

Cowra Shire Council
Planning Proposal Assessment Report



1. Application Details	
Planning Proposal No.	PP 2023-884
Description of Proposal	<p>The proposal is to amend Cowra Local Environmental Plan 2012 by rezoning Lot 2 DP 1028751 from SP2 Infrastructure to E3 Productivity Support.</p> <p>Attachment A to this assessment report includes the Land-use Tables from Cowra Local Environmental Plan 2012 relating to the SP2 Infrastructure Zone and the E3 Productivity Support Zone.</p> <p>(Note – throughout this planning assessment report, the Planning Proposal is referred as the PP)</p>
Applicant Details	Mr John Sarlas (as described on NSW Planning Portal)
Landowner(s)	Anthony Thomas Mooney Carmel Mary Mooney Ronald Ernest Horsfall Annemarie Horsfall Snuzie Pty Ltd
Landowners consent provided	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Comment: Landowner's consent provided 9 August 2023
Planning Proposal Authority	Cowra Shire Council Note: Planning Proposal Authority means the authority responsible for the governance of a planning proposal, including its preparation and submission to the Department for a Gateway determination, satisfying the conditions of a Gateway determination, public exhibition and its finalisation (including submission to the Department for finalisation, where required).
Date initially submitted on NSW Planning Portal	29 April 2023
Date paid & assessment commenced on NSW Planning Portal	29 June 2023
Additional Information	<p>Original PP</p> <p>It is important to note the current PP was preceded in late 2022/early 2023 by an earlier application, PP 2022-4111. This application was returned on the basis that a lack of information was provided in support of the proposal.</p> <p>By way of relevant background, a summary of the additional information requests provided by Council to the applicant for the earlier PP 2022-4111 is included as follows and a copy of Council's documents are included in Attachment B.</p> <p>The applicant was provided with a request for Additional Information via the NSW Planning Portal on 3 February 2023.</p> <ul style="list-style-type: none"> – A more detailed assessment of potential impact on the State Heritage listed Cowra Railway Station and yard group (Item 19 of Schedule 5 of Cowra LEP). – An assessment of Section 9.1 Ministerial Directions. – As assessment of potential contamination risk arising from the known historic use of the land for purposes associated with railway yards, and the need for preliminary site investigation report. – An assessment of relevant infrastructure and servicing issues including, in particular, provision for sewer and stormwater.

	<ul style="list-style-type: none"> – Details relating to any consultation completed with community stakeholders and relevant government agencies. – Details relating to an expected timeline for completion of the PP. – Mapping and imagery consistent with DPE guidelines. <p>A revised PP was submitted to Council via the NSW Planning Portal on 17 February 2023. The PP was further screened and a second request for additional information was provided to the applicant via the NSW Planning Portal on 17 March 2023. A summary of the matters requested is included as follows and a copy of Council's letter is also included as Attachment B:</p> <ul style="list-style-type: none"> – Visibility of key issues raised by the NSW Department of Planning and Environment as part of preliminary feedback to Council on the PP. – Further assessment of applicable Section 9.1 Ministerial Directions and in particular Directions 3.2, 4.4 and 7.1. – The need to demonstrate strategy and site-specific merit for the rezoning proposal. – The need to consider supply and demand for E3 zoned land. – The need to demonstrate site suitability for E3 zoned land. – Consideration of the nature of the likely uses desired for the site once rezoned. – The need for owners' consent to be provided. – The need for more detailed mapping to be provided in support of the Planning Proposal, including site / locality mapping. <p>The Planning Proposal was returned on 26 April 2023 to the applicant via the NSW Planning Portal with no response from the applicant after 7 days of notice.</p> <p>Current PP</p> <p>A revised PP, (being the current PP 2023-884) was submitted to Council via the NSW Planning Portal on 29 April 2023 and included updated details.</p> <p>The PP was screened and a request for additional information was provided to the applicant via the NSW Planning Portal on 7 June 2023.</p> <p>A copy of the Council's letter is included as Attachment B. The letter raised similar issues to the last request on 17 March 2023. Importantly, the applicant was advised to provide Council with the additional information within 21 days, or the application would be accepted for assessment and assessed on the basis of the information provided to date.</p> <p>A second document was uploaded by the applicant John Sarlas on 8 June 2023 and on this basis, the application was accepted by Council for assessment. Payment of application fees was made to Council on 29 June 2023. On June 30, in response to a verbal request from the applicant regarding outstanding information, Council directly emailed to John Sarlas its earlier June letter, along with excerpts from the Department's Planning Proposal Guidelines.</p> <p>Post-lodgement of the application, Council received the following information from the applicant for consideration prior to the finalisations of the assessment:</p> <ul style="list-style-type: none"> - Owners consent in a form acceptable to Council, received 9 August 2023. - Existing Zone and Proposed Zone Maps, received 30 August 2023. <p>A third amendment was subsequently made to the Planning Proposal and submitted to Council in early November 2023. The amendments relate generally to additional assessment of relevant S9.1 Ministerial Directions.</p> <p>These items have been considered as part of this assessment report.</p>
2. Property Description	
Property Address	Lynch Street, Cowra NSW 2794
Title Description	Lot 2 DP 1028751. The land is identified to be Torrens Title.
Land area	5037 m2 (0.50 ha).

Current Land-use	The land is currently vacant. There are no existing land-use activities being carried out on the land.	
Existing Improvements	The land is currently vacant of any existing buildings or structures. There are remnants of a former access road to the Cowra Rail Freight Depot site (which has now been largely demolished). There are no existing connections to urban services or utilities.	
Location	<p>The subject land is privately owned land within the rail corridor. The site is located on the eastern edge of the Cowra township. The site is located adjacent to the Mid-Western Highway / Lynch Street.</p> <p>A properly detailed map showing the location of the site in relation to the immediate and wider surrounding environment is absent from the Planning Proposal. Maps have instead been prepared by Council and are included in Attachment C to this assessment report.</p>	
3. Record of Site Inspection		
Date of Site Inspection	17 May 2023	
Name of Inspecting Officer	Janine Finlayson, Land-use Planner	
Landowner present	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Applicant present	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Photographic record	A record of the photographs taken at the site inspection on 17/05/2023 is included in Attachment D to this assessment report.	
Comments from site inspection	<p>As a result of the site inspection performed on 17 May /2023, the following comments are made in relation to the site and surrounds:</p> <ul style="list-style-type: none"> – The subject site is located on the eastern edge of the Cowra township. – Land immediately to the north & north-west features the Mid Western Highway (locally known as Lynch Street) which is part of the classified road network. There are a number of existing residential dwellings located on nearby land to the north-west. – Land to the east & south east contains the rail corridor for the Blayney to Demondrille rail line (currently non-operational) and then on the southern side of the rail corridor, local urban sealed road Campbell Street. – Land to the south-east of Campbell Street is zoned RE1 Public Recreation and is vacant of structures. – Land immediately to the north-east contains the remnants of the Cowra Rail Freight Depot, currently being demolished as part of DA 95/2019. – Land immediately to the south-west contains land that is part of a State Heritage Listed Cowra Railway Station and Yard Group. This land is identified in Cowra Local Environmental Plan 2012 as Item 9. The listing includes a water tower / tank which is located immediately adjacent to the south-eastern corner of the subject land. – The immediately surrounding area is characterised by low density land-use with low-rise building forms. Residential uses predominate on the north-western side of the highway, and there are examples of commercial land-use on nearby land as well. – The site slopes to the east (rear of the land). Site observations indicate that the natural surface level of the land is below the adjoining road environment. – A former access road to the Cowra Rail Freight Depot site is clearly visible traversing the entire site from south to north. – The site shows signs of being treated as an informal roadside parking area on its western boundary. – The site contains isolated trees (a mixture of native & non-native) on its boundary areas. The bulk of the site has been cleared of significant vegetation. 	

	<ul style="list-style-type: none"> – The site has road access (unformed) from the classified State road Mid Western Highway & adjoins the Blayney to Demondrille Rail line. – There is an overhead powerline near the site, just over the northern boundary.
4. Site History	
Is there relevant site history?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Assessment Comment	<p>History of Development Approvals</p> <ul style="list-style-type: none"> – DA 282/2000. Documented, electronic record with Council, hard copy at Council's archived records facility. Subdivision & consolidation. Subdivision of Lot 1 DP 842833 of railway land being Lynch Street Cowra by alteration of boundary. – This subdivision was the result of a land swap with the owners of lot 1 DP 842833 and the then State Rail Authority (SRA) as the Heritage listed water tower associated with the Rail Yard was on the parent lot. In return for relinquishing the water tower back to Rail control, the SRA gave 40 metres of the land adjoining the north of the lot from the Cowra Rail Freight Depot site. – It is unknown how the land prior to this became separated from the Rail Authority and transferred to private ownership. Information has been sought from UGL Regional Linx, the operational arm of the rail authority, but a response has not been forthcoming at this stage. <p>History of Planning inquiries</p> <p>Council's records show that planning advice has been provided to various parties on multiple occasions within the past decade relating to this site. A summary of this advice is included as follows.</p> <ul style="list-style-type: none"> – 2015 – planning advice on options to expand permissible uses – Council Land-use Planner to T Mooney. Advice summarised three options that could be further explored in order to expand the permissible use: Development near Zone boundaries, Rezoning, and Additional Permitted Use. – 2016 – Pre DA 3/2016 – proposed service station and convenience store – Council Development Planner to S Lawson. Advice the proposed project was not permissible under SP2 Rail Infrastructure zone. Planning Proposal process outlined. Key issues presented and outlined – access, site contamination, sewer and water infrastructure, stormwater, Heritage. – 2017 - planning advice – proposed service station – Council Land-use Planner to G Voegel. Advice SP2 Rail Infrastructure zoning will not permit a service station. Advice provided regarding permissible development near zone boundaries. Advice provided regarding the Planning Proposal process for either rezoning or APU. – 2020 – planning advice – proposed re-development of land – Council Land-use Planner to J Sullivan. Advice provided regarding planning controls. Advice provided regarding Planning Proposal process in regards to residential zoning. Identification of key issues – access, preliminary soil investigations due to potential contamination risk as site was associated with railway use, services (infrastructure) not present, proximity of the rail line to be considered for proposed residential use. – 2021 – planning advice – Director of Environmental Services to M Kilzi. Advice provided of planning controls in regards to a current land zone and proposed future zone. Advice regarding Rezoning and the Planning proposal process. Advice regarding key issues, including access, potential contamination risk requiring preliminary soil investigations, lack of infrastructure connections and proximity of the rail line. <p>History in wider context of location</p> <ul style="list-style-type: none"> – The site features on a map of the Cowra Rail Yard in 1946, Pg. 6. "Lines to the Lachlan" by rail historian Lawrance Ryan. In the vicinity of the site is the former Railway Barracks, which has since been dismantled in 1985.

	<ul style="list-style-type: none"> – The northern section of the lot – as per DA 282/00 – was originally part of the Cowra Freight Depot site and also the road access to the depot from Lynch (Station) Street. An old access road to the freight terminal depot area still clearly traverses the lot to the Lynch Street access point. The freight terminal depot was used as a rail freight distribution centre in connection with the railway line until it closed in the late 1980s. The building had various development uses over the last 40 years. The structure is almost entirely dismantled and removed as part of DA 95/2019. <p>Consideration in previous strategic planning processes</p> <p>The site has not been considered in previous strategic planning processes of Cowra Council, including the Cowra Shire Land-use Strategy 2009 or Cowra Local Strategic Planning Statement.</p>
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5. Cowra LEP 2012 – Preliminary Evaluation and planning context

Land Application Map	Cowra LGA
Land Zoning Map	SP2 Infrastructure. The purpose shown on the map is 'Rail Infrastructure Facilities'
Lot Size Map	No minimum lot size controls apply to the land
Dwelling Opportunity Map	Not applicable
Flood Planning Map	Not flood prone
Heritage Map	The land is not listed in Schedule 5 as containing an item of environmental heritage. The land immediately adjoins Item 9 of Cowra LEP 2012 which relates to the State Heritage Listed Cowra Railway Station and Yard Group
Land Reservation Map	Not applicable
Terrestrial Biodiversity Map	Terrestrial biodiversity not present
Wetlands, Groundwater Vulnerability, Riparian Lands and Watercourses Map	Part of the land is mapped as containing vulnerable groundwater. The land is not impacted by wetlands, riparian areas of watercourses
Urban Release Area Map	The land is not located within an urban release area
Additional Permitted Uses Map	There are no additional permitted uses applying to the land
Natural Resources Sensitivity Map	The land does not contain sensitive natural resources.
Land Reclassification Map	Not applicable

6. Planning Proposal Evaluation

The New South Wales Department of Planning and Environment publication "Local Environmental plan Making Guideline – August 2023" (the Guideline) provides a detailed explanation of the steps of the NSW Local Environmental Plan (LEP) making process to assist and guide council's, communities, State agencies, proponents, and practitioners. More specifically, the Guideline sets out the specific requirements for the preparation of a planning proposal as issued by the Planning Secretary under section 3.33(3) of the Environmental Planning and Assessment Act 1979.

According to the Guideline, Planning Proposals must contain the following components:

- Part 1 – Objectives and intended outcomes
- Part 2 – Explanation of provisions
- Part 3 – Justification of strategic and site-specific merit
- Part 4 – Maps
- Part 5 – Community Consultation
- Part 6 – Project Timeline

The Guideline also forms the basis for the Planning Proposal Authority (in this instance - Cowra Council) to perform an assessment of the Planning Proposal. The following parts of this report perform an assessment of the PP structured around the six parts of the Guideline.

6.1. Part 1 – Objectives and Intended Outcomes

Does the PP address Part 1?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
PP Objectives	Page 12 of the PP states <i>“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 2021 (LEP)”</i>	
PP Intended Outcomes	Page 12 of the PP identifies the following intended outcomes: <ul style="list-style-type: none"> – 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 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 	
Council Assessment Comment	The objectives of the PP are noted. The intended outcomes of the PP are noted. The information provided in the PP is generally consistent with the requirements of Part 1 of the Guideline.	

