



Amended Planning Proposal

Cootamundra Local Environmental Plan 2013 (Amendment No 5)

INTRODUCTION

This amended planning proposal has been prepared in accordance with Section 55 of the *Environmental Planning & Assessment Act 1979* and the Department of Planning and Environment's requirements as specified in *"A guide to preparing planning proposals"*.

The original planning proposal (Amendment No.5) was submitted to the department on the 28th September 2016 and gateway determination was granted 27 October 2016.

SUBJECT LAND

The planning proposal applies to two components of the Cootamundra Local Environmental Plan 2013:

Item 1

The Land Use Table to Zone IN3 Heavy Industrial; and

Item 2

The Land Use Table to Zone R1 General Residential; and

Item 3

Schedule 5 Environmental Heritage.

PART 1 - OBJECTIVES OR INTENDED OUTCOMES

The intended outcomes of this planning proposal are to amend the Cootamundra Local Environmental Plan 2013 (LEP) to allow additional land uses in the IN3 Heavy Industrial Zone, R1 General Residential Zone and to correct an anomaly in the heritage schedule.

PART 2 - EXPLANATION OF PROVISIONS

The proposed amendment to the LEP will comprise:

2.1 Cootamundra Local Environmental Plan 2013 Text

Item 1

Item 1 of the planning proposal is seeking to make changes to the Land Use Table to "Zone IN3 Heavy Industrial" by removing the land use terms "Crematoria", "Depots", "Transport depots", "Truck depots", "Vehicle body repair workshops", "Warehouse or distribution centres" from Item 4 "Prohibited" of the Table and including these land use terms in Item 3 "Permitted with consent" of the Table. A copy of the existing Land Use Table is provided in Appendix 1.

Item 2

Item 2 of the planning proposal is seeking to make changes to the Land Use Table to "Zone R1 General Residential" by including the land use term "Serviced Apartment" in item 3 "Permitted with consent" of the Table. A copy of the existing Land Use Table is provided in Appendix 2.

Item 3

Item 3 of the planning proposal is seeking to amend “Schedule 5 Environmental Heritage” by removing Item 46 “Pise House”, Lot 9 DP26262, 150 Thompson Street Cootamundra from the Schedule. A copy of the existing LEP Heritage Map HER_005A identifying item 46 is provided in Appendix 3.

2.2 Cootamundra LEP 2013 Maps

Item 1

The amendment to the land use table for Zone IN3 does not require any changes being made to the LEP maps.

Item 2

The amendment to the land use table for Zone R1 does not require any changes being made to the LEP maps.

Item 3

The amendment to Schedule 5 will require a minor amendment to the LEP Cootamundra Heritage Map HER_005A to remove item 46 from the map.

PART 3 - JUSTIFICATION

Section A - Need for the Planning Proposal

Is the planning proposal the result of any strategic study or report?

The planning proposal is not the result of any specific strategic study or report.

Item 1

Council has reviewed the Land Use Table to Zone IN3 and considers that some of the land uses which are currently prohibited are appropriate types of development for this Zone.

Council has also noted that there is an anomaly in the existing Land Use Table where “Depots” and Warehouses or distribution centres” are included in both Item 3 “Permitted with consent” and Item 4 “Prohibited”.

Item 2

Council has reviewed the Land Use Table to Zone R1 and considers that the restriction on some ‘Tourist and Visitor Accommodation’ types, specifically ‘Serviced Apartments’ which are currently prohibited are considered appropriate types of development for this Zone in promoting alternative visitor accommodation that is subject to growing demand.

Item 3

The proposed removal of the heritage item is necessary as the building does not have the heritage significance that it was originally attributed to have.

The dwelling was included in the Schedule as a result of the recommendations of the Cootamundra Community-Based Heritage Study completed in 2010. The Heritage 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.

However, it has subsequently been determined that the dwelling is not of Pise construction but of brick with a plaster coating. Therefore, the dwelling does not have the heritage significance that it was considered to have when it was included in the Schedule.

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

The planning proposal is the only means of achieving the intended outcomes in respect of both items.

Section B – Relationship to Strategic Planning Framework

Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy?

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

Is the planning proposal consistent with the Council's local strategy or other local strategic plan?

Item 1

The "Cootamundra Industrial Land Use Study and Strategy" adopted by Council in 2010 identified land suitable for industrial development requiring separation from other land uses. The proposed amendment to the IN3 Zone Land Use Table will be consistent with the locational requirements of the IN3 Zone as identified in the Strategy.

