

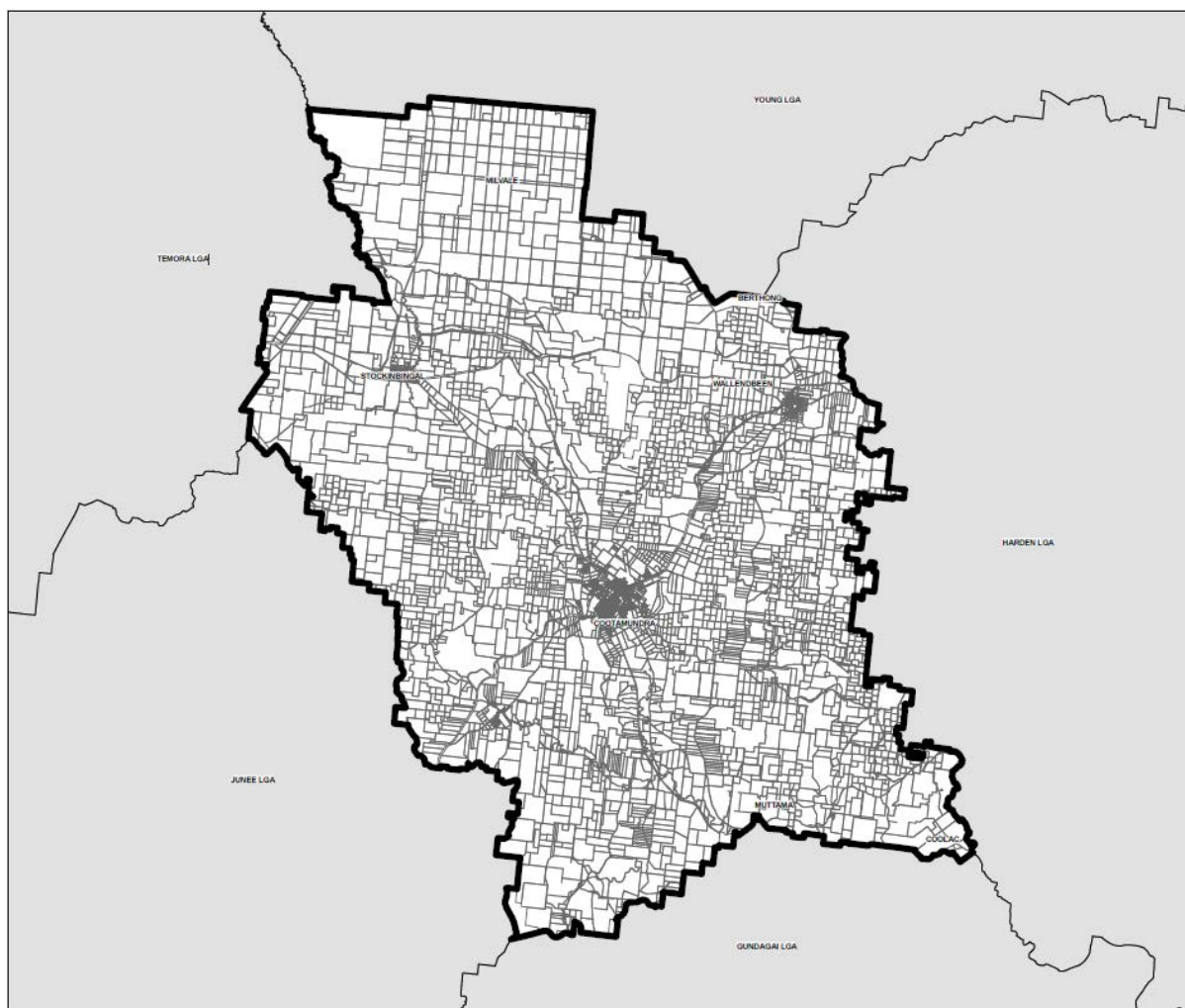


Planning Proposal

Cootamundra LEP 2013

Amendment No 4

Land Use Table Zone RU1 Primary Production



Introduction

This planning proposal has been prepared by Cootamundra Shire Council in accordance with Section 55 of the *Environmental Planning and Assessment Act, 1979* and the relevant Department of Planning and Environment Guidelines “*A Guide to Preparing Planning Proposals*” and “*A Guide to Preparing Local Environmental Plans*” published by the NSW Department of Planning and Infrastructure (now Department of Planning and Environment).

Subject Land

The planning proposal applies to all land in the Cootamundra Shire within the RU1 Primary Production land use zone in the *Cootamundra Local Environmental Plan 2013*.

