



PLANNING PROPOSAL

REZONING OF LAND IN COWRA LEP 2012

Prepared For:

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0.1

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1.0

Introduction

This section of the Planning Proposal identifies the purpose and confirms the approach that is to be taken as part of the process to amend

1.1. Background

To commence the plan making process, Cowra Council prepared an Issues Paper for the Review of Cowra Local Environmental Plan 2012 (the Issues Paper).

The purpose of the Issues Paper was to review the effectiveness of the existing land-use planning framework under Cowra Local Environmental Plan 2012, identify relevant planning issues and recommend appropriate actions for consideration as part of the preparation of a Local Environmental Plan amendment.

The Issues Paper was also prepared as the primary guiding document for Council as part of the preparation of an amendment, or series of amendments to Cowra Local Environmental Plan 2012.

The Issues Paper was endorsed for the purposes of public exhibition by Council at the Ordinary Meeting held 24 July 2017. The public exhibition occurred from Tuesday 1 August 2017 to Monday 28 August 2017. All submissions were considered by Council at the Ordinary Meeting on 23 October 2017.

1.2. Approach

The Issues Paper identified the need to amend Cowra Local Environmental Plan 2012 in a variety of ways. Owing to the varying nature and complexities of the proposed amendments, NSW Planning & Environment have recommended to Cowra Council that 5 separate Planning Proposals be prepared, with each one intending to address amendments that are of a similar nature.

A description of the issues to be addressed by the five Planning Proposals are included below:

- Planning Proposal – Clause Amendments.
- Planning Proposal – Land-use Table Amendments.
- Planning Proposal – Rezoning.
- Planning Proposal – Schedule 4 Amendments.
- Planning Proposal – Schedule 5 Amendments.

This particular paper relates to rezonings Cowra.

1.3. 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 & Environment's guidelines for the preparation of Planning Proposals.

The Planning Proposal seeks to amend Cowra Local Environmental Plan 2012 by rezoning certain land in the Cowra Shire.

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

2.0

Ranken Street, Cowra

This Section of the Planning Proposal explains and justifies the proposal to amend Cowra Local Environmental Plan 2012 in a way that better facilitates the existing and likely future use of land in Ranken Street, Cowra for residential purposes.

2.1. Issues Paper Findings

Section 5.3 of the Issues Paper for the Review of Cowra Local Environmental Plan 2012 included a general review of the current planning provisions applying to the area surrounding Ranken Street in Cowra.

For ease of reference, a summary of the main discussion points is listed below:

- Now that Cowra Local Environmental Plan 2012 has been in operation for a number of years, Council's planners have had an opportunity to better understand whether the application of the IN2 Light Industrial zone to land in the Cowra Township is adequately reflecting existing or desired land-use.
- Ranken Street was one of the areas identified by Council planners where the zoning of the land was potentially unsuitable, resulting in a number of ongoing planning issues.
- 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 property holdings in Ranken Street accommodate existing single detached dwellings, however there are number of existing light industrial uses located closer to the Olympic Way.
- Despite the residential nature of land-use in Ranken Street, the land is zoned IN2 Light Industrial in accordance with the LEP. This zone currently prohibits all forms of residential development. The land was also zoned for light industrial purposes under the previous LEP, meaning that there has long been a discrepancy between the nature of land-use in the area, and the zoning that applies to the land.
- The issue of appropriate zoning for Ranken Street has been previously canvassed as part of the study process leading to the preparation of the LEP. The decision to retain the area in a light industrial zone was based on a planning rationale that:
 - A light industrial zoning reflected the Council's long term strategic goal for this area of West Cowra, and
 - Keeping the land zoned for light industrial purposes was an appropriate strategy for discouraging further dwelling development in the area.
- The current LEP review provides an opportunity for Council to further scrutinise the appropriateness of the IN2 Light Industrial zoning for the Ranken Street area.
- The need for further scrutiny is only highlighted by a recent Planning Proposal that resulted in changes to the LEP (Amendment No.1) by allowing the erection of a dwelling on the land at 25 Ranken Street as an additional permitted use. The amendment was supported by Council and the NSW Department of Planning on the basis that the use of the land for a dwelling purpose

was the highest and best use for the site considering the residential nature of existing land-use in the area.

- There are a number of options available for Council to consider with regards to the Ranken Street area. These options include doing nothing (i.e. retaining the existing situation), rezoning the land, or using Schedule 1 of the LEP to give affected property holdings an Additional Permitted Use (residential).

The recommended planning response was to carry out further investigations as part of this Planning Proposal to determine the best approach to zoning / and or land-use permissibility in Ranken Street.

The findings of Council's additional planning investigations are presented in Section 2.2 of this report.

2.2. Further Investigation

As per the recommendations of the Issues Paper, Council planning staff have completed further investigations to determine best approach to zoning / and or land-use permissibility in Ranken Street. The findings of Council's further investigations are presented here as a prelude to Sections 2.3 onward.

2.2.1. The existing situation

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 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.

A map showing the nature of existing land-use in Ranken Street and the immediately surrounding environment is included below:

The fact that Ranken Street is a residential area yet is accommodated in the IN2 Light Industrial zone is the cause of a number of different planning issues. These issues are canvassed in Section 2.2.2.



- EXISTING RESIDENTIAL USE
- EXISTING INDUSTRIAL USE
- EXISTING RESIDENTIAL USE - LARGER LOTS
- VACANT LOTS
- EXISTING DWELLING



PLANNING PROPOSAL NO. 3
RANKEN STREET LAND-USE ANALYSIS MAP

2.2.2. Planning Issues

The application of the IN2 Light Industrial zone has resulted in a number of planning issues. To properly frame these issues, a number of questions are asked and responded to as follows.

Has the IN2 Light Industrial zoning created any non-development related barriers?

The IN2 Light Industrial zone can act as a potential barrier to the resale of existing properties in the Ranken Street area. When land is bought and sale, a mandatory part of a sale contract is a Section 10.7(2) Planning Certificate. This certificate informs a prospective purchase on a number of planning related matters including zoning. For land in Ranken Street, a 10.7(2) Certificate would clearly disclose that dwelling development is prohibited on the land. This is concerning information for buyers and Council has received anecdotal feedback that this can affect their borrowing capacity and insurance premiums.

Is the current IN2 Light Industrial adequately providing for new development in the area?

The IN2 Light Industrial zone creates uncertainty for landowners in Ranken Street who have existing dwellings. Because residential development is prohibited in the zone, Council is unable to approve basic home improvements (alterations, additions, outbuildings) without needing to rely on existing use rights legislation (in the Environmental Planning & Assessment Act & Regulation). Existing uses are based on the principle that the current activity being carried out on the land was lawfully established (i.e. with consent) at a time that pre-dates the commencement of a provision in a Local Environmental Plan that would otherwise have the effect of prohibiting that same activity. The onus for establishing existing use rights rests with the landowner, who must be able to establish that the existing dwellings was lawfully erected. This can be a difficult and sometimes unachievable task, particularly for houses that pre-date Council building approval records. This also depends significantly on the completeness of Council record keeping dating back 50 years.

Having regard to the above, Council believes that the current zoning is not adequately providing for new development in the area.

Are Council's strategic objectives being met for the area surrounding Ranken Street?

