



PLANNING PROPOSAL

LANDUSE TABLE AMENDMENTS
TO COWRA LEP 2012

Prepared For:

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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 – Public Land Reclassifications.
- Planning Proposal – Heritage Listings.

This particular paper relates to land-use table amendments to Cowra Local Environmental Plan 2012.

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 expanding and / or reducing the range of permissible uses in various different existing zones. This involves various updates to the Land-use Table to Cowra Local Environmental Plan 2012.

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

2.0

B5 Business Development Zone

This Section of the Planning Proposal explains and justifies the proposal to amend Cowra Local Environmental Plan 2012 by changing the permissibility of certain residential development in the B5 Business Development Zone.

2.1. Issues Paper Findings

Section 6.2 of the Issues Paper for the Review of Cowra Local Environmental Plan 2012 included a review of permissible and prohibited uses in the B5 Business Development Zone.

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

- The B5 zone applies to the commercial strip generally focused along Redfern Street. This area has been identified in prior planning strategies (prepared by Council) as a secondary commercial precinct, playing a vital role in supporting the viability of the main shopping precinct in Kendal Street.
- The current range of permissible and prohibited uses in the B5 Business Development zone were included based on the default parameters set by the Department of Planning & Environment at the time of drafting of Cowra Local Environmental Plan 2012. Several changes were however made by Council, with the Department's support, including the making of residential development permissible with consent in the zone.
- The B5 Business Development zone is primarily a commercial based zone. The Land-use Table for the B5 zone has been tailored to enable Redfern Street to develop into an area that accommodates larger format retailing including bulky goods and trades supplies, and other commercial activities which support the viability of the area as a secondary retail precinct.

- The current LEP review process provides an opportunity for Council to further scrutinise the appropriateness of allowing residential development in the B5 Business Development. The need for further scrutiny has also been raised with Council by the Department as part of general communications with Council staff.
- By continuing to allow residential development in the B5 Business Development zone, Council is taking a risk that existing land stocks will be slowly consumed (over many years) by new residential development. This could have the effect of taking away the amount of land available for commercial development, potentially undermining the core function of the B5 Business Development Zone.
- Prohibiting residential development could therefore be an appropriate strategy to reinforce the importance of Redfern Street as an appropriate area for commercial activity.
- Existing residential development in the B5 Business Development would be protected by existing use rights legislation under the Environmental Planning & Assessment Act 1979.
- The recommended planning response was to carry out further investigations as part of this Planning Proposal to determine the suitability of prohibiting residential development types in the B5 Business Development Zone.

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

2.2. Further Investigation

As per the recommendations of the Issues Paper, Council planning staff have completed further investigations to determine the need and / or strategic merit of changing the permissibility of residential development types in the existing B5 Business Development zone. The findings of Council's further investigations are presented here as a prelude to Sections 2.3 onward.

Currently, the following residential development types are permissible with consent from Council in the B5 zone:

- Dwelling houses.
- Group Homes
- Residential flat buildings.
- Semi-detached dwellings.
- Seniors housing.
- Residential care facilities.
- Shop top Housing.

Currently, the following residential development types are prohibited in the B5 zone:

- Attached dwellings.
- Boarding houses.
- Dual occupancy (attached).
- Dual occupancy (detached).
- Hostels.
- Multi dwelling housing.
- Secondary dwellings.

The current zoning framework evidently permits certain types of residential development, whilst prohibiting others. For example, the B5 zone currently allows some forms of medium density housing (residential flat buildings and semi-detached dwellings), but prohibit others (attached dwellings, multi-dwelling housings and secondary dwellings). This issue alone suggests that the review of permissible and prohibited uses in the B5 zone is necessary.

As a way of gauging whether the historical permissibility of residential development in the Redfern Street area has impacted on the viability of the Redfern Street commercial area, Council planners have

completed a statistical and spatial analysis of all Development Applications approved on land in the B5 zone over the last 10 years (2007 to 2017-2018). This analysis is shown in Appendix 1 to this report.

The key findings of this analysis are summarised as follows:

- The B5 zone in Redfern Street has a relatively even split between land that is currently being used for commercial and residential purposes.
- There are only 8 allotments (representing 5% of the total) that are currently vacant, and available for immediate development. Four of these allotments are owned by Bunnings Warehouse, and are likely to be used for an expansion of this business in the future.
- Fourteen (14) development approvals were issued by Council in the last 10 year period involving land in the B5 zone. 100% of these approvals related to commercial development, with none being issued for purposes related to new or existing dwelling stock.

The statistical and spatial analysis clearly shows the current permissibility of residential development in the B5 Business Development is not causing "creep" of residential expansion in the zone, and certainly not at the expense of new commercial development. In this regard, there are no significant planning reasons why Council should move to drastically change the existing planning framework for the B5 Business Development zone by prohibiting all forms of residential development.

A closer examination of the nature of residential land-use in the B5 Business Development zone shows that the predominant form of housing is single dwellings. There are only few properties (3 in total) that accommodate medium density housing, and two of these were built many years ago.

It is not possible for Council to change the likelihood that the existing stock of single dwellings in the B5 zone will continue being used for residential purposes for many years into the future. The greatest risk perhaps, from a planning perspective at least, is that without some change to the B5 zone there may be situations where multiple parcels of "cheaper" land are consolidated into larger areas and developed for medium density housing. This is considered to be type of development that could potential undermine the commercial function of the locality.

Having regard to the above, the recommended approach is to prohibit all types of residential development from the B5 Business Development zone, except for dwellings. This approach is justified in Sections 2.3 and onward.

The NSW Department of Planning & Environment has also requested that Council consider retaining shop top housing as a permissible form of development in the B5 zone. Council does not object to this request, on the basis that shop-top housing is a legitimate form of housing in commercial areas.

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 B5 Business Development zone, the objective of this Planning Proposal is to:

To amend Cowra Local Environmental Plan 2012 in a way that protects land in the B5 Business Development zone for commercial purposes, and limits residential redevelopment opportunities.

