



# PLANNING PROPOSAL – BETHLEHEM INVESTMENTS PTY LTD

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## EXECUTIVE SUMMARY

**Applicant** – Bethlehem Investments Pty ltd – John Sarlas

**The subject land** – Lot 2 DP 1028751 Lynch Street, Cowra NSW 2794

**Land Size** – 5037m<sup>2</sup>

**Current land use** – The land is currently vacant

**Current zone** – SP2 - Rail Infrastructure Facilities

**Proposed zone** – E3 Productivity Support

## PLANNING PROPOSAL

This Standard Planning Proposal requests an amendment to the Cowra Local Environmental Plan 2012 to rezone the subject land (Lot 2 DP 1028751) from SP2 Infrastructure (Railway Infrastructure Facilities) to E3 Productivity Support under the Cowra Local Environmental Plan 2012. The land is currently vacant and historically was subdivided in 2000. This land has never been developed and has always been vacant. This is a zoning anomaly which should be corrected by Council, this is the only privately owned land still zoned SP2 in this area. This will provide development opportunities for Cowra.

This planning proposal is strategically supported by the Cowra Local Strategic

Planning Statement 2020 (Cowra LSPS) and the Central West Orana Regional Plan 2041 (the regional plan). The zone and details are sourced from the DRAFT Standard Instrument (Local Environmental Plans) Amendment (Land Uses Zones) Order 2021.

## EXISTING ZONE

### **Zone SP2 Infrastructure**

#### **1 Objectives of zone**

- *To provide for infrastructure and related uses.*
- *To prevent development that is not compatible with or that may detract from the provision of infrastructure.*

#### **2 Permitted without consent**

*Roads*

#### **3 Permitted with consent**

*Aquaculture; The purpose shown on the Land Zoning Map, including any development that is ordinarily incidental or ancillary to development for that purpose*

#### **4 Prohibited**

*Any development not specified in item 2 or 3*

## PROPOSED ZONE

### **1 Objectives of zone**

- *To provide a range of facilities and services, light industries, warehouses and offices.*
- *To provide for land uses that are compatible with, but do not compete with, land uses in surrounding local and commercial centres.*
- *To maintain the economic viability of local and commercial centres by limiting certain retail and commercial activity.*
- *To provide for land uses that meet the needs of the community, businesses and industries but that are not suited to locations in other employment zones.*
- *To provide opportunities for new and emerging light industries.*
- *To enable other land uses that provide facilities and services to meet the day to day needs of workers, to sell goods of a large size, weight or quantity or to sell goods manufactured on-site.*
- *To ensure commercial development in the Redfern Street area and at the Cowra Airport is consistent with the commercial hierarchy of the Cowra township and does not involve major retailing activities or detract from the core commercial functions of the Cowra central business district.*
- *To maximise public transport patronage and encourage walking and cycling.*
- *To ensure commercial, industrial or other compatible development at the Cowra Airport provides aviation-related services and facilities or services and facilities to support that development.*

## **2 Permitted without consent**

*Environmental protection works; Home occupations; Roads*

## **3 Permitted with consent**

*Animal boarding or training establishments; Boat building and repair facilities; Business premises; Centre-based child care facilities; Community facilities; Depots; Dwelling houses; Function centres; Garden centres; Hardware and building supplies; Hotel or motel accommodation; Industrial retail outlets; Industrial training facilities; Information and education facilities; Landscaping material supplies; Light industries; Local distribution premises; Markets; Mortuaries; Neighbourhood shops; Office premises; Oyster aquaculture; Passenger transport facilities; Places of public worship; Plant nurseries; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Research stations; Respite day care centres; Rural supplies; Service stations; Shop top housing; Specialised retail premises; Storage premises; Take away food and drink premises; Tank-based aquaculture; Timber yards; Vehicle body repair workshops; Vehicle repair stations; Vehicle sales or hire premises; Veterinary hospitals; Warehouse or distribution centres; Wholesale supplies; Any other development not specified in item 2 or 4*

## **4 Prohibited**

*Agriculture; Air transport facilities; Airstrips; Amusement centres; Biosolids treatment facilities; Boat launching ramps; Boat sheds; Camping grounds; Caravan parks; Cellar door premises; Cemeteries; Charter and tourism boating facilities; Correctional centres; Crematoria; Eco-tourist facilities; Entertainment facilities; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Heavy industrial storage establishments; Home occupations (sex services); Industries; Jetties; Marinas; Mooring pens; Moorings; Open cut mining; Port facilities; Registered clubs; Residential accommodation; Resource recovery facilities; Restricted premises; Roadside stalls; Rural industries; Sewage treatment plants; Sex services premises; Shops; Tourist and visitor accommodation; Waste or resource management facilities; Water recreation structures; Water treatment facilities; Wharf or boating facilities*

*distribution premises; Markets; Mortuaries; Neighbourhood shops ; Office premises; Oyster aquaculture; Passenger transport facilities; Places of public worship; Plant nurseries; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Research stations; Respite day care centres; Rural supplies; Service stations; Specialised retail premises; Storage premises; Take away food and drink premises; Tank-based aquaculture; Timber yards; Vehicle body repair workshops; Vehicle repair stations; Vehicle sales or hire premises; Veterinary hospitals; Warehouse or distribution centres; Wholesale supplies*

### **4 Prohibited**

*Pond-based aquaculture*

The land is situated on Lynch Street (Mid-western Highway) to the east of the Cowra CBD approximately 500m. This land was subdivided in 2000 and appears never to have been developed. The land is adjacent to the unused Blayney - Demondrille Railway Line and the State and locally listed heritage-listed Cowra Railway Station, and the site is located on the southeastern side of the Mid-Western Highway (Lynch Street). The site is vacant, generally cleared and undulating to the south-east. There are several established pine trees on the

verge, which is Council land. The site contains electrical infrastructure, and this will need to be investigated and considered as part of the SEPP (Transport and Infrastructure) 2021. The connections to water, stormwater and sewer have not yet been determined and will need more investigation, however it is envisaged that this can be completed with the lodgement of a development application (DA) for the future use.