When Cowra Local Environmental Plan 2012 was being prepared, a decision was made to apply the IN2 Light Industrial zone to Ranken Street. This decision was made for the following reasons:

- The land was already zoned for light industrial purposes. The former zone was the 4(c) Special Industrial zone under Cowra Local Environmental Plan 1990, and
- The continued zoning of the land for light industrial purposes was considered sensible for strategic planning reasons. Ranken Street forms an 'unusual pocket' of residential land-use within an area that is more broadly characterised by industrial development. Keeping the land zoned for light industrial purposes was seen to be an appropriate strategy aimed at limiting residential expansion in the area and protecting existing and future industrial activity.

There is now some doubt about whether Council's original strategic objectives for the area are being met. Ranken Street has not or is not slowly transitioning into an industrial area, and the existing properties accommodating residential uses have not caused significant impediment to industrial expansion in the locality (which has only been modest anyway).

The area of land bound by Waratah Street, Young Road and Hartley Street (which includes Ranken Street) has not been identified in Council's Land-use Strategy as an area where strong growth (residential or industrial) is anticipated to occur. Other parts of the Cowra Township have been zoned purposefully for residential and industrial expansion (i.e. Glen Logan Road Industrial Estate and Yarrabilly). Additionally, this area is affected by the West Cowra Drain, which places natural constraint on the development potential of the area.

For reasons identified above, it is more realistic for Council to accept that the existing residential use of properties in Ranken Street will likely continue into the longer term, and that the area will not 'slowly' transition into a light industrial area by keeping the land zoned for this purpose. A more sensible approach to planning for this area might be to zone the land according to existing land-use and implement more detailed controls in a Development Control Plan that aims to manage potential land-use conflicts between existing and / or future residential and industrial

development. This potential solution is explored further in Section 2.2.3 below.

2.2.3. Planning Options

The analysis in Section 2.2.2 suggests that without change to the existing provisions of Cowra Local Environmental Plan 2012, it is unlikely that the range of issues affecting Ranken Street will be resolved. In this regard, there are two main options for Council to consider. These options were discussed briefly in the Issues Paper, and are explored in further detail as follows:

Option 1 – Additional Permitted Use

The first option is to identify the property holdings in Ranken Street with existing dwellings, and list them in Schedule 1 of the LEP. Under this option, the land would still be retained in the IN2 Light Industrial zone.

Schedule 1 enables Council to prescribe ‘dwellings’ as an additional permitted use for the lots, despite these being prohibited in the IN2 Light Industrial zone.

One advantage to this option is that the zoning for this area of West Cowra remains more cohesive, with all land remaining under the one zoning. The other advantage to this option is that Schedule 1 still provides certainty to landowners in Ranken Street that have existing dwellings. The LEP would allow Council to consent to replacement dwellings and / or dwelling additions or alterations without needing to rely on existing use rights.

Council is mindful that the Department generally discourages the use of Additional Permitted Uses outside of situations involving single or unique circumstances. Whilst there is a level of uniqueness about the Ranken Street area that provides additional justification for the use of Schedule 1, this approach does involve more than just a single property and is unlikely to receive the support of the Department.

Option 2 – Rezone the Land

The second option is to rezone the land in Ranken Street from IN2 Light Industrial to a suitable residential based zone. The new zoning would be applied to the residential properties in Ranken Street, noting there are several existing properties closer to the Young Road which are currently being used for light industrial purposes.

If a rezoning is considered to be the optimal approach, then it would be unwise for Council to adopt the R1 General Residential zone. Whilst the R1 General Residential zone would rationalise the current use of the land for single dwelling purposes, it would also broaden the permissibility of other residential uses on the land, including the full range of medium density housing types. There are various reasons why Council should not move to allow intensification of residential land-use in Ranken Street, including:

- Proximity to existing and likely future light industrial activity (i.e. land-use incompatibility).
- Inadequate servicing. Ranken Street is currently not seweraged, with existing dwellings using on-site waste disposal. (Note: Council has plans to augment a reticulated sewer supply to Ranken Street, however the designs are based on current land-use, and do not allow for redevelopment of the land into medium density housing).

A more suitable zoning strategy would be to adopt the R2 Low Density Residential zone. This is a Standard Instrument zone that has not already been used elsewhere in the Cowra Shire, allowing Council to tailor the permissible and prohibited uses in the zone to meet the planning objectives for Ranken Street. A draft Land-use Table has been prepared for the R2 zone, and is included in Appendix 3 of this report. Key features of the Land-use Table are:

- Objectives that provide for the specific housing needs of the Ranken Street, and ensure that proper consideration is given to relationship of new development in the area with existing and likely future uses on adjoining industrial zoned land.
- Enabling of mandated uses in the R2 zone, with the addition of single dwellings only.
- Prohibition of all other land-uses.

The only disadvantage of rezoning the land is that it would create a pocket of residential zoned land that is surrounded by industrial use. Under normal circumstances, this is not an ideal planning outcome because residential and industrial uses should be separated to prevent unmanageable land-use conflict issues. However, in this instance, the rezoning is proposed as a way of rationalising existing land-use and is not proposed as a way of controlling the future use of an area that is still undergoing growth.

The Department has provided advice to Council, as part of the consultation process relating to the Issues Paper, that their preference is for Council to rezone the land according to the preferred use.

Option 2 is therefore consistent with the Department's preferred approach for Ranken Street, and is the approach that will be justified by this Planning Proposal.

2.2.4. Rezoning Scope

Section 2.2.3 has identified the rezoning of land in Ranken Street as the most suitable planning strategy to address a range of planning issues for this area.

The mapping including in Section 2.2.1 of this reports shows the nature of existing land-use in the Ranken Street area. This map has been used by Council to guide the identification of properties that should be rezoned to R2 Low Density Residential.

The proposed R2 zone is shown in Appendix 1 and is based on the following principles:

- All properties with direct access to Ranken Street and containing an existing dwelling have been identified for rezoning.
- Properties at the eastern end of Ranken Street which are currently used for light industrial purposes, should be retained in the current zone.
- Vacant lots should not be rezoned, as Council does not wish to encourage further residential development in this area.
- The lots with direct frontage to Hartley Street, that also have an existing dwelling have been identified for rezoning.
- All other properties, are intended to be retained in the current IN2 light industrial zone.

2.3. Objectives

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 amendments.

In relation to the Ranken Street area, the objective of this Planning Proposal is to:

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.

2.4. 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 amending instrument. The explanation of provisions is a more detailed statement of how the objectives or intended outcomes are to be achieved by means of amending Cowra Local Environmental Plan 2012.

The objective (detailed in Section 2.3) will be achieved by:

- Inserting the R2 Low Density Residential zone into Cowra Local Environmental Plan 2012, and
- Tailoring the Land-use Table for the R2 zone to meet the planning objectives for Ranken Street.
- Amending the Land Zoning Map – Sheet LZN_002C to show the new area of land zoned R2 Low Density Residential.
- Amending the Lot Size Map – Sheet LSZ_002C to show the new lot size for the area newly zoned to R2. The lot size is proposed at 4000m².

2.5. Justification

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 9.1. The Justification sets out the case for making the proposed LEP amendment.

