

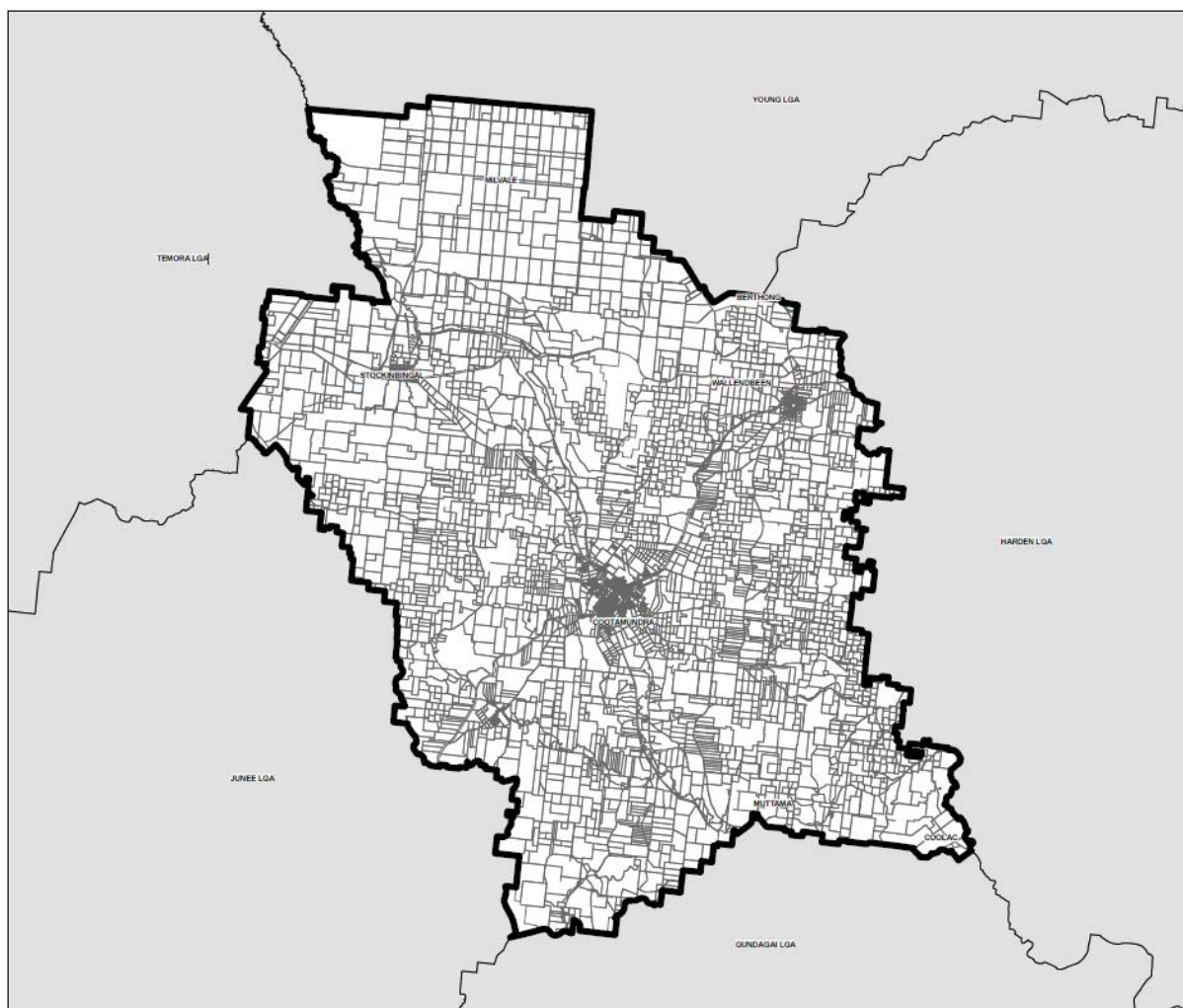


Planning Proposal

Cootamundra LEP 2013

Amendment No 3

Schedule 1 Additional Permitted Uses

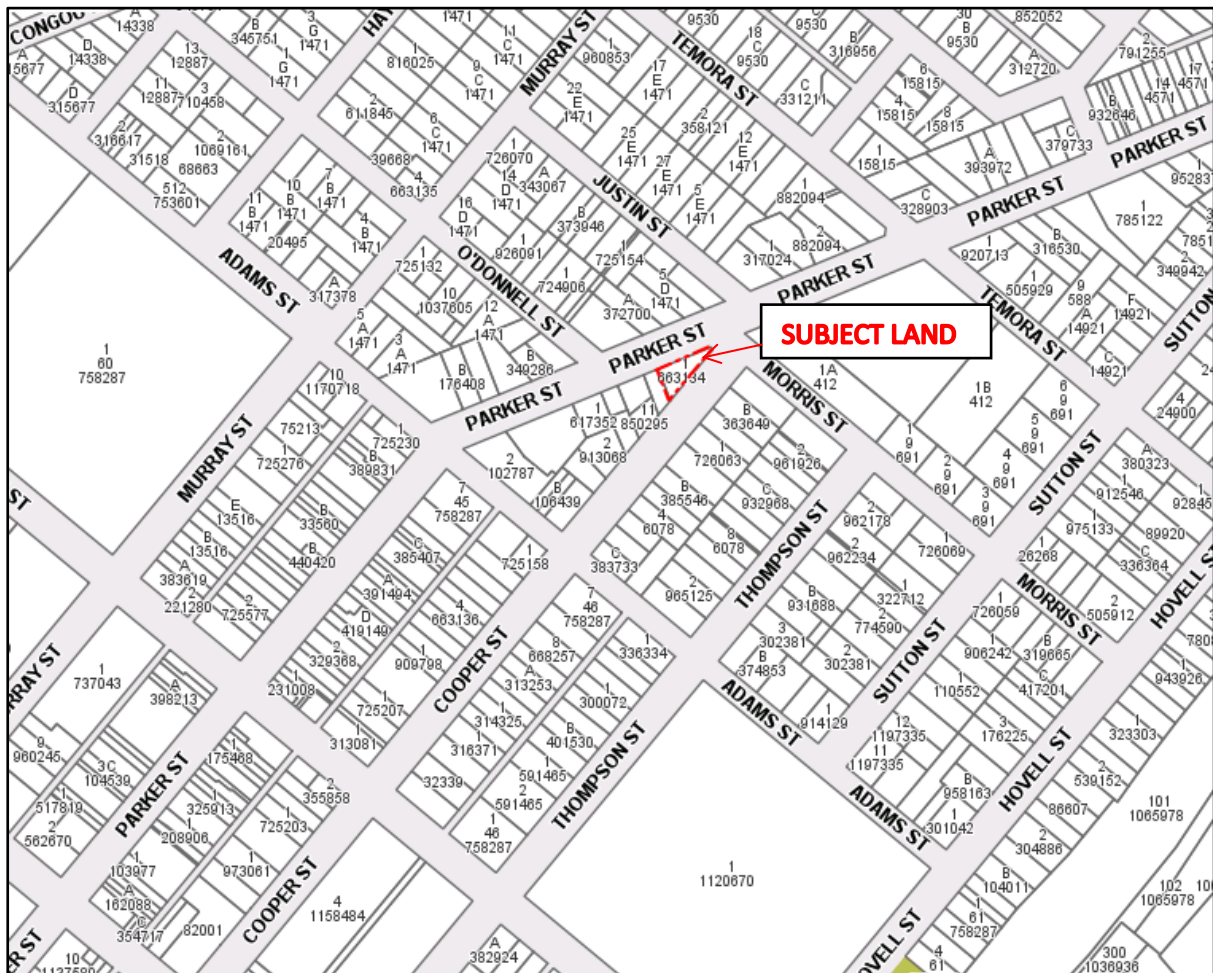


Introduction

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.

Subject Land

The land which is the subject of this Planning Proposal is situated at the northern end of Cootamundra's main street shopping precinct at 72 Parker Street Cootamundra. A location plan is provided below:



Part 1 Objectives or Intended Outcomes

The objective and intended outcome of the Planning Proposal is to amend the Cootamundra LEP 2013 to allow a new printing business to be developed on the property situated at 72 Parker Street Cootamundra.

Part 2 Explanation of Provisions

2.1 Cootamundra LEP 2013 Text

The Planning Proposal seeks to amend the Cootamundra LEP 2013 text by including a new provision in Schedule 1 “Additional Permitted Uses” of the LEP to allow the property to be used for a light industrial purpose.

Clause 2.5 Additional permitted uses for particular land

Clause 2.5 of the Cootamundra LEP 2013 provides that, notwithstanding the Land Use Table or any other provision of the LEP, a development on a particular parcel of land can be permitted with, or without, development consent.

Schedule 1 Additional permitted uses

The following clause is proposed to be included in “Schedule 1 Additional permitted uses” of the Cootamundra LEP 2013:

Use of certain land at 72 Parker Street, Cootamundra

- (1) This clause applies to land at 72 Parker Street, Cootamundra, being Lot 1, DP 663134.
- (2) Development for the purpose of a light industry being a printing works is permitted with development consent.

