

Cootamundra LEP 2013 Additional Permitted Use Hovell Street Cootamundra

Proposal Title :	Cootamundra LEP 2013 Additional Permitted Use Hovell Street Cootamundra		
Proposal Summary :	The planning proposal seeks to amend Schedule 1 of the Cootamundra LEP 2013 to allow two additional permitted uses, being a 'Service station' and a 'Liquid Fuel Depot' on land zoned SP2 Infrastructure (Railway) on Hovell Street, Cootamundra.		
PP Number :	PP_2017_CGREG_001_00	Dop File No :	17/05871

Proposal Details

Date Planning Proposal Received :	20-Apr-2017	LGA covered :	Cootamundra-Gundagai Reg
Region :	Southern	RPA :	Cootamundra-Gundagai Region
State Electorate :	BURRINJUCK	Section of the Act :	55 - Planning Proposal
LEP Type :	Spot Rezoning		

Location Details

Street :	Hovell		
Suburb :	Cootamundra	City :	Cootamundra
		Postcode :	2590
Land Parcel :			

DoP Planning Officer Contact Details

Contact Name :	Nathan Foster		
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DoP Project Manager Contact Details

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Land Release Data

Growth Centre :	N/A	Release Area Name :	N/A
Regional / Sub Regional Strategy :	N/A	Consistent with Strategy :	N/A

SEPP No 55—Remediation of Land
SEPP (Infrastructure) 2007

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

Council has identified the following SEPP's that are applicable to the planning proposal and indicated the proposal is consistent with all;

SEPP 44 Koala Habitat Protection

SEPP 55 Remediation of Land

SEPP (Infrastructure) 2007

The Department notes the SEPP44 does not apply to the LGA, and agrees with Council that the planning proposal is not inconsistent with any SEPP's.

Council has identified four (4) applicable s117 Ministerial Directions that are applicable to the planning proposal, and provided the following address of the consistency of the proposal with each direction;

2.3 Heritage Conservation - Consistent - No impacts on heritage items will result from the proposal.

3.4 Integrating Land Use and Transport - Consistent - Provides for the efficient movement of freight

6.1 Approval and Referral Requirements - Consistent - Subject to appropriate legal drafting, the provisions are intended to be minimal, addressing permissibility of the proposed land use only.

6.3 Site Specific Provisions - Consistent - Subject to appropriate legal drafting, the proposal is for a site-specific provision to allow a particular land use to occur.

The Department considers that the planning proposal has not satisfactorily addressed the heritage issues and applicable s117 Direction 2.3 Heritage Conservation. Early consultation in 2016 with the Office of Environment and Heritage had identified to the proponent a list of requirements of a Heritage Impact Statement to be addressed as part of the planning proposal.

The Department has consulted with OEH who has advised that the response provided in the planning proposal is insufficient, and further work is required.

It is recommended, as a condition of the Gateway determination, that the planning proposal be re-submitted to the Department for approval, prior to consultation, having appropriately addressed, to the satisfaction of OEH, the state/local heritage items and heritage conservation area adjacent to the subject site, including an archaeological assessment of the site.

The Department is satisfied that the proposal is not inconsistent with any other Ministerial Directions.

Have inconsistencies with items a), b) and d) being adequately justified? No

If No, explain : See above comments regarding re-submission in relation to s117 Direction 2.3 Environmental Heritage.

Mapping Provided - s55(2)(d)

Is mapping provided? Yes

Comment : Mapping has been provided and is sufficient for the purpose of public/agency consultation. A new Schedule 1 Map will need to be produced by Council during the finalisation of the LEP amendment.

Community consultation - s55(2)(e)

Has community consultation been proposed? Yes

Comment : Council intends to consult with the Community and relevant government agencies.

Consultation requirements and time frames will be established by the Gateway

Determination.

28 Days is considered appropriate for this proposal.

Additional Director General's requirements

Are there any additional Director General's requirements? No

If Yes, reasons :

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? No

If No, comment : **As outlined above, further work is required to address heritage issues and this will be conditioned as part of the Gateway Determination. An amended planning proposal will need to satisfy OEH prior to consultation. A traffic impact assessment is also required prior to consultation as per RMS request.**

Proposal Assessment

Principal LEP:

Due Date :

Comments in relation to Principal LEP : **Cootamundra LEP was finalise in 2013**

Assessment Criteria

Need for planning proposal : Council has indicated that the proposal is not the result of a strategic study or report. Council believes the proposal to be consistent with the general zoning and character of the area and the outcomes have been developed in consultation between the applicant and Council staff. The Department notes that in order to facilitate the proposed service station and liquid fuel depot on the site, being an SP2 Infrastructure zone, the only options were to amend the land use table for the SP2 zone to allow the land use, or to allow the land uses as a site specific land use via inclusion in Schedule 1 (Additional Permitted Uses) of the Cootamundra LEP 2013. The Department considers Schedule 1 as a more appropriate mechanism as making Service Stations and Liquid Fuel Depots permissible in the SP2 zone generally would have implications across all sites zoned SP2 under the LEP, and this is not considered appropriate.