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 an amended Land-use Table for the B5 Business Development zone, and in particular leaving “dwelling houses” and “shop top housing” as the only forms of residential development that is permissible in the zone.

There are no new maps required to be inserted into Cowra Local Environmental Plan 2012 to accommodate this amendment.

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 need to protect commercial interests in the B5 Business Development zone and limit residential redevelopment opportunities is being considered by Council for strategic reasons only.

The objectives of the Planning Proposal could be achieved using a number of different strategies. These strategies are explored in detail below.

Strategy No. 1 - Rezoning

The first strategy that has been considered is to change the zoning of land in Redfern Street from B5 Business Development to another suitable Standard Instrument zone.

The purpose of the current B5 Business Development zone is to provide for business, warehouse and bulky goods retail uses that are close to, and that support the viability of centres. The B5 zone is typically applied to areas that are located close to existing and proposed centres, and which will support (and not detract from) the viability of those centres.

An overview of the other commercial Standard Instrument zones and their purpose is included below:

- B1 Neighbourhood Zone. This zone is for neighbourhood centres that include small-scale convenience retail premises. This zone would not adequately provide for the nature and scale of commercial development that is either occurring in Redfern Street or which is strategically desirable in the area.
- B2 Local Centre. This zone is for centres that provide a range of commercial, civic, cultural and residential uses that typically service a wider catchment than a neighbourhood centre. This zone is currently applied to the Cowra CBD. Because Redfern Street plays a supporting role to the Cowra CBD in the local retail hierarchy, it not considered appropriate to apply the B2 Local Centre to both areas. Additionally, the B2 zone permits a wide range of residential development types.
- B3 Commercial Core. This zone is for major centres linked to major transport routes, and is only used in larger metropolitan areas. The zone is not suitable for Redfern Street.
- B4 Mixed Use. This zone is generally used where a wide range of land-uses are to be encouraged including commercial, residential, tourist and visitor and community uses. On face value, there are merits in using the B4 Mixed Use zone to accommodate the Redfern Street commercial strip, given the in-situ mix of commercial and residential development. However, Council's strategic planning for Redfern Street places a higher value on protecting the land base for future commercial development than enabling the redevelopment of land for residential

purposes. For this reason, the B4 Mixed Use zone will not assist Council in achieving the objectives for the Redfern Street commercial area.

- B6 Enterprise Corridor. This zone is generally used where commercial or industrial development is to be encouraged along main roads. The zone provides for uses including business premises, hotel or motel accommodation, light industries, hardware and building supplies, and warehouse and distribution centres.

The B6 zone broadly permits a similar range of development to the B5 zone. One of the main differences is that where residential development is elected as permissible in the zone, then it must be as part of a mixed use development (typically a building with an active commercial street frontage on the ground floor, with residential uses on higher floors). Mixed use developments of this nature are not typically found in the Cowra Shire. Residential development, of the type likely to occur in Redfern Street, would therefore be prohibited if the B6 zone was adopted. Whilst this approach does meet the objectives of the Planning Proposal, it does not provide Council with any better control over the future use of land in Redfern Street than the alternative of simply removing the permissibility of inappropriate land-use activities from the existing B5 zone.

There are no other commercial zones that are available for Council to consider. The option of rezoning land in the B5 Business Development should therefore be discounted from further consideration as part of the amendment of Cowra Local Environmental Plan 2012.

Strategy No. 2 – Review of zone objectives

The second strategy that has been considered is to review the current objectives of the B5 Business Development Zone to determine if any alterations should be made that would assist in meeting the objectives of the Planning Proposal.

Clause 2.3(2) of Cowra Local Environmental Plan 2012 requires Council, as consent authority, to have regard to the objectives of the zone when determining a Development Application in respect of land within that zone.

The current objectives of the B5 Business Development are:

- To enable a mix of business and warehouse uses, and bulky good premises that require a large floor area, in locations that are close to, and that support the viability of, centres.
- To ensure that commercial development in the Redfern Street area is consistent with commercial hierarchy of the Cowra Township and does not involve major retailing activities or detract from the core commercial functions of the Cowra central business district.
- To ensure that residential development does not undermine the commercial function of the locality.
- To maximise public transport patronage and encourage walking and cycling.

The B5 zone already has an objective that highlights the strategic importance of limiting residential development in the zone that might otherwise take away from the amount of suitable land for commercial expansion in the area.

Additional objectives could be inserted into the B5 zone to reinforce the higher value on reserving the land for commercial purposes; however, without changing the permissibility of residential uses in the zone, it would be difficult to properly guide future growth and development in the area by solely relying on the objectives of the zone.

Having regard to the above, Strategy No. 2 is not considered to be the best means of achieving the objectives of the Planning Proposal.

Strategy No. 3 – Special LEP Clauses

The third strategy that has been considered is to draft a special clause for insertion into the Cowra Local Environmental Plan 2012 that deals with specific development scenarios in the B5 Business Development Zone.

The aim of such a clause would be to give Council a greater level of control over the appropriateness of new development proposals in the B5 Business Development, that is, to ensure that the commercial function of the locality is not undermined by residential development.

Any such a clause would be unique to Cowra Shire only and would therefore be outside of the Standard Instrument (LEP Template), requiring special

consultation with the NSW Department of Planning & Environment.

This option is not recommended as it is considered that the aims and objectives of the Planning Proposal could be achieved using other strategies.

Strategy No. 4 – Land-use Permissibility

The fourth strategy that has been considered is to alter the permissibility of residential development types in the B5 zone. All types of residential land-use activities would be made prohibited in the zone, except for dwellings and shop top housing.

This strategy is simple and effective, requiring only a minor amendment to the Land-use Table for the B5 Business Development. Prohibiting inappropriate land-uses in the B5 zone provides Council with a much high level of control over the future development of the Redfern Street commercial area.

This strategy is therefore considered to be best means of achieving the aims and objectives of the Planning Proposal.

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 proposal to amend Cowra Local Environmental Plan 2012 by enabling greater flexibility to undertake boundary adjustments involving rural land aligns particular with Strategic Direction No. 10 An assessment of the proposal against this Strategic Direction is included as follows.