The NSW Department of Planning & Environment's guidelines for the preparation of Planning Proposals requires the proposed LEP amendment to be justified against a number of considerations. These justifications are included as follows:

2.5.1. Need for the Planning Proposal

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

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 was endorsed for the purposes of public exhibition by Council at the Ordinary Meeting held 24 July 2017. The public exhibition occurred from Tuesday 1 August 2017 to Monday 28 August 2017. All submissions were considered by Council at the Ordinary Meeting on 23 October 2017.

Further strategic evaluation of the need for this Planning Proposal is contained in Section 2.2.

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

The objectives of the Planning Proposal could be achieved using two alternative strategies. These strategies have been analysed in detail in Section 2.2.3 of the Planning Proposal.

The most suitable strategy is to rezone the land from IN2 Light Industrial to R2 Low Density Residential.

2.5.2. Consistency with Regional Plan

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.

2.5.3. Consistency with Local Strategy

The zoning for Ranken Street was considered by Council as part of the preparation of the study process leading to the preparation of Cowra Local Environmental Plan 2012. The Cowra Shire Land-use Strategy recommended that the land be retained in a light industrial zone, because the “strategic intent is for the area to remain light industrial and encourage residential development in appropriate zoned areas”.

Section 2.2.2 of this Planning Proposal assessed whether the Council’s original strategic objectives for the Ranken Street have, or are being met. The assessment concluded that it would be more realistic for Council to accept that the existing residential use of properties in Ranken Street will likely continue into the longer term, and that the area will not ‘slowly’ transition into a light industrial area by keeping the land zoned for this purpose. A more sensible approach to planning for this area would be to zone the land according to existing land-use. This approach is inconsistent with the original recommendations of the Cowra Shire Land-use Strategy.

The inconsistency is of minor significance. Appropriate justification is included in this Planning Proposal.

2.5.4. Consistency with relevant SEPPs

The following State Environmental Planning Policies are assessed as not applying to the Cowra Local Government area:

- SEPP No. 14 – Coast Wetlands
- SEPP No. 19 – Bushland in Urban Areas
- SEPP No. 19 – Bushland in Urban Areas
- SEPP No. 26 – Littoral Rainforests
- SEPP No. 44 – Koala Habitat Protection
- SEPP No. 47 – Moore Park Showground
- SEPP No. 52 – Farm Dams and Other Works
- SEPP No. 70 – Affordable Housing
- SEPP No. 71 – Coastal Protection
- SEPP (Kosciuszko National Park – Alpine Resorts) 2007
- SEPP (Kurnell Peninsula) 1989
- SEPP (Penrith Lakes Scheme) 1989
- SEPP (Sydney Drinking Water Catchment) 2011
- SEPP (Sydney Region Growth Centres) 2006
- SEPP (Three Ports) 2013
- SEPP (Urban Renewal) 2010
- SEPP (Western Sydney Employment Area) 2009
- SEPP (Western Sydney Parklands) 2009

The following State Environmental Planning Policies apply to the Cowra Local Government Area, but do not contain provisions which are particularly relevant or inconsistent with the Planning Proposal.

- SEPP No. 1 – Development Standards
- SEPP No. 21 – Caravan Parks
- SEPP No. 30 – Intensive Agriculture
- SEPP No. 33 – Hazardous & Offensive Dev.
- SEPP No. 36 – Manufactured Home Estates
- SEPP No. 50 – Canal Estate Development
- SEPP No. 62 – Sustainable Aquaculture
- SEPP No. 64 – Advertising and Signage
- SEPP No. 65 – Design of Quality Res. Apartments

- SEPP (Affordable Rental Housing) 2009
- SEPP (BASIX) 2004
- SEPP (Educational Establishments & Child Care Facilities) 2017
- SEPP (Exempt and Complying Development Codes) 2008
- SEPP (Infrastructure) 2007
- SEPP (Integration & Repeals) 2016
- SEPP (Mining, Petroleum Production and Extractive Industries) 2007
- SEPP (Miscellaneous Consent Provisions) 2007
- SEPP (Rural Lands) 2008
- SEPP (State and Regional Development) 2011
- SEPP (Vegetation in Non-Rural Areas) 2017.

The following State Environmental Planning Policies apply to the Cowra Local Government Area, and warrant an assessment to ensure consistency with the proposed rezoning of land at Ranken Street, Cowra.

SEPP No. 55 – Remediation of Land

The Planning Proposal requires consideration against the SEPP because the land in Ranken Street is proposed to be changed from an industrial zone to a residential zone. In particular, Clause 6 of the SEPP requires contamination and remediation to be considered as part of a zoning or rezoning proposal.

In simple terms, the SEPP requires that Council must not rezone the land in Ranken Street if the new zone permits a change of use of the land (which it does), and the land which is proposed to be rezoned has been previously used for a purpose referred to Table 1 of the Contaminated Land Planning Guidelines (The Guidelines).

The SEPP requires an initial evaluation to determine whether contamination is an issue and whether sufficient information is available to carry out a planning function (i.e. LEP Amendment) in good faith.

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 established 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.

2.5.5. Consistency with Section 9.1 Directions

The following Section 9.1 Ministerial Directions are assessed as not applying to the Planning Proposal.

- Direction 1.2 – Rural Zones
- Direction 1.3 – Mining, Petroleum Production and Extractive Industries
- Direction 1.4 – Oyster Aquaculture
- Direction 1.5 – Rural Lands
- Direction 2.1 – Environment Protection Zones
- Direction 2.2 – Coastal Protection

- Direction 2.3 – Heritage Conservation
- Direction 2.4 – Recreation Vehicle Areas
- Direction 2.5 – Application of E2 and E3 Zones
- Direction 3.2 – Caravan Parks and Manufactured Home Estates
- Direction 3.3 – Home Occupations
- Direction 3.4 – Integrated Land Use and Transport
- Direction 3.5 – Development Near Licensed Aerodromes
- Direction 3.6 – Shooting Ranges
- Direction 4.1 – Acid Sulphate Soils
- Direction 4.2 – Mine Subsidence and Unstable Land
- Direction 4.3 – Flood Prone Land
- Direction 4.4 – Planning for Bushfire Protection
- Direction 5.1 – Implementation of Regional Strategies
- Direction 5.2 – Sydney Drinking Water Catchments
- Direction 5.3 – Farmland of State and Regional Significance
- Direction 5.4 – Commercial and Retail Development along the Pacific Hwy
- Direction 5.5 – Development in the vicinity of Ellalong, Paxton & Millfield
- Direction 5.6 – Sydney to Canberra Corridor
- Direction 5.7 – Central Coast
- Direction 5.8 – Second Sydney Airport: Badgerys Creek
- Direction 5.9 – North West Rail Link Corridor Strategy
- Direction 5.10 – Implementation of Regional Plans
- Direction 6.1 – Approval and Referral Requirements
- Direction 6.2 – Reserving Land for Public Purposes
- Direction 6.3 – Site Specific Provisions
- Direction 7.1 – Implementation of A Plan for Growing Sydney
- Direction 7.2 – Implementation of Greater Macarthur Land Release Inv.

- Direction 7.3 – Parramatta Road Corridor Urban Transformation Strategy
- Direction 7.4 – Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan.
- Direction 7.5 – Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan.
- Direction 7.6 – Implementation of Wilton Priority Growth Area Land Use and Infrastructure Implementation Plan.

