

Planning Services

Gateway Determination Report

LGA	Cowra Shire Council
PPA	Cowra Shire Council
NAME	Cowra Local Environmental Plan 2012 Land-use Table Amendment for zones B5, IN2<RU1 and RU4
NUMBER	PP_2018_COWRA_006_00
LEP TO BE AMENDED	Cowra Local Environmental Plan 2012
ADDRESS	N/A
DESCRIPTION	N/A
RECEIVED	28 June 2018
FILE NO.	IRF18/3704
POLITICAL DONATIONS	There are no donations known or gifts to disclose and a political donation disclosure is not required.
LOBBYIST CODE OF CONDUCT	There have been no known meetings or communications with registered lobbyists with respect to this proposal.

INTRODUCTION

Description of planning proposal

The planning proposal involves the following land use table amendments:

- remove; 'Residential flat buildings', 'Semi-detached dwellings', 'Seniors housing' and 'Shop top housing' as being permissible in B5 Business Development Zone. Note, 'Dwelling houses' have been proposed to remain as permissible.
- include as permissible development; 'Garden centres', 'Plant nurseries', 'Animal boarding and training establishments' and 'Places of public worship' in IN2 Light Industrial Zone.
- include 'Transport Depots', 'Dual Occupancy' and 'Function Centres' to the land use tables as permissible development in RU1 Primary Production and RU4 Primary Production Small Lot Zones.

Site description

N/A

Existing planning controls

The proposal applies to land zoned B5 Business Development, IN2 Light Industrial, RU1 Primary Production and RU4 Primary Production Small Lots under the Cowra LEP 2012.

Surrounding area

N/A

Summary of recommendation

It is recommended that the proposal should proceed subject to conditions.

PROPOSAL

Objectives or intended outcomes

There are three objectives outlined in this planning proposal:

1. To amend Cowra Local Environmental Plan 2012 to protect land in the B5 Business Development zone for commercial purposes, and limit residential development opportunities in the zone.
2. To amend Cowra Local Environmental Plan 2012 to broaden the permissibility of appropriate land-use activities in the IN2 Light Industrial zone.
3. To amend Cowra Local Environmental Plan 2012 to allow permissibility of appropriate land-use activities in the RU1 and RU4 zones.

Explanation of provisions

The objective will be achieved by:

1. Amending the B5 business development zone to remove; 'Residential flat buildings', 'Semi-detached dwellings', 'Seniors housing' and 'Shop top housing' as being permissible in B5 Business Development Zone.
2. Amending the IN2 Light Industrial zone, by including 'Plant nurseries' and 'Animal boarding establishments' as permissible with consent in the zone.
3. Amending the RU1 Primary Production zone, by including 'Dual occupancies', 'Function centre' and 'Transport depot' as permissible with consent in the zone.

4. Amending the RU4 Primary Production Small Lots zone by including 'Function centre' and 'Transport depot' as permissible with consent in the zone.

Mapping

Changes to mapping are not required as part of this planning proposal.

Council Report

Council resolved to support the planning proposal.

NEED FOR THE PLANNING PROPOSAL

Council have completed a review of the Cowra LEP 2012, and prepared an Issues Paper that outlines the findings of the review. This planning proposal is in response to the issues found.

The Issues Paper was endorsed for the purposes of public exhibition by Council at the ordinary meeting held 24 July 2017.

STRATEGIC ASSESSMENT

State

N/A

Regional / District

The proposal has considered the Central West and Orana Regional Plan. The proposal is consistent with Goal 1, the most diverse regional economy in NSW, particularly:

Direction 10 – Promote business and industrial activities in employment lands

The proposal to alter the permissibility of residential development types (other than dwellings) intends to protect the commercial interests of the main street (Redfern Street) as the business core.

As noted in the proposal, expanding the range of permissible uses in the IN2 Light Industrial will allow new development within existing and future industrial areas. The new uses have been selected because of their compatibility with typical industrial uses.

The proposal identifies that the intent of enabling a function centre, dual occupancies (both attached and detached) as a permissible 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

This amendment proposes to enable dual occupancies detached as a permissible form of development in the RU1 and RU4 zones to increase housing choice in Cowra. Dual occupancies attached are already permissible.

Local

Cowra Shire Land-use Strategy

The proposal supports the strategic direction and planning principles of the Cowra Land-use Strategy by:

- Supporting new development business zones that are compatible with the land use
- Reinforcing Cowra centre as the focus for industrial development activity, employment and investment within the Shire.
- Permitting compatible non-agricultural land-use activities within rural zones, that would not adversely affect productivity of the land
- Promoting rural industry and tourism development.

