

**PLANNING PROPOSAL
GUNDAGAI LOCAL ENVIRONMENTAL PLAN 2011**

Part 1 - Objectives or Intended Outcomes

The primary objective of the PP is:-

To amend the Gundagai LEP to rezone specified land in the Coolac locality to create a Tourist Zone and to amend the land use table under the SP3 Tourist Zone to introduce some additional permitted uses to allow a broader range of activities that may facilitate tourism development.

Part 2 - Explanation of Provisions

The PP would amend the Gundagai LEP in the following manner:

- (i) Amend the land use table for the SP3 Tourist zone by including in alphabetical order in item 3, permitted with consent the following additional uses: "emergency services facilities", "Filming", "Garden centre" and "Temporary structures".
- (ii) Amend the land zone map – Sheet LZN_006B to detail the area to be encompassed by the SP3 Tourist zone and amend the lot size map – Sheet LSZ_006 to apply the existing minimum lot size of 1500m² for the area across the full proposed tourist zone area.

Part 3 - Justification

Section A - Need for the Planning Proposal

Q1 - Is the proposal a result of any strategic study or report?

Comment: The PP has been instigated in the first instance by a proposal from a private developer interested in developing an unmanned re-fueling facility in Coolac and a subsequent application to amend the LEP to allow such a development to be considered. This facility would be defined as a service station under the Standard Instrument definitions and as such would be prohibited in the RU1 Primary Production zone, which is the zone currently applied to the Coolac locality.

The development of the Gundagai Standard Instrument LEP involved the preparation of the Local Environmental and Planning Strategy 2008. This strategy made a number of references to the "hamlet" of Coolac and identified that its future was uncertain as a result of the proposed Hume Highway duplication, which was underway at the time of the strategy work being undertaken.

While the proposed route of the highway and subsequent by-pass of Coolac was understood, it was unclear as to the impact this would have on the area and as such it was considered a better option to not rezone the area at that time, but to wait until the highway duplication was completed with a possible option of introducing a DCP or other planning controls once an appropriate zone for the area was determined.

Subsequently it is considered that the most appropriate zone for the proposed area is that of the SP3 Tourist zone and as such there is justification to consider this zone. In addition, the area to be zoned would cover some existing tourist type activities including the existing Hotel and Motel, Tea

rooms, and local store. There is also a small recreation area with public amenities that would be a practical rest stop for travelers on the Hume Highway.

Q2 - Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Comment: It is considered that the PP is the best means of achieving the objectives and intended outcomes as the current zoning may not allow certain activities such as service stations and other tourist related activities. By creating a small tourist “precinct” there may be a possibility of existing abandoned sites being re-developed for tourist related activities and as such enhancing the future viability of the Coolac locality and restoring community participation in the area.

Section B - Relationship to Strategic Planning Framework

Q3 - Is the proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy?

Comment: There are no Regional or Sub-Regional strategies applicable to Gundagai at this time.

Q4 - Is the planning proposal consistent with a council's local strategy or other local strategic plan?

Comment: The proposal is consistent with the zone objectives of the Gundagai LEP, which for the SP3 Tourist zone are:

- To provide for a variety of tourist-oriented development and related uses.
- To recognise and promote the cultural significance of the “Dog on the Tuckerbox” installation at the Five Mile.

It is considered that a tourist zone over the proposed area would not be inconsistent with some of the historical uses of the locality. As well, it is considered that the proposed additional permitted uses would not be detrimental or detract from the existing tourist zoned areas, being the Dog on the Tuckerbox site at the 5 mile or the privately run caravan park located in Gundagai township.

The purpose of the additional permitted uses is to achieve the following:

- (i) “Emergency services facilities” would reflect an existing use, being the Coolac RFS shed;
- (ii) “Filming” would be considered a reasonable activity at Coolac or more particularly the ‘Dog on the Tuckerbox’ site at the 5 mile, which is an iconic part of local history;
- (iii) “Garden centre” would be considered a legitimate and appropriate activity at either Coolac or the 5 mile site; and
- (iv) “Temporary structures” would be a legitimate use associated with tourist promotions, festivals and events etc.

While these additional uses may be undertaken at the Coolac and 5 mile sites it would not be envisaged that they would be undertaken at the tourist park site, however they would not be detrimental to that site. It is considered that these additional uses would be complimentary to other tourist related activities and as such they are compatible uses.

Q5 - Is the planning proposal consistent with applicable State Environmental Planning Policies?