Part 1 Objectives or Intended Outcomes

The objective of the planning proposal is to amend the *Cootamundra Local Environmental Plan 2013* to enable “livestock processing industries” to be permitted with consent in Zone RU1 Primary Production.

Part 2 Explanation of Provisions

2.1 Cootamundra LEP 2013 Text

The planning proposal is seeking to amend the land use table for Zone RU1 Primary Production by removing “livestock processing industries” from Item 4 “Prohibited” and including this land use in Item 3 “Permitted with consent”.

2.2 Cootamundra LEP 2013 Maps

The planning proposal does not require any amendments being made to the Cootamundra LEP 2013 maps.

Part 3 Justification

Section A - Need for the Planning Proposal

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

The planning proposal is not the result of any strategic study or report. Since the commencement the *Cootamundra Local Environmental Plan 2013* it has been noted that “livestock processing industries” are prohibited in the RU1 Primary Production zone. Council considers that this is an oversight in the land use table as the RU1 zone is the most appropriate and practical zone where this type of development can be located as livestock processing industries inherently require separation from residential development.

In addition, with the exception of “sawmill or log processing industries”, “livestock processing industries” are the only type of rural industry that is prohibited in the RU1 Primary Production zone.

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

The planning proposal is the only means of achieving the objective and intended outcome.

Section B – Relationship to Strategic Planning Framework

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

There are currently no regional or sub-regional strategies applicable to the Cootamundra Shire.

2. Is the planning proposal consistent with the Council’s local strategy or other local strategic plan?

Council has no local strategy or other local strategic plan that is relevant to the planning proposal. Council considers that “*Livestock processing industries*” are consistent with the objectives of the RU1 Primary Production zone, and, in particular, the following objectives:

- To encourage diversity in primary industry enterprises and systems appropriate for the area, and
- To minimise conflict between land uses within this zone and land uses within adjoining zones.

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

The planning proposal is consistent with all applicable State Environmental Planning Policies as detailed in Appendix 1.

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

The planning proposal is consistent with all applicable Ministerial Directions (Section 117 Directions) as detailed in Appendix 2.

Section C – Environmental, Social and Economic Impact

1. **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?**

As the planning proposal relates only to a change to the land use table and not to a specific development proposal or rezoning of a particular parcel of land, critical habitat or threatened species, populations or ecological communities or their habitats, will not be subject to any additional adverse impacts as a result of the planning proposal proceeding.

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

It is considered that no adverse environmental impacts are likely to arise as a direct result of the planning proposal as the change to the land use table does not relate to a specific development proposal or parcel of land.

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

The planning proposal will have positive social and economic effects by facilitating the potential for this type of development to be permitted in the only appropriate land use zone in the *Cootamundra Local Environmental Plan 2013*.

Section D – State and Commonwealth Interests

1. **Is there adequate public infrastructure for the planning proposal?**

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

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

At this stage a Gateway Determination has not been issued. Council will consult with relevant State and Commonwealth authorities if required by the Gateway Determination.

The planning proposal will not have a direct impact on any specific State or Commonwealth interests.

Part 4 Mapping

The Cootamundra Local Environmental Plan 2013 maps will not be affected by the planning proposal as the proposed amendment relates solely to the written text of the LEP.

Part 5 Community Consultation

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

The planning proposal will be placed on public exhibition in the following manner:

- Notice in the local newspaper, "The Cootamundra Herald" for a period of 28 days;
- Notice on Council's website;
- Display at Council's offices;

Part 6 Project Timeline

Action	Indicative Date
Gateway Determination	June 2015
Government agency consultation (if required)	June 2015
Public hearing	Council anticipates that a Public Hearing will not be required for this planning proposal
Public exhibition period	June/July 2015
Consideration of submissions & report to Council	July 2015
Submission to Department Planning and Environment and Parliamentary Counsel to finalise LEP for finalisation	July/August 2015
Anticipated date RPA will make the Plan (if delegated)	August 2015
Anticipated date RPA will forward to the Department for notification	August 2015

Appendix 1

Consideration of State Environmental Planning Policies (SEPPs)

