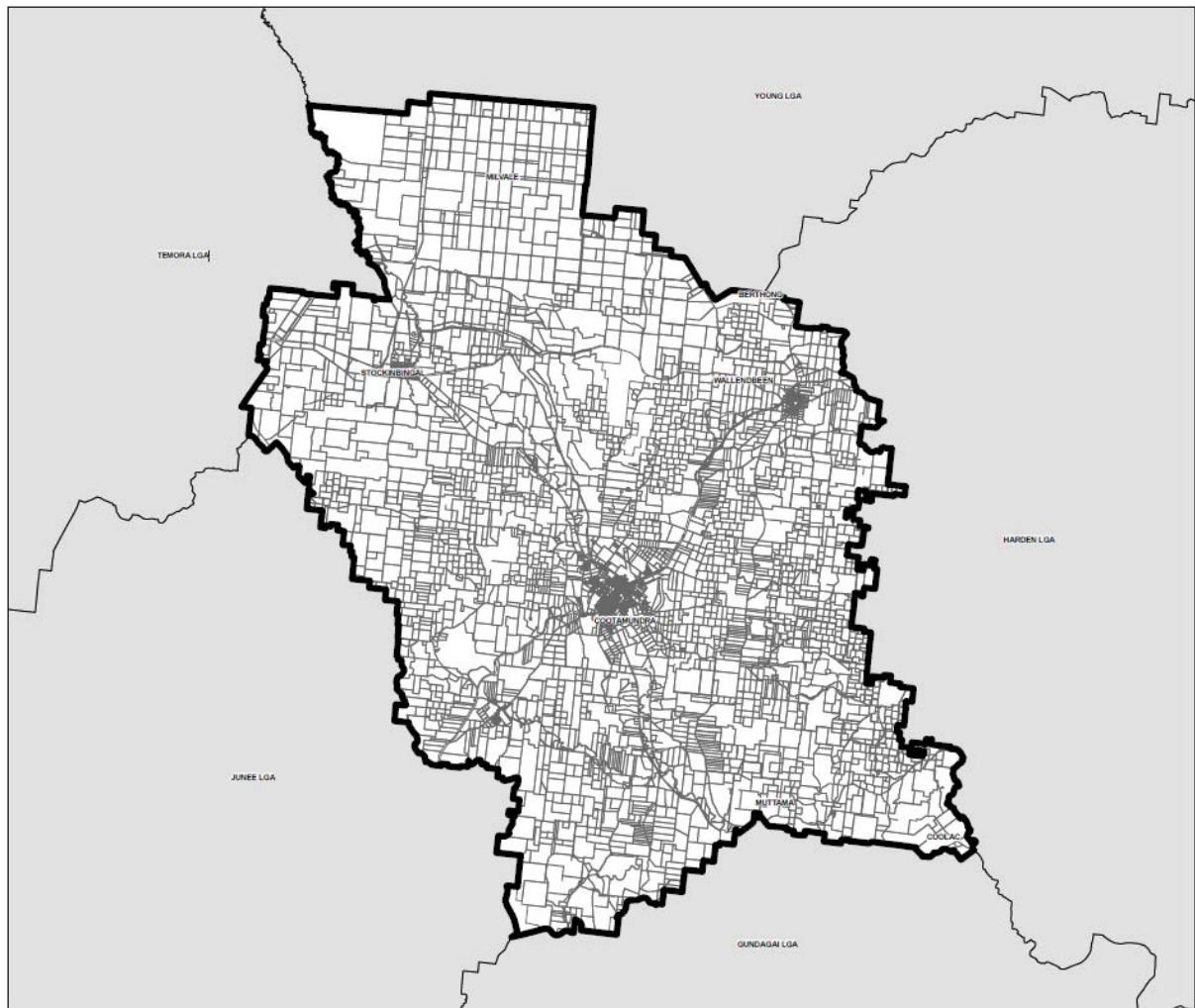




OBJECTIVES AND INTENDED OUTCOMES

Objectives

The objective of the planning proposal is to amend the Cootamundra Local Environmental Plan 2013 to correct some anomalies , rezoning issues and to make minor changes to the land use tables that have been identified during the operation of the plan.