6.2. Part 2 – Explanation of Provisions

Does the PP include an assessment of Part 2?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
PP Response	Page 13 of the PP provides the following explanation of provisions: <ul style="list-style-type: none"> – 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 	
Council Assessment Response	The intended provisions of the PP are noted. If supported by Council, the PP would result in the following specific changes to Cowra Local Environmental Plan 2012: <ul style="list-style-type: none"> – NSW Planning Portal Digital EPI Viewer. Lot 2 DP 1028751 being changed from SP2 Infrastructure to E3 Productivity Support. The information provided in the PP is generally consistent with the requirements of Part 2 of the Guideline.	

6.3. Part 3 – Justification of strategic and site-specific merit

Does the PP include an assessment of Part 3?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
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SECTION A – NEED FOR THE PLANNING PROPOSAL

Matter for consideration – Is the PP a result of an endorsed local strategic planning statement, strategic study or report?	
PP response	<p>Pages 13 and 14 of the PP provide the following assessment:</p> <p><i>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).</i></p> <p><i>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 and 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:</i></p> <ul style="list-style-type: none"> ○ <i>Priority 1 – leverage the central and strategic location of the Cowra Shire and encourage growth and new economic opportunities.</i> ○ <i>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.</i> ○ <i>Priority 5 - advocate for new development to be supported by appropriate infrastructure.</i> ○ <i>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.</i> <p><i>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.</i></p>
Council Assessment Response	<p>The PP correctly states that the rezoning proposal has not been prepared as a result of an endorsed LSPS, strategic study or report of the Council. A more detailed assessment of the PP against the relevant strategic documents of Council is included as follows.</p> <p>Cowra LSPS</p> <p>The LSPS is a primary guiding document for strategic land-use planning and decision making by Council in the Cowra Shire. The LSPS sets out the long-term vision for land-use planning in the Cowra Shire.</p> <p>With a particular focus on the items that have been recognised in the PP, an assessment of the proposal against the Cowra LSPS is completed as follows:</p> <ul style="list-style-type: none"> – The rezoning of this land is not specifically identified in the strategic framework developed by the LSPS. The project does not feature in the Cowra Township Structure Plan and is not identified specifically as a strategic site or project for Council or the community. – At a broad level, the planning assessment confirms that the rezoning proposed by the PP could be aligned with Planning Priority No. 1. Subject to the assessment findings against other relevant matters for consideration, the rezoning of this land could encourage growth and new economic opportunities by enabling the development of the land for a more productive purpose than what is currently enabled by the SP2 zoning. The site does benefit from strategic access to the existing highway system and potential synergies created through the reopening of the Blayney Demondrille rail line in the future. – Specific Action 1.4 commits Cowra Council to an investigative process that reviews 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. This is identified as a medium term action for Council. To date this action has not been commenced by Council. The locational characteristics of the subject land would qualify the site for consideration as part of any investigations. Key issues affecting site

	<p>suitability for this project would generally relate to infrastructure and servicing capacity, land-use conflict risk, transport and access, and environmental constraints. These issues are considered in further detail within this assessment report.</p> <ul style="list-style-type: none"> – Priority 5 – Align infrastructure provision with community needs. Planning Priority 5 identifies the key infrastructure projects for Cowra and identifies a number of key strategic projects that are to be the focus for Council investment, planning and advocacy. The rezoning of land proposed by this PP is not identified as a strategic project and is not located within a precinct that has been identified by Priority 5 as a key focus area for Council-led infrastructure investment. A detailed assessment of infrastructure and servicing issues connected to this proposal is included in a further section of this report, including an account of existing arrangements as well as the likely future requirements for the land. – Specific Action 5.6 states that Council will lobby for the reopening of the Blayney to Demondrille rail line for the benefit of Cowra and surrounds. The PP has stated that the rezoning aligns with this specific action on the basis that the site is strategically located to take advantage of the potential reopening of the Blayney to Demondrille rail line in the future. The PP does not expand on this statement and generally includes a lack of detail to demonstrate how the future use of the land under the proposed E3 zoning would support the reopening of the railway line. <p>In summary, the assessment of the PP against the Cowra LSPS confirms that the rezoning of the subject land has not been identified in the plan as a strategic site or project, as a specific area for commercial expansion, as a specific area for rezoning, or as a specific action for Council. Notwithstanding, the Planning Proposal is seeking to demonstrate that the rezoning project is worthy of Council's support on the basis that the land is strategically located and that opportunities for economic growth and development will be created.</p> <p>Cowra Shire Land-use Strategy 2009</p> <p>The Cowra Shire Land Use Strategy 2009 (the Strategy) developed the land-use planning framework that ultimately informed the Cowra LEP 2012. The Strategy was developed following a comprehensive investigative and consultative process and provides key land-use planning recommendations for the full range of land-use bases in the Cowra Shire Local Government Area.</p> <p>With a particular focus on the items that have been recognised in the PP, an assessment of the proposal against the Cowra Shire Land-use Strategy is completed as follows:</p> <ul style="list-style-type: none"> – The rezoning of this land is not specifically identified in the strategic framework developed by the Strategy. – The project does not feature in the Commercial Framework Plan and is not identified specifically as a strategic project for Council or the community. – Broadly speaking, the Strategy confirmed that there is an adequate amount of commercial zoned land within the Cowra township – The plan for commercial zoned land is to ensure that the commercial areas of the Cowra CBD become more consolidated. The role and function of the other subordinate centres (South and West Cowra and Redfern Street, which currently feature E3 zoned land) are to be maintained with a preference given to limiting the expansion of these areas in order to ensure the success of CBD consolidation. <p>In summary, the assessment of the PP against the Strategy confirms that the rezoning of the subject land has not been identified in the plan as an important strategic project, as a specific area for commercial expansion, or a specific area for rezoning.</p> <p>Cowra CBD Masterplan</p> <p>The Cowra CBD Masterplan (the Masterplan) builds upon the proposals outlined in the Cowra CBD Issues paper and Conceptual Improvements Plan. The Masterplan provides a</p>
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	<p>framework to guide the future of development of the CBD over a twenty-year timeframe.</p> <p>With a particular focus on the items that have been recognised in the PP, an assessment of the proposal against the Masterplan is completed as follows:</p> <ul style="list-style-type: none"> – The rezoning of this land is not specifically identified in the strategic framework developed by the Cowra CBD Masterplan. The site does not feature in any of the recommendations of the Masterplan. – Broadly speaking, the Cowra CBD Masterplan reiterates that development outside of the CBD Commercial Core must not compromise the role and function of the CBD. <p>In summary, the rezoning of the subject land has not been identified in the plan as an important strategic site or project, as a specific area for commercial expansion, or as a specific area for rezoning.</p>
Matter for consideration – Is the PP the best means of achieving the objectives or intended outcomes, or is there a better way?	
PP response	<p>Page 14 of the PP provides the following assessment:</p> <p><i>Yes, the preparation of a planning proposal is the only means of achieving the objects or intended outcomes and there is no better way.</i></p> <p><i>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.</i></p>
Council Assessment Response	<p>According to the NSW DPE Local Environmental Plan Making Guidelines, a PP should review alternative approaches to achieve or give effect to the objectives or intended outcomes. Relevant options to consider include (in no particular order):</p> <ol style="list-style-type: none"> 1. Planning Proposal to rezone the land under Cowra LEP 2012. This option has the result of enabling the range of permitted land-use activities on the land under the chosen land-use zone. 2. Planning Proposal to identify an Additional Permitted Use for the land under Schedule 1 of Cowra LEP 2012. Under this option, the zoning of the land remains unchanged, and a specifically nominated land-use activity is prescribed as being a permissible use on the site, despite that activity being prohibited in the zone. 3. Utilising the provisions of Clause 4.6 of Cowra LEP 2012 to vary a development standard. This option allows Council to consider a Development Application for a land-use activity (which must be permissible in the current zone) involving a departure from a development standard (such as a minimum lot size) in the LEP. 4. Utilising the provisions of Clause 5.3 of Cowra LEP. This provision would allow Council to consider a Development Application for a land-use activity that is prohibited in the current zone, provided the land-use activity is permissible in an adjoining zone and the land is within 100m of that zone. 5. Waiting for Council to finalise a study, strategic plan, planning proposal or Development Control Plan that would facilitate the desired outcome. <p>The PP has identified that the rezoning of the land from SP2 Infrastructure to E3 Productivity Support (Option 1 above) is the only means of achieving the objectives or intended outcomes (refer Section 6.1 of this report). The PP has not comprehensively explored whether any of the alternate options could be used to achieve the objectives or intended outcomes. Notwithstanding, an assessment of the merits of each alternative option is included below:</p> <ul style="list-style-type: none"> – Additional Permitted Use <p>Council has previously offered advice to the landowner that an Additional Permitted Use is a viable option for consideration. This approach would potentially allow Council to make a more informed assessment of the</p>

	<p>proposed land-use change having regard to site suitability issues and site-specific merit. The PP has chosen not to explore the merits of this option.</p> <ul style="list-style-type: none"> – Clause 4.6 of Cowra LEP 2012 The use of Clause 4.6 of the LEP offers no realistic pathway to achieve the stated objectives and intended outcomes of the PP. The PP is seeking to amend Cowra LEP by enabling a change in the permissible use of the land, not a development standard. – Clause 5.3 of Cowra LEP 2012 The use of Clause 5.3 of Cowra LEP offers no realistic pathway to achieve the stated objectives and intended outcomes of the PP. The adjoining land-use zones within 100m of the site include the R1 General Residential zone and the RE1 Public Recreation zone. Neither of these zones currently permit business related land-use activities. The nearest land-use zone providing for business related land-use activities is the E1 Local Centre zone (which applies generally to the Cowra CBD), however this is approximately 160m from the boundaries of the subject land. – Waiting for Council Waiting for Council to finalise a study, strategic plan, planning proposal or Development Control Plan has limited merit for the site. As mentioned in a previous section of this report, the locational characteristics of the subject land would qualify the site for consideration as part of a future study process to be completed by Council in accordance with the recommendations of Specific Action 1.4 of the Cowra LSPS. On the basis that Council has not committed a timeframe or budget for this study work, this pathway offers no realistic short-term solutions for the landowners to achieve the stated objectives and intended outcomes of the PP. <p>In summary, the PP has nominated a rezoning of the land as the only approach to achieve the stated objectives and intended outcomes. The rezoning of the land is a valid approach to achieve the stated objectives and intended outcomes. The PP is to be assessed on the basis that the E3 Productivity Support zone is proposed for the land with the range of land-use activities currently permitted in that zone being possible future land-use outcomes for the site.</p>
SECTION B – RELATIONSHIP TO STRATEGIC PLANNING FRAMEWORK	
Matter for consideration – Will the PP give effect to the objectives and actions of the applicable regional, or district plan or strategy (including any exhibited draft plans or strategies)?	
PP response	<p>Pages 15 to 17 of the PP provide the following assessment:</p> <p><i>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:</i></p> <p><i>Objective 7 – Plan for resilient places and communities</i></p> <p><i>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.</i></p> <p><i>Objective 18 - Leverage existing industries and employment areas and support new and innovative economic enterprises</i></p> <p><i>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. This site has accessible water from the land adjacent via Council’s infrastructure. This</i></p>

	<p><i>land is to the east of commercial zoned land and is adjacent to a number of hotels and government agencies.</i></p> <p><i>Objective 20 – Protect and leverage the existing and future road, rail and air transport networks and infrastructure</i></p> <p><i>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 Parkes SAP.</i></p> <p><i>Part 5</i></p> <p><i>Cowra Council’s priorities include:</i></p> <ul style="list-style-type: none"> ○ 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 <p><i>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 on from Cowra’s continued growth in agriculture, manufacturing and industry as well as Cowra’s proximity to Canberra.</i></p> <p><i>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.</i></p> <p><i>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.</i></p> <p><i>Collaboration Activity 2 – Identify potential housing and land use planning opportunities from the Parks SAP</i></p> <p><i>Collaboration Activity 12 – surplus TfNSW land for tourism facilities</i></p> <p><i>Collaboration Activity 25 – investigate future uses of the Cowra rail corridors</i></p> <p><i>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.</i></p> <p><i>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.</i></p> <p><i>The current zoning of this land as SP2 Rail Infrastructure facilities does not allow for any redevelopment 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 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.</i></p>
Council Assessment Response	<p>Central West and Orana Regional Plan 2041</p> <p>The Central West and Orana Regional Plan 2041 (CWORP) is the primary guiding document for strategic land-use planning and decision making at a regional level. In particular, the CWORP establishes a strategic framework vision and direction for land-use, addressing future needs for housing, jobs, infrastructure, a healthy environment, access to green spaces and connected communities.</p>

	<p>The PP includes an assessment and details seeking to demonstrate alignment of the project with the following key objectives in the CWORP:</p> <ul style="list-style-type: none"> – Objective 7 – Plan for resilient places and communities. – Objective 18 – Leverage existing industries and employment areas and support new and innovate economic enterprises. – Objective 20 – Protect and leverage the existing and future road, rail and air transport networks and infrastructure. <p>The PP also includes an assessment and details seeking to demonstrate alignment of the project with the following Collaboration Activities in the CWORP:</p> <ul style="list-style-type: none"> – Collaboration Activity 2 – Identify potential housing and land use planning opportunities from the Parkes SAP. – Collaboration Activity 12 – Surplus Transport for NSW (TfNSW) land for tourism activities. – Collaboration Activity 25 – Investigate future uses of the Cowra rail corridors <p><u>Assessment Comments</u></p> <ul style="list-style-type: none"> – No detailed studies or specialist reports have been provided to demonstrate alignment with the identified CWORP objectives or Collaboration Activities and these have not been requested by Council given the project is generally considered to be of local planning significance. – Based on the detail presented in support of the PP, there is no evidence to suggest that the rezoning of the land will facilitate a development outcome that is likely to be of regional planning significance. – A review of the PP against the CWORP confirms that a rezoning of the land from SP2 Infrastructure to E3 Productivity would not create any major inconsistencies with objectives, strategies or actions in the plan. Broadly, the rezoning of the land to enable future commercial land-use would align with Objectives 7, 18 and 20, and would be consistent with the strategic intent of Collaborative Activities 2, 12 and 25. – The Planning Proposal does not create any major inconsistencies with the CWORP.
<p>Matter for consideration – Will the PP give effect to a council’s endorsed local strategic planning statement, or another endorsed local strategy or strategic plan?</p>	
<p>PP response</p>	<p>Pages 17 and 18 of the PP provide the following assessment:</p> <p><i>Whilst this site is not specifically identified in the Cowra LSPS and as mentioned above a number of priorities can be identified to support this strategically located site and its proposed rezoning:</i></p> <p><i>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:</i></p> <p><i>Priority 1 – leverage the central and strategic location of the Cowra Shire and encourage growth and new economic opportunities.</i></p> <p><i>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.</i></p> <p><i>Priority 5- advocate for new development to be supported by appropriate infrastructure.</i></p> <p><i>Specific Actions 5.6 – Council will lobby for the reopening of the Blayney to Demondrille rail line for the benefit of Cowra and surrounds.</i></p> <p><i>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</i></p>