Comment: It is considered that the PP is consistent with State Environmental Planning Policies. State Environmental Planning Policy (Rural Lands) 2008 is applicable to this proposal as it would involve the re-zoning of rural lands. The implications of the SEPP are addressed below in the discussion notes relating to Direction 1.5 – Rural Lands.

Q6 - Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

Comment: Ministerial s. 117 directions that would be relevant to this PP are:

Direction 1.2 – Rural Zones, 1 July 2009;

Direction 1.5 – Rural Lands, 1 July 2009;

Direction 6.1 – Approval & Referral requirements, 1 July 2009

Direction 1.2 There is an inconsistency with direction 1.2(4)(a) which states that a planning proposal must not rezone land from a rural zone to a residential, business, industrial, village or tourist zone; and

(b) that a planning proposal not contain provisions that will increase the permissible density of land within a rural zone (other than land within an existing town or village).

Sub clause (5)(d) of the direction allows that a planning proposal may be inconsistent with the terms of the direction if the relevant planning authority can satisfy the Director-General of the Department of Planning that the provisions of the planning proposal that are inconsistent are of minor significance.

It is considered that the inconsistency with direction 1.2 is justified for the following reasons:

- (i) The original strategy work that was undertaken as part of the development of the Gundagai LEP recognized that there would be future needs for different planning controls for the “hamlet” of Coolac and that these would be better understood following completion of the Hume Highway duplication project;
- (ii) There is no specific Regional or Sub-Regional Strategy in place covering the subject location and therefore the planning proposal is not inconsistent with any such strategy;
- (iii) The planning proposal will not have any significant impact on rural land; and
- (iv) Given the relatively minimal area of land involved with the proposal and the presence of some existing tourist related activities it would be reasonable to determine that the proposal is of minor significance.

Direction 1.5 This direction requires that when a relevant planning authority prepares a planning proposal that will rezone rural land, the planning proposal must be consistent with the Rural Planning Principles listed in State Environmental Planning Policy (Rural Lands) 2008.

The Rural Planning Principles are as follows, with applicable comments:

(a) the promotion and protection of opportunities for current and potential productive and sustainable economic activities in rural areas,

Comment: The proposal would not have any measurable impact on rural activities in the area, however may facilitate other economic activities in the area.

(b) recognition of the importance of rural lands and agriculture and the changing nature of agriculture and of trends, demands and issues in agriculture in the area, region or State,

Comment: Part of the changing nature of agriculture is the reliance of many farmers on off-farm income. The proposal may enhance opportunities for diversification.

(c) recognition of the significance of rural land uses to the State and rural communities, including the social and economic benefits of rural land use and development,

Comment: The PP would not have any adverse effect on the significance of rural land uses given its relatively small footprint and the existing activities in the land subject of the proposal.

(d) in planning for rural lands, to balance the social, economic and environmental interests of the community,

Comment: As mentioned above, the PP would not impact rural activities to any measurable extent. It would have the potential to enhance the social and economic position of residents in the Coolac environs. Environmental interests would not be directly affected, however assessment of environmental impacts from any ensuing developments that may occur in the area would remain a standard consideration as with any other development proposals elsewhere.

(e) the identification and protection of natural resources, having regard to maintaining biodiversity, the protection of native vegetation, the importance of water resources and avoiding constrained land,

Comment: The area of land in the Coolac village is highly modified as a result of its historical use. The proposed tourist zone encompasses the old Hume Highway; land occupied by the now disused Cootamundra to Tumut railway, and various buildings with historical uses as highway service businesses and other tourist related facilities.

The extent of natural resources within the proposed area would be insignificant and maintenance of biodiversity is unlikely to be affected. There is minimal native vegetation to be interfered with as a result of any future developments. The proposed tourist zone would require some reliance on groundwater supplies adjacent to the Muttama Creek, however any new water bore licences would be subject to approvals and licencing from the NSW Office of Water. It is not anticipated that the proposal would create any undue demand on water resources. The PP would not create any constraints on existing agricultural land uses in the area.

(f) the provision of opportunities for rural lifestyle, settlement and housing that contribute to the social and economic welfare of rural communities,

Comment: The creation of a SP3 Tourist zone will not create any additional rural lifestyle allotments due to the permissible uses within that zone as proposed. Social and economic benefits would come from the potential to create certain low impact tourist related developments. Lifestyle developments may include such things as Bed & Breakfast establishments that are permissible within the zone.

