

**Cootamundra LEP (2013) Amendment 5 - IN3 (Heavy Industrial) Zone and Schedule 5
Heritage Item amendments**

Proposal Title :	Cootamundra LEP (2013) Amendment 5 - IN3 (Heavy Industrial) Zone and Schedule 5 Heritage Item amendments		
Proposal Summary :	Cootamundra - Gundagai Regional Council's planning proposal seeks to amend the Cootamundra LEP 2013 to include a number of new land uses in item 3 'permitted with consent' for the IN3 (Heavy Industrial) Zone, and also seeks to remove the listing of item no. 46 'Pise House' Lot 9 DP26262, 150 Thompson Street Cootamundra.		
PP Number :	PP_2016_GUNDA_001_00	Dop File No :	16/13003

Proposal Details

Date Planning Proposal Received :	29-Sep-2016	LGA covered :	Gundagai
Region :	Southern	RPA :	Gunnedah Shire Council
State Electorate :	BURRINJUCK	Section of the Act :	55 - Planning Proposal
LEP Type :	Housekeeping		

Location Details

Street :	150 Thompson Street		
Suburb :	.	City :	Cootamundra
Land Parcel :	Lot 9 DP26262		Postcode : 2590
Street :	.		
Suburb :	.	City :	.
Land Parcel :	All IN3 (Heavy Industrial) zoned land under Cootamundra LEP 2013		

DoP Planning Officer Contact Details

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Land Release Data

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

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

If No, comment :

Have there been
meetings or
communications with
registered lobbyists? :

If Yes, comment :

Supporting notes

Internal Supporting
Notes :

External Supporting
Notes :

Adequacy Assessment

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

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

Comment : **Council has stated that its intended outcomes of the planning proposal are to amend the Cootamundra Local Environmental Plan (LEP) 2013 to allow additional permitted uses in the IN3 Heavy Industrial Zone and to correct an anomaly in the heritage schedule.**

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

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

Comment : **Explanation of the provisions included by Council in the proposal include;**

1. Amendment of the Land Use Table for the IN3(Heavy Industrial) zone by removing the land use terms 'Crematoria', 'Depots', 'Transport depots', 'Truck depots', 'Vehicle body repair workshops', 'Warehouse or distribution centres' from item 4 'Prohibited' and include these land use terms in item 3 - 'Permitted with consent' of the table.

2. Amend Schedule 5 (Environmental heritage) by removing Item No.46 'Pise House', Lot 9 DP26262, 150 Thompson Street, Cootamundra from the Schedule. An amendment to the Cootamundra LEP 2013 Heritage Map sheet HER_005A to remove item 46 will also be required.

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Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **No**

b) S.117 directions identified by RPA :

1.1 Business and Industrial Zones

* May need the Director General's agreement

2.3 Heritage Conservation

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

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

d) Which SEPPs have the RPA identified?

N/A

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

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

If No, explain :

Council has not identified any State Environmental Planning Policies (SEPP) that specifically apply to this planning proposal. Council have stated that the planning proposal is consistent with all applicable SEPP's.

The Department has not identified any relevant SEPPs for this proposal.

Council has identified the below listed applicable s117 Directions and provided the respective comments on the proposal's consistency with the Directions;

Direction 1.2 Business and Industrial Zones - Proposal is consistent with objectives a) and b) of the Direction as it will expand the range of land uses that will be permitted in the IN3 zone; thereby encouraging employment growth and protecting employment lands in industrial zones. The proposal will have no impact on objective c).

Direction 2.3 Heritage Conservation - The proposal is inconsistent with the Direction as it proposes to remove a heritage item from Schedule 5 of the Cootamundra LEP 2013. However, Council considers that the inconsistency is of minor significance as the dwelling does not have the heritage significance in terms of building material and construction method that it was originally attributed to have.

The Department is satisfied with Council's consideration of the applicable s.117 Ministerial Directions. The inconsistency with Direction 2.3 is considered minor in that the actual heritage values for which the item was listed have been identified as not being accurate and therefore the dwelling no longer warrants heritage listing in the LEP.

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment :

Basic mapping identifying the heritage item site at 150 Thompson Street Cootamundra has been provided as part of the planning proposal. It is considered that this mapping is adequate for the purpose of public consultation.

It should be noted that formal LEP mapping will need to be provided by Council prior to finalisation of the LEP amendment.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment :

Council has advised that it will undertake community and or agency consultation as required by any Gateway determination issued by the Department of Planning and Environment.