The following Section 9.1 Ministerial Directions apply to the Planning Proposal. An assessment has been carried out to ensure consistency with the terms of the direction.

Direction 1.1 – Business and Industrial Zones

This Ministerial Direction applies as the Planning Proposal affects land within an existing industrial zone.

The Ministerial Direction requires the Planning Proposal must:

- Give effect to the objectives of the Direction.
- Retain the areas and locations of existing business and industrial zones.
- Not reduce the total potential floor space area for employment uses and related public services in business zones.
- Not reduce the total potential floor space area for industrial uses in industrial zones.
- Ensure that proposed new employment areas are in accordance with a strategy that is approved by the Secretary of the Department of Planning and Environment.

The Planning Proposal creates an inconsistency with the requirements of the Ministerial Direction.

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 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.

Direction 3.1 – Residential Zones

This Ministerial Direction applies as the Planning Proposal affects land within an proposed residential zone.

The Ministerial Direction requires the Planning Proposal must:

- Broaden the choice of building types and locations available in the housing market, and
- Make more efficient use of existing infrastructure and services, and
- Reduce the consumption of land for housing and associated urban development on the urban fringe, and
- Be of good design, and
- Contain a requirement that residential development is not permitted until land is adequately serviced (or arrangements satisfactory to the Council, or other appropriate authority, have been made to service it), and
- Not contain provisions which will reduce the permissible density of land.

The Planning Proposal is assessed for consistency as follows:

- 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.

The Planning Proposal does not create any issues of inconsistency with the requirements of the Ministerial Direction.

2.5.6. Environmental, Social & Economic Impact Assessment

Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

Detailed assessment is unwarranted due to the nature of the Planning Proposal. Adverse impacts are considered unlikely.

Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

An assessment of likely impacts is included below:

- Water. Ranken Street is connected to reticulated water supply. The rezoning does not necessary an upgrade to this service. Nil impacts are likely.
- Sewer. Ranken Street is not currently connected to reticulated sewer, with dwellings currently using on-site waste disposal methods. The longer term sustainability of the area depends on reticulated sewer being connected. Council is currently designing a system for the wider west Cowra area and will connect Ranken Street as one of the first priorities for this project.
- Native vegetation – There are no intact areas of native vegetation in Ranken Street. The rezoning will not necessitate any changes to the existing landscape that could impact significantly on native vegetation.

- Groundwater – The wider locality is mapped in Cowra Local Environmental Plan 2012 as an area containing vulnerable groundwater resources. This is due to the proximity of the Lachlan River, which divides the Cowra Township. The rezoning of the land is not anticipated to generate unacceptable impacts on vulnerable groundwater resources. Connecting reticulated sewer to the existing dwellings should immediately improve environmental outcomes.
- Noise. Ranken Street is an unusual area where residential and industrial uses co-exist. The potential for land-use conflict is higher where there is less separation between the two land-uses. Ranken Street has been an area in the past where Council has received complaints about noisy activities from nearby industrial activities, however these issues are managed by Council on an as needed basis. The rezoning of the land does not change the existing spatial relationship between residential and industrial uses in the locality, and will therefore not lead to an increase of noise impacts.
- Access. There are no changes required to existing access arrangements. Ranken Street is a Council owned road bitumen sealed road with kerb and gutter infrastructure.
- Context and Setting. Nil impact.
- Public Domain. Nil Impact.
- Soils. Nil impact.
- Flora and Fauna. There will be no change to existing land use. Nil impacts are likely.
- Waste. Nil impact.
- Natural Hazards. Ranken Street is not affected by any natural hazards including flooding or bushfire.
- Technological hazards. Contaminated has been properly considered as part of Council's assessment of SEPP 55 and the Contaminated Land Planning Guidelines.

It is assessed that the Planning Proposal will not create unacceptable environmental impacts. Further studies are considered to be unnecessary.

Has the planning proposal adequately addressed any social and economic impacts?

The social and economic impacts of the proposal are unlikely to be significant.

The Planning Proposal addresses a localised planning issue that affects only the existing properties in Ranken Street. The likelihood of the proposal having social and economic impacts beyond this area is unlikely.

The Planning Proposal is in the best (social and economic) interests of affected landowners in Ranken Street. The rezoning will provide landowners with more certainty about the planning controls applying to their land and ensure that future property dealings are not burdened by an LEP zone that does not adequately reflect the existing use of the land.

More detailed social and economic impact analysis is not considered necessary due to the nature of the Planning Proposal.

2.5.7. State and Commonwealth Interests

Is there adequate public infrastructure for the planning proposal?

Public infrastructure is adequate. The Planning Proposal does not generate the need for any immediate upgrades.

What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway determination?

Consultation with relevant government agencies will occur as part of the public exhibition of the Planning Proposal. The Planning Proposal addresses a local planning issue and is unlikely to be of any major concern to state and commonwealth public authorities.

2.6. Mapping

The Planning Proposal will require an amendment to Land Zoning Map – Sheet LZN_002C. In particular, the affected properties in Ranken Street will be changed from the IN2 Light Industrial zone to the R2 Low Density Residential zone. A draft map is included in Appendix 1.

The Planning Proposal will also require an amendment to Lot Size Map – Sheet LSZ_002C. In particular, the affected properties in Ranken Street will be subject to a minimum lot size of 4000m². A draft map is included in Appendix 2.

Following public exhibition, and as part of the drafting of the LEP amendment, Council will arrange for the mapping to be prepared in accordance with the Standard Technical Requirements for Spatial Datasets and Maps.

3.0

Kite Street Tennis Courts

This Section of the Planning Proposal explains and justifies the proposal to amend Cowra Local Environmental Plan 2012 by rezoning the Kite Street Tennis Courts.

3.1. Issues Paper Findings

Section 10 of the Issues Paper for the Review of Cowra Local Environmental Plan 2012 dealt with any issues raised in public submissions, received by Council in the time preceding the commencement of the review process.

One of these submissions was from Cowra Infrastructure & Operations, requesting consideration of a rezoning for the land comprising the former Tennis Courts in Kite Street Cowra. The submission also detailed the proposal to reclassify the land from community to operational, however it has since been confirmed that the land is already classified as operational under the Local Government Act 1993.

For ease of reference, the main discussion points from the Issues Paper are listed below.

- 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.

3.2. Objectives

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 amendments.

In relation to the Kite Street Tennis Courts, the objective of this Planning Proposal is to:

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

3.3. 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 amending instrument. The explanation of provisions is a more detailed statement of how the objectives or intended outcomes are to be achieved by means of amending Cowra Local Environmental Plan 2012.

The objective (detailed in Section 3.2) will be achieved by:

- 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.

3.4. Justification

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 9.1. The Justification sets out the case for making the proposed LEP amendment.

The NSW Department of Planning & Environment's guidelines for the preparation of Planning Proposals requires the proposed LEP amendment to be justified against a number of considerations. These justifications are included as follows:

3.4.1. Need for the Planning Proposal

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

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 was endorsed for the purposes of public exhibition by Council at the Ordinary Meeting held 24 July 2017. The public exhibition occurred from Tuesday 1 August 2017 to Monday 28 August 2017. All submissions were considered by Council at the Ordinary Meeting on 23 October 2017.