Consistency with strategic planning framework : The planning proposal states that it is consistent with the Riverina Action Plan by contributing to growth and development of a town centre, reinforcing the objectives of a diverse economy and co-ordinated provision of services available to residents and travellers passing through the region. The proposal also extends the provision of transport and freight facilities that support local community throughout the region, and will integrate well with existing transport infrastructure. The proposal also argues that it is consistent with the Cootamundra LEP 2013, with the land currently designated for transport/rail use, providing an opportunity for the re-use of currently under-utilised land within one of Cootamundra's designated transport areas. The Department notes that there is currently no Regional Strategy or Plan in place covering Cootamundra. The LGA is however covered by the Draft Riverina Murray Regional Plan. The proposal is considered to not be inconsistent with the draft plan.

Environmental social economic impacts : The planning proposal notes that no critical habitat or threatened species, populations or ecological communities or their habitats will be negatively impacted by the planning proposal, and that the proposal is targeted at an existing industrial site within an urban locality with a pronounced industrial character and context. The planning proposal also indicates that no other likely environmental effects are

forecast for the reasons stated above.

The proposal states that it will have no negative impact on heritage items in the vicinity, noise impacts have been considered and demonstrated that these noise impacts on surrounding residential properties can be mitigated. Estimated traffic generation rates and flows have also be generated and show a suitability for the site for the proposed use. The proposal suggests that no other negative social or economic impacts are likely to occur as a result of the proposal, and that the proposal will have a likely net positive impact and benefit to the economic and social aspects of the community of Cootamundra.

The Department agrees that it is unlikely that any negative impacts on the natural environment will result from this proposal, given the existing disturbed nature and historical use of the subject land.

Despite the request from NSW Roads and Maritime Services (RMS), the planning proposal does not include a Traffic Impact Assessment. This statement should be required prior to consultation.

With regards to heritage, as further discussed later in this report, insufficient evidence has been provided in this regard noting state and local heritage items/areas surrounding the subject land. Further work is required to demonstrate that this proposal will not adversely impact on these heritage items.

Assessment Process

Proposal type :	Minor	Community Consultation Period :	28 Days
Timeframe to make LEP :	12 months	Delegation :	RPA
Public Authority Consultation - 56(2)(d) :	Office of Environment and Heritage Transport for NSW Transport for NSW - Roads and Maritime Services		

Is Public Hearing by the PAC required? No

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

If no, provide reasons : The planning proposal is supported in principal, subject to the satisfactory address of matters involving s117 direction 2.3 Heritage conservation, and in line with OEH's earlier advice regarding requirements of a Heritage Impact Statement.

Council is also required to prepare, as per previous advice from RMS, a Traffic Impact Assessment as part of the planning proposal to inform a considered consultation.

Once these two studies have been finalised completed, and the planning proposal updated, Council can proceed to formal agency and community consultation.

Resubmission - s56(2)(b) : No

If Yes, reasons :

Identify any additional studies, if required. :

Other - provide details below

If Other, provide reasons :

The planning proposal requires further documentation to be provided in relation to impacts on surrounding heritage items/area (State and Local) in accordance with requirements established during early consultation between the proponents and OEH in 2016. The Heritage Impact Statement provided as part of the planning proposal package is not considered satisfactory.

Additionally, a Traffic Impact Assessment is required as part of the planning proposal.

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Identify any internal consultations, if required :

No internal consultation required

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

If Yes, reasons : Not relevant

Documents

Document File Name	DocumentType Name	Is Public
2017.04.10-April-Council-Meeting.pdf	Proposal	Yes
20170421 - Planning Proposal - Hovell Street Cootamundra.pdf	Proposal	Yes
Cootamundra Gundagai PP Hovell St Cover Letter.pdf	Proposal Covering Letter	Yes

Planning Team Recommendation

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

S.117 directions: **2.3 Heritage Conservation**
3.4 Integrating Land Use and Transport
6.1 Approval and Referral Requirements
6.3 Site Specific Provisions

Additional Information : I, the Director Regions, Southern, at the Department of Planning and Environment as delegate of the Minister for Planning, have determined under Section 56(2) of the Environmental Planning and Assessment Act, 1979 that an amendment to the Cootamundra Local Environmental Plan (LEP) 2013 to amend Schedule 1 to allow two additional permitted uses, being a 'Service station' and a 'Liquid Fuel Depot' on land zoned SP2 Infrastructure (Railway) on Hovell Street, Cootamundra should proceed subject to the following conditions:

1. Prior to undertaking community consultation, the Planning Proposal is to be amended and resubmitted to the Department to include:
 - an appropriately prepared Heritage Impact Statement (HIS). A copy of the Statement should also be placed on exhibition;
 - an appropriately prepared Traffic Impact Assessment. A copy of the Traffic Impact Assessment should also be placed on exhibition;
2. Community consultation is required under Sections 56(2)(c) and 57 of the Act 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 local environmental plans (Department of Planning and Environment 2016).
3. Consultation is required with the following public authorities and / or organisations under Section 56(2)(d) of the Act and/or to comply with the requirements of relevant Section 117 Directions:
 - Office of Environmental and Heritage (Heritage Division)
 - NSW Roads and Maritime Service
 - Australian Rail Track Corporation (ARTC)

Each public authority/organisation 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.

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4. A public hearing is not required to be held into the matter by any person or body under Section 56(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).

5. The timeframe for completing the LEP is to be 18 months following the date of the Gateway determination.

6. The final LEP maps shall be prepared in accordance with the requirements of the Department's "Standard Technical Requirements for Spatial Datasets and Maps" Vers: 1.0 November 2015.

Supporting Reasons : The Department offers in principal support for the proposed land use on land excess to the requirements of the rail authority subject to heritage and traffic being satisfactorily addressed.

Signature: _____

Printed Name: _____ Date: _____