Direction 10 – Promote business and industrial activities in employment lands

At the local level, the Central West Orana Regional Plan 2036 places a significant focus on the need to revitalise centres, promote main street and CBD areas as retail and small business hubs, and foster business growth in areas that are within or adjacent to main streets and existing commercial centres.

The Regional Plan proposes to achieve this through a number of actions, one of which is to accommodate future commercial and retail activity in existing

commercial centres, unless there is a demonstrated need or social and economic benefits to locating this activity elsewhere. The proposal to alter the permissibility of residential development types (other than dwellings) in the B5 Business Development zone is consistent with this action for the following reason.

The primary objective of the Planning Proposal is to protect commercial interests in Redfern Street. Council's strategic planning recognised the important role that this area plays in supporting the viability of the main shopping precinct in Cowra. The proposed changes to the Land-use Table for the B5 zone will assist, in the longer term, in ensuring that opportunities for commercial expansion in the Redfern Street area are not lost because of land being lost to other non-commercial uses. The continuation of residential uses in existing dwelling stock is not considered to be a major threat to the ongoing commercial function of the locality and for this reason, dwellings will remain permissible in the zone.

2.5.3. Consistency with Local Strategy

Cowra Local Environmental Plan 2012 was prepared based on the strategic recommendations contained in the Cowra Shire Land-use Strategy and the Cowra LEP Justification Report.

The Planning Proposal is not inconsistent with the strategic directions for Redfern Street set originally by the Cowra Shire Land-use Strategy. The proposal aligns with the following planning principles detailed in Section 4.3.3 of the Strategy:

- Continued support should be provided to existing businesses and their ongoing development, while at the same time encouraging new business into the area.
- Cowra CBD and Redfern Street are to become more regionally focussed and competitive.
- All existing centres are to be attractive, highly accessible and well-designed.
- Zoning of commercial centres outside of the CBD should be reflective of their secondary role.

The redevelopment of land in Redfern Street for non-commercial purposes was never supported by the Cowra Shire Land-use Strategy, or other related planning studies. Cowra Local Environmental Plan 2012 delivered additional suitably zoned land in strategic

locations within Cowra Township to provide for longer term residential growth needs. Changing the B5 Business Development zone to prohibit most forms of residential use will therefore not compromise residential growth opportunities in Cowra.

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 proposed amendment to permissible uses in the B5 Business Development zone.

- 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. 55 – Remediation of Land
- SEPP No. 55 – Remediation of Land
- SEPP No. 62 – Sustainable Aquaculture
- SEPP No. 64 – Advertising and Signage
- SEPP No. 65 – Design of Quality Res. Apartments
- 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 amendment to permissible uses in the B5 Business Development zone.

SEPP (Affordable Rental Housing) 2009

The SEPP aims to facilitate, amongst other things, the effective delivery of new affordable rental housing by providing incentives by way of expanded zoning permissibility, floor space ratio bonuses and non-discretionary development standards.

The policy provides for in-fill affordable housing, secondary dwellings, boarding houses, supportive accommodation, residential flat buildings (social housing), and group homes.

The Planning Proposal will make some of these land-use activities prohibited in the B5 Business Development zone, which creates an issue of inconsistency. This inconsistency is justified on the

grounds of minor significance. There are adequate opportunities for affordable housing developments outside of the B5 Zone, which contains a relatively small amount of land area when compared to other zones where residential development is permitted, such as the R1 General Residential zone.

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 3.1 – Residential 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 business 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 does not create any issues of inconsistency. The B5 Business Development one will not be reduced in area.

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?

Changing the permissibility of land-use in the B5 Business Development is unlikely to create significant environmental impacts. Land-use in the area is already established. Future development proposals would be subject to environmental assessment as part of the Development Application process.

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

The social and economic impacts associated with this Planning Proposal are not likely to be significant, particular in the short to medium term. Longer term benefits are likely to be created by managing land-use in the B5 zone, ensuring that commercial function of the Redfern Street area is not compromised by inappropriate development. Protecting existing and future commercial interests in this area will only have positive impacts for the Cowra community. 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?

The planning proposal does not increase demand for public infrastructure including public transport, roads, utilities, waste management or essential services.

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.

2.6. Mapping

The Planning Proposal will require an amendment to the Land-Use Table for the B5 Business Development zone in the written instrument to Cowra Local Environmental Plan 2012.

No changes are required to any mapping.

3.0

IN2 Light Industrial zone

This Section of the Planning Proposal explains and justifies the proposal to amend Cowra Local Environmental Plan 2012 by changing the permissibility of certain residential development in the IN2 Light Industrial zone.

3.1. Issues Paper Findings

General Overview

Section 5.2 of the Issues Paper for the Review of Cowra Local Environmental Plan 2012 included a review of permissible and prohibited uses in the IN1 and IN2 zones.

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

- The preparation of the written instrument for the LEP was completed by officers at the NSW Department of Planning & Environment in consultation with Council. The range of permissible and prohibited uses in the IN1 General Industrial and IN2 Light Industrial zones were included based on the default parameters set by the Department, with changes made by Council on request where considered necessary.
- Now the LEP has been in operation for a number of years, Council Officers have had an opportunity to better understand whether the range of permissible and prohibited uses in the industrial zones adequately provides for new development, or whether it is restricting development that would otherwise be appropriate in the zone.
- The current LEP review presents a timely opportunity to review the Land-use Table for the IN1 and IN2 zones and determine the need for any changes to permissible or prohibited uses.
- Since the commencement of the LEP in 2013, Council's Officers have received feedback on

more than one occasion that the current zoning framework for the IN2 Light Industrial zone should be more flexible in terms of allowing a wider range of land-use activities with the consent of Council, particularly those land-use activities which are more of a commercial nature.

- The Issues Paper identified the following land-use activities that are currently prohibited in the IN2 Light Industrial zone, but which should be allowed within the zone – Garden Centres, Plant Nurseries, Animal Boarding or Training Establishments, Places of Public Worship.
- The recommended planning response was to update the Land-use Table to the IN2 Light Industrial zone to include the four (4) new land-uses as permissible with consent.