Opposite the subject land is residential-zoned land, R1 General Residential. There are 2 dwellings opposite the site, 1 motel to the west and the Local Land Services office to the east. The existing zone is an infrastructure zone attached to the disused railway line and the new suggested zone a commercial zone which is more in keeping with the business to the west towards the Cowra CBD. The productivity support zone is similar to the existing zone and will tie in the existing surrounding uses and therefore unlikely to have any negative impact on surrounding land uses.

The site is adjacent to a group of heritage items that are both locally listed and on the State Heritage inventory. Although not specifically mapped either in the LEP or on the State Inventory the Cowra Railway Station and Yard Group does list a number of individual items including the following:

*All infrastructure, vegetation and archaeological relics in Cowra yard between the up and down distant signals.*

*All infrastructure and vegetation included in the former Cowra locomotive depot.*

*The Cowra Station building - standard roadside, 1886, HS signal box - non-standard platform level timber box with gable roof, 1937 residence - type 3, 32 Brougham St, 1886 Railways Institute building, brick Examiners hut - c.1886 Roundhouse and environs...*

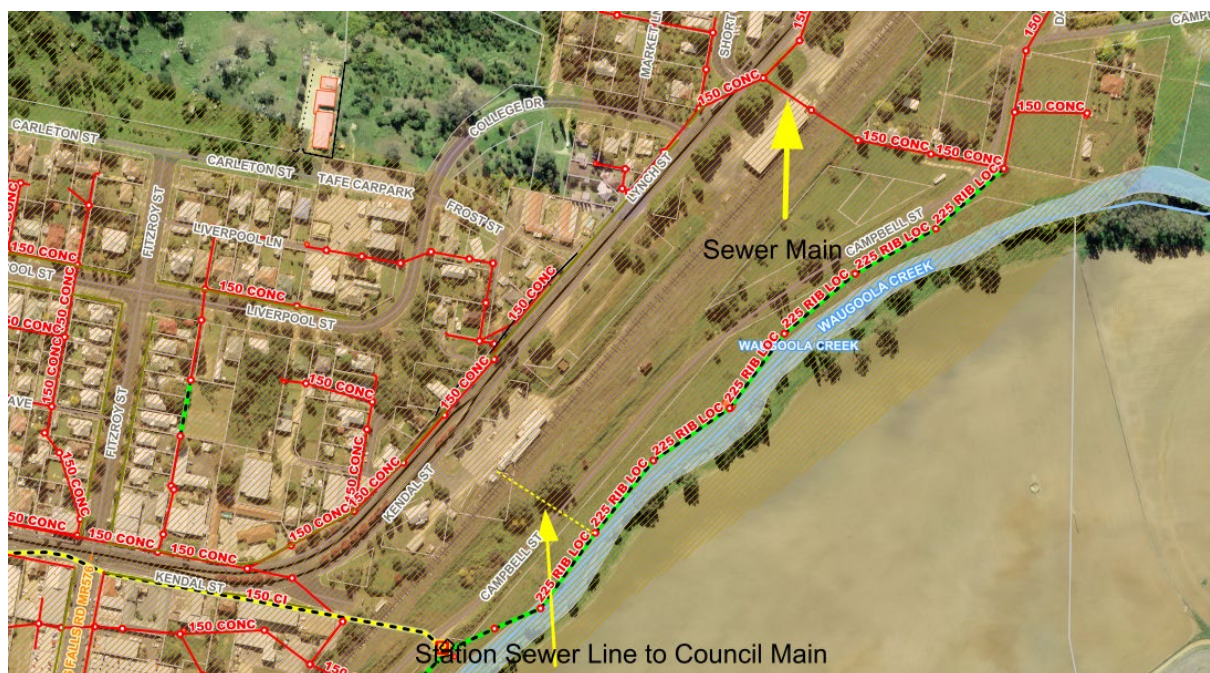
While it is not certain what building is to the south of the site it is called, it is a small square brick building with a tin roof, which is shown in photographs on the State Heritage listing. This building is on the land adjacent to the south and not



on the subject land. The planning proposal is on land not encumbered by any items of heritage value therefore it is not proposed to alter or impact any items of heritage value. In the future development of this site, this building and other heritage infrastructure will not be affected in any way. For any proposed future DA's consideration will be given when designing the footings or construction techniques to ensure that there is no impact to any surrounding heritage items. It is acknowledged that in the development of this lot (subject to a DA), it will be difficult not to affect the viewing of this building from Lynch Street. However, this future potential impact should not be seen to prohibit this development.

There are no heritage items either State or Local on the subject site.

The site can be connected to all services including sewer. It is noted that the sewer details contained in the Council's system may be incorrect and the Council's Department of Infrastructure has provided further details shown below. The sewer is available to be connected from the property to the east (freight terminal) approximately 160m, with the permission of the owners of the land, Transport Asset Holding Entity, Transport for NSW.







## SITE PHOTOS/ MAPS



Figure 1 - 1 of 3 dwellings opposite



Figure 2 - Land Services Office to the east





Figure 3 - looking west on Lynch Street - 3 dwellings may be impacted



Figure 4 - the site looks south west





Figure 5 - remnant vegetation Council verge



Figure 6 - residential properties opposite the Site





Figure 7 - old Freight Terminal building to the east of the site looking southwest

## PART 1 – OBJECTIVES AND INTENDED OUTCOMES

### STATEMENT OF OBJECTIVES

The objective of this Planning Proposal is to rezone the subject land from SP2 Infrastructure (Railway Infrastructure Facilities) to Zone E3 Productivity Support (under the Cowra Local Environmental Plan 2012 (LEP)).