Council also considers that making provision for additional land uses in the zone is consistent with the objectives of the IN3 Heavy Industrial zone; which are:

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

Item 2

Council considers that allowing 'Serviced Apartments' to be permissible with consent in the R1 Zone will provide for an alternative type of short-term accommodation that is growing in demand. It will also provide additional facilities and services through the provision of a variety of housing types to the benefit of the owner and the community. The provision for this additional land use in the zone is considered consistent with the objectives of the R1 General Residential zone; which are:

- To provide for the housing needs of the community
- To provide for a variety of housing types and densities
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.

Item 3

There is no local strategy or strategic plan relevant to the proposed removal of the heritage item from Schedule 5.

Is the planning proposal consistent with applicable State Environmental Planning Policies?

The planning proposal is considered to be consistent with all applicable State Environmental Planning Policies.

Is the planning proposal consistent with applicable Ministerial Directions (s.117(2) directions)?

The planning proposal is considered to be consistent with all applicable Ministerial Directions (Section 117(2) Directions), with the exception of Direction 2.3 in relation to Item 3.

The Directions which are of particular relevance to this planning proposal are Directions 1.2 Business and Industrial Zones and Direction 2.3 Heritage and Conservation, as discussed in the table below.

Section 117 Directions		
Item 1		
Direction	Objectives	Consistency
1.1 Business and Industrial Zones	The objectives of this direction are to: (a) encourage employment growth in suitable locations, (b) protect employment land in business and industrial zones and (c) support the viability of identified strategic centres.	The PP 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 the industrial zones. The PP will have no impact on objective (c).
Item 2		
Direction	Objectives	Consistency
3.1 Residential Zones	The objective of this direction are to: (a) encourage a variety and choice of housing types to provide for existing and future housing needs, (b) make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and (c) minimise the impact of residential development on the environment and resource lands.	The PP is consistent with this direction as it will provide for additional an housing type in the residential zone and use of alternative residential accommodation for existing housing stock that have access to all required services.
Item 3		
Direction	Objectives	Consistency
2.3 Heritage Conservation	The objective of this Direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.	The PP is inconsistent with this 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 that it was originally attributed to have.
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Section C – Environmental, Social and Economic Impact

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?

Item 1, Item 2 and Item 3

No critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of this planning proposal.

Item 1 of the planning proposal relates to a change to the land use table of an existing zone and not to a specific development proposal.

Item 2 of the planning proposal relates to a change to the land use table of an existing zone and not to a specific development proposal.

Item 3 of the planning proposal relates to a dwelling that is situated within an established urban area and the property has been used for residential purposes for many years.

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

Item 1, Item 2 and Item 3

It is considered that there are no other environmental impacts that are likely to arise as a direct result of the planning proposal.

How has the planning proposal adequately addressed any social and economic impacts?

Item 1, Item 2 and Item 3

The planning proposal as it relates to Zone IN3 Heavy Industrial will have positive social and economic impacts by facilitating additional types of development that can potentially be developed in the zone with Council's consent.

The planning proposal as it relates to Zone R1 General Residential will have positive social and economic impacts by facilitating additional type of development that can potentially be developed in the zone with Council's consent.

The planning proposal as it relates to the removal of the Heritage Item will have no social or economic impacts.

Section D – State and Commonwealth Interests

Is there adequate public infrastructure for the planning proposal?

Item 1, Item 2 and Item 3

The planning proposal will not result in any additional demand for public infrastructure.

The proposal to allow additional land uses in the IN3 zone will have no impact on public infrastructure as the land affected by this proposal is an existing zoned area where infrastructure requirements have been considered.

The proposal to allow for an additional land use in the R1 zone will have no impact on public infrastructure as the land affected by this proposal is an existing zoned area where infrastructure requirements have been considered.

The removal of the heritage item relates to an existing dwelling and will therefore have no impact on public infrastructure requirements.

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

The planning proposal will have no direct impact on any specific State or Commonwealth interests.

Council will consult with relevant State and Commonwealth authorities if required by the Gateway determination.

PART 4 MAPPING

Item 1

The changes to the Land Use Table to Zone IN3 will have no impact on the LEP maps.

Item 2

The changes to the Land Use Table to Zone R1 will have no impact on the LEP maps.

Item 3

The Cootamundra Local Environmental Plan 2013 map “Heritage Map HER_005A” will require a minor amendment to remove the heritage item as shown in Appendix 2.

PART 5 COMMUNITY CONSULTATION

Following the Gateway determination, Council will place the planning proposal on public exhibition and undertake any community and agency consultation as required by the determination.