Note: Feedback received from the NSW Department of Planning & Environment has confirmed that development for the purpose of 'Garden Centres' and 'Places of Public Worship' are already permissible forms of development in the IN2 Light Industrial zone, and do therefore not need to be included as part of this Planning Proposal. This oversight on Council's behalf is a result of an inconsistency between the Land-use Matrix and Written Instrument to Cowra Local Environmental Plan 2012. Despite the Land-use Matrix not forming part of the legal instrument, an up-date to this document should be pursued by Council as a separate project with the assistance of the NSW Department of Planning.

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 IN2 Light Industrial zone, the objective of this Planning Proposal is to:

To amend Cowra Local Environmental Plan 2012 in a way that broadens the permissibility of appropriate land-use activities in the IN2 Light Industrial zone.

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 inserting an amended Land-use Table for the IN2 Light Industrial zone, and in particular adding the following land-use activities as permissible (with consent) in the zone.

- Plant Nurseries.
- Animal Boarding or Training Establishments.

There are no new maps required to be inserted into Cowra Local Environmental Plan 2012 to accommodate this amendment.

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. General Suitability

Plant Nurseries

The general suitability of this use in the IN2 Light Industrial is considered as follows.

Plant nursery means a building or place the principal purpose of which is the retail sale of plants that are grown or propagated on site or on an adjacent site. It may include the on-site sale of any such plants by wholesale and, if ancillary to the principal purpose for which the building or place is used, the sale of landscape and gardening supplies and equipment and the storage of these items.

Despite being separately defined in the Dictionary to the LEP, Plant Nurseries are similar in nature to both Garden Centres and Landscape Material Supplies.

There are no significant planning reasons why Plant Nursery should continue to be prohibited in the IN2 zone. The likely infrequency of these uses, coupled with the likely minor scale of any associated business activity, means that Council could enable the permissibility of this use in the IN2 zone without:

- significantly impacting on the viability of other retail centres in the Cowra Township, or
- Compromising the potential availability of suitably zoned land for new industrial business.

A review of the IN2 Light Industrial zone has also been completed to determine the compatibility of Plant Nurseries with other existing uses already permissible

in the zone. The review has been completed in the form of the following table, and scores assigned to represent Council's assessment. The scores have the following meaning:

1. Infrequently occurring land-use. Low risk of land-use conflict.
2. Complementary use. Could benefit from co-location.
3. Unlikely to be impacted by proposed use. Low risk of land-use compatibility.
4. Land-use could be incompatible.

Permissible Use	Score
Aquaculture	1
Boat Building & Repair	1
Car Parks	2
Community Facilities	3
Correctional Centres	1
Crematoria	1
Depots	3
Electricity Generating Works	3
Environmental Facilities	3
Freight Transport Facilities	3
Funeral Homes	1
Garden Centres	2
Hardware & Building Supplies	2
Helipads	1
Highway Service Centres	1
Industrial Retail Outlets	3
Industrial Training Facilities	3
Kiosks	3
Landscaping Materials Supplies	2
Light Industries	3
Mortuaries	1
Neighbourhood Shops	3
Passenger Transport Facilities	3
Places of Public Worship	3
Recreation Areas	3
Recreation Facilities (Indoor)	3
Research stations	1
Restricted Premises	3
Roads	3
Rural Supplies	2
Service Stations	3
Sex Services Premises	4
Signage	3
Storage Premises	3

Take Away Food & Drink Premises	3
Timber Yards	2
Transport Depots	3
Truck Depots	3
Vehicle Body Repair Workshops	3
Vehicle Sales & Hire Premises	3
Vets	3
Warehouse & Distribution Centres	3
Water Recreation Structures	1
Water Recycling Facilities	1
Water Supply Systems	1
Wholesale Supplies	3

The table shows that the proposal to enable Plant Nurseries in the IN2 Light Industrial would not result in any significant land-use compatibility issues, having regard to the current range of permissible uses in the zone. For the majority of uses there is either a low chance of land-use conflict occurring or the uses would be complementary.

Animal Boarding or Training Establishment

Animal boarding or training establishment means a building or place used for the breeding, boarding, training, keeping or caring of animals for commercial purposes (other than for the agistment of horses) and includes any associated riding school or ancillary veterinary hospital).

Animal boarding or training establishments are currently permissible in the IN1 zone, but not the IN2 zone. Whilst this is the default position of the Standard Instrument (LEP Template) for these two zones, there does not appear to be any significant reasons why there should be a difference in permissibility for this use in the IN1 and IN2 zones.

A review of the IN2 Light Industrial zone has been completed to determine the compatibility of Animal Boarding or Training Establishments with other existing uses already permissible in the zone. The review has been completed in the form of the following table, and scores assigned to represent Council's assessment. The scores have the following meaning:

1. Infrequently occurring land-use. Low risk of land-use conflict occurring.
2. Complementary use. Could benefit from co-location.

3. Use is generally compatible, provided the nature and scale of the animal boarding or training establishment was commensurate with the size of the land.

4. Land-use could be incompatible.

Permissible Use	Score
Aquaculture	1
Boat Building & Repair	1
Car Parks	3
Community Facilities	3
Correctional Centres	1
Crematoria	1
Depots	3
Electricity Generating Works	1
Environmental Facilities	3
Freight Transport Facilities	3
Funeral Homes	4
Garden Centres	3
Hardware & Building Supplies	3
Helipads	1
Highway Service Centres	1
Industrial Retail Outlets	3
Industrial Training Facilities	2
Kiosks	3
Landscaping Materials Supplies	3
Light Industries	3
Mortuaries	1
Neighbourhood Shops	3
Passenger Transport Facilities	3
Places of Public Worship	4
Recreation Areas	1
Recreation Facilities (Indoor)	3
Research stations	1
Restricted Premises	3
Roads	3
Rural Supplies	3
Service Stations	3
Sex Services Premises	1
Signage	3
Storage Premises	3
Take Away Food & Drink Premises	3
Timber Yards	3
Transport Depots	3
Truck Depots	3
Vehicle Body Repair Workshops	3
Vehicle Sales & Hire Premises	3
Vets	2

Warehouse & Distribution Centres	3
Water Recreation Structures	1
Water Recycling Facilities	1
Water Supply Systems	1
Wholesale Supplies	3

The table shows that the proposal to enable Animal Boarding or Training Establishments in the IN2 Light Industrial zone would not result in any significant land-use compatibility issues, having regard to the current range of permissible uses in the zone. For the majority of uses there is either a low chance of land-use conflict occurring or the uses would be complementary.