### INTENDED OUTCOMES

- To rezone the subject land from SP2 Rail Infrastructure Facilities to Zone E3 Productivity Support
- To facilitate further employment-generating opportunities by improving and activating this area of Cowra which is currently underdeveloped
- To contribute to the future of the Blayney-Demondrille rail line by providing an opportunity to encourage uses/businesses which may wish to utilise this strategic location once the rail line is reopened in the future
- To contribute to the potential expansion of existing business and new business opportunities potentially relocating to Cowra
- To provide an opportunity for businesses that require highway frontage, future rail access, and a high-profile presence to relocate or establish in Cowra
- To allow permitted land uses in the Zone E3 Productivity Support zone that will complement Cowra and the region's strategic objectives and vision

## PART 2 – EXPLANATION OF PROVISIONS

- Amend the Cowra Local Environmental Plan 2012 to include the provisions of the Zone E3 Productivity Support as prescribed in the Cowra Local Environmental Plan 2012 on the subject land
- Amend the future zoning maps to show the Zone E3 Productivity Support

## PART 3 – JUSTIFICATION OF STRATEGIC AND SITE-SPECIFIC MERIT

### MATTERS FOR CONSIDERATION:

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#### SECTION A – NEED FOR THE PLANNING PROPOSAL

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##### 3.1 IS THE PLANNING PROPOSAL A RESULT OF AN ENDORSED LSPS, STRATEGIC STUDY, OR REPORT?

This document has not been prepared as the result of an endorsed LSPS, strategic study, or report however, the Cowra LSPS 2020 does identify that Cowra is a Strategic Centre and is strategically located at the junction of 3 major highways (Mid-Western Highway, Olympic Highway and Lachlan Valley Way).

The subject site is located on Lynch Street (Mid-Western Highway) approximately 500 metres from the township of Cowra to the east. This land fronts the highway and as such transport and the movement of agricultural and manufactured goods through, as well as to and from Cowra is an essential component of the continued success and growth of this area. Many industries including agriculture manufacturing and transport in Cowra are essential to the continued growth of Cowra and the surrounding area. The LSPS identifies several Directions and Priorities which identify the strategic location of the

subject site:

*Priority 1 – leverage the central and strategic location of the Cowra Shire and encourage growth and new economic opportunities.*

*Specific Action 1.4 – Council will investigate the potential suitability of amending Cowra Local Environmental Plan 2012 to enable the efficient, orderly, and practical use of land adjoining main road corridors for a range of suitable purposes.*

*Priority 5- advocate for new development to be supported by appropriate infrastructure.*

*Specific Actions 5.6 – Council will lobby for the reopening of the Blayney to Demondrille rail line for the benefit of Cowra and its surrounds.*

This site is in a strategic location and situated on the Mid-western Highway, this site lends itself to new economic opportunities and the revitalisation of a site on a major highway and in a strategic location. And being so close to the CBD area of Cowra township. Additionally, the site is strategically located to take advantage of the potential reopening of the Blayney to Demondrille rail line in the future.

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### 3.2 IS THE PLANNING PROPOSAL THE BEST MEANS OF ACHIEVING THE OBJECTS OR INTENDED OUTCOMES, OR IS THERE A BETTER WAY?

Yes, the preparation of a planning proposal is the only means of achieving the objects or intended outcomes and there is no better way.

The current zone is SP2 - Rail Infrastructure Facilities for development only associated with the disused railway. The site is vacant and clear and from research, it appears that this site has never been developed. The only way for this privately owned land to be developed is with the planning proposal.



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### 3.3 WILL THE PLANNING PROPOSAL GIVE EFFECT TO THE OBJECTIVES AND ACTIONS OF THE APPLICABLE REGIONAL OR DISTRICT PLAN OR STRATEGY?

The Central West Orana Regional Plan 2041 recognises that Cowra is a strategic centre and that Cowra contributes significantly to the region's economy in agriculture and has a robust manufacturing and industrial sector. Although this land is not specifically mentioned in the Regional Plan the following objectives apply:

#### **Objective 7 – Plan for resilient places and communities**

The construction of any future building on this site (subject to a DA) will comply with all relevant controls in relation to climate change resilience. This site is not mapped as bushfire prone nor is it flood-prone.

#### **Objective 18 - Leverage existing industries and employment areas and support new and innovative economic enterprises**

By supporting the rezoning of this land will provide future economic potential in Cowra. This land has never been developed and could be of great economic potential. The current SP zone is in principle an industrial zone however as the rail line is disused the potential of bringing a new business to Cowra is lost. Whilst this land is not part of any existing industrial / manufacturing area, it is a wasted opportunity and is unlikely to be developed for rail purposes in the future. This site has accessible water from the land adjacent via the Council's infrastructure. This land is to the east of commercial zoned land and is adjacent to a number of hotels and government agencies.

#### **Objective 20 – Protect and leverage the existing and future road, rail and air transport networks and infrastructure.**

This land is located on the Mid-Western Highway (Lynch Street) and connects to Cowra and has access to all the transport connections throughout the state and the Country. This site has access to the Parks SAP.

## Part 5

Cowra Council's priorities include:

- Innovation, technological advancement, and investment in the growing agricultural, industrial and manufacturing sectors
- Potentially reopening the Blayney-Demondrille rail line
- Identifying opportunities for the LGA as the wider region's economy diversifies

The Regional Plan identifies Cowra as having the greatest population growth and housing demand along with other regional centres and this will be a flow from Cowra's continued growth in agriculture, manufacturing and industry as well as Cowra's proximity to Canberra.

This site is an important for freight and logistics infrastructure. Cowra has easy access to markets in Canberra, Sydney, Adelaide, Melbourne, Brisbane, and Western Australia, and is part of an important strategic supply chain to markets across Australia and the world. Additionally, this site is strategically located on this network and is located to take advantage of the Parks Special Activation Precinct.

This site is also located close to the Cowra Airport where goods can access the markets of Asia via Canberra Airport within 24 hours. Additionally, this site is in a strategic location to potentially take advantage of its proximity to the railway line when it gets reopened.