	<i>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.</i>																																											
Council Assessment Response	An assessment of the PP against the Cowra Local Strategic Planning Statement and other relevant strategies / studies has been included in a previous section of this report. Refer to 'Section A – Matter for consideration – is the PP a result of an endorsed local strategic planning statement, strategic study or report?'.																																											
Matter for consideration – Is the PP consistent with any other applicable State or regional studies or strategies?																																												
PP response	The PP repeats the same assessment response given to the question - Will the PP give effect to the objectives and actions of the applicable regional, or district plan or strategy (including any exhibited draft plans or strategies)?																																											
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Note: According to the Guideline, Planning Proposals must provide an assessment of the proposal against the relevant SEPPs and advise on how a proposal may satisfy the requirements of the SEPP.																																												
Preliminary SEPP Evaluation	<table border="1"> <thead> <tr> <th>Name of SEPP</th><th colspan="2">Applicability</th></tr> </thead> <tbody> <tr> <td>SEPP (Biodiversity and Conservation) 2021</td><td><input checked="" type="checkbox"/> Yes – See below for details.</td><td><input type="checkbox"/> No</td></tr> <tr> <td>SEPP (BASIX) 2004</td><td><input type="checkbox"/> Yes – See below for details.</td><td><input checked="" type="checkbox"/> No</td></tr> <tr> <td>SEPP (Exempt and Complying) 2008</td><td><input type="checkbox"/> Yes – See below for details.</td><td><input checked="" type="checkbox"/> No</td></tr> <tr> <td>SEPP (Housing) 2021</td><td><input type="checkbox"/> Yes – See below for details.</td><td><input checked="" type="checkbox"/> No</td></tr> <tr> <td>SEPP (Industry and Employment) 2021</td><td><input type="checkbox"/> Yes – See below for details.</td><td><input checked="" type="checkbox"/> No</td></tr> <tr> <td>SEPP No 65—Design Quality of Residential Apartment Development</td><td><input type="checkbox"/> Yes – See below for details.</td><td><input checked="" type="checkbox"/> No</td></tr> <tr> <td>SEPP (Planning Systems) 2021</td><td><input type="checkbox"/> Yes – See below for details.</td><td><input checked="" type="checkbox"/> No</td></tr> <tr> <td>SEPP (Precincts – Regional) 2021</td><td><input type="checkbox"/> Yes – See below for details.</td><td><input checked="" type="checkbox"/> No</td></tr> <tr> <td>SEPP (Primary Production) 2021</td><td><input type="checkbox"/> Yes – See below for details.</td><td><input checked="" type="checkbox"/> No</td></tr> <tr> <td>SEPP (Resilience and Hazards) 2021</td><td><input checked="" type="checkbox"/> Yes – See below for details.</td><td><input type="checkbox"/> No</td></tr> <tr> <td>SEPP (Resources and Energy) 2021</td><td><input type="checkbox"/> Yes – See below for details.</td><td><input checked="" type="checkbox"/> No</td></tr> <tr> <td>SEPP (Sustainable Buildings) 2022</td><td><input type="checkbox"/> Yes – See below for details.</td><td><input checked="" type="checkbox"/> No</td></tr> <tr> <td>SEPP (Transport and Infrastructure) 2021</td><td><input checked="" type="checkbox"/> Yes – See below for details.</td><td><input type="checkbox"/> No</td></tr> </tbody> </table>		Name of SEPP	Applicability		SEPP (Biodiversity and Conservation) 2021	<input checked="" type="checkbox"/> Yes – See below for details.	<input type="checkbox"/> No	SEPP (BASIX) 2004	<input type="checkbox"/> Yes – See below for details.	<input checked="" type="checkbox"/> No	SEPP (Exempt and Complying) 2008	<input type="checkbox"/> Yes – See below for details.	<input checked="" type="checkbox"/> No	SEPP (Housing) 2021	<input type="checkbox"/> Yes – See below for details.	<input checked="" type="checkbox"/> No	SEPP (Industry and Employment) 2021	<input type="checkbox"/> Yes – See below for details.	<input checked="" type="checkbox"/> No	SEPP No 65—Design Quality of Residential Apartment Development	<input type="checkbox"/> Yes – See below for details.	<input checked="" type="checkbox"/> No	SEPP (Planning Systems) 2021	<input type="checkbox"/> Yes – See below for details.	<input checked="" type="checkbox"/> No	SEPP (Precincts – Regional) 2021	<input type="checkbox"/> Yes – See below for details.	<input checked="" type="checkbox"/> No	SEPP (Primary Production) 2021	<input type="checkbox"/> Yes – See below for details.	<input checked="" type="checkbox"/> No	SEPP (Resilience and Hazards) 2021	<input checked="" type="checkbox"/> Yes – See below for details.	<input type="checkbox"/> No	SEPP (Resources and Energy) 2021	<input type="checkbox"/> Yes – See below for details.	<input checked="" type="checkbox"/> No	SEPP (Sustainable Buildings) 2022	<input type="checkbox"/> Yes – See below for details.	<input checked="" type="checkbox"/> No	SEPP (Transport and Infrastructure) 2021	<input checked="" type="checkbox"/> Yes – See below for details.	<input type="checkbox"/> No
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Does the PP include an assessment of this SEPP?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No																																											
PP response	Pages 21 to 23 of the PP includes the following assessment of the SEPP: <i>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.</i> <i>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:</i> a) <i>it has considered whether the land is contaminated, and</i>																																											

	<p>b) <i>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</i></p> <p>c) <i>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.</i></p> <p><i>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.</i></p> <p><i>Clause 4.6(4) requires a preliminary investigation to be carried out if the land concerned is:</i></p> <ul style="list-style-type: none"> ○ 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. <p><i>In relation to the land which is the subject of this PP the following has been established relating to the issue of any potential contamination:</i></p> <ul style="list-style-type: none"> ○ 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. <p><i>It is therefore concluded that from the assessment and historical knowledge that there is very little 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.</i></p>
Council Assessment Response	<p>The SEPP includes a planning framework that guides development in relation to:</p> <ul style="list-style-type: none"> – Coastal Management – Hazardous and offensive Development – Remediation of Land <p>The provisions in the SEPP relating to remediation of land are generally relevant for consideration. Clause 4.6 of the SEPP requires a consent authority to be consider whether a site is potentially contaminated before determining a development application to carry out development that would involve a change of use of the land.</p> <p>There are no provisions in the SEPP which require such considerations to be made as part of the assessment of a rezoning application. Ministerial Direction 4.4 does however trigger an assessment of this issue and this is included in a further section of this report.</p>

SEPP (Biodiversity and Conservation) 2021	
PP response	Not inconsistent.
Council Assessment response	<p>The SEPP includes a planning framework that guides development in relation to:</p> <ul style="list-style-type: none"> – Vegetation in non-rural areas – Koala habitat protection – River murray lands – Water catchments – Strategic conservation planning <p>In the context of this PP, the provisions in the SEPP relating to vegetation in non-rural areas are relevant for consideration. The SEPP prescribes the specific circumstances when a permit may be required before undertaking the clearing of native vegetation in non-rural areas of the State (which includes land to which PP relates).</p> <p>The site is predominantly cleared of existing vegetation. Isolated trees are observed within the site and within the road reservation, however the PP has not identified whether the vegetation is native or otherwise.</p> <p>The PP has stated that the proposal is not inconsistent with this SEPP, but has not expanded on how the rezoning of the land and future redevelopment of the site (for a purpose that is enabled by the proposed E3 zone) would be capable of addressing the requirements of this SEPP. Further, the PP is not supported by any specialist studies or reports which assess the ecological value of site vegetation.</p> <p>The PP includes limited detail with respect to the future specific use of the land, however it is expected that some minor clearing works are likely to be required as part of any redevelopment scenario in the event that a rezoning was to be supported by Council.</p> <p>Currently, Cowra Council does not have a permit system in place for the clearing of native vegetation in non-rural areas. If the clearing of native vegetation on the subject land was required as part of any future development scenario, this would need to be addressed through the development assessment process to which Part 4 of the Environmental Planning and Assessment Act 1979, including an assessment of the likely environmental impacts of the clearing works. On this basis, it is assessed that the rezoning of the land does not create any inconsistencies with the SEPP.</p>
SEPP (Transport and Infrastructure) 2021	
PP response	<p>Page 21 of the PP includes the following assessment of the SEPP:</p> <p><i>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 develop it and the final use is yet to be determined. The land is currently unusable as it stands and the current zoning prevents development.</i></p> <p>Page 31 of the PP includes the following additional comments relating to the infrastructure matters:</p> <p><i>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.</i></p>
Council assessment response	<p>The SEPP includes a planning framework that guides development in relation to:</p> <ul style="list-style-type: none"> – Infrastructure uses by public and non-public authorities – Educational establishments – Major Infrastructure Corridors – Three Ports – Port Botany, Port Kembla and Port of Newcastle – Moorebank Freight Intermodal Precinct <p>In the context of this PP, the provisions in the SEPP relating to infrastructure uses are relevant for consideration. The SEPP prescribes the circumstances when a consultation with a public authority may be required, and sets out the development control</p>

	<p>framework for infrastructure uses that can be carried out as either exempt development, complying development, development permitted only with consent or development that is permissible without consent.</p> <p>Clause 2.98 includes provision that must be considered when a development is proposed on land that is adjacent to rail corridors. The subject land is adjacent to an existing rail corridor. It will therefore be the case that any assessment process related to the future development of the land will trigger consultation with the TfNSW and consideration of SEPP provisions.</p> <p>Clause 2.119 includes provisions that must be considered when a development is proposed with frontage to a classified road. The subject land has frontage only to Lynch Street (Mid-Western Highway) which is a part of the classified road network. It will therefore be the case that any future development of the land will require access directly to the classified road system and that the assessment process will trigger consultation with TfNSW and consideration of SEPP provisions.</p> <p>The detailed requirements for developing land (that connects to the classified road system or adjoins the rail corridor) are typically worked through as part of the preparation of a Development Application for the specified use of the land. It is however relevant for a PP to consider the key issues to ensure that the land is suitable for its intended purpose. In this regard, a review of the information contained in the PP shows that:</p> <ul style="list-style-type: none"> – The PP has not included any detailed assessment or consideration of the likely access requirements for a future development scenario on the land, should a rezoning occur. – The PP is not supported by any specialist or technical studies which provide an assessment of the suitability of existing access conditions to the classified road or the likely requirements for achieving a safe standard of access to the development. – The PP has not included any evidence of preliminary consultation with TfNSW in relation to site access considerations. – The PP has not included any evidence of preliminary consultation with TfNSW in relation to the adjoining rail corridor. <p>The specific and / or technical requirements for connecting the site to the Mid-Western Highway have not been canvassed in the PP. Notwithstanding, the land does enjoy immediate adjacency to the classified road system and is therefore accessible to local and regional transport and distribution networks (which is a strategic advantage for the site). The key issues for transport and traffic are likely to be focused around the need for safe sight distance, entrance design and capacity of the existing road network to accommodate any anticipated increases in trip movements. The nature, extent and intensity of future land-use on the site has not been explored in the PP, and in this regard the specific requirements for access are not able to be established at this stage. Strategically, the proposal does not raise any major concerns related to transport / traffic interests as relevant to the planning framework in the SEPP.</p>
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Matter for consideration – Is the PP consistent with applicable Ministerial Directions (s9.1 Directions)?