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

The objectives of the Planning Proposal can only be achieved by a rezoning.

Because of the current RE1 Public Recreation zone that applies to the land, there are no provisions in Cowra Local Environmental Plan 2012 which would enable the development of the land for a residential purpose (or for any other purpose permissible under a residential zoning) should Council decide to dispose of the asset.

3.4.2. Consistency with Regional Plan

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.

3.4.3. Consistency with Local Strategy

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.

The rezoning of the land from RE1 Public Recreation to R1 General Residential is of minor consequence to the to recommendations in the Strategy for recreation or residential land. The rezoning will not lead to a noticeable shortage of usable public open space for residents in the Cowra Township, and the addition of the land to the stock of zoned residential land will not affect supply and demand to any significant extent.

3.4.4. Consistency with relevant SEPPs

The following State Environmental Planning Policies are assessed as not applying to the Cowra Local Government area:

- SEPP No. 14 – Coast Wetlands
- SEPP No. 19 – Bushland in Urban Areas
- SEPP No. 19 – Bushland in Urban Areas
- SEPP No. 26 – Littoral Rainforests
- SEPP No. 44 – Koala Habitat Protection
- SEPP No. 47 – Moore Park Showground

- SEPP No. 52 – Farm Dams and Other Works
- SEPP No. 70 – Affordable Housing
- SEPP No. 71 – Coastal Protection
- SEPP (Kosciuszko National Park – Alpine Resorts) 2007
- SEPP (Kurnell Peninsula) 1989
- SEPP (Penrith Lakes Scheme) 1989
- SEPP (Sydney Drinking Water Catchment) 2011
- SEPP (Sydney Region Growth Centres) 2006
- SEPP (Three Ports) 2013
- SEPP (Urban Renewal) 2010
- SEPP (Western Sydney Employment Area) 2009
- SEPP (Western Sydney Parklands) 2009

The following State Environmental Planning Policies apply to the Cowra Local Government Area, but do not contain provisions which are particularly relevant or inconsistent with the Planning Proposal.

- SEPP No. 1 – Development Standards
- SEPP No. 21 – Caravan Parks
- SEPP No. 30 – Intensive Agriculture
- SEPP No. 33 – Hazardous & Offensive Dev.
- SEPP No. 36 – Manufactured Home Estates
- SEPP No. 50 – Canal Estate Development
- SEPP No. 62 – Sustainable Aquaculture
- SEPP No. 64 – Advertising and Signage
- SEPP No. 65 – Design of Quality Res. Apartments
- SEPP (Affordable Rental Housing) 2009
- SEPP (BASIX) 2004
- SEPP (Educational Establishments & Child Care Facilities) 2017
- SEPP (Exempt and Complying Development Codes) 2008
- SEPP (Infrastructure) 2007
- SEPP (Integration & Repeals) 2016
- SEPP (Mining, Petroleum Production and Extractive Industries) 2007
- SEPP (Miscellaneous Consent Provisions) 2007

- SEPP (Rural Lands) 2008
- SEPP (State and Regional Development) 2011
- SEPP (Vegetation in Non-Rural Areas) 2017.

The following State Environmental Planning Policies apply to the Cowra Local Government Area, and warrant an assessment to ensure consistency with the proposed rezoning of land at the Kite Street Tennis Courts Street, Cowra.

SEPP No. 55 – Remediation of Land

The Planning Proposal requires consideration against the SEPP because Clause 6 requires contamination and remediation to be considered as part of a rezoning proposal.

In simple terms, the SEPP requires that Council must not rezone the land if the new zone permits a change of use of the land (which it does), and the land which is proposed to be rezoned has been previously used for a purpose referred to Table 1 of the Contaminated Land Planning Guidelines (The Guidelines).

The SEPP requires an initial evaluation to determine whether contamination is an issue and whether sufficient information is available to carry out a planning function (i.e. LEP Amendment) in good faith.

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.

Council has therefore not identified any past or present uses of the property 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 it is considered that the land is suitable to be rezoned to R1 General Residential.

3.4.5. Consistency with Section 9.1 Directions

The following Section 9.1 Ministerial Directions are assessed as not applying to the Planning Proposal.

- Direction 1.1 – Business and Industrial Zones.
- Direction 1.2 – Rural Zones
- Direction 1.3 – Mining, Petroleum Production and Extractive Industries
- Direction 1.4 – Oyster Aquaculture
- Direction 1.5 – Rural Lands
- Direction 2.1 – Environment Protection Zones
- Direction 2.2 – Coastal Protection
- Direction 2.3 – Heritage Conservation
- Direction 2.4 – Recreation Vehicle Areas
- Direction 2.5 – Application of E2 and E3 Zones
- Direction 3.2 – Caravan Parks and Manufactured Home Estates
- Direction 3.3 – Home Occupations
- Direction 3.4 – Integrated Land Use and Transport
- Direction 3.5 – Development Near Licensed Aerodromes
- Direction 3.6 – Shooting Ranges
- Direction 4.1 – Acid Sulphate Soils
- Direction 4.2 – Mine Subsidence and Unstable Land
- Direction 4.3 – Flood Prone Land
- Direction 4.4 – Planning for Bushfire Protection
- Direction 5.1 – Implementation of Regional Strategies
- Direction 5.2 – Sydney Drinking Water Catchments
- Direction 5.3 – Farmland of State and Regional Significance
- Direction 5.4 – Commercial and Retail Development along the Pacific Hwy

- Direction 5.5 – Development in the vicinity of Ellalong, Paxton & Millfield
- Direction 5.6 – Sydney to Canberra Corridor
- Direction 5.7 – Central Coast
- Direction 5.8 – Second Sydney Airport: Badgerys Creek
- Direction 5.9 – North West Rail Link Corridor Strategy
- Direction 5.10 – Implementation of Regional Plans
- Direction 6.1 – Approval and Referral Requirements
- Direction 6.3 – Site Specific Provisions
- Direction 7.1 – Implementation of A Plan for Growing Sydney
- Direction 7.2 – Implementation of Greater Macarthur Land Release Inv.
- Direction 7.3 – Parramatta Road Corridor Urban Transformation Strategy
- Direction 7.4 – Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan.
- Direction 7.5 – Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan.
- Direction 7.6 – Implementation of Wilton Priority Growth Area Land Use and Infrastructure Implementation Plan.

The following Section 9.1 Ministerial Directions apply to the Planning Proposal. An assessment has been carried out to ensure consistency with the terms of the direction.

Direction 3.1 – Residential Zones

This Ministerial Direction applies as the Planning Proposal affects land within a proposed residential zone.

The Ministerial Direction requires the Planning Proposal must:

- Broaden the choice of building types and locations available in the housing market, and
- Make more efficient use of existing infrastructure and services, and

- Reduce the consumption of land for housing and associated urban development on the urban fringe, and
- Be of good design, and
- Contain a requirement that residential development is not permitted until land is adequately serviced (or arrangements satisfactory to the Council, or other appropriate authority, have been made to service it), and
- Not contain provisions which will reduce the permissible density of land.

The Planning Proposal is assessed for consistency as follows:

- 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.

The Planning Proposal does not create any issues of inconsistency with the requirements of the Ministerial Direction.