The characteristics of the IN2 Light Industrial zone make it ideal to accommodate Animal Boarding & Training Establishments. IN2 zoned land is typically well serviced, located close enough to the facilities within the Cowra Township but distanced far enough away from residential areas to reduce the risk of land-use conflict occurring.

The supply and demand analysis detailed in Section 5.1.2 of the Issues Papers did not identify a shortage of usable industrial zoned land. Broadening the range of permissible uses in the IN2 Zone to include Animal Boarding & Training Establishments is therefore unlikely to adversely impact the availability of industrial land for other uses already permissible in the zone.

3.4.2. 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?

Amending the Land-use Table to the IN2 Light Industrial zone is the best way of making the identified uses permissible in the zone.

The only alternate strategy available for Council to consider is to identify particular lots, or groups of lots, where the uses (identified in Section 3.3) might be suitable, and using Schedule 1 of the Local Environmental Plan to nominate those uses as permissible for that particular lot or group of lots. This strategy would unlikely be supported by the NSW Department of Planning & Environment, and does not achieve Council's objective of broadening the range of permissible land-uses across the entire IN2 Light Industrial zone.

3.4.3. 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 proposal to amend Cowra Local Environmental Plan 2012 by broadening the range of permissible uses in the IN2 Light Industrial zone aligns particularly with Strategic Direction No. 10. An assessment of the proposal against this Strategic Direction is included as follows.

Direction 10 – Promote business and industrial activities in employment lands

At the local level, the Central West Orana Regional Plan 2036 places a significant focus on the need to support business and industrial activities in employment lands, and ensure that new development proposed on land outside of existing commercial centres has demonstrated social and economic benefits of establishing in those locations.

The Regional Plan proposes to achieve this through a number of actions, including:

- Use of local environmental plans to promote the development of specialised industry clusters and the co-location of related industries.

- Encourage the consolidation of isolated, unused or underused pockets of industrial land to create long-term development opportunities.

The Planning Proposal is broadly consistent with the above actions.

Expanding the range of permissible uses in the IN2 Light Industrial zone is a passive way of promoting and encouraging new development within existing and future industrial areas. The new uses have been selected because of their compatibility with typical industrial uses.

Cowra Township, historically, has not experienced high take-up rates of industrial zoned land. A new industrial estate was rezoned with the commencement of Cowra Local Environmental Plan 2012 and remains in an undeveloped state. Council is also aware of other pockets of vacant industrial zoned land where until recently growth has been static. Broadening the permissibility of uses in the zone is a strategy aimed at fostering development potential in industrial areas.

3.4.4. Consistency with Local Strategy

Cowra Local Environmental Plan 2012 was prepared based on the strategic recommendations contained in the Cowra Shire Land-use Strategy and the Cowra LEP Justification Report.

The Planning Proposal is not inconsistent with the strategic directions for industrial land set by the Cowra Shire Land-use Strategy. The proposal aligns with the following planning principles detailed in Section 4.2.3 of the Strategy:

- Support existing businesses and their ongoing development, while at the same time encouraging new business to the area.
- Cowra Township is to be the main focus for industrial development activity, employment and investment within the Shire.

3.4.5. 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 proposed amendment to permissible uses in the IN2 Light Industrial zone.

- 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. 55 – Remediation of Land
- SEPP No. 55 – Remediation of Land
- 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

There are no State Environmental Planning Policies that are considered to be particularly relevant to the Planning Proposal.

3.4.6. 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 3.1 – Residential 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 does not create any issues of inconsistency. The IN2 Light Industrial zone will not be reduced in area.

3.4.7. 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. Enabling additional uses in the IN2 Light Industrial zone is unlikely to directly impact on critical habitat, threatened species, populations or ecological communities or their habitats. The areas of land zoned IN2 Light Industrial will not change as a result of the planning proposal.

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

There are no other likely environmental impacts likely to result from the planning proposal. Any potential impacts likely to result from the new uses establishing

on individual lots would be subject to assessment as part of the Development Application process and are not possible to measure as part of the Planning Proposal. The new uses have however been selected because of their likely compatibility with other permissible uses in the IN2 Light Industrial zone.

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

Positive economic impacts may occur if the proposed changes are successful in encouraging new development within the IN2 Light Industrial zone. More detailed social and economic impact analysis is not considered necessary due to the nature of the Planning Proposal.

3.4.8. State and Commonwealth Interests

Is there adequate public infrastructure for the planning proposal?

The planning proposal does not increase demand for public infrastructure including public transport, roads, utilities, waste management or essential services.

The planning proposal will enable a number of new land-use activities in the IN2 Light Industrial zone. None of the new activities would increase demand for new infrastructure in the zone more so than any of the other uses which are currently permissible in the zone.

There is already an expectation that land in the IN2 Light Industrial zone is provided minimum standard roads, water, sewer, electricity, telecommunications and gas (where available). Enabling the new uses in the zone does not increase the standard of servicing expected by Council.

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. Enabling new uses in the IN2 zone is local planning issues and is not expected to be of any particular concern to state and commonwealth authorities.

3.5. Mapping

The Planning Proposal will require an amendment to the Land-Use Table for the IN2 Light Industrial zone in the written instrument to Cowra Local Environmental Plan 2012.

No changes are required to any mapping.

4.0

RU1 and RU4 zones

This Section of the Planning Proposal explains and justifies the proposal to amend Cowra Local Environmental Plan 2012 by changing the permissibility of certain development in the RU1 Primary Production Zone and RU4 Primary Production Small Lots zone.