Preliminary Evaluation of S.91 Ministerial Directions	Direction		Applicable to PP?	
	Focus Area 1 – Planning Systems			
	Direction 1.1 – Implementation of Regional Plans		<input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes
	Direction 1.2 – Development of Aboriginal Land Council land		<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes
	Direction 1.3 - Approval and Referral Requirements		<input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes
	Direction 1.4 - Site Specific Provisions		<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes
	Focus Area 1 – Planning Systems – Place-based			
	Directions 1.5 – 1.22 (Place Based)		<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes
	Focus Area 2 – Design and Place – n/a			

	Focus Area 3 – Biodiversity and Conservation		
	Direction 3.1 - Conservation Zones	<input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes
	Direction 3.2 - Heritage Conservation	<input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes
	Direction 3.3 - Sydney Drinking Water Catchments	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes
	Direction 3.4 - Application of C2 and C3 Zones and Environmental Overlays in Far North Coast LEPs	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes
	Direction 3.5 - Recreation Vehicle Areas	<input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes
	Direction 3.6 - Strategic Conservation Planning	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes
	Direction 3.7 - Public Bushland	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes
	Direction 3.8 - Willandra Lakes Region	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes
	Direction 3.9 - Sydney Harbour Foreshores and Waterways Area	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes
	Direction 3.10 - Water Catchment Protection	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes
	Focus Area 4 – Resilience and Hazards		
	Direction 4.1 - Flooding	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes
	Direction 4.2 - Coastal Management	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes
	Direction 4.3 - Planning for Bushfire Protection	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes
	Direction 4.4 - Remediation of Contaminated Land	<input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes
	Direction 4.5 - Acid Sulfate Soils	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes
	Direction 4.6 - Mine Subsidence and Unstable Land	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes
	Focus Area 5 – Transport and Infrastructure		
	Direction 5.1 - Integrating Land Use and Transport	<input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes
	Direction 5.2 - Reserving Land for Public Purposes	<input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes
	Direction 5.3 - Development Near Regulated Airports and Defence Airfields	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes
	Direction 5.4 - Shooting Ranges	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes
	Focus Area 6 – Housing		
	Direction 6.1 - Residential Zones	<input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes
	Direction 6.2 - Caravan Parks and Manufactured Home Estates	<input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes
	Focus Area 7 – Industry and Employment		
	Direction 7.1 - Business and Industrial Zones	<input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes
	Direction 7.2 - Reduction in non-hosted short-term rental accommodation period	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes
	Direction 7.3 - Commercial and Retail Development along the Pacific Highway, North Coast	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes
	Focus Area 8 – Resources and Energy		
	Direction 8.1 - Mining, Petroleum Production and Extractive Industries	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes
	Focus Area 9 – Primary Production		
	Direction 9.1 - Rural Zones	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes
	Direction 9.2 - Rural Lands	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes

	Direction 9.3 - Oyster Aquaculture	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes
	Direction 9.4 - Farmland of State and Regional Significance on the NSW Far North Coast	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes
	Note. Where it has been identified in the preliminary evaluation above that a Ministerial Direction applies to the PP, a more detailed assessment is included in the sections below.		
Section 9.1 Ministerial Direction 1.1 – Implementation of Regional Plans			
Does the PP include an assessment of this Direction?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
PP response	Pages 23 of the PP includes the following assessment of the Direction: <i>N/A</i>		
Council Assessment Response	<p>The Direction applies when preparing a Planning Proposal for land to which a Regional Plan has been released by the Minister for Planning.</p> <p>All land within the Cowra LGA is land to which the Central West and Orana Regional Plan 2041 relates. An assessment of the PP against the Regional Plan has been included in a prior section of this report and revealed no major inconsistencies.</p>		
Section 9.1 Ministerial Direction 1.3 – Approval and Referral Requirements			
Does the PP include an assessment of this Direction?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
PP response	Page 23 of the PP includes the following assessment of the Direction: <i>Yes</i>		
Council Assessment Response	<p>In summary, the Direction requires that the PP must:</p> <ul style="list-style-type: none"> – Minimise the inclusion of provisions that require the concurrence, consultation or referral of development applications to a Minister or Public Authority. – Not contain provisions requiring concurrence, consultation or referral of a Minister or public authority unless the relevant planning authority has obtained the approval of the appropriate Minister and the Planning Secretary. <p>The PP is not inconsistent with the requirements of the Direction. The rezoning proposal will not introduce new concurrence, consultation or referral provisions. In the context of the subject land, such provisions already exist under various SEPP's (for example the Transport and Infrastructure SEPP) based on the locational characteristics of the land. The proposed rezoning would not impact on the existing concurrence / referrals framework.</p>		
Section 9.1 Ministerial Direction 3.1 – Conservation Zones			
Does the PP include an assessment of this Direction?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
PP response	Page 23 of the PP includes the following assessment of the Direction: <i>No.</i>		
Council Assessment Response	<p>The Direction applies to all relevant planning authorities when preparing a Planning Proposal and therefore must be considered as part of the assessment of the PP.</p> <p>In summary, the Direction requires that the PP must:</p> <ul style="list-style-type: none"> – Include provisions that facilitate the protection and conservation of environmentally sensitive areas. – With respect to land in a conservation zone (or land otherwise identified for environment conservation / protection purposes in a LEP), not reduce the conservation standards that apply to the land. <p>The PP is not inconsistent with the requirements of the Direction. The following assessment comments are made:</p>		

	<ul style="list-style-type: none"> – The land is not identified in any known environmental planning instrument as land being for environment conservation / protection purposes. – The land is not mapped in Cowra Local Environmental Plan 2012 as and containing environmentally sensitive land (including vulnerable groundwater, terrestrial biodiversity, or karst systems). – The Cowra LEP 2012 contains special provisions 7.3 to 7.6 which apply to environmentally sensitive lands. The PP does not propose to remove or alter these provisions. <p>The PP is not inconsistent with the requirements of the Direction.</p>
Section 9.1 Ministerial Direction 3.2 – Heritage Conservation	
Does the PP include an assessment of this Direction?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
PP response	<p>Pages 23 to 26 of the PP include the following assessment of the Direction:</p> <p><i>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.</i></p> <p><i>Additionally, a search of the Aboriginal heritage Information System has been undertaken and there is no AHIM's sites within 100m of this land.</i></p> <p><i>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. 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:</i></p> <p><i>All infrastructure, vegetation and archaeological relics in Cowra yard between the up and down distant signals.</i></p> <p><i>All infrastructure and vegetation included in the former Cowra locomotive depot.</i></p> <p><i>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...</i></p> <p><i>There are no heritage items on the subject land.</i></p> <p><i>Comments</i></p> <p><i>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.</i></p> <p>Page 31 of the PP includes the following assessment of the Direction:</p> <p><i>The State Heritage item adjacent to the west will not be affected by any development on this site.</i></p>
Council Assessment Response	<p>In summary, the Direction requires that the PP must facilitate the conservation of:</p> <ul style="list-style-type: none"> – items, places, buildings, works, relics, moveable objects or precincts of environmental heritage significance to an area, in relation to the historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value of the item, area, object or place, identified in a study of the environmental heritage of the area,

	<ul style="list-style-type: none"> – Aboriginal objects or Aboriginal places that are protected under the National Parks and Wildlife Act 1974, and(c) Aboriginal areas, Aboriginal objects, Aboriginal places or landscapes identified by an Aboriginal heritage survey prepared by or on behalf of an Aboriginal Land Council, Aboriginal body or public authority and provided to the relevant planning authority, which identifies the area, object, place or landscape as being of heritage significance to Aboriginal culture and people. <p>An initial screening of the PP was completed by Council prior to application being accepted for assessment on the NSW Planning Portal. This screening process identified the need for the PP to provide additional assessment work relating to:</p> <ul style="list-style-type: none"> – the potential impacts of the proposal on the State Heritage Listed Cowra Railway Station and Yard Group (Item 9 of Schedule 5 of Cowra LEP 2012), and – demonstrated consistency of the proposal with the requirements of Ministerial Direction 3.2. <p>The amended PP includes additional detail relating to the above matters.</p> <p>An assessment of Non-Indigenous and Indigenous Heritage is included as follows:</p> <ul style="list-style-type: none"> – Non-Indigenous Heritage <p>Given the immediate adjacency of the site to the Cowra Railway Station and Yard Group, an assessment is required to be completed to determine the likely impacts of the proposal on this State Heritage listed site.</p> <p>A copy of the inventory description for the Cowra Railway Station and Yard Group is included in Attachment E to this report, which includes the following details:</p> <ul style="list-style-type: none"> - Statement of Significance - Physical Description of the curtilage, buildings, structures, plant and equipment and landscape elements to which the listing relates. - More detailed descriptions for specific items including the Railway Station, District Locomotive Engineers Office, Amenities Building, Signal Box, Water Tank and Column at Station, Water Tanks at Depot, as well as the Former Station Masters Residence <p>Attachment E also includes a map showing the location of the subject site in relation to the listing. This is necessary for context as the map in the PP fails to clearly show the spatial extent of the Cowra Railway Station and Yard Group listing in relation to the subject site.</p> <p>The Cowra Railway Station and the Water Tank and Column are the two items which are located in close proximity to the subject land. The Water Tank and Column (in particular), are located immediately adjacent to the south-eastern boundary of the subject land. The Ministerial Direction places an obligation on the Planning Proposal to demonstrate that the rezoning would facilitate the conservation of these items.</p> <p>The impact assessment in the PP is not provided in the form of a technical study prepared by a qualified heritage professional. The proponent has also not requested advice from Council’s Heritage Advisor (Mr David Scobie) in relation to the rezoning, and as a result the PP does not feature any technical input from a qualified heritage professional.</p> <p>As part of the preparation of this assessment report, Council’s Heritage Advisor, Mr David Scobie, has been asked to review the PP and a copy of his report is included in Attachment F. In summary, the Heritage Advisor has identified specific sections of the PP where the impact assessment would benefit from additional detail, but raises no significant issues with the rezoning proposal on the basis that most issues are able to be further investigated and addressed as part of a more detailed site and building design process associated with the preparation and lodgement of a DA with Council for the future use of the land.</p> <p>The proposal is assessed to be consistent with the requirements of Ministerial Direction 3.2 on the basis that:</p>
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	<ul style="list-style-type: none"> - The rezoning of the land will not facilitate a planning outcome that results in direct impact to items of the natural or built environment that are known to be of local or state heritage significance. - The PP does not propose to remove or alter any existing provisions in Cowra LEP 2012 which aim to conserve heritage. - The Council's Heritage Advisor has reviewed the PP and does not raise any objections to the rezoning of the land. - A more detailed impact assessment can be performed as part of the assessment of a Development Application for the future use of the land. <p>The PP has not included any evidence of preliminary consultation with TfNSW (as landowner to the Cowra Railway Station) or NSW Office of Environment and Heritage. Further consultation with relevant agencies is expected to be a requirement of the Gateway Determination.</p> <ul style="list-style-type: none"> - Indigenous Heritage The PP includes a basic-level assessment of aboriginal cultural heritage matters, with the stated findings supported only by reference to searches of the AHIMS database and not through evidenced based site investigations or technical / specialists' studies. The PP states that an AHIMS search has not indicated the presence of culturally significant items or sites within 100m of the subject land. This assessment is consistent with records held by Cowra Council. - A visual inspection of the site reveals a disturbed / modified environment associated with historical land-use. Given the disturbed nature of the site, it is considered to be unlikely that any items of Aboriginal heritage would be discovered on the land. - The level of assessment work completed in the PP relating to non-indigenous heritage is brief but adequate having regard to the scope of the proposal, the findings of the desktop investigations and the observations made through a visual inspection of the site. The need for a more thorough site investigation and / or completion of further technical studies by suitably qualified persons is not considered necessary in the circumstances. In relation to the requirements of Ministerial Direction 3.2, there is no evidence to suggest at this stage that the rezoning of the land would impact significantly on matters of Aboriginal cultural heritage significance. 	
Section 9.1 Ministerial Direction 3.5 – Recreation Vehicle Areas		
Does the PP include an assessment of this Direction?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
PP response	Page 26 of the PP includes the following assessment of the Direction: <i>No</i>	
Council Assessment Response	<p>This direction applies to all relevant planning authorities when preparing a planning proposal.</p> <p>In summary, the Direction requires that a Planning Proposal must not enable land to be developed for the purpose of a recreation vehicle area where the land:</p> <ul style="list-style-type: none"> - is within a conservation zone, or - comprises a beach or a dune adjacent to or adjoining a beach, or where the land is not within either of these areas without first taking into account specific guidelines associated with Recreational Vehicles Areas. <p>It is assessed the PP is consistent with the requirements of this Direction, as it is not seeking the land to be designated as a Recreational Vehicle Area.</p>	
Section 9.1 Ministerial Direction 4.4 – Remediation of Contaminated Land		
Does the PP include an assessment of this Direction?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No

PP response	Page 27 of the PP includes the following assessment of the Direction: <i>No.</i>
Council Assessment Response	<p>The Direction applies when a planning proposal authority prepares a planning proposal that applies to:</p> <ul style="list-style-type: none"> – land that is within an investigation area within the meaning of the Contaminated Land Management Act 1997, – 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, – the extent to which it is proposed to carry out development on it for residential, educational, recreational or childcare purposes, or for the purposes of a hospital – land: <ul style="list-style-type: none"> ○ in relation to which there is no knowledge (or incomplete 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 (or incomplete knowledge). <p>In order to determine whether the Ministerial Direction applies to this PP, the following notes are relevant:</p> <ul style="list-style-type: none"> – Council records do not show that the land is within an investigation area within the meaning of the Contaminated Land Management Act 1997. – Council records indicate that the land has been used for a historical purpose referred to in Table 1 of the contaminated land planning guidelines. Council has formed this opinion based on the following: <ul style="list-style-type: none"> ○ The site features on a map of the Cowra Rail Yard in 1946, Pg. 6. “Lines to the Lachlan” by rail historian Lawrance Ryan. ○ In the vicinity of the site is the former Railway Barracks, which has since been dismantled in 1985. ○ Council records also show the current Lot 2 DP 1028751 was created by a subdivision approved by Council in accordance with DA 282/2000. The file shows that this land was formerly used for rail infrastructure purposes and included land used as part of the rail freight terminal depot located on the adjoining site immediately to the north. ○ An old access road to the freight terminal depot area still clearly traverses the site. The freight terminal depot was used as a rail freight distribution centre in connection with the railway line until it closed in the late 1980s. The building had various development uses over the last 40 years. <p>On the basis of the above, it is assessed that Ministerial Direction No. 4.4 does apply to the planning proposal.</p> <p>In summary, the Direction requires that the PP must:</p> <ul style="list-style-type: none"> – Not include in a particular zone any land to which the Direction applies if the inclusion of the land in that zone would permit a change of use of the land, unless Council has considered whether the land is contaminated, and if so that the land is either suitable in its current state for purposes allowed in the zone, or that the land is remediated to be made suitable for those purposes. – Provide Council with a report the findings of a preliminary investigation of the land carried out in accordance with the contaminated land planning guidelines. <p>An initial screening of the PP was completed by Council prior to application being accepted for assessment on the NSW Planning Portal. This screening process identified the need for the PP to be supported by a preliminary investigation in accordance with the contaminated land planning guidelines to confirm whether the land is potentially contaminated as a result of the historic use of the land for railway yard purposes (as described above). The applicant has chosen not to provide a Preliminary Site Investigation, instead relying only on desktop-based investigations (presented on Pages 21 to 23 of the PP).</p>