Collaboration Activity 2 – Identify potential housing and land use planning opportunities from the Parks SAP

Collaboration Activity 12 – surplus TfNSW land for tourism facilities

Collaboration Activity 25 – investigate future uses of the Cowra rail corridors

Comments

This site is adjacent to the Blayney - Demondrille railway line and is

approximately 500 metres from the town of Cowra. The site is adjacent to a major highway, and an unused and underutilised railway line and is located opposite R1 General residential land, to the north.

Freight networks from Cowra and the Region extend to Sydney, Newcastle, Wollongong, Brisbane, Melbourne, Canberra, Adelaide, and Perth. This includes access to Ports in Newcastle, Sydney, and Wollongong and access to the international airports in Sydney and Canberra airports. In the future, the subject site will have potential access to the Blayney - Demondrille Rail network to major centres and the future inland rail network.

The current zoning of this land as SP2 Rail Infrastructure facilities does not allow for any development opportunities as privately owned land due to the fact that it is located on the non-operation railway line and this zone does not allow for any development not associated anything other than that associated with the railway line. This important undeveloped site gives effect to the objectives and actions of the Central West and Orana Regional Plan 2041. Rezoning this land to Zone E3 Productivity Support allows this land to play a strategic link for the town of Cowra, the intersecting of 3 highways and the railway corridor.

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#### 3.4 IS THE PLANNING PROPOSAL CONSISTENT WITH THE COUNCIL LSPS THAT HAS BEEN ENDORSED BY THE PLANNING SECRETARY OR GSC, OR ANOTHER ENDORSED LOCAL STRATEGY OR STRATEGIC PLAN?

Whilst this site is not specifically identified in the Cowra LSPS and as mentioned above several priorities can be identified to support this strategically located site and its proposed rezoning:

The Cowra LSPS 2020 identifies that Cowra is strategically located on the junction of 3 major highways and is, therefore, Cowra is a strategically significant location. The subject site is located on the Mid-Western Highway approximately 500 metres from the township of Cowra to the west. Transport and the movement of agricultural and manufactured goods through, as well as to and from Cowra is an essential component of the continued success and growth

of industries such as agriculture and manufacturing in Cowra. The LSPS identifies several priorities which identify the strategic location of the subject site:

*Priority 1 – leverage the central and strategic location of the Cowra Shire and encourage growth and new economic opportunities.*

*Specific Action 1.4 – Council will investigate the potential suitability of amending Cowra Local Environmental Plan 2012 to enable the efficient, orderly, and practical use of land adjoining main road corridors for a range of suitable purposes.*

*Priority 5- advocate for new development to be supported by appropriate infrastructure.*

*Specific Actions 5.6 – Council will lobby for the reopening of the Blayney to Demondrille rail line for the benefit of Cowra and surrounds.*

This site lends itself to support the strategic location of Cowra and the location of the site on the Mid Western Highway. New economic opportunities could be achieved once the zoning allows for development opportunities. Additionally, the site is strategically located to take advantage of the potential reopening of the Blayney to Demondrille rail line when it reopens in the future.

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### 3.5 IS THE PLANNING PROPOSAL CONSISTENT WITH ANY OTHER APPLICABLE STATE AND REGIONAL STUDIES OR STRATEGIES?

This planning proposal is not inconsistent with any other State or regional study or strategy.

As addressed above in 3.3 the Central West and Orana Regional Plan 2041

### Objective 7 – **Plan for resilient places and communities**

The construction of any future building on this site (subject to a DA) will comply with all relevant controls in relation to climate change resilience. This site is not

mapped as bushfire prone nor is it flood-prone.

**Objective 18 - Leverage existing industries and employment areas and support new and innovative economic enterprises**

By supporting the rezoning of this land will provide future economic potential in Cowra. This land has never been developed and could be of great economic potential. The current SP zone is essentially an industrial zone however as the rail line is disused the potential of bringing a new business to Cowra is lost. Whilst this land is not part of any existing industrial / manufacturing area, it is a wasted opportunity and is unlikely to be developed for rail purposes. This site has accessible water from the land adjacent via Council's infrastructure. This rezoning will allow for future new and innovative economic enterprises.

**Objective 20 – Protect and leverage the existing and future road, rail and air transport networks and infrastructure**

This land is located on the Mid-Western Highway (Lynch Street) and connects to Cowra and has access to all of the transport connections throughout the state and the Country. This site has access to the Parks SAP.

Part 5

Cowra Council's priorities include:

- Innovation, technological advancement, and investment in the growing agricultural, industrial and manufacturing sectors
- Potentially reopening the Blayney-Demondrille rail line
- Identifying opportunities for the LGA as the wider region's economy diversifies

The Regional Plan identifies Cowra as having the population growth and housing demand along with other regional centres and this will be a flow on from Cowra's continued growth in agriculture, manufacturing and industry as well as Cowra's proximity to Canberra.

This site is in an important for freight and logistics infrastructure. Cowra has easy access to markets in Canberra, Sydney, Adelaide, Melbourne, Brisbane, and Western Australia, and is part of an important strategic supply chain to markets across Australia and the world. Additionally, this site is strategically located on this network and is located to take advantage of the Parks Special Activation Precinct.

This site is also located close to the Cowra Airport where goods can access the markets of Asia via Canberra Airport within 24 hours. Additionally, this site is in a strategic location to potentially take advantage of its proximity to the railway line when it gets reopened.

Collaboration Activity 2 – Identify potential housing and land use planning opportunities from the Parks SAP

Collaboration Activity 12 – surplus TfNSW land for tourism facilities

Collaboration Activity 25 – investigate future uses of the Cowra rail corridors

#### Comments

This site is adjacent to the Blayney - Demondrille railway line and is approximately 500 metres from the town of Cowra. The site is adjacent to a major highway, and an unused and underutilised railway line and is located opposite R1 General residential land, to the north.

Freight networks from Cowra and the Region extend to Sydney, Newcastle, Wollongong, Brisbane, Melbourne, Canberra, Adelaide, and Perth. This includes access to Ports in Newcastle, Sydney, and Wollongong and access to the international airports in Sydney and Canberra airports. In the future, the subject site will have potential access to the Blayney - Demondrille Rail network to major centres and the future inland rail network.