SEPP	Relevance	Consistency
SEPP 1- Development Standards	Not applicable	Not applicable as per Clause 1.9 of Cootamundra LEP 2013.
SEPP 14 – Coastal Wetlands	Not applicable	SEPP does not apply to Cootamundra Shire.
SEPP 15 – Rural Land Sharing Communities	Not applicable	SEPP does not apply to Cootamundra Shire.
SEPP 19 – Bushland in Urban Areas	Not applicable	SEPP does not apply to Cootamundra Shire.
SEPP 21 – Caravan Parks	Not applicable	The planning proposal does not include any specific proposals relevant to this SEPP.
SEPP 26 Littoral Rainforests	Not applicable	SEPP does not apply to Cootamundra Shire.
SEPP 29 – Western Sydney Recreation Area	Not applicable	SEPP does not apply to Cootamundra Shire.
SEPP 30 – Intensive Agriculture	Not applicable	The planning proposal does not include any specific proposals relevant to this SEPP.
SEPP 32 – Urban Consolidation – (Redevelopment of Urban Land)	Not applicable	The planning proposal does not apply to urban land and does not include any specific proposals relevant to this SEPP.
SEPP 33 – Hazardous and Offensive Development	Consistent	The planning proposal is consistent with the aims and objectives of the SEPP. The RU1 Primary Production zone is the only appropriate zone in the Cootamundra LEP 2013 where a livestock processing industry (i.e. a potentially offensive industry) can be located to provide separation from residential or other incompatible development.
SEPP 36 – Manufactured Home Estates	Not applicable	The planning proposal does not include any specific proposals relevant to this SEPP.
SEPP 39 – Spit Island Bird Habitat	Not applicable	SEPP does not apply to Cootamundra Shire.
SEPP 44 – Koala Habitat Protection	Not applicable	SEPP does not apply to Cootamundra Shire.
SEPP 47 – Moore Park Showground	Not applicable	SEPP does not apply to Cootamundra Shire.
SEPP 50 – Canal Estate Development	Not applicable	The planning proposal does not include any specific proposals relevant to this SEPP.
SEPP 52 – Farm Dams & Other Works in Land & Water Management Plan Areas	Not applicable	SEPP does not apply to Cootamundra Shire.

SEPP 55 – Remediation of Land	Not applicable	The planning proposal does not include any specific proposals relevant to this SEPP.
SEPP 59 – Central Western Sydney Regional Open Space and Residential	Not applicable	SEPP does not apply to Cootamundra Shire.
SEPP 62 – Sustainable Aquaculture	Not applicable	The planning proposal does not include any specific proposals relevant to this SEPP.
SEPP 64 – Advertising and Signage	Not applicable	The planning proposal does not include any specific proposals relevant to this SEPP.
SEPP 65 – Design Quality of Residential Flat Buildings	Not applicable	The planning proposal does not include any specific proposals relevant to this SEPP.
SEPP 70 - Affordable Housing (Revised Schemes)	Not applicable e	SEPP does not apply to Cootamundra Shire.
SEPP (Building Sustainability Index: BASIX) 2004	Not applicable	The planning proposal does not include any specific proposals relevant to this SEPP.
SEPP (Exempt and Complying Codes) 2008	Not applicable	The planning proposal does not include any specific proposals relevant to this SEPP.
SEPP (Housing for Seniors or People with a Disability) 2004	Not applicable	The planning proposal does not include any specific proposals relevant to this SEPP.
SEPP (Infrastructure) 2007	Not applicable	The planning proposal does not include any specific proposals relevant to this SEPP.
SEPP (Kosciuszko National Park Alpine Resorts) 2007	Not applicable	SEPP does not apply to Cootamundra Shire.
SEPP (Kurnell Peninsula) 1989	Not applicable	SEPP does not apply to Cootamundra Shire.
SEPP (Major Developments) 2005	Not applicable	The planning proposal does not include any specific proposals relevant to this SEPP.
SEPP (Mining, Petroleum Production and Extractive industries) 2007	Not applicable	The planning proposal does not include any specific proposals relevant to this SEPP.
SEPP (Miscellaneous Consent Provisions) 2007	Not applicable	The planning proposal does not include any specific proposals relevant to this SEPP.
SEPP (Penrith Lakes Scheme) 1989	Not applicable	SEPP does not apply to Cootamundra Shire.
SEPP (Rural Lands) 2008	Consistent	The planning proposal does not include any provisions that affect rural subdivisions or rural dwellings and there is no State significant agricultural land in the Cootamundra Shire.
SEPP (SEPP 53 Transitional Provisions) 2011	Not applicable	SEPP does not apply to Cootamundra Shire

SEPP (State and Regional Development) 2011	Not applicable	The planning proposal does not include any specific proposals relevant to this SEPP.
SEPP (Sydney Drinking Water Catchment) 2011	Not applicable	SEPP does not apply to Cootamundra Shire.
SEPP (Sydney Region Growth Centres) 2006	Not applicable	SEPP does not apply to Cootamundra Shire.
SEPP (Three Ports) 2013	Not applicable	SEPP does not apply to Cootamundra Shire.
SEPP (Urban Renewal) 2010	Not applicable	SEPP does not apply to Cootamundra Shire.
SEPP (Western Sydney Employment Area) 2009	Not applicable	SEPP does not apply to Cootamundra Shire.
SEPP (Western Sydney Parklands) 2009	Not applicable	SEPP does not apply to Cootamundra Shire.