	<p>Without further information from the applicant in the form of a Preliminary Site Investigation, the PP has not adequately demonstrated that the rezoning of the land is consistent with the requirements of Ministerial Direction 4.4.</p> <p>This issue has been discussed with the Western Regional planning team at NSW Department of Planning and Environment (DPE). Should the rezoning be supported by Council and DPE, the proponent can expect that a Preliminary Site Investigation will be conditioned as a requirement of any Gateway Determination. The findings of the Preliminary Site Investigation (including any requirements for remediation of the land) will therefore be considered at the next step in the plan making process.</p> <p>Despite the land-use history known to be linked to the subject land, the preliminary investigations in the PP and Council's own site investigations indicate that the likelihood of significant contamination occurring at the site is low. In the circumstances, it is considered acceptable to deal with potential contamination risk as part of the Gateway process.</p>	
Section 9.1 Ministerial Direction 5.1 – Integrating Land-use and Transport		
Does the PP include an assessment of this Direction?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
PP response	There are no changes to any road or public transport proposed by this rezoning.	
Council Assessment Response	<p>This direction applies to all relevant planning authorities when preparing a planning proposal that will create, alter or remove a zone or a provision relating to urban land, including land zoned for residential, employment, village or tourist purposes.</p> <p>It is assessed that Ministerial Direction 5.1 does apply as the PP will create land zoned for employment purposes.</p> <p>The objectives of Direction 5.1 are to ensure that a relevant Planning Proposal:</p> <ul style="list-style-type: none"> – improves access to housing, jobs and services by walking, cycling and public transport, and – increases the choice of available transport and reducing dependence on cars, and – reduces travel demand including the number of trips generated by development and the distances travelled, especially by car, and – supports the efficient and viable operation of public transport services, and – provides for the efficient movement of freight. <p>In summary, the direction requires a planning proposal to include provisions that give effect to and are consistent with the aims, objectives and principles of:</p> <ul style="list-style-type: none"> – Improving Transport Choice – Guidelines for planning and development (DUAP 2001), and – The Right Place for Business and Services – Planning Policy (DUAP 2001). <p>A Planning Proposal may be inconsistent with the terms of this direction only if the planning Authority can satisfy that:</p> <ul style="list-style-type: none"> – is justified by a strategy approved by the Planning Secretary which: <ul style="list-style-type: none"> ○ gives consideration to the objective of this direction, and ○ identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites), or – Is justified by a study prepared in support of the planning proposal which gives consideration to the objective of this direction, or – is in accordance with the relevant Regional Strategy, Regional Plan or District Plan prepared by the Department of Planning and Environment which gives consideration to the objective of this direction, or – of minor significance. <p>The Guidelines generally encourage new commercial areas to be well located and designed having regard to established principles relating to integrated land-use and transport planning.</p>	

	<p>The PP relates to a zoning that is site specific. The need for an integrated approach to land-use and transport planning is not considered to be critical given the nature, scale and location of the proposal. The site directly adjoins the Mid Western Highway and is therefore accessible to key transportation networks.</p> <p>An assessment of the PP against the objectives and principles of the two referenced guideline documents indicates that the rezoning is generally satisfactory and that any inconsistencies are capable of being justified on the grounds of minor significance.</p>	
Section 9.1 Ministerial Direction 5.2 – Reserving Land for Public Purposes		
Does the PP include an assessment of this Direction?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Council Assessment Response	<p>This direction applies to all relevant planning authorities when preparing a planning proposal.</p> <p>The objectives of this direction are to:</p> <ul style="list-style-type: none"> – facilitate the provision of public services and facilities by reserving land for public purposes, and – facilitate the removal of reservations of land for public purposes where the land is no longer required for acquisition. <p>In summary, the Ministerial Direction requires that the PP must not create, alter or reduce existing zonings or reservations of land for public purposes without the approval of the public authority.</p> <p>The PP proposes a rezoning of the site from SP2 Infrastructure to E3 Productivity Support. The proposal does not relate to land that is reserved for a public purpose in Cowra LEP 2012 or any other relevant environmental planning instrument.</p> <p>The PP is not inconsistent with the requirements of Ministerial Direction 5.2</p>	
Section 9.1 Ministerial Direction 6.1 – Residential Zones		
Does the PP include an assessment of this Direction?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
PP response	<p>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.</p>	
Council Assessment Response	<p>This Direction applies to all relevant planning authorities when preparing a planning proposal that will affect land within an existing or proposed residential zone (including the alteration of any existing residential zone boundary), or any other zone in which significant residential development is permitted or proposed to be permitted.</p> <p>The PP is proposing the rezone the land from SP2 Infrastructure to E3 Productivity Support. The PP is seeking to enable a future use of the land that has a commercial / industrial focus, and whilst the chosen Land-use Zone (E3) will permit development for the purposes of a single residential dwelling on the subject land, this is not considered to be 'significant residential development'. In addition, the E3 zone is not a residential based zoning. On this basis, further consideration of the PP against Ministerial Direction 6.1 is not considered to be necessary. Any inconsistencies are assessed to be of minor significance.</p>	
Section 9.1 Ministerial Direction 6.2 – Caravan Parks and Manufactured Home Estates		
Does the PP include an assessment of this Direction?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Council Assessment Response	<p>This direction applies to all relevant planning authorities when preparing a planning proposal, except:</p> <ul style="list-style-type: none"> – Crown land reserved or 	

	<ul style="list-style-type: none"> land dedicated for any purposes under the Crown Land Management Act 2016, except Crown land reserved for accommodation purposes, or land dedicated or reserved under the National Parks and Wildlife Act 1974 <p>The objectives of the Ministerial Direction are to:</p> <ul style="list-style-type: none"> provide for a variety of housing types, and provide opportunities for caravan parks and manufactured home estate. <p>In summary, the Ministerial Direction requires the PP to retain provisions and zonings that permit development for the purposes of caravan parks on land.</p> <p>The PP proposes a rezoning of the site from SP2 Infrastructure to E3 Productivity Support. Development for the purposes of a caravan park is currently not permissible in either zone and the PP does not propose to change this permissibility.</p> <p>The PP is not inconsistent with the requirements of Ministerial Direction 5.2</p>
Section 9.1 Ministerial Direction 7.1 – Employment Zones	
Does the PP include an assessment of this Direction?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
PP response	<p>Page 23 of the PP includes the following assessment of the Direction:</p> <p><i>Any future development on this site subsequent to the rezoning will likely provide employment, increase the total potential floor space and support the continued viability of Cowra.</i></p>
Council Assessment Response	<p>This direction applies to all relevant planning authorities when preparing a planning proposal that affects land within an existing or proposed Employment zone (including the alteration of any existing Employment Zone boundary). The Direction therefore applies to this PP.</p> <p>The objectives of this direction are to:</p> <ul style="list-style-type: none"> encourage employment growth in suitable locations, protect employment land in employment zones, and support the viability of identified centres. <p>The Ministerial Direction requires a Planning Proposal to:</p> <ul style="list-style-type: none"> give effect to the objectives of this direction, retain the areas and locations of Employment zones, not reduce the total potential floor space area for employment uses and related public services in Employment Zones. not reduce the total potential floor space area for industrial uses in E4, E5 and W4 zones, and ensure that proposed employment areas are in accordance with a strategy that is approved by the Planning Secretary. <p>An assessment of the PP against the requirements of this Direction reveals the following inconsistency:</p> <ul style="list-style-type: none"> The rezoning proposes new employment land that is not in accordance with a strategy approved by the Planning Secretary (such as the Cowra Local Strategic Planning Statement or Cowra Shire Land-use Strategy). <p>The PP may be inconsistent with the terms of the Ministerial Direction only if the relevant planning authority can satisfy the Planning Secretary that:</p> <ul style="list-style-type: none"> it is justified by a strategy approved by the Planning Secretary. it is justified by a study (prepared in support of the planning proposal) which gives consideration to the objective of this direction, or it is in accordance with the relevant Regional Strategy, Regional Plan which gives consideration to the objective of this direction, or is of minor significance. <p>In the case of this PP, the rezoning proposal relates to a single lot, and the merits of rezoning the site are largely based around site-specific issues, rather than a response to broader strategic initiatives or frameworks for employment lands developed by Council.</p>

	<p>The rezoning proposal is therefore not strictly in accordance with a Strategy that has been endorsed by the Planning Secretary (such as the LSPS or the Cowra Shire Land-use Strategy).</p> <p>The site is not identified as belonging to an important employment precinct in Cowra, but it is also not significantly disconnected from nearby employment lands (Cowra CBD). Given the single-lot nature of the rezoning proposal, the size of the holding, and the location of the site, it is considered unlikely that the future development of the land for an employment purpose would compromise the objectives of the Ministerial Direction relating to encouraging employment growth in suitable locations, protecting employment lands, and / or supporting the viability of centres. The existing zoning framework for the E3 zone (chosen for this site) includes a number of objectives designed to ensure new developments are (1) compatible with, but do not compete with, land uses in surrounding local and commercial centres (such as the Cowra CBD), and (2) maintain the economic viability of local and commercial centres by limiting certain retail and commercial activity.</p> <p>On the basis of the assessment findings above, any inconsistency of the PP with the requirements of Ministerial Direction 7.1 are considered to be justified on the grounds of minor significance.</p>
SECTION C – ENVIRONMENTAL, SOCIAL AND ECONOMIC IMPACT	
Matter for consideration – 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?	
PP response	<p>Pages 23 and 24 of the PP includes the following assessment:</p> <ul style="list-style-type: none"> – 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. – 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 Golf Club. – The Biodiversity Conservation Act 2016 lists a number of Threatened species in NSW. Generally speaking, most species require food trees and habitat is usually found in forests and woodlands, swamps and wetlands.
Council Assessment Response	<p>The desktop assessment presented in the PP is accepted and is generally considered to be sufficient having regard to the following considerations:</p> <ul style="list-style-type: none"> – The site is predominantly cleared, with isolated trees observed to be located on the land and within the road reservation. – The site is not mapped in Cowra LEP 2012 as being of biodiversity significance. – Council has not requested specialist studies, report or investigations to determine likely impacts on critical habitat, threatened species, populations or ecological communities. – The PP includes limited detail with respect to the future specific use of the land, however it is expected that some clearing works are likely to be required as part of any redevelopment scenario should a rezoning be supported by Council. Currently, Cowra Council does not have a permit system in place for the clearing of native vegetation in non-rural areas. If the clearing of native vegetation on the subject land was required as part of any future development scenario, this would need to be addressed through the development assessment process to which Part 4 of the Environmental Planning and Assessment Act 1979, including an assessment of the likely environmental impacts of the clearing works. <p>On the basis of the above, it can be concluded that the rezoning of the land would not pose a high risk of significantly impact on critical habitat, threatened species, populations or ecological communities, or their habitats.</p>

Matter for consideration – Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?	
Natural Hazards	
PP response	<p>Page 25 of the PP includes the following assessment:</p> <p><i>The site is not identified on the Cowra Shire Bushfire Prone Land Map.</i></p>
Council Assessment Response	<p>Planning assessment confirms that the land is not impacted by natural hazards including bushfire or flooding. Further detailed investigations are not deemed to be necessary. The proposal to rezone the land from SP2 Infrastructure to E3 Productivity Support is not inappropriate because of any natural hazards affecting the land.</p>
Land-use Conflict	
PP response	<p>Page 25 of the PP includes the following assessment:</p> <p><i>Land use conflict can be managed in a number of ways, but this depends on the type of use and this will be determined after the rezoning and at 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.</i></p> <p><i>As mentioned above the site was never used as part of the rail infrastructure and has remained vacant.</i></p>
Council Assessment Response	<p>The PP is proposing a rezoning of the land from SP2 Infrastructure to E3 Productivity Support.</p> <p>An assessment is required to determine the likelihood that the future intended use of the land (for a purpose enabled by the new E3 zoning) would result in unacceptable or unmanageable land-use conflict issues having regard to the nature of existing and / or planned land-use in the vicinity of the subject land.</p> <p>The following observations are documented relating to the nature of surrounding land-use:</p> <ul style="list-style-type: none"> – Land immediately opposite the subject land is zoned R1 General Residential. Single storey residential development predominates on the western side of the Mid Western Highway, but there is also an existing commercial motel accommodation facility located opposite the subject land. – Land generally on the eastern side of the Mid Western Highway forms part of the corridor belong to the Blayney to Demondrille Railway. Currently, this rail line is not operational, however the re-opening of the line continues to be the subject of further investigations and advocacy of Council and other interested stakeholders. – The Cowra Railway Station and Yard Group is located to the south west. – The site is located on the eastern edge of the zoned area relating to the Cowra Central Business District. The nearest existing commercial property is the site of the former Cowra Plasterworks, approximately 200m from the subject land. – The nearest community facility is the Cowra TAFE on College Drive, however this is generally not within line-of-sight proximity to the subject land. – Apart from the potential re-activation of the Cowra to Demondrille Railway, there are no known major projects (public or private) planned in locations that adjoin or which are nearby to the subject land. <p>As assessment of key issues is as follows:</p> <ul style="list-style-type: none"> – The subject land is located within an area that comprises of mix of existing land-use activities including residential, commercial and infrastructure uses. There is no one particular dominant use. – Land-use conflict issues related to noise, traffic and visual impact are difficult to assess at rezoning stage as the specific future specific use of the land is not known.

