of new industrial land for the Cowra Township, which is enough land to meet market demand well into the longer term (30+ years).*
- *The circumstances surrounding the proposed rezoning are sufficient for the inconsistency to be justified on the grounds of minor significance.*

Comment: The justification is considered to be adequate. An inspection of the area was undertaken 3 April 2018 with Council. It was evident that the area was residential and has been for a number of years. It is considered that the R2 Low Density Residential Zone would accurately reflect the existing uses of land. There is a substantial amount of light industrial land nearby.

RECOMMENDATION: The Director Regions, Western can be satisfied that the inconsistency is of minor significance due to the historical uses of the area.

Direction 3.1 – Residential Zones: This Direction does apply to the planning proposal as it will affect land within a proposed residential zone.

The planning proposal is considered to be consistent with the Direction.

The planning proposal states:

- *There is limited scope for the rezoning proposal to broaden the choice of building types, given that Ranken Street is an established residential area.*
- *There are no immediate changes required to the existing level of services provided to Ranken Street. Whilst the existing dwellings are currently using on-site waste disposal, Council is currently designing a reticulated sewerage system for West Cowra, and will connect the system to Ranken*
- *Street as one of the first priorities. This is intended to occur regardless of the rezoning proposal.*
- *A minimum lot size of 4000m² will be applied to the new R2 zone. This lot size will prevent further subdivision of the lots in Ranken Street. This is not reducing the permissible density because more intensive uses of the lots for residential purposes is currently not achievable under the IN2 Light Industrial zone anyway.*

RECOMMENDATION: The Director Regions, Western can be satisfied that the planning proposal is consistent with the Direction.

Kite Street

Direction 3.1 – Residential Zones: This Direction does apply to the planning proposal as it will affect land within a proposed residential zone.

The planning proposal is considered to be consistent with the Direction.

The planning proposal states:

- *There is limited scope for the rezoning proposal to broaden the choice of building types, given the small size of the land concerned. However the proposed rezoning will allow a wide range of residential developments to be development on the land.*
- *There are no immediate changes required to the existing level of services provided to the site. Water Sewer and power are available to the land.*
- *There is no proposal to reduce the permissible density of the land. A minimum lot size of 700m² will apply to the land, similar to adjoining land. The lots are currently too small to be further subdivision once the rezoning has been completed.*

RECOMMENDATION: The Director Regions, Western can be satisfied that the planning proposal is consistent with the Direction.

Direction 6.2 – Reserving Land for Public Purposes: This Direction does apply to the planning proposal as it will reduce existing zonings or reservations of land for public purposes and requires the approval of the relevant public authority and the Secretary of the Department.

The planning proposal prepared by Council acknowledges that the planning proposal is inconsistent with the Direction. The Director Regions, Western can be satisfied that the inconsistency is of minor significance. Council have adequately justified the inconsistency from an analysis of existing public recreation land and history of the site. The site has not been utilised actively since 2006 and is now cleared of buildings. As such, it is considered that the rezoning will not compromise the availability of public recreation opportunities for the immediate or wider surrounding

locality. Approval can be granted by the Director Regions, Western as the delegate of the Secretary under Direction 6.2(4).

State environmental planning policies

Ranken and Hartley Streets

SEPP No. 55 – Remediation of Land: The planning proposal requires to consider SEPP No. 55 as the land is being rezoned from an industrial zone to a residential zone.

The planning proposal states:

Council's assessment is simplified because the properties in Ranken Street that are proposed to be rezoned have existing dwellings. The residential use of these properties has been long established, and whilst the vintage of individual properties varies, the majority of dwellings appear to have been constructed in the 1960's or 1970's.

Site inspection of the area doesn't reveal any obvious signs of previous industrial use on these allotments, or previous use of the land for any other purpose identified in Table 1 of the Guidelines. The streetscape appearance is typical of any establish residential neighbourhood.

A search has also been completed of Council's electronic Development Applications register to determine whether there has ever been any activities approved in Ranken Street that warrant further investigation for potential contamination. The records date as far back as 1947. The search revealed the following non-dwelling related approvals:

- Horse Stables on Lot 13 – DA 5/82
- Factory Refurbishment (Cowra Concrete Products) – DA 50/93
- Storage Units – Lot 29& 30 – DA 111/90
- Shelter – Lot 9 – DA 30/74

None of the above approvals relate to any of the sites that are proposed to be rezoned. They relate to sites currently being used for industrial purposes, and which will be retained in the IN2 Light Industrial zone.