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### 3.6 IS THE PLANNING PROPOSAL CONSISTENT WITH APPLICABLE SEPPS?

There are 11 SEPPs in NSW, and this planning proposal is not inconsistent with the applicable SEPPs.

- SEPP (Planning Systems) 2021
- SEPP (Precincts – Eastern Harbour City) 2021 – not applicable
- SEPP (Precincts - Central River City) 2021- not applicable
- SEPP (Precincts – Regional) 2021
- SEPP - Design and Place
- SEPP (Biodiversity and Conservation) 2021
- SEPP (Resilience and Hazards) 2021 – it is noted that while this site is adjacent to the Cowra Railway Precinct, advice that has been received is that it has never been used for any railway use or any other use historically. This site has remained vacant and unused. See below for SEPP Assessment.
- SEPP (Transport and Infrastructure) 2021  
As this is a rezoning further advice regarding the final use of the site once it is rezoned can be assessed in the DA process. The rezoning is so that it can be purchased by a party who wants to redevelop it and the final use is yet to be determined. The land is currently unusable as it stands, and the current zoning prevents private development.
- SEPP (Housing) 2021 – not applicable
- SEPP (Resources and Energy) 2021 – not applicable
- SEPP (Primary Production) 2021 – not applicable

#### SEPP – Resilience and Hazard 2021

It is noted that while this site is adjacent to the Cowra Railway Precinct, historical advice that has been received is that it has never been used for any railway use or any other use. This site has remained vacant and unused.



Clause 4.6(1) of the SEPP requires that a consent authority must not consent to the carrying out of any development on land unless:

- a. it has considered whether the land is contaminated, and
- b. if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and
- c. if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.

Clause 4.6(2) of the SEPP requires that Council, before determining an application for consent to carry out development that would involve a change of use on any land in Clause 4.6(4), must consider a report specifying the findings of a preliminary investigation of the land concerned carried out in accordance with the contaminated land planning guidelines.

Clause 4.6(4) requires a preliminary investigation to be carried out if the land concerned is:

- within an investigation area,
- land on which development for a purpose referred to in Table 1 to the contaminated land planning guidelines is being or is known to have been carried out.
- to the extent to which it is proposed to child care development on it for residential, educational, recreational or child care purposes, or for the purposes of a hospital land in relation to which there is no knowledge as to whether development for a purpose referred to in Table 1 to the contaminated land planning guidelines has been carried out, and on which it would have been lawful to carry out such development during any period in respect of which there is no knowledge.

In relation to the land which is the subject of this proposal, the following has

been established relating to the issue of any potential contamination:

- The land has not been declared to be significantly contaminated under the Contaminated Land Management Act 1997.
- The land has not been regulated by the EPA in relation to contamination.
- Historically, from photographs and discussing with a local historian whilst this land was associated with the railway and its historic uses, this land was never developed and remained vacant.
- No uses can be identified on this land that would have created contamination.
- A visual inspection did not indicate any remnant-built infrastructure or footing or any other use.

It is therefore concluded that from the assessment and historical knowledge there is no potential contamination of this site and that there is nothing to indicate that there is any threat to human health or the environment. There is no reason that the planning proposal can not progress in a reasonable way.

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### 3.7 IS THE PLANNING PROPOSAL CONSISTENT WITH APPLICABLE MINISTERIAL DIRECTIONS?

This planning proposal is consistent with the applicable Ministerial Directions.

- Focus area 1: Planning Systems
    - 1.1 Implementation of Regional Plans. NA
    - 1.2 Development of Aboriginal Land Council Land. NA
    - 1.3 Approval and Referral Requirements. Yes
    - 1.4 Site Specific Provisions. No
  - Focus area 1: Planning Systems – Place Based NA
  - Focus area 2: Design and Place NA
  - Focus area 3: Biodiversity and Conservation NA
- 3.1 Environment Protection Zones No

### 3.2 Heritage Conservation

The Cowra Railway is a State and Locally listed heritage listed item and is located to the west of the site. It is noted that there will be no impact on this site from the rezoning of this land.

Additionally, a search of the Aboriginal Heritage Information System has been undertaken and there are no AHIM's sites within 100m of this land.

The Cowra Railway Station and yard group is No. 19 on schedule 5 of the Cowra LEP and is located adjacent to the subject land.



(1) **Objectives** The objectives of this clause are as follows—

- (a) to conserve the environmental heritage of Cowra,
- (b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,
- (c) to conserve archaeological sites,
- (d) to conserve Aboriginal objects and Aboriginal places of heritage significance.

(2) **Requirement for consent** Development consent is required for any of the following—

- (a) demolishing or moving any of the following or altering the exterior of any of the following (including, in the case of a building, making changes to its detail, fabric, finish or appearance)—
  - (i) a heritage item,
  - (ii) an Aboriginal object,