4.1. Issues Paper Findings

Section 2.5 of the Issues Paper for the Review of Cowra Local Environmental Plan 2012 included a review of permissible and prohibited uses in the RU1 Primary Production and RU4 Primary Production Small Lots zones.

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

- The preparation of the written instrument for Cowra Local Environmental Plan 2012 was completed by officers at the NSW Department of Planning & Environment in consultation with Council. The range of permissible and prohibited uses in the RU1 Primary Production and RU4 Primary Production Small Lot zones were included based on the default parameters set by the Department.
- Now the LEP has been in operation for a number of years, Council Officers have had an opportunity to better understand whether the range of permissible and prohibited uses in the rural zones adequately provides for new development, or whether it is restricting development that would otherwise be appropriate in the zone.
- The current LEP review presents a timely opportunity to review the Land-use Table for the RU1 and RU4 zones and determine the need for any changes to permissible or prohibited uses.

- The Issues Paper identified the following land-use activities that are currently prohibited in the RU1 and RU4 zones, but which should be allowed within the zone: Dual occupancies (detached) and Function Centres
- The recommended planning response was to update the Land-use Table to the RU1 and RU4 zones to include the two (2) new land-uses as permissible with consent.

Since the time of preparation of the Issue Paper, Council planners have also considered the possibility. making the use 'transport depot' permissible with consent in the RU1 zone.

In the Cowra context, transport depots are typically smaller scale uses, accommodating few vehicles, and don't require access to the level of servicing found in industrial and business zones. For example, Council is aware of a number of scenarios where the transport depot is simply a fleet of one or two vehicles (i.e. a local bus run) stored at the primary residence of the business operator. The RU1 zone is suited to this kind of land-use, even where the scale of the activity is larger, because settlement density is generally less (i.e. fewer potential land-use conflicts) and there is still suitable standard of access via the extensive networks of local and state owned road roads.

This Planning Proposal therefore also seeks to justify the inclusion of transport depots as permissible uses in the Land-use Table for the RU1 zone.

4.2. 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 RU1 Primary Production zone and the RU4 Primary Production zones, the objective of this Planning Proposal is to:

To amend Cowra Local Environmental Plan 2012 in a way that broadens the permissibility of appropriate land-use activities in the RU1 and RU4 zones.

4.3. 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.

In relation to land within the RU1 Primary Production zone, the objective (detailed in Section 4.2) will be achieved by inserting an amended Land-use Table and in particular adding the following land-use activities as permissible (with consent) in the zone.

- Dual occupancies (detached).
- Function Centre.
- Transport Depot.

In relation to land within the RU4 Primary Production Small Lots zone, the objective (detailed in Section 4.2) will be achieved by inserting an amended Land-use Table and in particular adding the following land-use activities as permissible (with consent) in the zone.

- Function Centre.
- Transport Depot.

There are no new maps required to be inserted into Cowra Local Environmental Plan 2012 to accommodate this amendment.

4.4. 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:

4.4.1. General Suitability

Dual Occupancy (detached)

A dual occupancy (detached) is when there are 2 dwellings on the one lot of land, and each dwelling is a separate structure. A dual occupancy (attached) is when there are 2 dwellings on the one lot of land, and each dwelling is attached to the other, usually sharing a common roof, or attached to each other using a breezeway structure.

Currently, the RU1 and RU4 zones allow development for the purposes of a dual occupancy (attached), but prohibit development for the purposes of a dual occupancy (detached). The issue was briefly considered as part of the Issues Paper and the view was formed that there are no significant planning reasons why there should be a difference in permissibility for attached or detached dual occupancy in the RU1 and RU4 zones. The planning outcome is exactly the same, with two dwellings on the one lot that are capable of separate occupation.

The Department of Planning & Environment has asked Council to provide further justification for this proposal, particularly given the residential accommodation options that are already available for land in the RU1 and RU4 zones. The Department has also asked Council to further consider the appropriateness of dual occupancy (detached) development in the RU4 zone given that the objectives of the zone are to facilitate more intensive agricultural activities on the land, and manage potential land-use

conflict between those activities and adjoining properties.

In response to the Department's request, the following information is provided:

- There are a number of residential accommodation types that are already permissible in the RU1 and RU4 zones including dwellings, dual occupancies (attached), secondary dwellings and rural workers dwellings. In practicality, there is not a lot of difference between these types of accommodation. All types allow for a scenario where there is a need for more than one dwelling on a single lot.
- Council does not see a clear link between the nature and scale of the agricultural activity being carried out on the land, and the need for a second dwelling-house in the form of a detached dual occupancy. If we consider the most common reason(s) why a second dwelling is required on a farm lot, then there is no significant reason why land in the RU1 and RU4 should have different planning controls.
- The most common scenario presented to Council is the scenario where a second dwelling is required on a farm to accommodate the needs of a family member(s). For example, Younger family members choosing to stay and work on the family farm might require their own dwelling to accommodate their own growing family. Alternatively, old generations no longer able to operate the farm without family assistance might require a second dwelling that enables them to remain on the farm and maintain a rural lifestyle.
- A dual occupancy (detached) provides the most practical option for these scenarios, because there does not need to be a size relationship between the main homestead and the second dwelling, and the two dwellings can be physically separated which is often a key requirement for achieving resident privacy and amenity.
- In terms of managing potential land-use conflict, Council will consider implementing DCP controls to ensure that appropriate consideration is given to relevant issues at DA stage, including setbacks, design and siting, access, on-site waste management.
- Broadening the permissibility of suitable residential accommodation types in the RU1 and

RU4 zones is a sensible approach to ensure that local planning provisions continue to support rural housing needs.

- A review of existing provisions within the LEP's of other rural / regional Council's confirms that dual occupancy development is permitted in the rural based zones regardless of whether the new dwelling is detached or attached to the existing dwelling.

4.4.2. 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?

Amending the Land-use Table to the RU1 Primary Production and RU4 Primary Production Small Lots zones is the best way of making the identified uses permissible in the zone.