	<ul style="list-style-type: none"> At a strategic level, the site is not deemed to be unsuitable for the range of land-use activities that are permissible under the existing framework for the E3 Productivity Support zone in Cowra LEP 2012. Given the current zoning of the land is for SP2 Infrastructure, the rezoning proposal is unlikely to exacerbate any risk that the site will be developed for a purpose that is inappropriate for the location and setting of the land. <p>On the basis of the above, there are no significant concerns associated with the rezoning proposal in terms of land-use conflict.</p>
Heritage	
PP response	<p>Page 25 of the PP includes the following assessment:</p> <p><i>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 is no AHIM's sites within 100m of this land.</i></p>
Council Assessment Response	<p>An assessment of the key issues related to indigenous and non-indigenous heritage has been included in a previous section of this report dealing with the requirements of Ministerial Direction 3.2. The assessment concluded that:</p> <ul style="list-style-type: none"> The PP has demonstrated that the rezoning of the land is consistent with the requirements of Ministerial Direction 3.2. The level of assessment work completed in the PP relating to non-indigenous heritage is adequate having regard to the scope of the proposal, the findings of the desktop investigations and the observations made through a visual inspection of the site. The need for a more thorough site investigation and / or completion of further technical studies by suitably qualified persons is not considered necessary. A further opportunity will be available at DA stage to assess any specific site related impacts on Non-Indigenous and Indigenous Heritage.
Water & Soils	
PP response	<p>Page 25 of the PP includes the following assessment:</p> <p><i>The site is not identified on the Cowra and Gooloogong Floodplain Risk Management Plan.</i></p>
Council Assessment Response	<p>A review of the existing planning framework applying to the land confirms that:</p> <ul style="list-style-type: none"> The land is not impacted by flooding. A small part of the land is mapped in Cowra LEP 2012 as containing vulnerable groundwater resources. The source of the vulnerable groundwaters is likely to be associated with the nearby Waugoola Creek. The land is not mapped as containing other environmentally sensitive land or water resources. <p>Given the urban setting of the land, water and soil impacts are not identified to be primary environmental issues associated with the assessment of the rezoning proposal. Council has not requested specialist studies, report or investigations to determine likely impacts on water and soils. Strategic level assessment confirms that the land is not impacted by flooding, environmentally sensitive land or significant water resources (noting that vulnerable groundwater resources are known to exist in the locality). There are no significant concerns associated with the rezoning proposal in terms of water and soils.</p>
Traffic & Transport	
PP response	<p>Page 25 of the PP includes the following assessment:</p> <p><i>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.</i></p>

Council Assessment Response	<p>The subject land has frontage only to Lynch Street (Mid-Western Highway) which is a part of the classified road network. It will therefore be the case that any future development of the land will require access directly to the classified road system.</p> <p>The detailed requirements for developing land that connects to the classified road system are typically worked through as part of the preparation of a Development Application for the specified use of the land. It is however relevant for a PP to consider the key issues to ensure that the land is suitable for its intended purpose. In this regard, a review of the information contained in the PP shows that:</p> <ul style="list-style-type: none"> – The PP has chosen not to include any detailed assessment or consideration of the likely access requirements for a future development scenario on the land, should a rezoning occur. – The PP is not supported by any specialist or technical studies which provide an assessment of the suitability of existing access conditions to the classified road or the likely requirements for achieving a safe standard of access to the development. – The PP has not included any evidence of preliminary consultation with TfNSW in relation to site access considerations. <p>The PP is generally lacking in information that enables a detailed assessment of the likely traffic and transport issues associated with the intended future use of the land. The specific and / or technical requirements for connecting the site to the Mid-Western Highway have not been canvassed in the PP. Notwithstanding, the land does enjoy immediate adjacency to the classified road system and is therefore accessible to local and regional transport and distribution networks (which is a strategic advantage for the site). The key issues for transport and traffic are likely to be focused around the need for safe sight distance, entrance design and capacity of the existing road network to accommodate any anticipated increases in trip movements. The nature, extent and intensity of future land-use on the site has not been explored in the PP, and in this regard the specific requirements for access are not able to be established at this stage. Strategically the proposal does not raise any major concerns related to transport and traffic.</p>
Utilities and Services	
PP response	<p>Page 25 of the PP includes the following assessment:</p> <p><i>Utilities - there are a number of alternatives for connection to water sewer and stormwater which will be finalised at 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.</i></p> <p><i>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.</i></p> <p><i>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 a number of 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.</i></p>
Council Assessment Response	<p>The subject land exists as vacant unserviced land. A more specific account of the existing servicing arrangements to the subject land is included as follows:</p> <ul style="list-style-type: none"> – The land does not currently have an existing connection to Council's reticulated water supply system. According to Council's asset management system, the nearest water supply main is located on the opposite side of the Mid Western Highway.


	<ul style="list-style-type: none"> – The land does not currently have an existing connection to Council’s gravity sewerage supply network. According to Council’s asset management system, the subject land is located within Cowra Township’s gravity sewer network catchment, and the nearest gravity-fed reticulated sewer main is approximately 160m to the north. – The land does not currently have an existing connection to grid electricity. This infrastructure is the responsibility of Essential Energy and not Cowra Shire Council. A check of Essential Energy’s Network Information Portal shows that the electricity distribution network (in the vicinity of the subject land) is focused along the western side of the Mid Western Highway. – Stormwater is currently unmanaged with overland flow discharging to the rail corridor along the eastern boundary of the site. <p>Without connection to urban services, the land is generally considered to be unsuitable for most types of development which are to be enabled for the site by the rezoning proposal.</p> <p>Whilst the PP has not been supported by specific plans or details, the applicant has broadly considered likely infrastructure and servicing requirements for the project, and has concluded that connection to urban services is possible subject to further engineering investigation and designs being completed as part of the preparation and lodgement of a Development Application for the land.</p> <p>The PP has been referred to Cowra Infrastructure and Operations for comment on the likely requirements for water, sewer, stormwater and access provision to the site. The comments are detailed in a further section of this assessment report. Council’s engineering assessment confirms that that whilst the PP is deficient in terms of detailed plans and specifications relating to the connection of urban services, the site is located within the catchment area for critical infrastructure (water, sewer and stormwater) and that connection of these services is operationally possible subject to further investigations and third-party consent being procured (as necessary) over adjoining land.</p> <p>Based on the above, the rezoning of the subject land is capable of strategic support from Council. The detailed requirements for connecting the land to urban infrastructure, utilities and services is to be further investigated as part of the preparation lodgement of a Development Application with Council, at which time the specific needs of the chosen land-use will be further known.</p>
Matter for consideration – Has the planning proposal adequately addressed any social and economic effects?	
PP response	<p>Page 25 of the PP includes the following assessment:</p> <p><i>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 as 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.</i></p>
Council Assessment Response	<p>The potential social and economic benefits of the rezoning proposal have been canvassed within the PP. There are no specialist reports or studies which explore the potential benefits in detail.</p> <p>The development potential of the site is limited by the existing range of permissible uses currently available to the land under the SP2 Infrastructure zone. To be clear, only land-use activities which are ‘ordinarily incidental or ancillary to’ development for railway infrastructure purposes are currently allowed on the site.</p> <p>As privately-owned land (and having considered the current status of the Blayney to Demondrille Railway), the current zoning is unlikely to encourage the redevelopment of the site for a purpose that realises positive social and economic benefits to Cowra. A rezoning of the land (to E3 Productivity Support) would allow for a range of permissible land-use activities including residential / commercial / light industrial, community and recreation type activities. At a broad level, a change to the land-use zoning for the land could:</p>

	<ul style="list-style-type: none"> – Increase the development potential of the land, by enabling a greater range of permissible land-use activities on the land. – Stimulate interest in the land from private developers. – Encourage privately-led infrastructure investment at the site and within the surrounding location. – Enable the land to be utilised for potential employment generating activity. – Result in positive social and / or economic development for the Cowra Township through the development of the site for suitable purpose. <p>In summary, the current zoning of the land is posing a significant limitation on the development potential for the land. The rezoning of the site will enable a greater range of land-use options to be considered for the land, which may have positive and social impacts for the site and for Cowra more generally.</p>
SECTION D – LOCAL STATE AND COMMONWEALTH INTERESTS	
Matter for consideration – Is there adequate public infrastructure for the planning proposal?	
PP response	The applicant has commented there are a number of different options for the provision of water, sewer and stormwater connections which have not yet been investigated and that they wish to proceed with re-zoning, saying there is enough information and adequate public infrastructure in the immediate vicinity to allow this re-zoning to proceed.
Council Assessment Response	<p>A referral of the PP has been provided to Council's Infrastructure and Operations with a request for a preliminary engineering assessment of the proposal. The following comments were received:</p> <p><u>Sewer</u></p> <ul style="list-style-type: none"> – The PP does not include any detail which indicates preferred option for connection of the site to Council's gravity sewerage supply system. – The PP does not include on the likely future specific use of the land, and does not include any early estimations on the likely number of Equivalent Tenements (ETs) likely to be generated by a future redevelopment of the land. – The Campbell Street Pump Station has enough storage capacity for possible upstream developments, including this site. – Preliminary investigation indicates that a potential option for connection would involve an extension from the existing 150mm conc sewer retic main opposite Short St, connecting Lynch St to Campbell St. Further investigations would be required to confirm that depths and grades of the infrastructure are suitable. Connection to this infrastructure would require the procurement of an easement over land that is not included in the PP and this is not addressed in the application documentation. – Depending on the future use of the land, a Liquid Trade Waste agreement with Council would likely be required. <p><u>Reticulated Water.</u></p> <ul style="list-style-type: none"> – The PP does not include any detail which indicates preferred option for connection of the site to Council's reticulated water supply system. – The PP is not supported by any specialist studies or reports that investigate the capacity of the existing water supply system to service the future development of the site. – Modelling of existing water supply infrastructure in the location of the development would be required as part of a future development proposal. <p><u>Stormwater</u></p> <ul style="list-style-type: none"> – The PP does not include any detail which indicates preferred option for managing stormwater generated from the land to the public drainage system.

	<ul style="list-style-type: none"> – There is an existing underground stormwater pipe connecting from Short Street to the stormwater inlet pit that is located next the former Freight Terminal Building on the adjoining land to the north of the subject site. Stormwater is subsequently discharged to Crown Land east of the rail yard, then on to Waugoola Creek. – Connection to this infrastructure would require the procurement of an easement over land that is not included in the PP and this is not addressed in the application documentation. <p><u>Access</u></p> <ul style="list-style-type: none"> – The site has frontage to Lynch Street (Mid Western Highway) which forms part of the classified road system. – The PP does not include any detailed information to support an assessment of the likely access needs for a future development proposal. Site inspection indicates the land falls away from Lynch Street at grades that may create difficulties for achieving suitable access to the land. Further investigations are required to determine specific design requirements. – There is currently no footpath on the eastern side of Lynch Street. Further investigations would be required as part of a future development scenario to determine potential for suitable connections of the site to Kendal Street. <p>In summary, the site is located within an existing urban area and within the catchments for potential connections to key services and utilities including Council's reticulated water supply system, gravity sewerage supply system and public stormwater drainage system.</p> <p>While the PP itself has not included detailed assessment of key issues relating to infrastructure capacity and specific requirements for connecting including the likely need to procure service easements of adjoining land that does not form part of the application, a combination of the site's size and location, plus Council's own investigations, show provision is possible via more than one method.</p>
Matter for consideration – What are the views of state and Commonwealth public authorities consulted in accordance with the Gateway determination?	
PP response	The PP has not included any evidence of preliminary consultation having been completed with state / commonwealth agencies.
Council Assessment Response	<p>Council anticipates that consultation with the following agencies (as a minimum) would be conditioned by NSW DPE should the rezoning proceed to Gateway Determination:</p> <ul style="list-style-type: none"> – Transport for New South Wales (TfNSW) – Transport Asset Holding Entity – UGL Regional Linx, as the manager of all operations and maintenance on the Country Regional Network in NSW. – NSW Office of Environment and Heritage (OEH)
6.4. Part 4 – Maps	
Does the PP include mapping in accordance with Part 4?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
PP response	<p>Page 32 of the PP includes the following assessment:</p> <p><i>Mapping has been provided.</i></p>
Council Assessment Response	<p>According to the LEP Plan Making Guideline, the following map information is generally required to support a PP:</p> <ul style="list-style-type: none"> – Map of the subject site and immediate surrounds.

	<ul style="list-style-type: none"> – Map of the current zoning. – Map of current development standards. – Map of any alternative zone(s) if a change is proposed. – Maps illustrating changes of development standards if a change is proposed. – Map of extent of a proposed heritage conservation area. – Map of a location of a specific heritage item. – Map of extent of native vegetation and validated regionally important environmental values. – Map of extent of an environmental conservation area. – Map of an area to which a local provision will apply. – Maps with additional material such as aerial photographs clearly identifying the subject site. <p>The PP was initially submitted with the following map detail:</p> <ul style="list-style-type: none"> – Map extracts from Cowra LEP 2012 showing the terrestrial biodiversity resources, vulnerable groundwater resources, riparian lands and watercourses located in the vicinity of the subject land. – A copy of Deposited Plan 1028751 relating to the subject land. – An extract of Council's mapping system indicating the location of gravity sewerage supply assets in the vicinity of the subject land. <p>The following maps were subsequently submitted to Council on 30 August 2023:</p> <ul style="list-style-type: none"> - Map showing the existing zoning for the land under Cowra LEP 2012. - Map showing the proposed zoning for the land under the PP. <p>As part of the assessment of this PP, Council has also prepared the following maps:</p> <ul style="list-style-type: none"> – Map of the subject site in relation to the adjacent State Heritage listed Cowra Railway Station and Yard Group, – Locality map, and – Aerial view map. <p>Having compared the PP to the requirements of the Guideline, the standard of supporting maps is generally sufficient to give context in relation to the spatial setting of the land within the Cowra Township and the nature of the proposed changes to Cowra LEP 2012.</p>
6.5. Part 5 – Community Consultation	
Does the PP include an assessment of Part 5?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
PP response	<p>Page 32 of the PP includes the following assessment:</p> <p><i>Consultation has been undertaken with 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 DA stage. .</i></p>
Council Assessment Response	<p>Should Council resolve to support the rezoning proposal, the application will need to be submitted to the NSW Department of Planning and Environment with a request for a Gateway Determination. Should a Gateway Determination be issued, it is expected that the determination will specify the minimum public exhibition requirements for the proposal. Special conditions may also be applied requiring further studies or reports to be submitted prior to community consultation occurring.</p> <p>In accordance with the Cowra Community Participation Plan 2020, Planning Proposals are required to be placed on public exhibition for a mandatory timeframe of 28 days or any other timeframe specified in the Gateway Determination.</p>
6.6. Part 6 – Project Timeline	

Does the PP include an assessment of Part 6?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	
PP response	The PP has not provided estimated timeframes for the project, other than to list the Department's targets for standard planning proposals.		
Council Assessment Response	<p>Council considers that the PP would fall into the Complex Category having regard to the criteria established in the NSW DPE Local Environmental Plan Making Guideline.</p> <p>Benchmark timeframes differ between Standard and Complex Planning Proposals, being generally longer for a Complex proposal.</p> <p>Council expects that a realistic timeframe for the project would be as follows:</p> <ol style="list-style-type: none"> 1. Submission of PP to Cowra Shire Council –June 2023 2. Council Assessment / Council Resolution –November 2023 3. Submission to Gateway – Mid December 2023 4. DPE Gateway Assessment – Late January 2024 5. DPE Gateway Determination – Late January 2024 6. Post Gateway (action any required conditions) – April 2024 7. Public exhibition and assessment – May-June 2024 8. Finalisation (preparation of LEP and Maps) – August 2024 		
7. Summary			
Part 1	Has the Planning Proposal adequately addressed the requirements of Part 1 of the Guideline?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Part 2	Has the Planning Proposal adequately addressed the requirements of Part 2 of the Guideline?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Part 3	Has the Planning Proposal adequately addressed the requirements of Part 3 of the Guideline?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Part 4	Has the Planning Proposal adequately addressed the requirements of Part 4 of the Guideline?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Part 5	Has the Planning Proposal adequately addressed the requirements of Part 5 of the Guideline?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Part 6	Has the Planning Proposal adequately addressed the requirements of Part 6 of the Guideline?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Comments	<p>Assessment Summary</p> <p>A detailed assessment of the PP has been completed against the following legislative / policy requirements as documented in this report:</p> <ul style="list-style-type: none"> – Part 3, Division 3.4 of the Environmental Planning and Assessment Act 1979. – Local Environmental Plan Making Guide – August 2023, prepared by NSW Department of Planning and Environment. – Relevant Section 9.1 Ministerial Directions. <p>Having regard to the above, the Planning Proposal has been assessed on the basis of the information provided to date and a recommendation is to be made that Council supports the submission of the Planning Proposal to the NSW Department of Planning for Gateway Determination.</p>		
8. Recommendation(s)			
Recommendation(s)	<ol style="list-style-type: none"> 1. That Council notes PP-2023-884 submitted by applicant John Sarlas and dated November 2023 (Rev 4) which seeks to amend Cowra Local Environmental Plan 2012 by rezoning Lot 2 DP I028751 from SP2 Infrastructure to E3 Productivity Support; and 2. That Council supports PP-2023-884 for submission to NSW Department of Planning & Environment for Gateway Determination in accordance with Section 3.34 of the Environmental Planning and Assessment Act 1979. 		