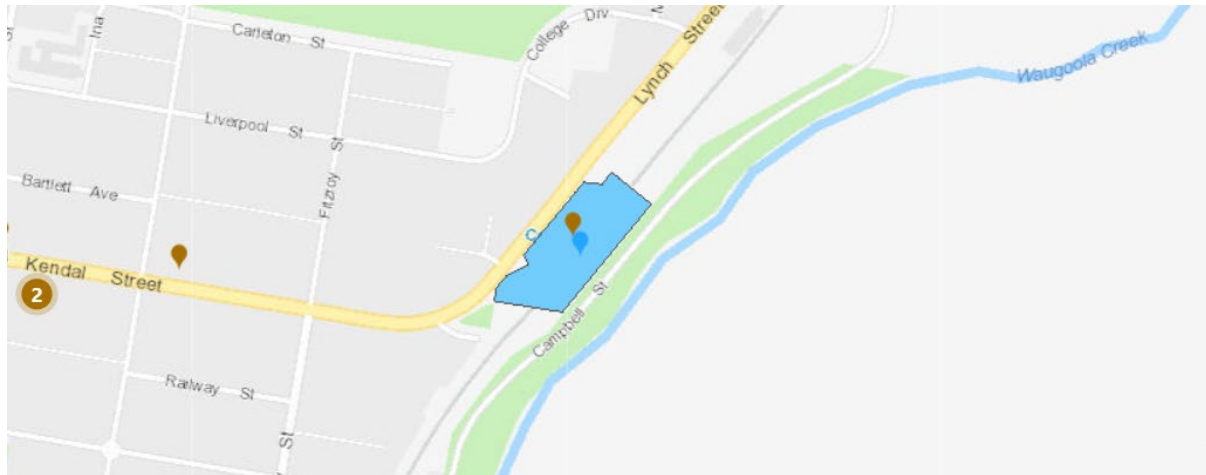
- (iii) *a building, work, relic or tree within a heritage conservation area,*
- (b) *altering a heritage item that is a building by making structural changes to its interior or by making changes to anything inside the item that is specified in Schedule 5 in relation to the item,*
- (c) *disturbing or excavating an archaeological site while knowing, or having reasonable cause to suspect, that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed,*
- (d) *disturbing or excavating an Aboriginal place of heritage significance,*
- (e) *erecting a building on land—*
  - (i) *on which a heritage item is located or that is within a heritage conservation area, or*
  - (ii) *on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance,*
- (f) *subdividing land—*
  - (i) *on which a heritage item is located or that is within a heritage conservation area, or*
  - (ii) *on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance.*
- (3) **When consent not required** *However, development consent under this clause is not required if—*
  - (a) *the applicant has notified the consent authority of the proposed development and the consent authority has advised the applicant in writing before any work is carried out that it is satisfied that the proposed development—*
    - (i) *is of a minor nature or is for the maintenance of the heritage item, Aboriginal object, Aboriginal place of heritage significance or archaeological site or a building, work, relic, tree or place within the heritage conservation area, and*
    - (ii) *would not adversely affect the heritage significance of the heritage item, Aboriginal object, Aboriginal place, archaeological site or heritage conservation area, or*
  - (b) *the development is in a cemetery or burial ground and the proposed development—*
    - (i) *is the creation of a new grave or monument, or excavation or disturbance of land for the purpose of conserving or repairing monuments or grave markers, and*
    - (ii) *would not cause disturbance to human remains, relics, Aboriginal objects in the form of grave goods, or to an Aboriginal place of heritage significance, or*
  - (c) *the development is limited to the removal of a tree or other vegetation that the Council is satisfied is a risk to human life or property, or*
  - (d) *the development is exempt development.*

The Railway Station and Yard Group is also on the State heritage Register although it again is not accurately mapped the State listing does contain photographs of the several structures including the small square brick building to the south of the subject lot. The following is a description of the State heritage listing:

*All infrastructure, vegetation and archaeological relics in Cowra yard between the up and down distant signals.*

*All infrastructure and vegetation included in the former Cowra locomotive depot.*

*The Cowra Station building - standard roadside, 1886, HS signal box - non-standard platform level timber box with gable roof, 1937 residence - type 3, 32 Brougham St, 1886 Railways Institute building, brick Examiners hut - c.1886 Roundhouse and environs...*



There are no heritage items on the subject land.

### Comments

This proposal is on adjacent land some 40 metres to the east, there is no proposal on the land which contains a heritage item. This proposal does not disturb, move or alter the heritage item. However, there may be some impact in the future by the proposal in terms of views and setting. There may be some impact from the views from Lynch Street on the approach from the east. However, there will be no physical impact to the actual heritage item identified on the map above being on an adjacent lot. Any future DA on this site could address some softening or landscaping on this site to screen it from the adjacent lot containing the heritage item.

### 3.3 Sydney Drinking Water Catchments No

### 3.4 Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs No

### 3.5 Recreation Vehicle Areas No

- Focus area 4: Resilience and Hazards

4.1 Flooding No

4.2 Coastal Management No

4.3 Planning for Bushfire Protection No

4.4 Remediation of Contaminated Land No

4.5 Acid Sulfate Soils No

4.6 Mine Subsidence and Unstable Land No

- Focus area 5: Transport and Infrastructure

5.1 Integrated Land Use and Transport Yes

There are no changes to any road or public transport proposed by this rezoning.

5.2 Reserving Land for Public Purposes No

5.3 Development Near Regulated Airports and Defence Airfields No

5.4 Shooting Ranges No

- Focus area 6: Housing No

6.1 Residential Zones

It is not proposed to use this land as residential land although it is permitted with the consent of Council. None of the other provisions in this Direction apply to this proposal. This application does not encourage the development of housing or any residential land therefore there is no need to make provision for them.

6.2 Caravan Parks and Manufactured Homes Estates No

- Focus area 7: Industry and Employment

7.1 Business and Industrial Zones Yes

Any future development on this site once the rezoning is successful will likely provide employment, increase the total potential floor space area and support the continued viability of Cowra. Whilst this land has not been considered in the Council's strategic Planning Documents there is consideration to increasing employment lands as discussed above in Part 3.

Council Staff encouraged the use of this zone for this land in initial discussions. This land will form an extension to the use of commercial-type zoned land to the south of this site. The current zoning of this land as SP2 Rail Infrastructure

facilities does not allow for any redevelopment opportunities as privately owned land since it is located on the non-operation railway line and this zone does not allow for any development not associated with anything else but the railway line. This important undeveloped site gives effect to the objectives and actions of the Central West and Orana Regional Plan 2041. Rezoning this land to Zone E3 Productivity Support allows this land to play a strategic link for the town of Cowra, the intersecting of 3 highways and the railway corridor.

There are several ways to service this land including to the north of Lynch Street, which would require boring under Lynch Street, to the east through to the existing services at the freight terminal, and under the existing rail line to the south to Campbell Crescent. This of course will need some investigating however this investigation will be undertaken when the owner is confident that the rezoning can be achieved. This zoning anomaly should be corrected by the Council first then the infrastructure provisions can be investigated. As there are 3 potential avenues to be investigated at some cost to the owner this should be allowed as part of the greater process to get economically viable land in Cowra.