Direction 6.2 – Reserving Land for Public Purposes

This Ministerial Direction applies as the Planning Proposal reduces existing zonings of land for public purposes.

Council considers that the rezoning of the land from RE1 Public Recreation to R1 General Residential can be justified on the grounds that it will not significantly reduce the availability of public recreation opportunities in the immediate and wider locality. To support this view, the following information is provided:

- Historically, the site has had multiple uses.

- The predominant use of the site in the past has been for the purposes of community tennis courts. Whilst the site was owned by Cowra Council, the administration of the tennis courts was the primary responsibility of a separate association. Facilities on the land included three tennis courts, and a clubhouse building which also doubled as a community hall. It is not known when the site ceased being used for tennis purposes, but it was well over 20 years ago. An aerial photo of the site showing the location of the hall, and remnants of the tennis courts is shown below.



- In the period between 2002 and 2006, Council leased the site to the South West Cadet Platoon. The cadets approached Council to lease the Hall located on the land, as it was not being used by any other organisation.
- The land has not been used for any active purpose since 2006, and the property became a maintenance burden for Council.
- Council's Technical Services Department completed a review of the site in 2012 and found that the Hall building contained asbestos and was in a condition which made it unusable for any community purposes. As a result, the Hall building was demolished shortly after.
- The site is currently not used for any active purpose. Other than perimeter fencing, there are no built elements remaining on the property that serve as reminders of past uses. A photo of the current site condition is shown below:



- The tennis courts did not form part of a larger precinct containing other active or passive recreation uses. The tennis courts were essentially an isolated recreational use. All surrounding properties are (and have always been) used for either residential purposes (to the west) and commercial purposes (to the east).
- Council has considered whether the rezoning of the site for residential purposes would result in a lost opportunity for public recreation in both the immediate and wider locality. Because the site is not being actively used, the lost opportunity would only be in the form a potential future use of the site.
- Generally, Cowra has an excellent system of open space, parklands and sporting fields. These areas are spread throughout the Township. Because Cowra is not an expansive urban area, most public recreation land is within easy walking distance for most residents, and certainly with a 5 minute drive.
- The closest open space lands to the tennis court site are Rodwell Park and Mulyan Oval, and Col Stinson Park, all of which are significant sites.
- Rodwell Park, located due east and within a 800m radius of the site, contains cricket net and pitch facilities as well as a childrens playground. There is approximately 20,000m² (2ha) of area contained within Rodwell Park.
- Mulyan Oval, located northwest and within a 800m radius of the site, contains cricket and football pitch facilities. There is approximately 37,000m² (3.7ha) of area contained within Mulyan Oval.
- Col Stinson Park, located due east of the site, and within a 700m radius of the site, contains soccer and netball facilities, aswell as the Township's

only skatepark facility. There is approximately 50,000m² (5ha) of area contained within Col Stinson Park.

- Together, Rodwell Park, Mulyan Oval and Col Stinson Park provide quality and accessible options for public recreation in the area, and are large enough spaces to compensate for any perceived loss of public recreation land at the tennis court site.
- Additionally, the Cowra Shire Land-use Strategy 2009 also reviewed the long term planning requirements for open space and recreational land in the Cowra Township. The Strategy found that Cowra is unique in terms of having large areas of existing high quality open space. The Strategy did not identify the need to focus on the provision of smaller parks in isolated locations that might only serve the immediate adjoining neighbourhood, but rather to focus on the development of larger sites such as the Cowra Peace Precinct and Lachlan River Precinct which serve the whole community.

The Planning Proposal is inconsistent with the Ministerial Direction 6.2 because of the intent to remove land from the RE1 Public Recreation Zone, however the analysis presented above demonstrates that the rezoning is justified on the basis that it will unlikely compromise the availability of public recreation opportunities for the immediate or wider surrounding locality.

3.4.6. Environmental, Social & Economic Impact Assessment

Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

There is a low potential for the rezoning proposal to impact significantly on critical habitat, or threatened species, populations or ecological communities, or their habitats. The land has been cleared of all significant vegetation due to the past use of the site as a Tennis Courts. Further consideration is unwarranted in the circumstances.

Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

An assessment of likely impacts is included below:

- Water. A single water connection services all three title proposed to be rezoned. If Council contemplated disposal of the lots separately, then a new water service will be necessary for two of the lots.
- Sewer. A single sewer connection services all three titles proposed to be rezoned. If Council contemplated disposal of the lots separately, then new sewer connection will be necessary for two of the lots.
- Native vegetation – There are no intact areas of native vegetation on the site.
- Groundwater – The wider locality is mapped in Cowra Local Environmental Plan 2012 as an area containing vulnerable groundwater resources. This is due to the proximity of the Lachlan River, which divides the Cowra Township. The rezoning of the land is not anticipated to generate unacceptable impacts on vulnerable groundwater resources.
- Noise. Nil impact.
- Access. There are no changes required to existing access arrangements. All lots have physical and legal access to Kite Street.
- Context and Setting. Nil impact.
- Public Domain. The removal of the RE1 Public Recreation zone will impact on the public domain, because it will formalise the removal of the land from its availability for active or passive recreation. The impacts are however considered to be acceptable in the circumstances and have been justified full by this Planning Proposal.
- Soils. Nil impact.
- Flora and Fauna. Nil impact.
- Waste. Nil impact.
- Natural Hazards. Nil impact.
- Technological hazards. Contaminated has been properly considered as part of Council's assessment of SEPP 55 and the Contaminated Land Planning Guidelines.

It is assessed that the Planning Proposal will not create unacceptable environmental impacts. Further studies are considered to be unnecessary.

Has the planning proposal adequately addressed any social and economic impacts?

The rezoning proposal will result in the loss of land zoned for public recreation purposes, and for this reason the social impact needs to be properly assessed. A detailed recreational land analysis has been completed and detailed in Section 2.9.8.

The public view on the proposal will be sought and considered properly by Council as part of exhibition. The reality is that it has been many years since the land was actively used for a community purpose, and for this reason it is unlikely that the community places a high value on the retention of the land for active or passive recreation.

Given the nature of the rezoning proposal, economic impacts are not likely to be significant. Cowra Shire would benefit financially if the land is ever on sold. The land is however already classified as operational land, allowing Council to sell the land anyway, subject to the requirements of the Local Government Act 1993.

3.4.7. State and Commonwealth Interests

Is there adequate public infrastructure for the planning proposal?

Public infrastructure is adequate. The Planning Proposal does not generate the need for any immediate upgrades.

What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway determination?

Consultation with relevant government agencies will occur as part of the public exhibition of the Planning Proposal. The Planning Proposal addresses a local planning issue and is unlikely to be of any major concern to state and commonwealth public authorities.

3.5. Mapping

The Planning Proposal will require an amendment to Land Zoning Map – Sheet LZN_002C. In particular, the zone will be changed from RE1 Public Recreation to the R1 General Residential. A draft map is included in Appendix 4.

The Planning Proposal will also require an amendment to Lot Size Map – Sheet LSZ_002C. In particular, the land will be changed from no minimum lot size to a lot size of 700m² (consistent with adjoining land). A draft map is included in Appendix 5.

Following public exhibition, and as part of the drafting of the LEP amendment, Council will arrange for the mapping to be prepared in accordance with the Standard Technical Requirements for Spatial Datasets and Maps.