(g) the consideration of impacts on services and infrastructure and appropriate location when providing for rural housing,

Comment: The provision of rural housing with associated services and infrastructure is not relevant to this proposal. It would be anticipated that the existing service/infrastructure levels would be adequate for anticipated tourist related developments. The existing road access to the area consists of the former Hume Highway and as such the road standard would be more than adequate for intended uses.

The Coolac village is not supplied by reticulated water or sewer and there would be no intention to provide these services. It would be anticipated that the likely forms of development that may be undertaken would be very low impact and would be capable of being catered for by their own on-site services.

(h) ensuring consistency with any applicable regional strategy of the Department of Planning or any applicable local strategy endorsed by the Director-General.

Comment: There are no regional strategies currently applicable to the Gundagai LGA. The proposal would be consistent with the objectives of the Gundagai LEP and the Local Environmental Profile and Planning Strategy 2008, compiled as the strategic document underpinning the development of the Standard Instrument LEP for Gundagai Shire. Extracts of this document are attached.

Direction 6.1 It is considered that the PP is consistent with the objectives of direction 6.1.

Section C - Environmental, social and economic impact

Q7 - 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?

Comment: It is not considered that the proposal would increase any likelihood of any adverse impacts on critical habitat, threatened species, populations or ecological communities or their habitats. While the proposal contains provisions to enable certain types of development, any future applications would be assessed on their merits under the provisions of the Environmental Planning and Assessment Act 1979. The subject land consists primarily of land that has been highly disturbed as a result of various historical land uses.

Q8 - Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

Comment: In general, any environmental effects would be identified and assessed as part of the determination of development applications, as part of the normal DA process. It is not considered that the objectives or intended outcomes of the PP would create any specific environmental effects by virtue of the fact that those provisions were adopted.

Q9 - Has the planning proposal adequately addressed any social and economic effects?

Comment: It is considered that social and economic effects resulting from the proposal would be substantially positive. The proposal would enhance opportunities for small scale tourist enterprises to be undertaken with potential economic benefits for residents while providing an additional opportunity for travelers on the Hume Highway to break their journey and enjoy the local area.

Q10 - Is there adequate public infrastructure for the planning proposal?

Comment: There is adequate public infrastructure to cater for the PP. It is considered that the types of activities that may be undertaken will generally be of a low impact nature and not be reliant on significant public infrastructure upgrades or provisions.

Q11 - What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway determination?

Comment: Due to the nature and extent of the PP the views of State and Commonwealth public authorities have not been sought at this time. Formal consultation will be undertaken as required by the Gateway determination when received.

Part 4 - Mapping

Comment: Mapping amendments will be required as part of the PP. The affected maps will be Map Sheet LZN_006B and Map Sheet LSZ_006. It is envisaged that the required mapping amendments will be able to be produced in-house by Council. A copy of the proposed amended maps is attached.

Part 5 - Community Consultation

Comment: Subject to the requirements of a Gateway determination, community consultation will consist of public exhibition of the proposal for a minimum period of 28 days, in conjunction with any required public authority consultations. Owners of land directly affected by the proposal will be notified in writing and invited to provide comment. Following this a determination will be made as to the necessity for any public meetings to be held. A report will be prepared for Council to consider any matters identified during the exhibition process.

Part 6 - Project Timeline

The indicative timeline for completion of the project would be approximately nine (9) months from the receipt of a Gateway Determination authorizing the project to proceed. This timeline would be subject to any particular time requirements imposed under the Gateway Determination. It is considered this timeline would allow an adequate period to receive comments from agency consultations and undertake community consultation on the project.

SCHEDULE OF LAND AFFECTED

Lot D	DP 411988
Lot E	DP 411988
Lot A	DP 394628
Lot B	DP 394628
Lot 21	DP 1187297
Lot 22	DP 1187297
Lot 1	DP 409642
Lot 1	DP 384612
Lot 2	DP 384612
Part Lot 21	DP 1049165
Lot 1	DP 909446
Lot 316	DP 753599
Lot 237	DP 753599
Lot 262	DP 665914
Lot 263	DP 665914
Lot 1	DP 1131786
Lot 830	DP 1178634
Lot 127	DP 753599
Lot 2	DP 591526
Lot 3	DP 591526
Part Lot 4	DP 1125835
Lot 1	DP 830101
Lot 82	DP 1178672
Lot 1	DP 1119876