Council has therefore not identified any past or present uses of relevant properties in Ranken Street which could be indicators of potential contamination. There are no reasonable grounds to justify further studies and investigations in relation to potential land contamination, and is considered that the land is suitable to be rezoned to R2 Low Density Residential.

Comment: The planning proposal addressed the principles in the State Environmental Planning Policy No. 55 (Remediation of Land), as outlined above. The Director Regions, Western can be satisfied that the planning proposal is consistent with the SEPP.

Kite Street

SEPP No. 55 – Remediation of Land: The planning proposal requires to consider SEPP No. 55 in accordance with Clause 6 of the SEPP.

The planning proposal states:

Historically the property has been used for public Tennis Courts, and whilst remnants of this use (fencing, courts and hall), the site has not been actively used for this

purpose for many years. In the time since active recreation on the land ceased, the property has not been used for any other purpose which has resulted in the infrastructure on the site deteriorating gradually.

Site inspection of the area doesn't reveal any obvious signs of any use on these allotments for a purpose identified in Table 1 of the Guidelines.

A search has also been completed of Council's electronic Development Applications register to determine whether there has ever been any activities approved on the land which might warrant further investigation for potential contamination. The records do not show any other uses having carried out at the site.

Comment: The planning proposal addressed the principles in the State Environmental Planning Policy No. 55 (Remediation of Land), as outlined above. The Director Regions, Western can be satisfied that the planning proposal is consistent with the SEPP.

SITE-SPECIFIC ASSESSMENT

Social, Environmental and Economic affects

The planning proposals do not present significant adverse environmental impacts.

Ranken and Hartley Streets

The proposed residential zoning does not present adverse impacts. The zoning merely reflects the existing land uses in the area.

Kite Street

The Kite Street rezoning also does not present any adverse impacts. The analysis undertaken by Cowra Council demonstrates negligible losses having regard to public recreation. In addition, the planning proposal is located on a site that has not been actively used in an existing urban area.

CONSULTATION

Community

Council have proposed the following consultation strategy:

- *Advertisement on Council's website for 28 days.*
- *Advertisement in the Cowra Guardian on at least two occasions.*
- *The following material will be made available for inspection throughout the exhibition period:*
- *Issues Paper for the Review of Cowra Local Environmental Plan 2012 – July 2017*
- *Issues Paper for the Review of Cowra Local Environmental Plan 2012 – July 2017 – Summary of Recommendations.*
- *Planning Proposal .*
- *Gateway Determination, as issued by NSW Department of Planning & Environment.*

Council will also consult in accordance with the requirements of the Cowra Shire Council's Aboriginal Consultation Policy.

Comment: The consultation strategy for 28 days is considered to be appropriate.

Agencies

Council has not specifically stated any agency consultation and no agencies are required to be consulted in this case.

TIME FRAME

Council have proposed 6 month timeframe to complete the amendment. It is recommended that a 12 month timeframe be required to complete the LEP.

LOCAL PLAN-MAKING AUTHORITY

Council has requested Council Officer Delegation to prepare the draft LEP under section 3.36 of the Act. Appendix 4 – Evaluation Criteria for the Delegation of Plan making functions was submitted.

Due to the planning proposal being a local matter that is site specific it is considered appropriate that delegations are authorised to Council.

CONCLUSION

- Preparation of the planning proposal is supported to proceed with conditions.
- The planning proposal addresses the Department's 'A guide to preparing planning proposals'.

RECOMMENDATION

It is recommended that the delegate of the Secretary:

1. agree that any inconsistencies with section 9.1 Direction 1.1 – Business and Industrial Zones is minor and justified; and
2. approve, under Direction 6.2(4) that the land in Kite Street is no longer required for public purposes.

It is recommended that the delegate of the Minister for Planning determine that the planning proposal should proceed subject to the following conditions:

1. The planning proposal should be made available for community consultation for a minimum of 28 days.
2. The time frame for completing the LEP is to be 12 months from the date of the Gateway determination.
3. Given the nature of the planning proposal, Council should be the local plan-making authority.
4. The planning proposal is to be amended to include the proposed minimum lot sizes in the explanation of intended affects.



24.7.18

Team Leader, Western



26.7.18

**Director Regions, Western
Planning Services**

Contact Officer: Haydon Murdoch
Planning Officer
Phone: 6229 7914