	<p>3. That Council notifies the applicant of its decision to support PP-2023-884 for Gateway Determination.</p> <p>4. That Council submits PP-2023-884 to NSW Department of Planning & Environment with a request for Gateway Determination in accordance with Section 3.34 of the Environmental Planning and Assessment Act 1979.</p>
Assessment Officer	Janine Finlayson 
Date of Decision	14 November 2023
Authorised Delegate	Land-use Planner
Date	14 November 2023

Attachment A

Land-use Table to Cowra LEP 2012 – SP2 Infrastructure Zone

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

Land-use Table to Cowra LEP 2012 – E3 Productivity Support Zone

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

Attachment B – Copies of Council correspondence to applicant requesting Additional Information

See following pages.

Your Ref: PP-2023-884

5 June 2023

Bethlehem Investments – John Sarlas
PO Box 100
LIVERPOOL NSW 1871
johnsarlas@bigpond.com

Dear Sir/Madam,

**Re: Planning Proposal PP-2023-884 – Lynch Street, Cowra
Lot 2 DP 1028751**

On 17 March 2023, Council wrote to you with a request for the provision of additional information in support of your Planning Proposal to rezone Lot 2 DP 1028751 from SP2 Infrastructure to E4 Productivity Support. A copy of this letter is attached for your ease of reference.

As a result of Council's written request on 17 March 2023, a revised Planning Proposal was received by Council via the NSW Planning Portal on 29 April 2023. Council notes that the date of the Planning Proposal is marked 'February 2023 – Rev 2'.

Please be advised that Council's planning team has performed a review of the updated Planning Proposal to determine whether it contains sufficient information to allow an assessment of relevant matters in accordance with:

- The requirements of the Division 3.4 of the NSW Environmental Planning and Assessment Act 1979, and
- Local Environmental Plan Making Guideline prepared by NSW Department of Planning, Industry and Environment, dated September 2022.

Council remains of the opinion that the Planning Proposal contains insufficient detail pertaining to a number of key planning issues. Further assessment work is required to be incorporated into the Planning Proposal, including:

- A more detailed assessment of the rezoning proposal against relevant Section 9.1 Ministerial Directions, and where an inconsistency is identified – appropriate justifications. Council's preliminary assessment indicates that the Planning Proposal may create an inconsistency with Direction 4.4 (relating to the need for a preliminary site investigation) that has not yet been resolved and that further

assessment is required to demonstrate consistency with Directions 3.2, 5.1, 6.1 and 7.1.

- The Planning Proposal has not adequately demonstrated that the subject land is capable of being serviced with key infrastructure and utility services required to support the future use of the land for purposes that are consistent with and permissible in the E4 Productivity Support zone. Whilst the Planning Proposal has detailed the findings of a desktop-based investigation to determine the nearest locations of Council's gravity sewer system, an assessment is still required to demonstrate that adequate arrangements to service the land with water, sewer, electricity and access can be achieved.
- More detailed mapping relating to the project including a locality map, existing zoning / lot size map and a proposed zoning / lot size map. The provision of suitable mapping is necessary to ensure that the subject land is appropriately identified within the existing context and setting of the land and to ensure that there is clarity in relation to the nature and scope of changes being proposed to Cowra Local Environmental Plan 2012. The provision of adequate mapping will also support the necessary stakeholder engagement processes.
- Cowra Council has not been provided with owners consent for the lodgement of the Planning Proposal. Please upload a copy to the NSW Planning Portal.

I have also provided, as an attachment to this letter, a list of matters that have been identified by NSW Department of Planning and Environment as part of an early engagement process initiated by Council. These matters are again provided for your information, and highlight some of the relevant issues that are likely to be assessed by the Department, should the project reach the stage where a Gateway Determination is required. Please note that Council supports the Department's views on these matters and suggests that these issues are appropriately considered as part of any updates to the Planning Proposal.

Please provide advice to Council within 21 days of the date of this request as to whether you intend to complete further work on the Planning Proposal, or whether you wish for Council to accept the Planning Proposal for assessment on the NSW Planning Portal and determine the application on the basis of the information that has already been provided.

Should you have any further questions in relation to this matter, please contact me through Council's Environmental Services Department on (02) 6340 2040.

Yours faithfully,



Janine Finlayson
Land-use Planner

Attachment I - Summary of DPE Comments / Issues

- a) The subject site is within the Blayney-Demondrille Railway Corridor. The Central West and Orana Regional Plan 2041 (Objective 20) identifies this to be one of the railway corridors to be reactivated. The Planning Proposal should consider whether the subject land will likely be reacquired by TfNSW/TAHE as part of the reactivation, and whether the rezoning would have any potential impacts in terms of the reactivation project.
- b) In accordance with Ministerial Direction 7.1, further assessment is required to determine whether the E3 Productivity Support zoning is appropriate for the site and its impacts to the surrounding properties. The Planning Proposal should consider whether the rezoning is consistent with all relevant strategic documents of Council including the LSPS and the Cowra Shire Land-use Strategy. Where inconsistencies are identified, strategic and site-specific merit needs to be addressed. The following matters are relevant for consideration:
 - i. Supply and demand for E3 zoned land
 - ii. Why is this the best land for E3 zoned land
 - iii. Adequate infrastructure provision.
 - iv. Potential impacts onto the State Heritage Item *19 Cowra Railway Station and yard group*
 - v. Consideration of the nature of the likely uses desired for the site once it has been rezoned
- c) In accordance with Ministerial Direction 4.4, a preliminary site investigation is required as the subject land is/was associated with railway yards, being a purpose identified in Table I of the Managing Land Contamination Guidelines.
- d) Prior to the request for Gateway Determination, the Planning Proposal should adequately demonstrate that appropriate infrastructure and service connections can be achieved for the land.
- e) A detailed locality map is to be inserted in the planning proposal. The locality map as well as other maps are to clearly display the subject land.
- f) The planning proposal is to consider the potential intensification of traffic and any road infrastructure upgrades that may be required as a result of the proposed rezoning.

Your Ref: PP-2022-4111

17 March 2023

Bethlehem Investments – John Sarlas
PO Box 100
LIVERPOOL NSW 1871
johnsarlas@bigpond.com

Dear Sir/Madam,

**Re: Planning Proposal PP-2022-4111 – Lynch Street, Cowra
Lots 2 DP 1028751**

Thank you for the opportunity to provide additional feedback, research & commentary for PP-2022-4111 to rezone land at Lynch Street, Cowra (Lot 2 DP 1028751) from SP2 Rail Infrastructure Facilities to E3 Productivity Support (B5 Business Development & B7 Business Park).

Council wishes to stress that to assist you with providing a document that can be supported throughout the entirety of the Planning Proposal process, it has sought preliminary feedback from multiple agencies, including the Department of Planning & Environment (DPE Western Region), Transport for New South Wales (TfNSW), Transport Asset Holding Entity (TAHE) and UGL Regional Linx.

DPE & Cowra Council wish to reiterate that proponents should undertake scoping proposals as the first stage of any Planning Proposal process, as per LEP Making Guideline 2022 (pg. 19), to enable the provision of strategic and site merit feedback as well as the likely requirements for a subsequent planning proposal.

As this has not been undertaken in this instance, Council has endeavoured to assist the applicant & has undertaken preliminary consultation with relevant agencies to better inform the applicant's decision-making process.

As part of this effort to assist the applicant with their proposal (PP), DPE has offered the following preliminary advice:

DPE has raised concerns regarding the proposed E3 Productivity Support zoning and whether it is considered appropriate for the site given the potential impacts on surrounding properties.

As acknowledged by the PP, the proposal is not the specific result of a strategic planning policy, however its author cites several local and strategic planning objectives to highlight it is consistent with these local & regional planning policies.

DPE advises that if the PP is not a result of a strategic planning documents, it needs to demonstrate strategic and site-specific merit as required under Direction 7.1(1)(e) of the s9.1 Ministerial Directions.

For your assistance, please find this direction below:

A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Planning Secretary (or an officer of the Department nominated by the Secretary) that the provisions of the planning proposal that are inconsistent are:

- (a) justified by a strategy approved by the Planning Secretary, which: i. gives consideration to the objective of this direction, and ii. identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites), or*
- (b) justified by a study (prepared in support of the planning proposal) which gives consideration to the objective of this direction, or*
- (c) in accordance with the relevant Regional Strategy, Regional Plan or District Plan prepared by the Greater Cities Commission or the Department of Planning and Environment which gives consideration to the objective of this direction, or Local Planning Directions*
- (d) of minor significance.*

DPE has advised Council that it needs to ensure the PP proposal has significant considerations and detailed discussions of all the relevant matters of the Central West and Orana Regional Plan 2041, s9.1 Ministerial Directions and LSPS.

DPE also raised:

- i. Supply and demand for E3 zoned land
- ii. Why is this the best land for E3 zoned land
- iii. Adequate infrastructure provisions for the land (certainty should be demonstrated at PP stage)
- iv. Potential impacts onto the State Heritage Item I9 Cowra Railway Station and yard group – *Council notes the information provision in the PP*
- v. Consideration of the nature of the likely uses desired for the site once it has been rezoned

It is DPE's, as well as Cowra Council's view, that preliminary investigations into whether water, stormwater & sewer can be connected are integral to proving the site can operate under the proposed new zoning. Council stresses it is not the intention that this needs to be completed as part of the PP, but at a minimum, written evidence needs to be shown that preliminary discussions with the adjoining landowner indicate that the above infrastructure

provisions can be achieved where consent is required for works and/or easements on adjoining land.

Council has been advised it needs to be certain the site can be adequately serviced prior to proceeding to Gateway determination especially as DPE believes that TfNSW/TAHE typically does not permit easements through its properties.

This need for demonstration is also supported by Attachment C – Supporting Technical Information of the LEP Making Guidelines, which outlines how a utility and infrastructure servicing strategy that addresses the current capacity and future needs of the proposal is likely to be required for a Standard PP such as yours.

Other advice from DPE includes:

- A preliminary site investigation is required under Direction 4.4 of the s9.1 Ministerial Directions as the subject land is/was associated with railway yards. Council also notes its own records indicate the current lot was the creation of land formerly housing rail infrastructure and land from the freight terminal depot to the north (DA 282/00)
- A detailed locality map is to be inserted in the planning proposal. The locality map as well as other maps are to clearly display the subject land.
- The planning proposal is to consider the potential intensification of traffic and any road infrastructure upgrades that may be required as a result of the proposed E3 zone. As the PP will be subject to agency consultation, it is strongly advised that preliminary discussion with TfNSW would assist the author in its decision-making.
- The PP states owner's authority to lodge as attached, however a search of the document or the portal application could not locate this document.

Please note that the abovementioned matters are preliminary advice and is not an exhaustive list. The Department may request further information should the planning proposal proceed to Gateway determination.

I hope these additional comments are of assistance. Please do not hesitate if you would like to contact myself direct and discuss. We welcome the opportunity to assist with this site. Please advise Council of your intentions regarding the PP within 7 days or the application will be returned.

Yours faithfully,



Janine Finlayson
Land-use Planner

Your Ref: PP-2022-4111

3 February 2023

Mr John Sarlas
PO Box 100,
Liverpool NSW 1871
johnsarlas@bigpond.com

Dear Sir/Madam,

Re: Additional Information - Planning Proposal PP-2022-4111

A preliminary assessment has been undertaken of the Planning Proposal for the aforementioned property.

For your convenience, I provide Council's comments and responses to Planning Proposal PP-2022-4111 (the Proposal) in line with key planning issues.

Please refer to the attached document giving detailed advice and feedback. I encourage you to review Department Guidelines:

[Local Environmental Plan Making Guideline – September 2022 \(nsw.gov.au\)](https://www.nsw.gov.au/local-environmental-plan-making-guideline)

We also strongly suggest seeking assistance from a planning consultant if you choose to amend your proposal. I would be happy to meet with you either on-site or at Council's Customer Service Centre to discuss this information and/or answer any questions that you may have regarding this letter. Department of Planning and Environment's preliminary feedback will also be sought and passed on.