Intended Outcomes

The intended outcomes of the planning proposal are as follows:

- 1. Item 1 “Begley’s Store” - Lot 1 in DP110542, 30 Hibernia Street Stockinbingal**
To correct an anomaly in relation to the heritage schedule and maps by removing a heritage item from the LEP;
- 2. Item 2 - Lots 1- 4 in DP724913 and Lot 1 in DP948674, 2 Sutton Street Cootamundra and**
- 3. Item 3 - Lot 1 in DP530890, 29 Yass Road Cootamundra**
To rezone two parcels of land in Cootamundra from R1 General Residential to IN2 Light Industrial to reflect the existing use of both properties;
- 4. Item 4 - Minimum lot sizes for dual occupancy, multi dwelling housing and residential flat buildings**
To clarify the lot size requirements for dual occupancy, multi dwelling housing and residential flat buildings in the R1 General Residential and R3 Medium Density residential zones;
- 5. Item 5 - Change to Land Use Table Zone IN2 Light industrial and**
- 6. Item 6 - Change to Land Use Table Zone B3 Commercial Core**
To amend the land use tables for the B3 Commercial Core and IN2 Light industrial Zones to enable service stations to be permitted with Council’s consent.

EXPLANATION OF THE PROVISIONS

The changes to the Cootamundra LEP 2013 text and maps are outlined in the tables below:

1. (a) TEXT: The planning proposal will amend the LEP text as follows:

PROPOSED AMENDMENT	LEP CLAUSE	FROM	TO
Item 1 "Begley's Store" Lot 1 DP110542, 30 Hibernia Street Stockinbingal	Schedule 5 Environmental Heritage	Remove Item 75 from Schedule 5	Not applicable
Item 2 Lots 1- 4 in DP724913 and Lot 1 in DP948674, 2 Sutton Street Cootamundra	No change to text required	No change to text required	No change to text required
Item 3 Lot 1 in DP530890, 29 Yass Road Cootamundra	No change to text required	No change to text required	No change to text required
Item 4 Minimum lot sizes for dual occupancy, multi dwelling housing and residential flat buildings	Insert an additional clause 4.1B in the LEP text after clause 4.1AA.	Not applicable	Insert additional clause as provided in section (b) below - "Item 4 – Additional Clause"
Item 5 Change to Land Use Table Zone IN2 Light Industrial	Land Use Table Zone IN2 Light Industrial	Remove "service stations" from Item 4 "Prohibited"	Include "service stations" in Item 3 "Permitted with consent"
Item 6 Change to Land Use Table Zone B3 Commercial Core	Land Use Table Zone B3 Commercial Core	Remove "service stations" from Item 4 "Prohibited"	Include "service stations" in Item 3 "Permitted with consent"

(b) ITEM 4 - ADDITIONAL CLAUSE

The following clause is consistent with the Model local provisions for Standard Instrument LEPs. It is proposed that the clause be inserted into the Cootamundra LEP 2013 as an additional clause after clause 4.1AA.

4.1B Minimum lot sizes for dual occupancy, multi dwelling housing and residential flat buildings

- (1) The objective of this clause is to achieve planned residential density in certain zones.
- (2) Development consent may be granted to development on a lot in a zone shown in Column 2 of the table to this clause for a purpose shown in Column 1 of the Table opposite that zone, if the area of the lot is equal to or greater than the area specified for that purpose and shown in Column 3 of the Table:

Column 1	Column 2	Column 3
Dual occupancy (attached)	R1 General Residential	700 m2
	R3 Medium Density Residential	700m2
Dual occupancy (detached)	R1 General Residential	850m2
	R3 Medium Density Residential	850m2
Multi dwelling housing	R1 General Residential	1000m2
	R3 Medium Density Residential	1000m2
Residential flat building	R1 General Residential	1000m2
	R3 Medium Density Residential	1000m2

2. LEP MAPS The planning proposal will amend the LEP maps as follows:

PROPOSED AMENDMENT	MAP	FROM	TO
ITEM 1 “Begley’s Store” Lot 1 in DP110542, 30 Hibernia Street Stockinbingal	HER_001A	Remove Item 75 from LEP Map	Not applicable
ITEM 2 Lots 1- 4 in DP724913 and Lot 1 in DP948674, 2 Sutton Street Cootamundra	Land Zoning Map – Sheet LZN_005A	Rezone from R1 General Residential	IN2 Light Industrial
ITEM 3 Lot 1 in DP530890, 29 Yass Road Cootamundra	Land Zoning Map – Sheet LZN_005A	Rezone from R1 General Residential	IN2 Light Industrial
ITEM 4 Minimum lot sizes for dual occupancy, multi dwelling housing and residential flat buildings	Not applicable	Not applicable	Not applicable
ITEM 5 Change to Land Use Table Zone IN2 Light industrial	Not applicable	Not applicable	Not applicable
ITEM 6 Change to Land Use Table Zone B3 Commercial Core	Not applicable	Not applicable	Not applicable