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Additional Director General's requirements

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

If Yes, reasons :

Overall adequacy of the proposal

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

If No, comment : **Overall, it is considered that the planning proposal is adequate to proceed.**

Proposal Assessment

Principal LEP:

Due Date :

Comments in relation to Principal LEP : **Cootamundra LEP was notified in 2013.**

Assessment Criteria

Need for planning
proposal :

Council has undertaken a review of the land use table for the IN3 (Heavy Industrial) zone and considers that some of the land uses which are currently permitted are appropriate types of development for this zone. Council has also further identified that there is an anomaly in the existing IN3 land use table where 'Depots' and 'Warehouses and distribution centres' are included in both item 3 'Permitted with consent' and item 4 'Prohibited'

Council also proposes to remove Item No.46 from Schedule 5 of the LEP as the building has been found to not have the heritage significance that it was originally attributed to have, which was the reason for its listing in the Schedule. The dwelling was included in the Schedule as a result of the recommendations of the Cootamundra Community Based Heritage Study completed in 2010. The Study described the dwelling as being of 'Pise' construction and the dwelling was subsequently included in the Schedule on the basis that this type of construction is relatively rare and unique in the Cootamundra town area. Subsequently, it has been determined that the dwelling is not in fact 'Pise' construction and therefore does not have the heritage significance that it was considered to have when it was included in the Schedule.

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Consistency with
strategic planning
framework :

Council advises that there is currently no regional or sub-regional strategy in place that is applicable to the land to which the Cootamundra LEP 2013 applies.

The Cootamundra Industrial Land Use Strategy adopted by Council in 2010 identified suitable land for industrial development requiring separation from other land uses. Council believes that the proposed amendments to the IN3 zone land use table will be consistent with the locational requirements of the IN3 zone as identified in the Strategy.

Council further considers that making provision for additional land uses in the zone is consistent with the objectives of the IN3 (Heavy Industrial) Zone, being;

- To provide suitable areas for those industries that need to be separated from other land uses
- To encourage employment opportunities
- To minimise any adverse impact of heavy industry on other land uses
- To support and protect industrial land for industrial land uses.

Council advises that there is no local strategy or strategic plan relevant to the proposed removal of the heritage item from Schedule 5.

A draft Regional Plan is currently under consideration. The Department does not foresee that this planning proposal will be inconsistent with any outcomes in a future regional plan.

Environmental social
economic impacts :

Environmental

Council states that no critical habitat or threatened species, populations or ecologic communities, or their habitats, will be adversely affected as a result of the planning proposal.

The proposal relates to a change to a land use table, and not a specific development. Further, the heritage item being removed is a dwelling that is situated within an established urban area and the property has been used for residential purposes for many years.

Council considers that there are no other environmental impacts that are likely to arise as a direct result of the planning proposal.

Social and Economic

Council has noted that the planning proposal as it relates to the IN3 zone will have a positive social and economic impact by facilitating additional types of development that can potentially be developed in the zone with Council's consent. The removal of the heritage item will have no social or economic impacts.

The Department does not disagree with Council's comments in regards to the above matters.

Assessment Process

Proposal type :

Routine

Community Consultation
Period :

28 Days

Timeframe to make
LEP :

12 months

Delegation :

RPA

Public Authority
Consultation - 56(2)(d)

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

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

If no, provide reasons : **The proposal is supported to proceed. No agency consultation is required.**

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

If Yes, reasons : **Re-submission not required.**

Identify any additional studies, if required. :

If Other, provide reasons :

No studies required.

Identify any internal consultations, if required :

No internal consultation required

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

If Yes, reasons : **Provision and funding of state infrastructure is not relevant to the proposal.**

Documents

Document File Name	DocumentType Name	Is Public
Cootamundra-Gundagai Council Planning Proposal	Proposal	Yes
Cootamundra LEP Amendment No.5.pdf		
Cootamundra Gundagai Council Amendment 5 Cover Letter.pdf	Proposal Covering Letter	Yes

Planning Team Recommendation

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

S.117 directions: **1.1 Business and Industrial Zones
2.3 Heritage Conservation**

Additional Information : **I, the Acting Director, Southern at the Department of Planning and Environment as delegate of the Minister for Planning, have determined under section 56(2) of the EP&A Act that an amendment to the Cootamundra Local Environmental Plan (LEP) 2013 to amend the land use table for the IN3 (Heavy Industrial) Zone and remove Item No.46 from Schedule 5 (Environmental heritage) from the Cootamundra LEP 2013 should proceed subject to the following conditions:**

1. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:

(a) the planning proposal is classified as low impact as described in A guide to preparing LEPs (Department of Planning and Environment 2016) and must be made publicly available for a minimum of 28 days; and

(b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of A guide to preparing LEPs (Department of Planning and Environment 2016).

2. No consultation is required with public authorities under section 56(2)(d) of the EP&A Act

3. A public hearing is not required to be held into the matter by any person or body under

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section 56(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).

4. The planning proposal is to be amended, prior to public consultation, to remove reference to 'Item No.47' and replace with the correct 'Item No.46' for the "Pise house" Lot 9 DP26262, 150 Thompson Street Cootamundra.

5. The timeframe for completing the LEP is to be 12 months from the week following the date of the Gateway determination.

Supporting Reasons : Local planning matters only. Suitable to be delegated to the Council in this instance.

Signature:



Printed Name:

Deanne Franke

Date:

27/10/16