7.2 Reduction in non-hosted short-term rental accommodation period No

7.3 Commercial and Retail Development along the Pacific Highway, (Cessnock LGA) (Revoked 18 June 2010) No

- Focus area 8: Resources and Energy

8.1 Mining, Petroleum Production and Extractive Industries No

- Focus area 9: Primary Production

9.1 Rural Zones No

9.2 Rural Lands No

9.3 Oyster Aquaculture No

9.4 Farmland of State and Regional Significance on the NSW Far North Coast No



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3.8 IS THERE ANY LIKELIHOOD THAT CRITICAL HABITAT OR THREATENED SPECIES, POPULATIONS OR ECOLOGICAL COMMUNITIES, OR THEIR HABITATS WILL BE ADVERSELY AFFECTED BECAUSE OF THE PROPOSAL?

The land appears to be highly disturbed and is clear of any significant vegetation or trees. It is unlikely that any critical habitat or threatened species or habits will be adversely affected by the rezoning and future development of this land. This land is not mapped as Terrestrial Biodiversity nor does it contain any wetlands.



Figure 8 - Terrestrial Biodiversity map - Sheet BIO\_002



Figure 9 - Wetlands Map Map Sheet CL1\_002

It is noted that Cowra has no areas of Outstanding Biodiversity and has one area

of protected threatened species of which there is a management plan – Grey-headed Flying-fox camp at the Cowra Gold Club.

The Biodiversity Conservation Act 2016 lists several Threatened species in NSW. Generally speaking, most species require food trees and habitat is usually found in forests and woodlands, swamps and wetlands.

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### 3.9 ARE THERE ANY OTHER LIKELY ENVIRONMENTAL EFFECTS OF THE PLANNING PROPOSAL AND HOW ARE THEY PROPOSED TO BE MANAGED?

Utilities - there are several alternatives for connection to water sewer and stormwater which will be finalised at the DA stage. The freight terminal to the east has connections to both water and sewer and there is a connection on the opposite side of Lynch Street for both water and sewer. All these options require investigations at a later stage. Nothing can occur until the rezoning is complete therefore there is no reason that all services can be connected to the site now.

Land use conflict can be managed in several ways, but this depends on the type of use and this will be determined after the rezoning and at the DA stage. This site is opposite a heavy vehicle route and a major highway, it was also adjacent to the freight terminal and previously an operating railway line. There is no reason that land use conflict can't be minimised in the future.

As mentioned above the site was never used as part of the rail infrastructure and has remained vacant.

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### 3.10 HAS THE PLANNING PROPOSAL ADEQUATELY ADDRESSED ANY SOCIAL AND ECONOMIC EFFECTS?

Anecdotally, there is a shortage of commercial/industrial land in Cowra. This land is vacant SP land and should be rezoned to something that can be developed and used. This is privately owned land adjacent to the rail corridor and Council

needs to consider a rezoning so that this land can be used or sold to be used as productive economically viable land in Cowra. Support for the rezoning will enable this land to be developed and used for employment generating commercial/manufacturing or industrial type uses. The State Heritage item adjacent to the west will not be affected by any development on this site.

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### 3.11 IS THERE ADEQUATE PUBLIC INFRASTRUCTURE FOR THE PLANNING PROPOSAL?

As addressed previously there are a number of different options for the provision of water, sewer and stormwater connections which have not yet been investigated and whilst the decision has not been made as to which connection the development will use, there is enough information for the rezoning to proceed. The investigation may take some time to undertake and need several different trades and owners to come together including TfNSW, there are no shortfalls with this methodology, it is a question of the owner's timing and contracts of sale. There is adequate public infrastructure in the immediate vicinity to allow this rezoning to proceed.

The applicant is unable to clarify if the adjoining rail line is to be used in the future. If necessary TfNSW will condition and give Council advice on the planning proposal during the period of comment.

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### 3.12 WHAT ARE THE VIEWS OF STATE AND FEDERAL PUBLIC AUTHORITIES AND GOVERNMENT AGENCIES CONSULTED IN ORDER TO INFORM THE GATEWAY DETERMINATION?

This is not part of the draft planning proposal process, and the views of government authorities are more part of the Gateway process as the heading details, therefore this will be informed by the Council process of seeing government agency comments.

## PART 4 – MAPS

Mapping has been provided.

## PART 5 – COMMUNITY CONSULTATION

Consultation has been undertaken with the Council via the planning department and the Infrastructure Department for water and sewer connections. Consultation needs to be undertaken with TfNSW depending on which option of water, sewer and stormwater treatment is chosen and this can be undertaken at the DA stage.

## PART 6 – PROJECT TIMELINE

Standard Planning Proposal	
<b>Stage 1 – Pre-lodgement</b>	50 days
<b>Stage 2 – Planning proposal</b>	95 days
<b>Stage 3 - Gateway determination</b>	25 days
<b>Stage 4 – Post-Gateway</b>	50 days
<b>Stage 6 - Finalisation</b>	55 days
<b>Sub-total (Department target)</b>	225 days
<b>Total (end to end)</b>	320 days

## CONCLUSION

This Planning Proposal is to rezone the subject land from SP2 - Rail Infrastructure Facilities to Zone E3 Productivity Support, as identified in the Standard Instrument (Local Environmental Plans) Amendment (Land Use Zones) Order 2021. This is the most appropriate zone to allow for a variety of

land uses that would suit this site. This rezoning is strategically supported by concepts contained within the Cowra LSPS 2020 and the Central West and Orana Regional Plan 2041. This land is privately owned and cannot be developed with the current SP zone. Council must support this rezoning to enable the facilitation of a future use. This land should be developed as there is a shortage of land available for development in Cowra.