PART 3 – JUSTIFICATION

SECTION A – NEED FOR THE PLANNING PROPOSAL

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

The planning proposal is not the result of any strategic study or report. The items have been considered on a case by case basis as Council has become aware of the need to make some minor changes as a result of the application of the new LEP since its commencement in July 2013.

The changes to the plan are considered to be minor changes that are required to rectify anomalies (item 1, 5, 6) and zoning inconsistencies (items 2, 3) in the current LEP.

The preparation of the Cootamundra LEP 2013 was supported by three studies/strategies:

- The Cootamundra Community Based Heritage Study;
- The Cootamundra Rural Residential Land Use Strategy and
- The Cootamundra Industrial Lands Strategy.

The proposed amendments to the LEP are considered to be consistent with the above three strategies.

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

It is considered that the planning proposal is the most appropriate means of achieving the objectives and intended outcomes.

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 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?

(a) Item 1 "Begley's Store" - Lot 1 in DP110542, 30 Hibernia Street Stockinbingal

The rural and industrial strategies are not relevant to this amendment. The proposed removal of this building from Schedule 5 of the LEP is consistent with the Heritage Study as the original shop building was destroyed by fire. The property is situated in the Stockinbingal Conservation Area and a new building is currently being rebuilt on the property in a manner which is sympathetic to the streetscape.

(b) Item 2 - Lots 1- 4 in DP724913 and Lot 1 in DP948674, 2 Sutton Street Cootamundra and Item 3 - Lot 1 in DP530890, 29 Yass Road Cootamundra

Although the above properties were not identified in the Industrial Lands Strategy, the rezoning of these two properties is considered to be consistent with the Strategy as both properties have been used for light industrial purposes for many years and are situated adjacent to an existing light industrial zone.

(c) Item 4 - Minimum lot sizes for dual occupancy, multi dwelling housing and residential flat buildings

Council has no local strategy relevant to the residential zones.

(d) Item 5 - Change to Land Use Table Zone IN2 Light industrial and

(e) Item 6 - Change to Land Use Table Zone B3 Commercial Core

Council has no local strategy relevant to the B3 Commercial Core Zone. The proposed amendment to the land use tables for the IN2 Light Industrial zone to allow an additional land use; i.e. "service stations" as being permitted with Council's consent in the zone is consistent with the Industrial Lands Strategy.

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

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

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

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

Section C – ENVIRONMENTAL, SOCIAL AND ECONOMIC IMPACT

5. 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?

It is unlikely that critical habitat or threatened species, populations or ecological communities or their habitats, will be subject to any additional adverse impacts as a result of the planning proposal proceeding.

6. 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 result of the planning proposal.

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

The planning proposal will have positive social and economic effects.

- The proposed changes to the LEP regarding Items 2 and 3 will provide certainty to the existing businesses established on these properties.
- Item 4 will have a positive impact on the residential amenity of certain types of residential development by ensuring that dual occupancy, multi dwelling housing and residential flat buildings are developed on sites that have sufficient area.
- Items 5 and 6 will have a positive impact by ensuring that existing service stations in the B3 Commercial Core and IN2 Light Industrial zones are permitted with consent and not limited by the “existing use” provisions of the EP&A Act, 1979.
- Item 1 is an anomaly as the building was inadvertently included in the heritage schedule and the site will remain in the Heritage Conservation Area.

Section D – STATE AND COMMONWEALTH INTERESTS

Is there adequate public infrastructure for the planning proposal?

The planning proposal will not have an impact on public infrastructure and no additional infrastructure requirements have been identified.

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 yet been issued. Council will consult with relevant State and Commonwealth authorities if required to do so when the Gateway Determination has been issued by the Department of Planning and Environment.

PART 4

MAPPING

The LEP maps that will be affected by the planning proposal are listed below:

- **Item 1** - 2200_COM_HER_001A_020_20130716
- **Items 2 and 3** - 2200_COM_LZN_005A_020_20130614 and 2200_COM_LSZ_005A_020_20130501
- **Items 4, 5 and 6** – No changes to the maps are required in relation to these matters.