The planning proposal will be placed on public exhibition by including notices in the local newspaper and on Council's website.

PART 6 PROJECT TIMELINE

An indicative timeframe for the planning proposal is provided in the table below:

Stage	Timing
Gateway Determination	January 2017
Government agency consultation (if required)	January/February 2017
Public hearing	Council anticipates that a Public Hearing will not be required for this planning proposal
Public exhibition period	January/February 2017
Consideration of submissions & report to Council	March 2017
Submission to Department Planning and Environment and Parliamentary Counsel to finalise LEP for finalisation	March 2017
Anticipated date RPA will make the Plan (if delegated)	April 2017
Anticipated date RPA will forward to the Department for notification	April 2017

Appendix 1

Cootamundra LEP 2013 Zone IN3 Heavy Industrial Land Use Table

Zone IN3 Heavy Industrial

1 Objectives of zone

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

2 Permitted without consent

Nil

3 Permitted with consent

Depots; Freight transport facilities; General industries; Hazardous storage establishments; Heavy industries; Offensive storage establishments; Roads; Warehouse or distribution centres; Any other development not specified in item 2 or 4

4 Prohibited

Agriculture; Air transport facilities; Airstrips; Amusement centres; Animal boarding or training establishments; Boat building and repair facilities; Boat launching ramps; Boat sheds; Camping grounds; Car parks; Caravan parks; Cemeteries; Charter and tourism boating facilities; Child care centres; Commercial premises; Community facilities; Correctional centres; Crematoria; Depots; Eco-tourist facilities; Educational establishments; Entertainment facilities; Environmental facilities; Environmental protection works; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Flood mitigation works; Forestry; Function centres; Health services facilities; Helipads; Highway service centres; Home businesses; Home occupations; Home occupations (sex services); Industrial retail outlets; Industrial training facilities; Industries; Information and education facilities; Jetties; Light industries; Marinas; Mooring pens; Moorings; Mortuaries; Open cut mining; Passenger transport facilities; Places of public worship; Public administration buildings; Recreation areas; Recreation areas (indoor); Recreation areas (major); Recreation areas (outdoor); Registered clubs; Research stations; Residential accommodation; Respite day care centres; Restricted premises; Service stations; Sex services premises; Stock and sale yards; Storage premises; Tourist and visitor accommodation; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Veterinary hospitals; Warehouse or distribution centres; Water recreation structures; Water storage facilities; Wharf or boating facilities; Wholesale supplies

Appendix 2

Cootamundra LEP 2013 Zone R1 General Residential Land Use Table

Zone R1 General Residential

1 Objectives of zone

- To provide for the housing needs of the community
- To provide for a variety of housing types and densities
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.

2 Permitted without consent

Home occupations

3 Permitted with consent

Attached dwellings; Bed and breakfast accommodation; Boarding houses; Business identification signs; Child care centres; Community facilities; Dwelling houses; Group homes; Hostels; Multi dwelling housing; Neighbourhood shops; Places of public worship; Residential flat buildings; Respite day care centres; Roads; Semi-detached dwellings; Seniors housing; Serviced apartments; Shop top housing; Any other development not specified in item 2 or 4

4 Prohibited

Agriculture; Air transport facilities; Airstrips; Amusement centres; Animal boarding or training establishments; Biosolids treatment facilities; Boat building and repair facilities; Boat launching ramps; Boat sheds; Camping grounds; Car parks; Caravan parks; Cemeteries; Charter and tourism boating facilities; Commercial premises; Correctional centres; Crematoria; Depots; Eco-tourist facilities; Electricity generating works; Emergency services facilities; Entertainment facilities; Environmental facilities; Exhibition villages; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Function centres; Heavy industrial storage establishments; Helipads; Highway service centres; Home occupations (sex services); Industrial retail outlets; Industrial training facilities; Industries; Information and education facilities; Jetties; Marinas; Mooring pens; Moorings; Mortuaries; Open cut mining; Passenger transport facilities; Public administration buildings; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Research stations; Resource recovery facilities; Restricted premises; Rural industries; Rural workers' dwellings; Service stations; Sewage treatment plants; Sex services premises; Signage; Storage premises; Tourist and visitor accommodation; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Veterinary hospitals; Warehouse or distribution centres; Waste disposal facilities; Water recreation structures; Water recycling facilities; Water supply systems; Wharf or boating facilities; Wholesale supplies

Appendix 3

Cootamundra LEP 2013 Map changes

The location of Item 46 proposed to be removed from the Heritage Map (HER_005A) of the Cootamundra Local Environmental Plan