The only alternate strategy available for Council to consider is to identify particular lots, or groups of lots, where the uses (identified in Section 3.3) might be suitable, and using Schedule 1 of the Local Environmental Plan to nominate those uses as permissible for that particular lot or group of lots. This strategy would unlikely be supported by the NSW Department of Planning & Environment, and does not achieve Council's objective of broadening the range of permissible land-uses across the entire RU1 Primary Production and RU4 Primary Production Small Lots zones.

4.4.3. 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 proposal to amend Cowra Local Environmental Plan 2012 by broadening the range of permissible uses in the RU1 Primary Production and RU4 Primary Production Small Lots zones aligns particularly with Strategic Direction No. 4 and 25. An assessment of the proposal against these Strategic Directions is included as follows.

Direction 10 – Promote and diversify regional tourism markets

The Central West Orana Regional Plan 2036 highlights the benefits to local towns and villages of promoting eco-tourism, conference and sports tourism, agri-tourism, events and festivals, recreation and Aboriginal cultural and historic tourism.

The Regional Plan proposes to achieve this through a number of actions, one of which is by enabling opportunities appropriate for tourism development and associated land-uses in local environmental plans.

The Planning Proposal is broadly consistent with the above action.

There is recognition by Council, and many others within the community, that the current prohibition of function centres in the RU1 and RU4 zones is a potential barrier to the growth of rural tourism in the Cowra Shire. Rural areas occupy the largest proportion of the land-base in the Cowra Shire and are valued not only for their productive economic capacity, but also for aesthetic values. The rural areas of the Shire contain some of the most beautiful and picturesque country this side of the Blue Mountains, and these qualities are attractive drawcards for tourists.

Council has received multiple enquiries over the past few years with regards to the establishment of function centres in rural areas. The enquiries were varied, but mostly involved properties in close proximity to the Cowra Township with existing infrastructure suitable for large events such as weddings or conferences. Many historic homesteads, for example, would be suitable use as a function centre.

Enabling a function centre as a permissible form of development in the RU1 and RU4 zones is a positive way to promote and diversify regional tourism markets, as recommended by the Regional Plan.

Direction 25 – Increase housing diversity and choice

The Central West Orana Regional Plan 2036 highlights the benefits of adopting strategies that are flexible and responsive to shifts in local housing demand and supply. Areas with stable or declining populations will still face demand for new dwellings and for a variety of housing types. Providing for a secondary dwelling as an alternative to affordable housing is supported by the Regional Plan.

The Regional Plan proposes to achieve this through a number of actions, including:

- Preparation of local housing strategies that increase housing choice, including affordable housing options.
- Working with local council's to appropriately plan for future social and affordable housing needs.

The Planning Proposal is consistent with the above actions. Enabling dual occupancies (detached) as a permissible form of development in the RU1 and RU4 zones is a practical way to increase housing choice in Cowra. There are various reasons why landowners may propose the construction of two dwellings on the one property in rural areas. More often than not, the second dwelling is proposed as accommodation for family members. Allowing the dwellings to be detached (note – attached dual occupancies are already permitted) enables privacy to be achieved more easily for each dwelling. Enabling dual occupancy development increases housing choice in rural areas without placing unreasonable additional demands on existing infrastructure.

4.4.4. Consistency with Local Strategy

Cowra Local Environmental Plan 2012 was prepared based on the strategic recommendations contained in the Cowra Shire Land-use Strategy and the Cowra LEP Justification Report.

The Planning Proposal is not inconsistent with the strategic directions for industrial land set by the Cowra Shire Land-use Strategy. The proposal aligns with the following planning principles detailed in Section 6.4 of the Strategy:

- Provide for the continued and improved social and economic well-being of the community.
- Permit the establishment of compatible non-agricultural land-use activities within rural zones that would not adversely affect the future agricultural productivity of the land.
- Promote rural industry and tourism development.

4.4.5. 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 proposed amendment to permissible uses in the IN2 Light Industrial zone.

- 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. 55 – Remediation of Land
- SEPP No. 55 – Remediation of Land
- SEPP No. 62 – Sustainable Aquaculture
- SEPP No. 64 – Advertising and Signage
- SEPP No. 65 – Design of Quality Res. Apartments
- 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 (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 amendment to permissible uses in the B5 Business Development zone.

SEPP (Rural Lands) 2008

The SEPP is broadly aimed at protecting agricultural lands, properly managing the rural land base, and minimising rural land-use conflict issues.

In planning for rural lands in the Cowra Shire, Council has created a framework that closely aligns with the aims, objectives and principles of the SEPP. This framework places a high value on the need to ensure that rural settlement is ancillary to agricultural uses of the land. This is ultimately reflected in the minimum lot size provisions under Cowra Local Environmental Plan 2012 and other strategies (including the sunset clause)

aimed to reducing potential impacts associated unplanned rural residential uses in agricultural areas.

The proposal to enable dual occupancies (detached) in the RU1 and RU4 zones does not create any inconsistencies with the planning framework of the SEPP. For a dual occupancy to be permissible, the land must first have a lawfully established dwelling on the land. For this reason, there is either:

- Already a relationship between the first dwelling on the land and an agricultural use of the land.
- A dwelling entitlement attached to the land because of other provisions in Cowra LEP 2012.

It is reasonable to form a view that a second dwelling would not have any greater impact on the viability of agricultural land than the first dwelling, because the residential use of the land has already been established. It is common for dual occupancy developments, even when detached, to share site facilities including entrances, open space, on-site sewage management and other ancillary buildings including sheds. For this reason, the second dwelling is unlikely to remove a significant amount of land from agricultural production.

The proposal to enable transport depots in the RU1 zone has also been assessed under the SEPP. A transport depot is not typically a land-use activity that is ancillary to an agricultural use of the land. There is a possibility that enabling this use in the RU1 zone may result in the loss of some agricultural land, however this loss is not expected to be widespread and is certainly not expected to lead to unacceptable impacts on the productive capacity of agricultural land in the Cowra Shire generally. The market for new transport depots in rural areas is niche, and it is expected by Council that the enabling of this use in the RU1 zone might only accommodate a few scenarios where existing transport operators require the use of their existing rural property as a base for their small fleet of vehicles. Any inconsistencies with the aims, objectives, and principles of the Rural Lands SEPP are considered justified on the grounds of minor significance.