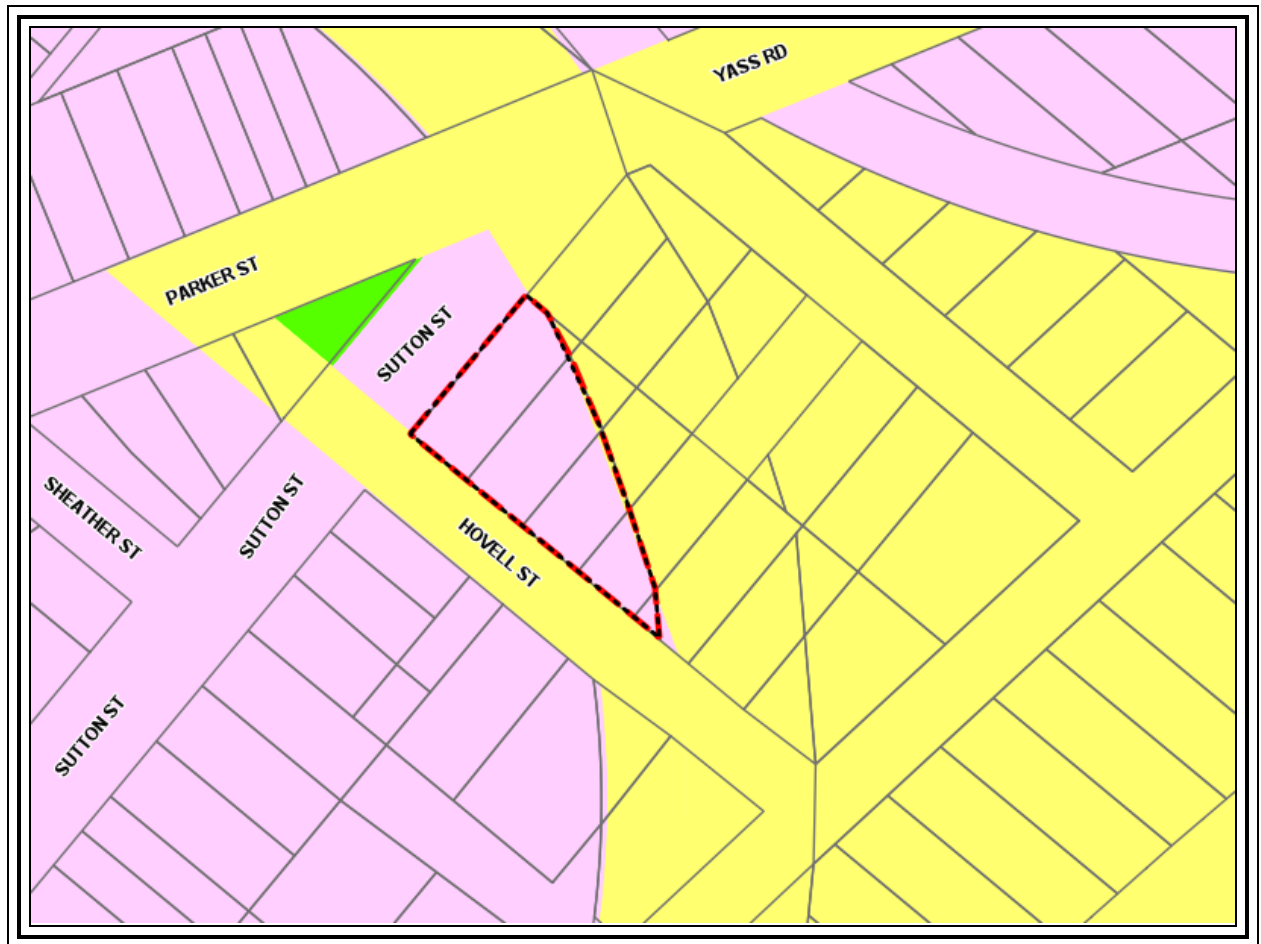
The following maps show the location of the parcels of land affected by the changes to the maps outlined in Part 2.2.

The maps will be amended consistent with the Department's standard mapping requirements when the Gateway Determination has been made and approval to proceed has been issued.