2.2 Cootamundra LEP 2013 Maps

The Planning Proposal will 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. This matter has arisen as a result of a development application and a request from the applicant that an amendment be made to the LEP to enable a printing works business and associated retail/office development to be established on the subject land.

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 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 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.

The property is zoned "B3 Commercial Core" under the Cootamundra LEP 2013. The proposed new building will be used for a combination of "light industrial", retail and "commercial" uses. Whilst the retail/office component of the development application is permissible with Council's consent in the B3 zone, the printing works component is a "light industry" and is a prohibited development in the B3 zone.

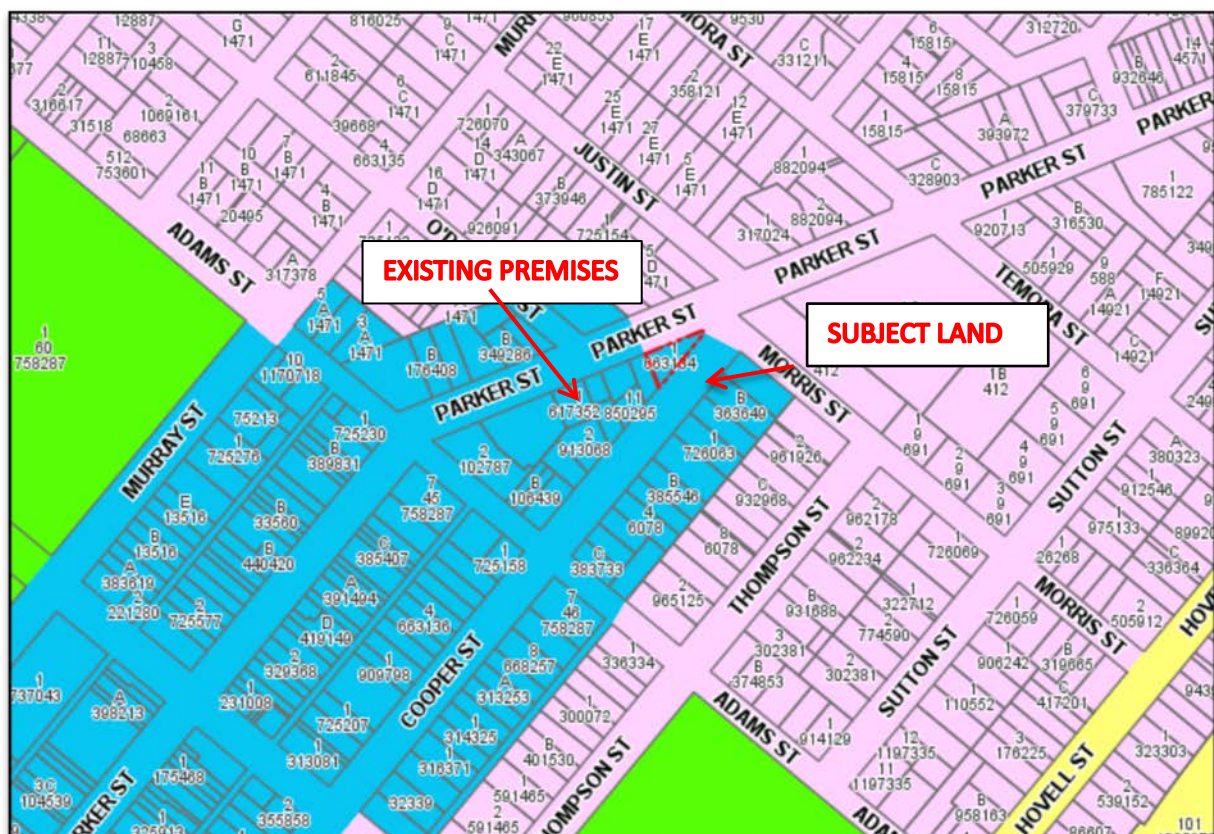
Council considers that the proposed development will satisfy the objectives of the B3 zone, and in particular, the following objective:

- *To provide a wide range of retail, business, office, entertainment, community and other suitable land uses that serve the needs of the local and wider community.*

The proposed development will have a retail and office component which is permissible with Council's consent in the B3 zone. The "light industry" or printing component of the development is considered to be an "other suitable land use" as it is unlikely that the printing works will have an adverse impact on the neighbourhood in terms of noise, hours of operation and processes, particularly when compared with the former service station development.