Appendix 2

Section 117 Ministerial Directions

Section 117 Directions	Relevance	Consistency
Employment and Resources		
1.1 Business and Industrial Zones	Not applicable	The planning proposal does not include any proposal that will affect business or industrial zones.
1.2 Rural Zones	Consistent	The planning proposal will not rezone rural land and does not contain any proposal that will increase the permissible density of land within a rural zone.
1.3 Mining, Petroleum Production and Extractive Industries	Not applicable	The planning proposal does not include any proposal that will impact on mining, petroleum production or extractive industries.
1.4 Oyster Aquaculture	Not applicable	Direction does not apply to Cootamundra Shire.
1.5 Rural Lands	Consistent	(a) The planning proposal is consistent with the <i>Rural Planning Principles</i> and the <i>Rural Subdivision Principles</i> listed in <i>SEPP (Rural Lands) 2008</i>. (b) The planning proposal does not include any proposal that will change the existing minimum lot size on land within a rural zone.
2. Environment and Heritage		
2.1 Environment Protection Zones	Not applicable	The planning proposal does not include any proposals that will affect land within an environment protection zone.
2.2 Coastal Protection	Not applicable	Direction does not apply to Cootamundra Shire.
2.3 Heritage Conservation	Not applicable	The planning proposal does not include any proposals that will impact on heritage conservation.
2.4 Recreation Vehicle Areas	Not applicable	The planning proposal does not include any proposals regarding recreation vehicle areas.

3 Housing , Infrastructure and Urban Development

3.1 Residential Zones	Not applicable	The planning proposal will not affect the residential zones of the Cootamundra LEP 2103.
3.2 Caravan Parks and Manufactured Homes Estates	Not applicable	The planning proposal does not change existing land use controls in relation to caravan parks and manufactured homes.
3.3 Home Occupations	Not applicable	The planning proposal does not change existing land use controls in relation to home occupations.
3.4 Integrating Land Use and Transport	Not applicable	The planning proposal will not have an impact on land use and transport.
3.5 Development near Licensed Aerodromes	Not applicable	No licensed aerodrome will be affected by the planning proposal.
3.6 Shooting Ranges	Not applicable	The planning proposal will not rezone land adjacent to and/or adjoining an existing shooting range.

4. Hazard and Risk

4.1 Acid Sulphate Soils	Not applicable	Direction does not apply to Cootamundra Shire.
4.2 Mine Subsidence and Unstable Land	Not applicable	Direction does not apply to Cootamundra Shire.
4.3 Flood Prone Land	Not applicable	The planning proposal will not create, remove or alter a zone or a provision that affects flood prone land.
4.4 Planning for Bushfire Protection	Not applicable	The planning proposal does not include any specific proposals that will affect bushfire prone land.

5. Regional Planning

5.1 Implementation of Regional Strategies	Not applicable	No regional strategy applicable to the Cootamundra Shire.
5.2 Sydney Drinking Water Catchment	Not applicable	Direction does not apply to Cootamundra Shire.
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	Not applicable	Direction does not apply to Cootamundra Shire.
5.4 Commercial and Retail Development along the Pacific	Not applicable	Direction does not apply to Cootamundra Shire.

Highway, North Coast		
5.8 Second Sydney Airport: Badgerys Creek	Not applicable	Direction does not apply to Cootamundra Shire.
5.9 North West Rail Link Corridor Strategy	Not applicable	Direction does not apply to Cootamundra Shire.
6 Local Plan Making		
6.1 Approval and Referral Requirements	Not applicable	The planning proposal does not include any referral, concurrence or designated development provisions.
6.2 Reserving Land for Public Purposes	Not applicable	The planning proposal does not include any proposals that relate to the reservation of land for public purposes.
6.3 Site Specific Provisions	Not applicable	The planning proposal does not include any site specific development proposals.
7 Metropolitan Planning		
7.1 Implementation of A Plan for Growing Sydney	Not applicable	Direction does not apply to Cootamundra Shire.