Item 1 - Heritage Item No 74

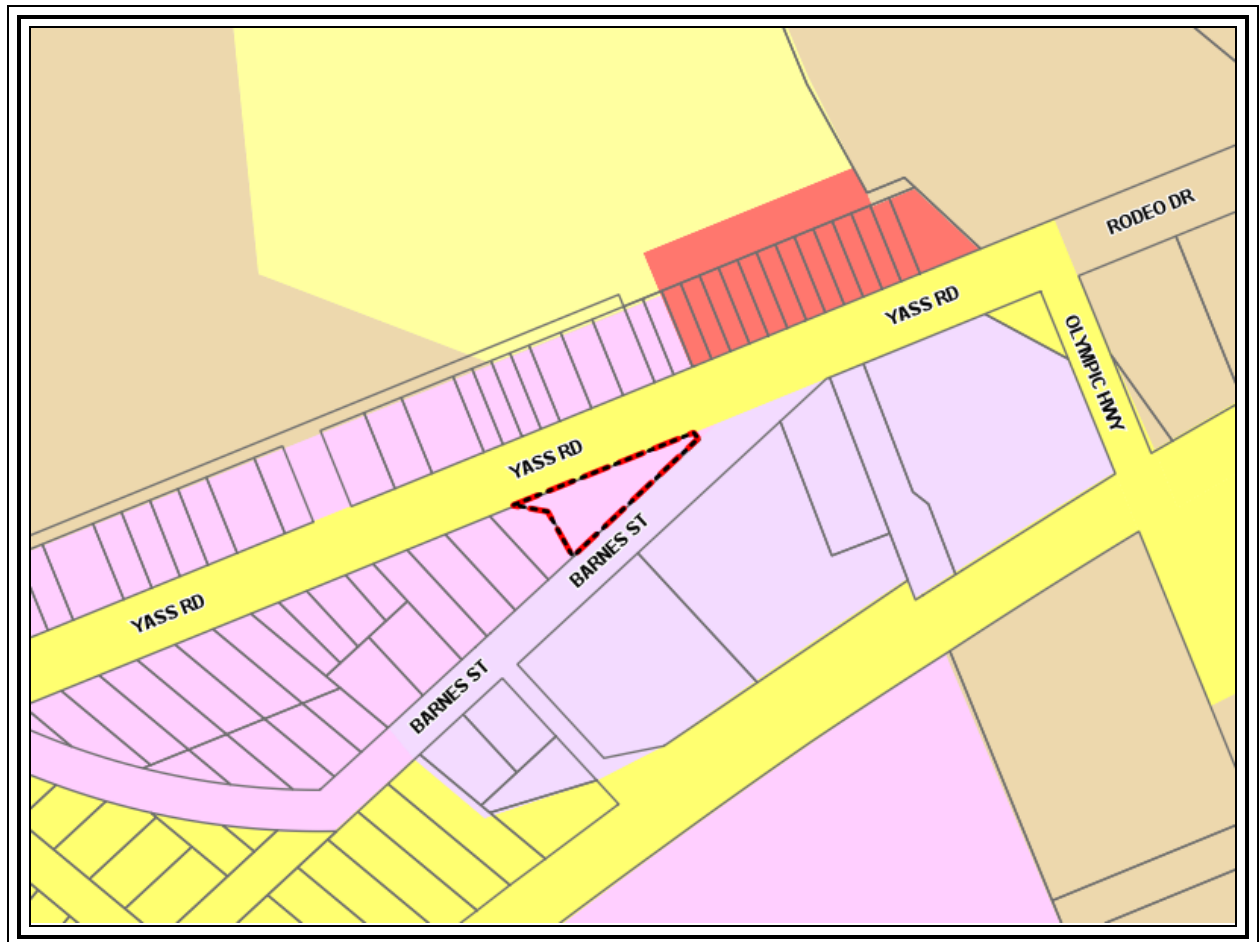
“Begley’s Store” - Lot 1 in DP110542, 30 Hibernia Street Stockinbingal



- Az** Road Text
- Boundaries
- LGA
- Property
- LEP 2013
- Land Zoning**
- B3 Commercial Core
 - E1 National Parks and N
 - E3 Environmental Manag
 - IN1 General Industrial
 - IN2 Light Industrial
 - IN3 Heavy Industrial
 - R1 General Residential
 - R3 Medium Density Resi
 - R5 Large Lot Residential
 - RE1 Public Recreation
 - RE2 Private Recreation
 - RU1 Primary Production
 - RU2 Rural Landscape
 - RU3 Forestry
 - RU4 Primary Production
 - RU5 Village
 - SP1 Special Activities
 - SP2 Infrastructure