# Cowra Local Environmental Plan 2012

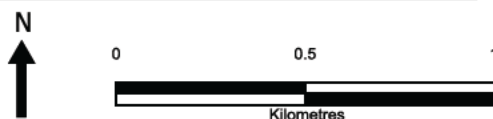
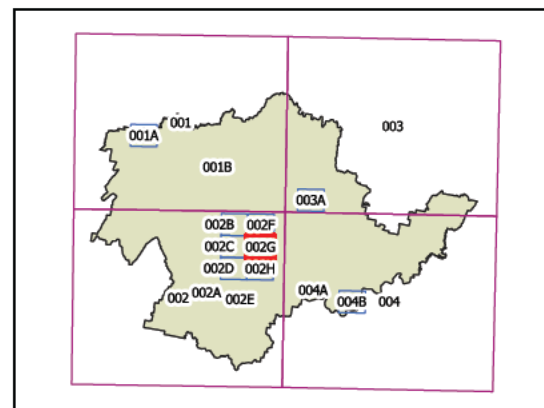
## Land Zoning Map - Sheet LZN\_002G

### Land Zoning

- C1** National Parks and Nature Reserves
- C2** Environmental Conservation
- C3** Environmental Management
- E1** Local Centre
- E3** Productivity Support
- E4** General Industrial
- R1** General Residential
- R2** Low Density Residential
- R5** Large Lot Residential
- RE1** Public Recreation
- RE2** Private Recreation
- RU1** Primary Production
- RU3** Forestry
- RU4** Primary Production Small Lots
- RU5** Village
- SP2** Infrastructure
- SP3** Tourist
- W2** Recreational Waterways

### Cadastre

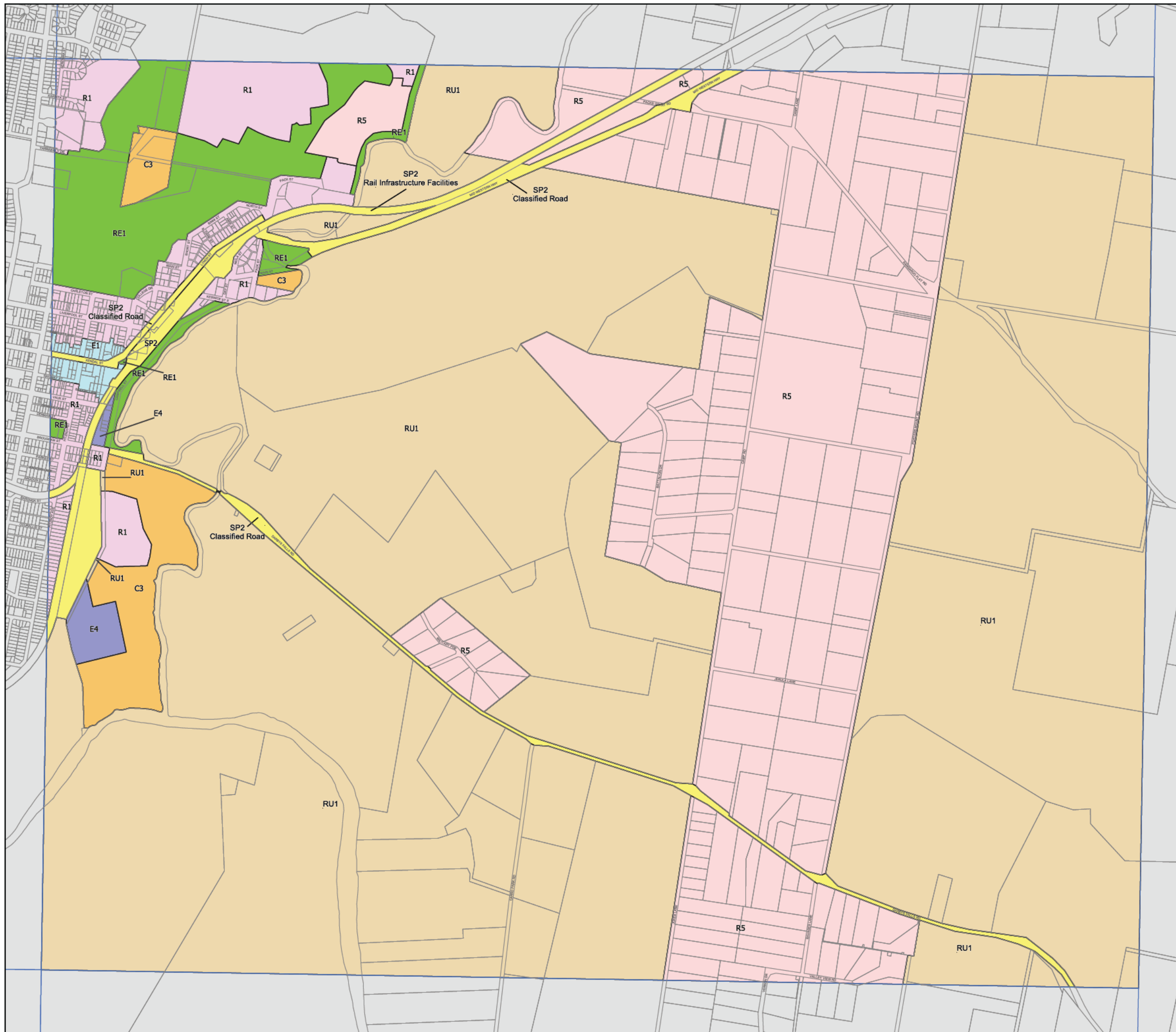
Cadastre 28/08/2023 © Spatial Services



Projection GDA94  
MGA Zone 55

Scale 1:20,000 @A3

Map Identification Number: 2350\_COM\_LZN\_002G\_020\_20230828







Cowra

# Draft Cowra Planning Proposal 2023-884

## Land Zoning Map - Sheet LZN\_002G

### Land Zoning

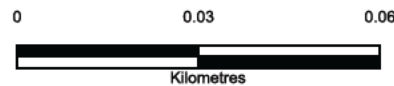
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- W2** Recreational Waterways

### Cadastre

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Projection GDA94  
MGA Zone 55



Scale 1:1,250 @A3

Map Identification Number: 2350\_COM\_LZN\_002G\_020\_20230828