In support of the proposed amendment, Council gave consideration to the following matters:

- (a) The site was previously used for a service station for many years and it is considered that the proposed printing works will have less impact on the amenity of the neighbourhood than the former service station use.
- (b) The service station has been demolished and remediation of the site was completed in 2013.
- (c) The Remediation and Validation report concludes that the site is suitable for commercial or other non residential land uses. As such, the proposed new printing works is a suitable use for the redevelopment of the site.
- (d) The existing printing works business will be relocated from No 88 Parker Street to the subject property at No 72 Parker Street. The existing business is situated within close proximity to the current proposal and also in the B3 Commercial Core zone.



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 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?

There is no likelihood 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. The site was previously used as a service station for many years. Following the closure of the service station, the buildings and structures on the site were demolished and remediation of the site has been completed. The site is currently vacant.

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 result of the Planning Proposal.

A service station was situated on the subject land for many years and remediation of the site was completed in 2013. The remediation and validation report has concluded that the site can be used for commercial or other non residential use. The conclusions of this report will be considered at the development application stage.

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

The Planning Proposal will have positive social and economic effects by allowing the site to be redeveloped in a manner that is more compatible with the amenity of adjacent residential and commercial development than the former service station use and will facilitate the development of a new business on a prominent corner site which is currently undeveloped.

Section D – State and Commonwealth Interests

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

As the site is located within an existing developed area, the Planning Proposal will not result in any additional demand for public infrastructure from that which currently exists. All existing utility services for the proposed new development such as water and sewer are readily available.

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 to do so when the Gateway Determination has been issued.

Part 4

Mapping

The Cootamundra LEP 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 in 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;
- Notification letters to adjoining and adjacent property owners.

Part 6

Project Timeline

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

Appendix 1

Consideration of State Environmental Planning Policies

State Environmental Planning Policy	Consistent/Inconsistent	Comments
SEPP 1 – Development Standards	Not applicable	Not applicable to Cootamundra Shire LGA as per Clause 1.9 of Cootamundra LEP 2013.
SEPP 4 -Development without Consent and Miscellaneous Exempt and Complying Development	Not applicable	Not applicable to Cootamundra Shire LGA 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 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	Consistent	The Planning Proposal does not include any provisions relevant to this SEPP.
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 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 objective of the Planning Proposal is to enable land remediated in accordance with the SEPP to be redeveloped with a land use that is consistent with the Remediation and Validation report.
SEPP 59 – Central Western Sydney Economic and Employment Area	Not applicable	SEPP does not apply to Cootamundra Shire.
SEPP 60 – Sustainable Aquaculture	Consistent	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.
Affordable Rental Housing 2009	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.

Appendix 2

Consideration of Section 117 Ministerial Directions

Section 117 Direction	Consistent/Inconsistent	Comments
Employment and Resources		
1.1 Business and Industrial Zones	Consistent	The Planning Proposal will enable land within an existing business zone to be used for a light industry. However, the existing land use zone will not be affected.
1.2 Rural Zones	Consistent	The Planning Proposal will not rezone rural land and does not contain any provisions that will increase the permissible density of land within a rural zone.
1.3 Mining, Petroleum Production and Extractive Industries	Consistent	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	Consistent	The Planning Proposal does not include any provisions that will rezone rural land or that will increase the permissible density of land within a rural zone.
2. Environment and Heritage		
2.1 Environment Protection Zones	Consistent	The Planning Proposal does not include any provisions 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	Consistent	The Planning Proposal does not include any provisions that will impact on heritage conservation.
2.4 Recreation Vehicle Areas	Consistent	The Planning Proposal does not include any provisions regarding recreation vehicle areas.

3 Housing , Infrastructure and Urban Development

3.1 Residential Zones	Consistent	The Planning Proposal will not affect the residential zones of the Cootamundra LEP 2013.
3.2 Caravan Parks and Manufactured Homes Estates	Consistent	The Planning Proposal does not change existing land use controls in relation to caravan parks and manufactured homes.
3.3 Home Occupations	Consistent	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	Consistent	No licensed aerodrome will be affected by the Planning Proposal.
3.6 Shooting Ranges	Consistent	The Planning Proposal will not rezone land adjacent to and/or adjoining an existing shooting range that has the effect of: (a) permitting more intensive land uses which are currently permitted or (b) permitting land uses that are incompatible

with the noise emitted by an existing 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	Consistent	The Planning Proposal does not include any provisions 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 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	Consistent	The Planning Proposal does not include any referral, concurrence or designated development provisions.
6.2 Reserving Land for Public Purposes	Consistent	The Planning Proposal does not include any provisions that relate to the reservation of land for public purposes.
6.3 Site Specific Provisions	Consistent	The Planning Proposal will allow the site to be developed for a light industries and not solely for a specific land use

7 Metropolitan Planning

7.1 Implementation of Metropolitan Plan for Sydney 2036	Not applicable	Direction does not apply to Cootamundra Shire.
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