Item

**Lots 1-4 DP724913 & Lot 1
DP948674,
2 Sutton Street
Cootamundra**



- Az** Road Text
- Boundaries
- LGA
- Property
- LEP 2013
- Land Zoning**
- B3 Commercial Core
 - E1 National Parks and N
 - E3 Environmental Manag
 - IN1 General Industrial
 - IN2 Light Industrial
 - IN3 Heavy Industrial
 - R1 General Residential
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 - RE2 Private Recreation
 - RU1 Primary Production
 - RU2 Rural Landscape
 - RU3 Forestry
 - RU4 Primary Production
 - RU5 Village
 - SP1 Special Activities
 - SP2 Infrastructure

Item

**Lot 1 DP530890,
29 Yass Road
Cootamundra**

PART 5

COMMUNITY CONSULTATION

Following the Gateway Determination, Council will place the planning proposal on public exhibition and undertake any consultation with public authorities in accordance with the Gateway 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 at www.cootamundra.nsw.gov.au

PART 6

PROJECT TIMELINE

Action	Indicative Date
Gateway Determination	June - July 2014
Government agency consultation	July- August 2014
Public exhibition period	July - August 2014
Consideration of submissions & report to Council	August – September 2014
Submission to Department Planning and Environment for finalisation	September 2014

APPENDIX 1

CONSIDERATION OF STATE ENVIRONMENTAL PLANNING POLICIES

APPENDIX 1 - CONSIDERATION OF STATE ENVIRONMENTAL PLANNING POLICIES

STATE ENVIRONMENTAL PLANNING POLICY	Consistent/Inconsistent	Comments
SEPP 1 – Development Standards	Not applicable	Not applicable as per Clause 1.9 Cootamundra LEP 2013
SEPP 4 -Development without Consent and Miscellaneous Exempt and Complying Development	Not applicable	Not applicable as per Clause 1.9 Cootamundra LEP 2013
SEPP 14 – Coastal Wetlands	Not applicable	SEPP does not apply to Cootamundra Shire
SEPP 15 – Rural Land Sharing Communities	Consistent	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	Consistent	The planning proposal does not include any provisions that will affect caravan parks
SEPP 22 – Shops and Commercial Premises	Consistent	The planning proposal does not include any provision that will have an impact on the change of use of commercial premises.
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	Consistent	The planning proposal does not include any provisions regarding intensive agriculture.

SEPP 32 – Urban Consolidation – (Redevelopment of urban Land)	Consistent	The planning proposal does not include any provisions relevant to this SEPP
SEPP 33 – Hazardous and Offensive Development	Consistent	The planning proposal does not include any provisions relevant to this SEPP
SEPP 36 – Manufactured Home Estates	Consistent	The planning proposal does not include any provisions relevant to this SEPP
SEPP 39 – Spit Island Bird Habitat	Not applicable	SEPP does not apply to Cootamundra Shire
SEPP 41 – Casino Entertainment Complex	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	SEPP does not apply to Cootamundra Shire
SEPP 52 – Farm Dams and Other Works in Land and Water Management Plan Areas	Not applicable	SEPP does not apply to Cootamundra Shire
SEPP 55 – Remediation of Land	Consistent	The planning proposal does not include any provisions relevant to this SEPP
SEPP 59 – Central Western Sydney Economic and Employment Area	Not applicable	SEPP does not apply to Cootamundra Shire
SEPP 60 – Exempt and Complying Development	Not applicable	Not applicable as per Clause 1.9 Cootamundra LEP 2013
SEPP _ Sustainable Aquaculture	Not applicable	The planning proposal does not include any provisions relevant to this SEPP