4.0

Community Consultation

This section outlines the Community Consultation that is to be undertaken for the Planning Proposal.

4.1. 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 being undertaken by the local authority (Cowra Council).

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

- 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 consult with relevant state government authorities if this is deemed necessary by the NSW Department of Planning & Environment as part of the issue of the Gateway Determination.

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

5.0

Project Timeline

This section outlines the expected timeframes required to complete the Planning Proposal relating to the clause amendments to Cowra Local Environmental Plan 2012.

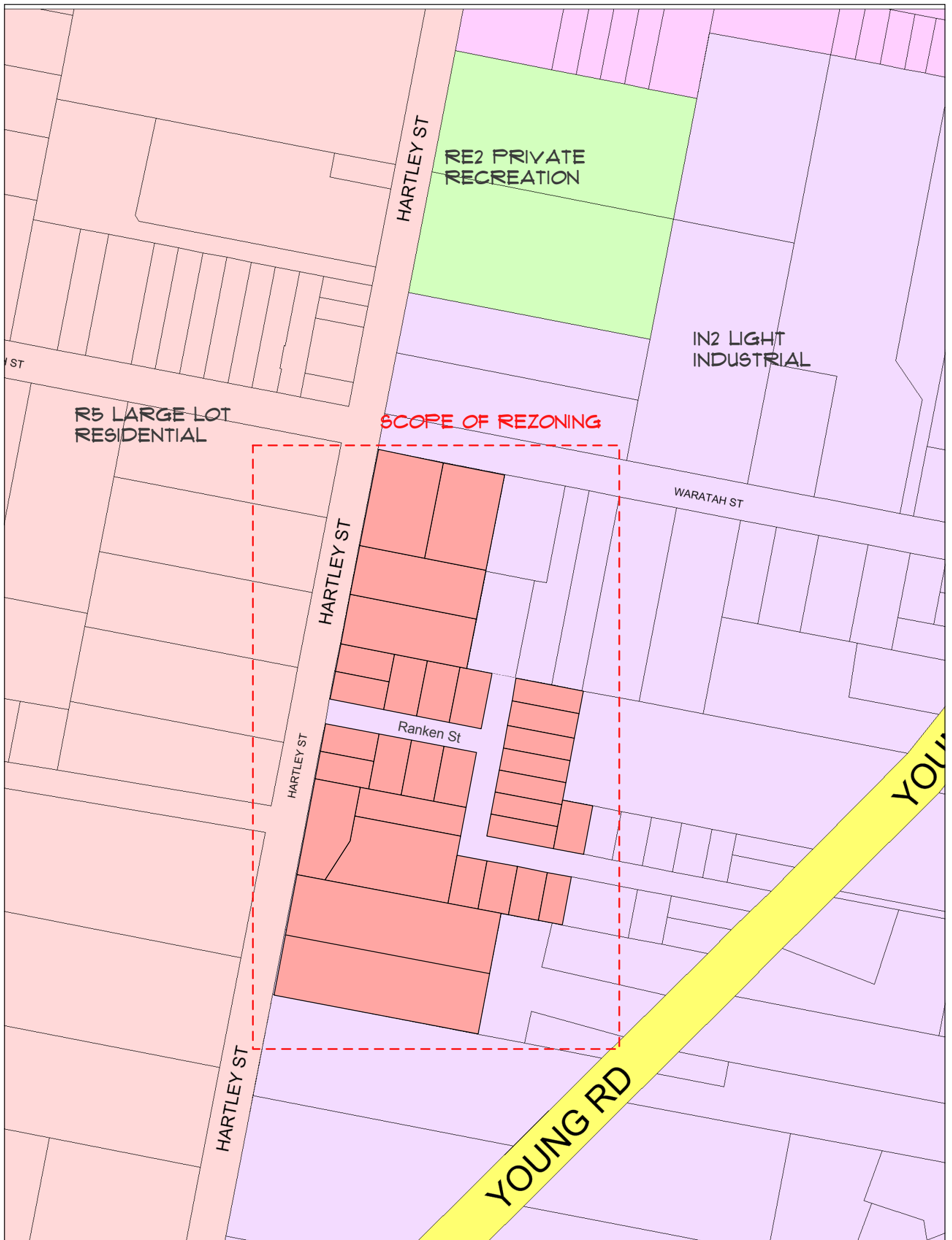
5.1. Project Timeline

Description	Milestone	Anticipated Completion Date	Status
Issues Paper for Review of Cowra Local Environmental Plan 2012	Preparation	April 2017	Completed
	Report to Council	July 2017	Completed
	Public Exhibition	August 2017	Completed
	Consideration of Submissions	September 2017	Completed
	Report to Council for Endorsement	October 2017	Completed
Planning Proposal	Resolution to Prepare	October 2017	Completed
	Preparation	November 2017	Completed
	Report to Council	February 2018	Completed.
	Submission to Gateway	July 2018	To be completed
	Issue of Gateway Determination	August 2018	To be completed
Public Exhibition	Advertisement of Planning Proposal	August 2018	To be completed
	Public Hearing	N/A	N/A.
Consideration of Submissions	Consideration of Submissions	September 2018	To be completed
	Report to Council	September 2018	To be completed
	Resolution to prepare LEP	September 2018	To be completed
Preparation of LEP	Preparation of Written Instrument	October 2018	To be completed
	Preparation of Mapping	October 2018	To be completed
	Parliamentary Counsel Opinion	November 2018	To be completed
Making of LEP	Ministerial signature	December 2018	To be completed




Appendix 1.0

Included in Appendix 1 is
a copy of the Draft
Zoning Map relating to
Ranken Street.



LEGEND

 R2 Low Density Residential Zone

0 100 200m





Appendix 2.0

Included in Appendix 2 is
a copy of the Draft Lot
Size Map relating to
Ranken Street.



Draft Lot Size Map | **PLANNING PROPOSAL - RANKEN STREET - APPENDIX 2**

LEGEND

R2 Low Density Residential Zone - 2000m2

0 100 200m



Appendix 3.0

Included in Appendix 3 is a copy of the Draft Land-use Table for the new R2 Low Density Residential Zone.