Section 9.1 Ministerial Directions

1.1 Business and Industrial Zones

This Ministerial Direction applies as the planning proposal affects land within an existing business zone. The intent of the proposal will not limit the B5 Business Development zone or IN2 Light Industrial zone and supports the objectives of this Direction. The Director Regions, Western can be satisfied that the proposal is consistent with this Direction and no further work is required.

1.2 Rural Zones

This Ministerial Direction applies as the planning proposal affects land within an existing rural zone, and changes permissibility in RU1 and RU4 zones. The intent of the proposal will not to rezone rural land or increase the permissible density of rural land. The Director Regions, Western can be satisfied that the proposal is consistent with this Direction and no further work is required.

1.4 Rural Lands

This Directions applies as the proposal affects land within an existing rural zone. The outcomes of the proposal will not result in the fragmentation of agricultural land. The additional permitted land uses are considered as compatible rural zone land use activities.

The Director Regions, Western can be satisfied that the proposal is consistent with this Direction and no further work is required.

5.10 Implementation of the Regional Plans

The Central West and Orana Regional Plan applies to the Cowra LGA. As previously noted, the proposal is consistent with Goal 1, the most diverse regional economy in NSW. The Director Regions, Western can be satisfied that the proposal is consistent with this Direction and no further work is required.

State environmental planning policies

SEPP (Affordable Rental Housing) 2009

The intent of the proposal is to reduce the permissibility of residential development in the B5 Business Zone, for this reason the SEPP applies. The proposal notes that 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. The Director Regions, Western can be satisfied that the proposal is of minor significance and no further work is required.

SEPP (Rural Lands) 2008

This SEPP applies as the proposal aims to enable dual occupancies in zones RU1 and RU4. The outcomes of the proposal will not result in the fragmentation of agricultural land. Dual occupancies (attached) are currently permissible in zones RU1 and RU4. For a dual occupancy to be permissible, the land must first have a lawfully established dwelling on the land. Permitting a dual occupancy is unlikely to significantly impact the productive agricultural land. The Director Regions, Western can be satisfied that the proposal is of minor significance and no further work is required.

SITE-SPECIFIC ASSESSMENT

Environmental

As noted in the planning proposal changing the permissibility of land-use in the B5 Business Development zone, IN2 Light Industrial zone, and RU1 and RU4 zones 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.

Economic

The planning proposal notes that the economic impacts associated with this amendment are not likely to be significant, particularly in the short term to medium term. Longer term benefits

are likely to be created by managing land-use in the B5, IN2, RU1 and RU4 zones, ensuring that commercial, industrial and rural function within the Cowra LGA is not compromised by inappropriate development.

Social

The proposal considers that protecting existing and future commercial, industrial and rural interest in this area will effectively manage land use across the LGA. The proposal will provide Council with flexibility to allow the proposed land uses.

CONSULTATION

Community

Council have identified that the planning proposal will be placed on public exhibition for 28 days/ Public notification will include notification in the local newspapers, and a notice on Council's website. Council will also consult in accordance with the requirement of the Cowra Shire Council's Aboriginal Consultation Policy.

The proposed community consultation is considered appropriate for the purposes of the proposal.

Agencies

Council have proposed agency consultation with the NSW Department of Primary Industries, and NSW Office of Environment and Heritage.

TIME FRAME

The proposed timeframe to complete the amendment is 12 months.

LOCAL PLAN-MAKING AUTHORITY

It is considered appropriate that Council be issued delegation to exercise plan making functions for this proposal.

CONCLUSION

As reflected in the proposal the amendment of the Cowra Local Environmental Plan 2012 Land-use Table according to the Issues Paper submitted by Council, will protect land zoned B5 Business Development and IN2 Light Industrial, and broaden the permissibility on land zoned RU1 Primary Production, and RU4 Primary Production Small lots.

RECOMMENDATION

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

1. Community consultation is required under sections 2.22 and 3.34(2)(c) of the Environmental Planning and Assessment Act 1979 as follows:
 - (a) the planning proposal must be made publicly available for a minimum of **28 days**; and
 - (b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of *A Guide to Preparing LEPs* (Department of Planning & Environment August 2016).
2. Consultation is required with the following public authorities under section 3.34(2)(d) of the Environmental Planning and Assessment Act, 1979:
 - NSW Department of Primary Industries
 - NSW Office of Environment and HeritageEach public authority is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal.
3. A public hearing is not required to be held into the matter by any person or body under section 3.34(2)(e) of the *Environmental Planning and Assessment Act, 1979*. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).
4. The timeframe for completing the LEP is to be **12 months** from the week following the date of the Gateway determination.



25.7.18

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