SEPP 64 – Advertising and Signage	Consistent	The planning proposal does not include any provisions relevant to this SEPP
SEPP 65 – Design Quality of Residential Flat Buildings	Consistent	The planning proposal does not include any provisions relevant to this SEPP
SEPP 70 – Affordable Housing (Revised Schemes)	Not applicable	SEPP does not apply to Cootamundra Shire
SEPP 71 – Coastal Protection	Not applicable	SEPP does not apply to Cootamundra Shire
SEPP (Affordable Rental Housing) 2009	Consistent	The planning proposal does not include any provisions relevant to this SEPP
SEPP (Building Sustainability Index: BASIX) 2004	Consistent	The planning proposal does not include any provisions relevant to this SEPP
SEPP (Exempt and Complying Codes) 2008	Consistent	The planning proposal does not include any provisions relevant to this SEPP
SEPP (Housing for Seniors or People with a Disability) 2004	Consistent	The planning proposal does not include any provisions relevant to this SEPP
SEPP (Infrastructure) 2007	Consistent	The planning proposal does not include any provisions 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	Consistent	The planning proposal does not include any provisions relevant to this SEPP
SEPP (Mining, Petroleum Production and Extractive Industries) 2007	Consistent	The planning proposal does not include any provisions 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 relevant to this SEPP
SEPP (SEPP 53 Transitional Arrangements) 2011	Not applicable	SEPP does not apply to Cootamundra Shire
SEPP (State and Regional Development) 2011	Consistent	The planning proposal does not include any provisions 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 (Temporary Structures) 2006	Consistent	The planning proposal does not include any provisions relevant to this SEPP
SEPP (Urban Renewal) 2010	Consistent	The planning proposal does not include any provisions relevant to this SEPP
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

CONSIDERATION OF SECTION 117 DIRECTIONS

Section 117 Direction	Consistent/Inconsistent	Comments
Employment and Resources		
1.1 Business and Industrial Zones	Consistent	The planning proposal will provide certainty for existing industrial development (items 2 & 3). Items 1, 4, 5 and 6 will not have an impact on the business and industrial zones
1.2 Rural Zones	Consistent	The planning proposal does not include any provisions that affect the rural zones
1.3 Mining, Petroleum Production and Extractive Industries	Not applicable	The planning proposal does not include any provisions that will impact on mining, petroleum production and extractive Industries
1.4 Oyster Aquaculture	Not applicable	Direction does not apply to Cootamundra Shire
1.5 Rural Lands	Not applicable	The planning proposal does not include any provisions that will impact on rural and environmental protection zones or minimum lot sizes.
2. Environment and Heritage		
2.1 Environment Protection Zones	Not applicable	No environmentally sensitive areas are included in the planning proposal
2.2 Coastal Protection	Not applicable	Direction does not apply to Cootamundra Shire

2.3 Heritage Conservation	Consistent	The planning proposal is considered consistent with this Direction in relation to item 1 as the proposed change to the heritage schedule is considered to be of minor significance (5(b)). The remaining items in the planning proposal will not have any impact on heritage conservation.
2.4 Recreation Vehicle Areas	Not applicable	The planning proposal does not include any provisions for recreation vehicle areas.
3 Housing , Infrastructure and Urban Development		
3.1 Residential Zones	Inconsistent (items 2, 3 & 4) Consistent (items 1, 5, & 6)	Items 2 & 3 propose to rezone land from residential to light industrial. However, the inconsistency is considered to be minor as both parcels of land have been used for light industrial purposes for many years and are adjacent to an existing light industrial zone. Item 4 of the planning proposal may affect residential densities for dual occupancies, multi dwelling housing & residential flat buildings. However, the inconsistency is considered to be minor as it clarifies the minimum site area requirements for these types of residential development and will improve the amenity of the residential R1 and R3 zones. The remaining items in the planning proposal will not affect the residential zones boundaries or density controls
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 Integrated 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
Shooting Ranges	Not applicable	The planning proposal does not affect any land adjoining or adjacent to a shooting range.
4. Hazard and Risk		
4.1 Acid Sulphate Soils	Not applicable	No acid sulphate soils in Cootamundra Shire; Direction does not apply to Cootamundra Shire
4.2 Mine Subsidence and Unstable Land	Not applicable	No mine subsidence areas within Cootamundra Shire
4.3 Flood Prone Land	Consistent	The planning proposal will not affect existing provisions in the LEP in relation to flood prone land
4.4 Planning for Bushfire Protection	Not applicable	The planning proposal does not include any provisions that 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 Highway, North Coast	Not applicable	Direction does not apply to Cootamundra Shire
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 provisions 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 provisions
7 Metropolitan Planning		
7.1 Implementation of Metropolitan Plan for Sydney 2036	Not applicable	Direction does not apply to Cootamundra Shire