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 core 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

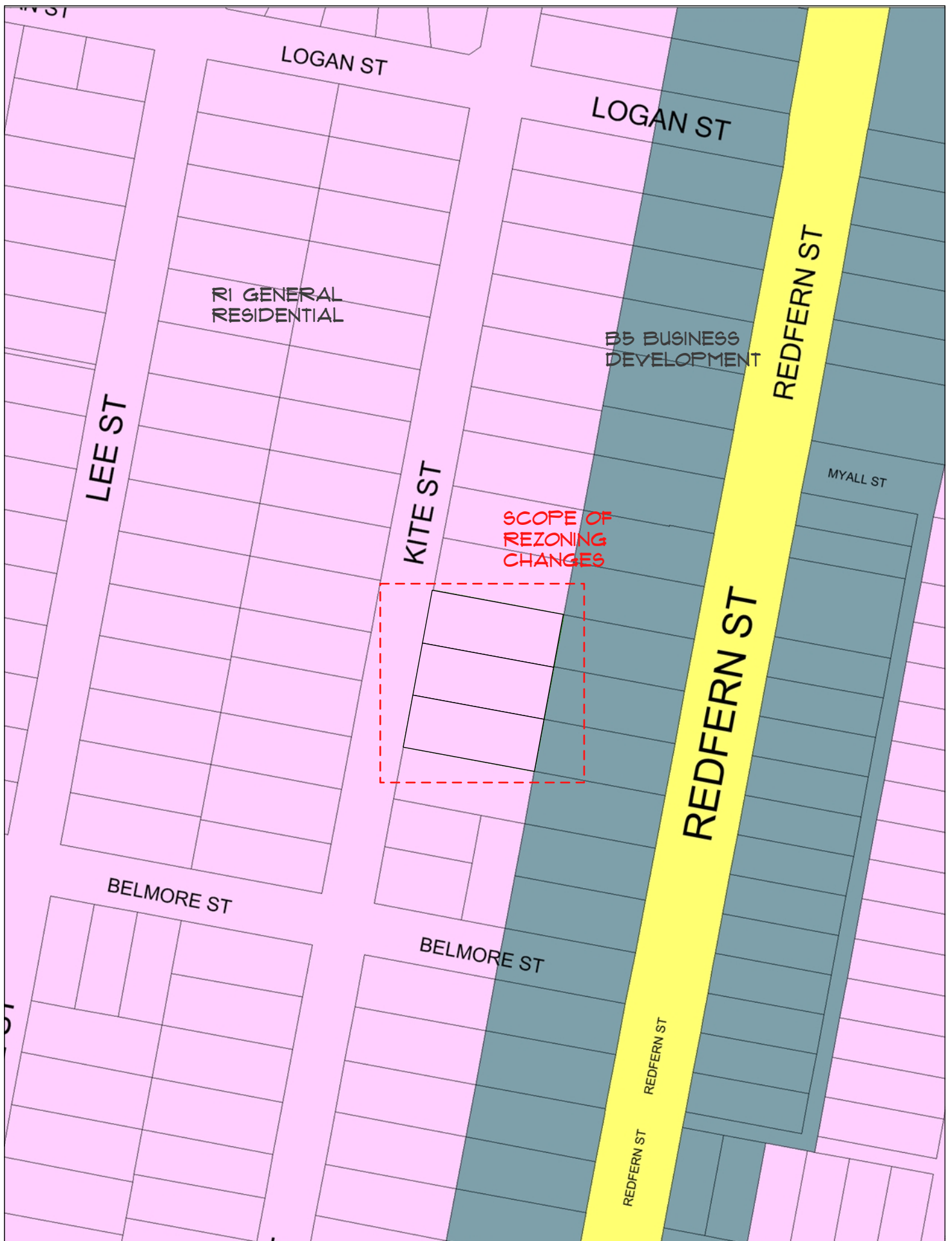
Boarding houses; Centre-based child care facilities; Dwelling houses; Group homes; Respite day care centres

4 Prohibited

Any development not specified in item 2 or 3.

Appendix 4.0

Included in Appendix 4 is
a copy of the Draft
Zoning Map relating to
Kite Street.



Draft Zoning Map |

PLANNING PROPOSAL - KITE STREET - APPENDIX 3

LEGEND

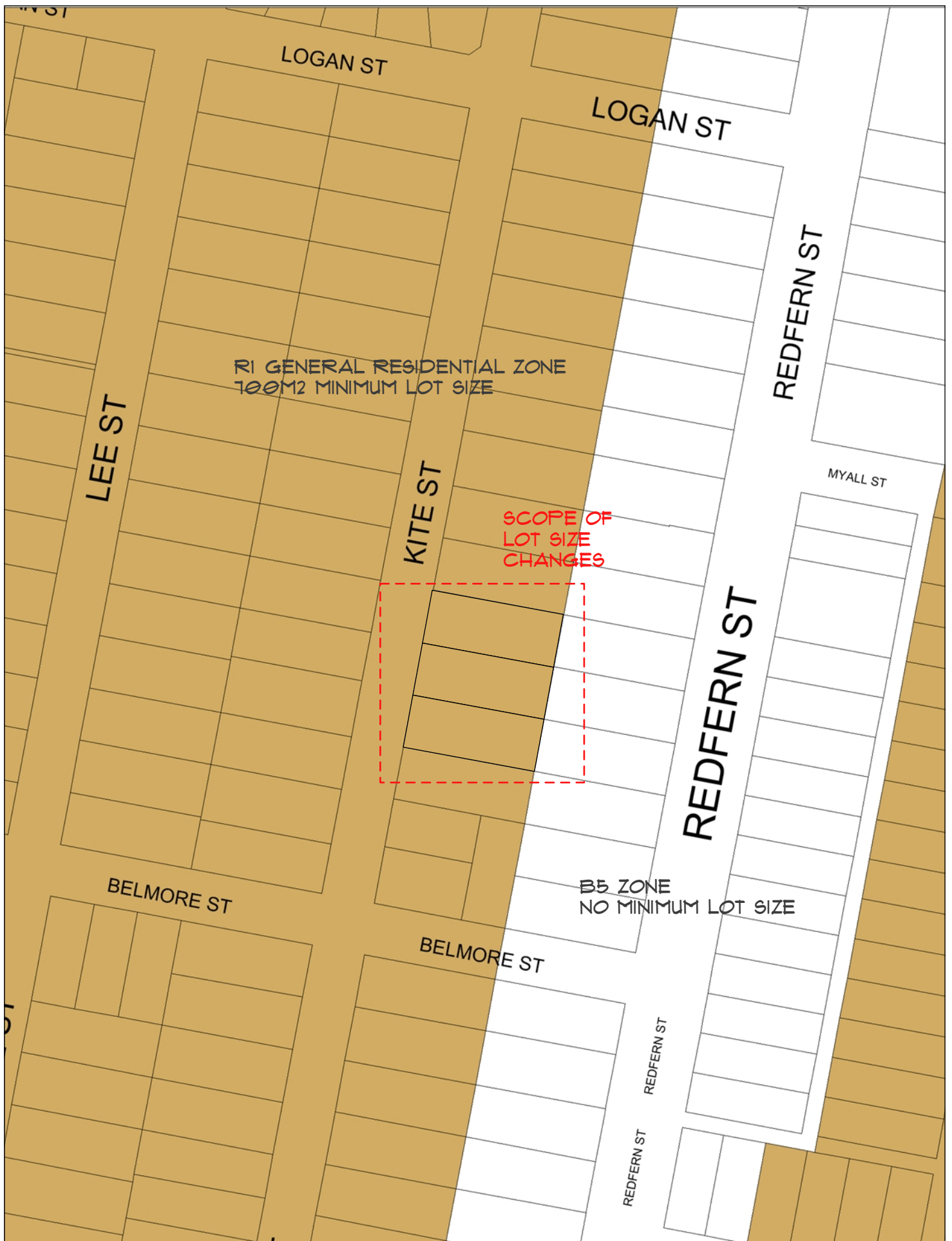
 R1 General Residential Zone - 700m2

0  50 100m



Appendix 5.0

Included in Appendix 5 is
a copy of the Draft Lot
Size Map relating to Kite
Street.



LEGEND

 R1 General Residential Zone - 700m²

0  50 100m