SEPP (Affordable Rental Housing) 2009

The SEPP is broadly aimed facilitating the effective delivery of affordable rental housing. Of the ways the SEPP achieves this is by offering incentives by way of expanded zoning permissibility, floor space ratio bonuses and non-discretionary development

standards. The SEPP provides for a number of different housing types including in-fill affordable housing, secondary dwellings, boarding houses and supportive accommodation, residential flat building and group homes.

The Planning Proposal will enable dual occupancies (detached) in the RU1 & RU4 zones. This does not create any issues of inconsistency with the Affordable Rental Housing SEP.

4.4.6. 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 1.3 – 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 3.1 – Residential 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 1.2 – Rural Zones

This Ministerial Direction applies as the Planning Proposal affects land within an existing rural zone, and in particular changes the permissible uses in the RU1 and RU4 zones.

The Ministerial Direction requires the Planning Proposal must:

- Not rezone land from a rural zone to a residential, business, industrial, village or tourist zone, or
- Not contain provisions that will increase the permissible density of land within a rural zone.

The Planning Proposal does not propose to rezone any land in the existing RU1 or RU4 zones.

The Planning Proposal does not propose to change the permissible density of rural zoned land. This is typically achieved when local planning authorities change the minimum lot size provisions relating to subdivision and new dwelling development in rural areas. There is no proposal to change the current minimum lot size provisions in the Cowra Shire. The density of rural land in the Cowra Shire is unlikely to be significantly altered as a result of the Planning Proposal.

4.4.7. 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. Enabling additional uses in the RU1 and RU4 zones is unlikely to directly impact on critical habitat, threatened species, populations or ecological communities or their habitats. Detailed assessment against environmental criteria would be completed as part of the Development Application for new dwellings. In a broader strategic context, significant impacts are unlikely.

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

There are no other likely environmental impacts likely to result from the planning proposal. Any potential impacts likely to result from the new uses establishing on individual lots would be subject to assessment as part of the Development Application process and are not possible to measure as part of the Planning Proposal.

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

The Planning Proposal is unlikely to result in any significant social and economic impacts, however any impacts are likely to be positive.

Enabling dual occupancy (detached) development in the RU1 and RU4 zones will provide the community with increased housing choice.

Enabling function centres in the RU1 and RU4 zones is a positive way to encourage rural tourism throughout the Cowra Shire, and provides existing rural properties with suitable facilities an alternative way of producing an economic return from the land.

Enabling transport depots in the RU1 and RU4 is an action that is unlikely to spur significant economic growth, but will enable Council to accommodate the needs of the local transport industry which does contribute positively to the local economy.

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

4.4.8. State and Commonwealth Interests

Is there adequate public infrastructure for the planning proposal?

The planning proposal does not significantly increase demand for public infrastructure typically provided by state and commonwealth authorities including public transport, roads, utilities, waste management or essential services.

The Planning Proposal broadens the permissibility of uses in the RU1 and RU4 zones. This land-use base is primarily the responsibility of Cowra Council as the relevant Local Government Authority. The new uses will not place unrealistic demands on Cowra Council to improve the level of infrastructure provision across rural areas of the Shire.

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. Enabling new uses in the RU1 and RU4 zones

is local planning issues and is not expected to be of any particular concern to state and commonwealth authorities.

4.5. Mapping

The Planning Proposal will require an amendment to the Land-Use Table for the RU1 Primary Production zone and the RU4 Primary Production Small Lot zone in the written instrument to Cowra Local Environmental Plan 2012.

No changes are required to any mapping.

5.0

Community Consultation

This section outlines the Community Consultation that is to be undertaken for the Planning Proposals detailed in previous sections of this report.

5.1. 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 – Clause Amendments to Cowra Local Environmental Plan 2012.
- Gateway Determination, as issued by NSW Department of Planning & Environment.

The following government agencies are considered to have interests that are particularly relevant to the issues being addressed by this Planning Proposal, will be consulted as part of the public exhibition:

- NSW Department of Primary Industries.
- NSW Office of Environment and Heritage.
- Housing NSW.

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

6.0

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.

6.2. 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	N/A	N/A
	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 statistical and spatial analysis of development approvals in the B5 Business Development Zone over the last 10-year period.



Figure 1 - B5 Business Development Zone - Spatial Analysis Map

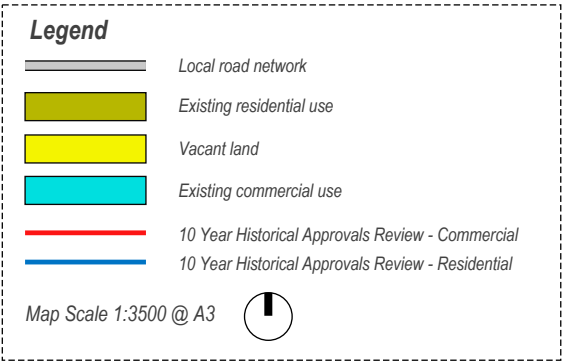
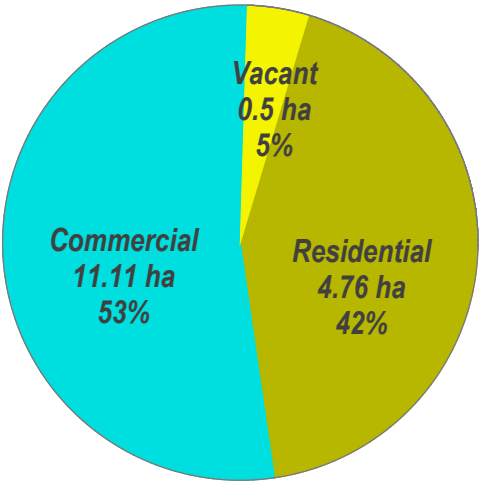


Figure 2 - Land-use Analysis



Lot Analysis



Approvals Analysis - 2007 to 2017