Yours faithfully,



Janine Finlayson
Land-use Planner

Planning Proposal PP-2022-4111 – Lot 2 DP 1028751 Lynch Street Cowra

Matrix analysis comparing preparation guidelines to information so far provided

Planning proposal part	What Planning Proposal 2022-4111 (PP) says:	What preparation guidelines says has to be achieved:
Part 1 – Objectives and intended outcomes	PP provides a Statement of Objectives and intended outcome. <ul style="list-style-type: none"> Rezone the subject land from SP Rail Infrastructure Facilities to Zone E3 Productivity Support under the Cowra Local Environment Plan 2021 (LEP). 	A statement of the objectives of the proposed instrument
Part 2 – Explanation of provisions	PP provides an Explanation of Provisions	An explanation of the provisions that are to be included in the proposed instrument
Part 3 – Justification of strategic and site-specific merit		
3. 1 Is the planning proposal a result of an endorsed LSPS, strategic study or report?	No. Referred to in PP. PP does cite Cowra LSPS 2020 and Central West Orana Regional Plan 2036 (now outdated, 2041 plan needs to be referenced) as broadly supporting in concept/context. LSPS Priority 1 Specific Action 1.4 Priority 5 Specific Action 5.6	<p>Explain the context of the planning proposal</p> <p>If the proposal aims to give effect to, or is the product of, a local planning priority or action in a LSPS endorsed by the Planning Secretary or delegate and/or assured by the GSC, or Department endorsed or approved local strategy (such as a Local Housing Strategy), this should be clearly outlined and described to justify the proposal</p> <p>If the proposal implements the outcomes of a strategic study or report of some kind, the nature of the study and its key findings should be briefly explained to justify the proposal. A copy of the study or report (or relevant parts) should be submitted with the planning proposal and ultimately form part of the public exhibition material</p>

3. 2 Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?	PP cites yes, rezoning is the only way to achieve the intended outcomes.	Review alternative approaches to achieve or give effect to the objectives or intended outcomes. This may include seeking to vary applicable development standards via clause 4.6 of the relevant LEP, waiting for council to finalise a study and/or separate planning proposal or whether the outcome could be achieved through an amendment to a development control plan It should be evident from this assessment that the proposed approach is the best, most efficient and most time-effective approach to delivering the desired outcome
3. 3 Will the planning proposal give effect to the objectives and actions of the applicable regional or district plan or strategy (including any exhibited draft plans or strategies)?	PP cites the Central West Orana Regional plan 2036 (<i>now outdated</i>). Citations include: Region an important freight & logistics centre (Goal 1, Direction 12, Goal 3 and Cowra priorities. PP cites Regional Plan which refers to Cowra as a broader strategic location. Note - this PP citation is generally referring to Cowra, not site specific. PP then identifies: Goal 1, Direction 10, 12. Goal 3. PP cites re-zoning will help the site meets these objectives.	Regional and district plans and strategies include objectives, directions, planning priorities and specific actions for a range of different matters relevant to that region, district and LGA. These plans and strategies may include specific housing and employment targets and/or identify regionally important natural resources, transport networks and social infrastructure. A planning proposal should provide an explanation and justification of how the planning proposal is consistent with the applicable directions, priorities and actions. If a planning proposal is inconsistent with an objective and/or action within these documents, sufficient justification should be also included in the planning proposal • The relationship between the planning proposal and strategic plan or strategy needs to be outlined and whether the proposal will give effect to the plans and/or strategies. Mapping may be provided to demonstrate how a proposal will give effect to the priorities or actions under a regional or district plan • At a minimum, the planning proposal should address the assessment criteria for strategic merit
Part 3.4 Is the planning proposal consistent with a council LSPS that has been	PP confirms the site and re-zoning potential not specifically identified in the Cowra LSPS.	Demonstrate how the planning proposal is consistent with the relevant council's LSPS that has been endorsed by the Planning Secretary (or assured by the GSC). Relevant matters

<p>endorsed by the Planning Secretary or GSC, or another endorsed local strategy or strategic plan?</p>	<p>However, cites a number of priorities in the Cowra LSPS as broadly speaking could be applied to this site.</p> <p>PP cites Specific Action 1.4 – Council will investigate the potential suitability of amending Cowra LEP 2012 to enable the efficient, orderly and practical use of land adjoining main road corridors for a range of purposes.</p> <p>Also cites Priorities 1 & 5.</p> <p>See below for further comment.</p>	<p>should be identified and the relationship of the planning proposal to those matters discussed</p> <ul style="list-style-type: none"> • Where there is no endorsed LSPS, another local strategy or local strategic plan may be considered • The status of any strategy, plan or LSPS should be considered in the planning proposal – draft, adopted by council, endorsed by the Planning Secretary, etc. An example is an approved local housing strategy. A planning proposal that gives effect to a local strategy that has been endorsed/approved by the Planning Secretary would be expected to be supported • Local strategies or local strategic plans endorsed by the Planning Secretary or delegate also provide the opportunity to justify or detail how environmental issues (such as those set out in section 9.1 Directions) may be addressed
<p>Part 3.5 Is the planning proposal consistent with any other applicable State and regional studies or strategies?</p>	<p>PP says not inconsistent with any other regional study or strategy.</p> <p>Council comment – needs detailed consideration of the relevant objectives of the Central West and Orana Regional Plan 2041 (<i>not 2036 – outdated</i>) including but not limited to the following:</p> <ol style="list-style-type: none"> Objective 7: Plan for resilient places and communities Objective 18: Leverage existing industries and employment areas and 	<p>Demonstrate how the proposal is consistent with any other relevant State or regional study or strategy – for example. Future Transport Strategy 2056, Cumberland Conservation Plan, Net Zero Plan, Water Resource Plan, State Infrastructure Strategy, A 20 Year Economic Vision for Regional NSW</p>

	<p>support new and innovative economic enterprises</p> <p>c. Objective 20: Protect and leverage the existing and future road, rail and air transport networks and infrastructure</p> <p>i. Collaboration Activity 25</p> <p>d. Part 5: Local government priorities – Cowra</p>	
Part 3.6 Is the planning proposal consistent with applicable SEPPs?	<p>PP says there are 11 SEPPs and is not inconsistent</p> <p>Council comment – contamination risk. Refer to Contaminated Land Guidelines. Site is a former railway yard, listed as an Activity that May Cause Contamination. Preliminary site investigation to satisfy the requirements of Resilience and Hazards SEPP 2021.</p>	<p>Provide an assessment of the proposal against relevant SEPPs</p> <ul style="list-style-type: none"> • It may be necessary to provide preliminary advice in relation to how the proposal can satisfy the requirements of a SEPP or for example, State Environmental Planning Policy (Infrastructure) 2007 requires that certain trip-generating proposals must be referred to Transport for NSW for advice • Mapping may be provided in the planning proposal to identify SEPPs relevant to the proposal
Part 3.7 Is the planning proposal consistent with applicable Ministerial Directions (section 9.1 Directions)?	<p>PP says it is consistent with applicable Ministerial Directions.</p> <p>Council comment - No actual assessment against relevant 9.1 directions given – needs to be provided.</p>	<p>The Minister may issue directions regarding the content of LEPs, to the extent that the content must achieve or give effect to particular principles, aims, objectives or policies set out in those directions²⁸</p> <ul style="list-style-type: none"> • Assess against relevant section 9.1 Directions
Part 3.8 Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats,	<p>Unknown – not addressed in PP.</p> <p>Council comment – need to identify any potential via mapping, etc, reference links, to eliminate potential.</p>	<ul style="list-style-type: none"> • Identify if the land subject to the proposal has the potential to contain critical habitat or threatened species, populations or ecological communities, or their habitat

will be adversely affected because of the proposal?		
Part 3.9 Are there any other likely environmental effects of the planning proposal and how are they proposed to be managed?	<p>Unknown – not addressed adequately in PP.</p> <p>Council comment -</p> <ul style="list-style-type: none"> • Sewerage management. • Contamination management, former land-use as railway yards • Stormwater impact on nearby infrastructure (rail corridor, main highway) • Strategies to minimise land-use conflict – Residential zone immediately adjacent • Scope of these investigations should be identified in the planning proposal • Detailed information is to be provided in relation to the site's location, history, surrounding land uses and settlement pattern. 	<p>Environmental effects unique to a planning proposal may not be addressed in the strategic planning framework. These matters may be identified in informal guidelines, codes or policies prepared by other public authorities and government agencies. Environmental effects may include natural hazards such as flooding, land slip, bushfire hazard, etc</p> <ul style="list-style-type: none"> • The planning proposal should identify any other environmental effects and prepare information or undertake investigations to address an identified matter • Scope of these investigations may be identified in the planning proposal and may need to be undertaken to inform the Gateway determination
Part 3.10 Has the planning proposal adequately addressed any social and economic effects?	<p>Unknown – not addressed adequately in PP.</p> <p>Council comment –</p> <ul style="list-style-type: none"> • Impact of commercial land on adjacent residential needs to be identified for preliminary investigation. • Impact of economic benefits to rezoning needs to be addressed – see adjacent column – is there a shortage of commercial land in Cowra? If so, how will this rezoning assist? Etc • Conflict considering close proximity of the rail line should be addressed. 	<p>Identify effects on items or places of non-Aboriginal or Aboriginal cultural heritage not already addressed elsewhere</p> <ul style="list-style-type: none"> • Estimate the number of jobs or housing growth (e.g. construction/post-construction and housing diversity) • Identify the impact on existing social infrastructure, such as schools and hospitals • Identify the need for public open space or impacts on green infrastructure • Identify the impact on existing retail centres

	<ul style="list-style-type: none"> • Heritage item in immediate vicinity not addressed 	<ul style="list-style-type: none"> • Identify measures to mitigate any adverse social or economic impacts, where necessary, and whether additional studies are required • Identify any proposed public benefits
Part 3.11 Is there adequate public infrastructure for the planning proposal?	<p>No. The PP does not clearly identify all infrastructure missing from the site, nor potential mechanisms/strategies to addresses these shortfalls.</p> <p>Council comment</p> <ul style="list-style-type: none"> • Site not serviced by reticulated water. Reticulated water on adjoining lot. • Site not serviced by sewer system. PP raises presence of internal sewer line nearby at Cowra Railway Station and the possibility of it being a connection to main/Council infrastructure solution, however does not properly investigate the feasibility i.e. suitability of infrastructure, negotiations with owners, implications of easements, etc. The PP should clearly indicate the steps needed to investigate this possibility. • Transport for NSW/access/State Controlled road. The PP does not clearly outline what, if any consultation/seeking of preliminary views has been undertaken. • Stormwater – the PP does not clearly indicate strategies to address this infrastructure shortfall. 	<p>Generally, this applies where the planning proposal includes development that will, or is likely to, require the provision of, or increase the demand for, public facilities and services</p> <ul style="list-style-type: none"> • Address whether existing infrastructure is adequate to serve or meet the needs of the proposal and how any predicted shortfall in infrastructure provision could be met • Undertake studies required to identify the extent of any infrastructure shortfall, potential mechanisms or strategies to address any shortfall and which agencies have been consulted as part of that process • The proponent/PPA is to identify what local and regional infrastructure may be needed • For planning proposals likely to place additional demands on public infrastructure, it is important to undertake consultation with the public authorities and government agencies responsible for the provision of that infrastructure. The Gateway determination will confirm whether a local contributions plan is required to be exhibited with the planning proposal and require regular feedback on the progress of finalizing an infrastructure strategy and high-level costs • For planning proposals, a local contributions plan may be required. Liaison with the council is necessary

	<ul style="list-style-type: none"> Clarify whether the rail line adjoining the site is disused and whether there is likely potential for the rail line to be reinstated and its implications to the site 	
Part 3.12 What are the views of state and federal public authorities and government agencies consulted in order to inform the Gateway determination?	<p>Unknown. Not addressed in PP. No preliminary views provided.</p> <p>Council comment –</p> <ul style="list-style-type: none"> High need for Transport for NSW feedback, both for highway access, as an owner of a lot with a form of sewer access proposed as a possible idea to investigate, as a general neighbour and as the owner of a nearby Heritage Item. <p>Agencies identified as needing preliminary views/consultation</p> <ul style="list-style-type: none"> Cowra Council water provision investigation Transport for NSW (rail corridor) Transport for NSW (Mid Western Highway Access) Transport for NSW (heritage Item – Cowra Railway Station) Transport for NSW – owner of land identified as having sewer infrastructure which may provide a sewer connection (Cowra Railway Station) Essential Energy 	<p>One of the aims of the LEP making process is to reduce the number of unnecessary referrals to government agencies. The planning proposal should nominate the state and federal agencies to be consulted and outline the matters that have triggered the need for the referral. Consultation will be confirmed by the Gateway determination</p> <ul style="list-style-type: none"> The proponent or PPA should get preliminary views of any state or federal agency prior to submitting a planning proposal and include them in this section including any preliminary issues raised. This should include any scope of additional information/ investigations, evidence of consultation and any agreement in relation to the progression of the planning proposal
Part 4 – Maps – existing and proposed maps, where relevant, to identify the effect of the planning proposal and the area to which it applies	Mapping and imagery not consistent with DPE guidelines.	According to DPE guidelines, mapping must be consistent with the Department's Standard Technical Requirements for Spatial Datasets and Maps using the same format, symbology, labelling and appropriate map scale.

Part 5 – Community consultation – details of consultation undertaken with Government agencies, council or other authorities, and community consultation that is to be undertaken on the planning proposal postGateway and during exhibition	No community consultation presented, not other attempt of answering Part 5.	According to DPE guidelines, Part 5 must be addressed. See link provided for full details.
Part 6 – Project timeline – project timeline to detail the anticipated timeframe for the LEP making process	No project timeline presented, not any other attempt to answer Part 6.	According to DPE guidelines, Part 6 must be addressed. See link provided for full details.

Attachment C – Property Location Map



Figure 1. Aerial view of the locality surrounding the subject site, Lot 2 DP 1028751.

Attachment D – Photographic Record from Site Inspection



Figure 2. Looking southwest from the western boundary, along the Mid Western Highway frontage.



Figure 3. Looking northeast across the adjacent rail corridor and further, Waugoola Creek and Campbell Street.



Figure 4. Looking northwest from the middle of the block.



Figure 5. Looking southwest from the northern area of the block.



Figure 6. Looking west from the middle of the block, towards the Mid Western Highway. Land use is a motel & dwellings.



Figure 7. Looking southeast, from the northwestern boundary corner.



Figure 8. From the northeastern boundary corner to the southwest, showing the plateau effect of the lot's middle section.



Figure 9. From the centre of the site, looking north, over the rail corridor.



Figure 10. The electrical pole is on the rail land to the immediate north. The remains of the Rail Freight Depot building can be seen.



Figure 2. Looking northwest. View shows the drop off from the immediate western boundary to the site's centre.

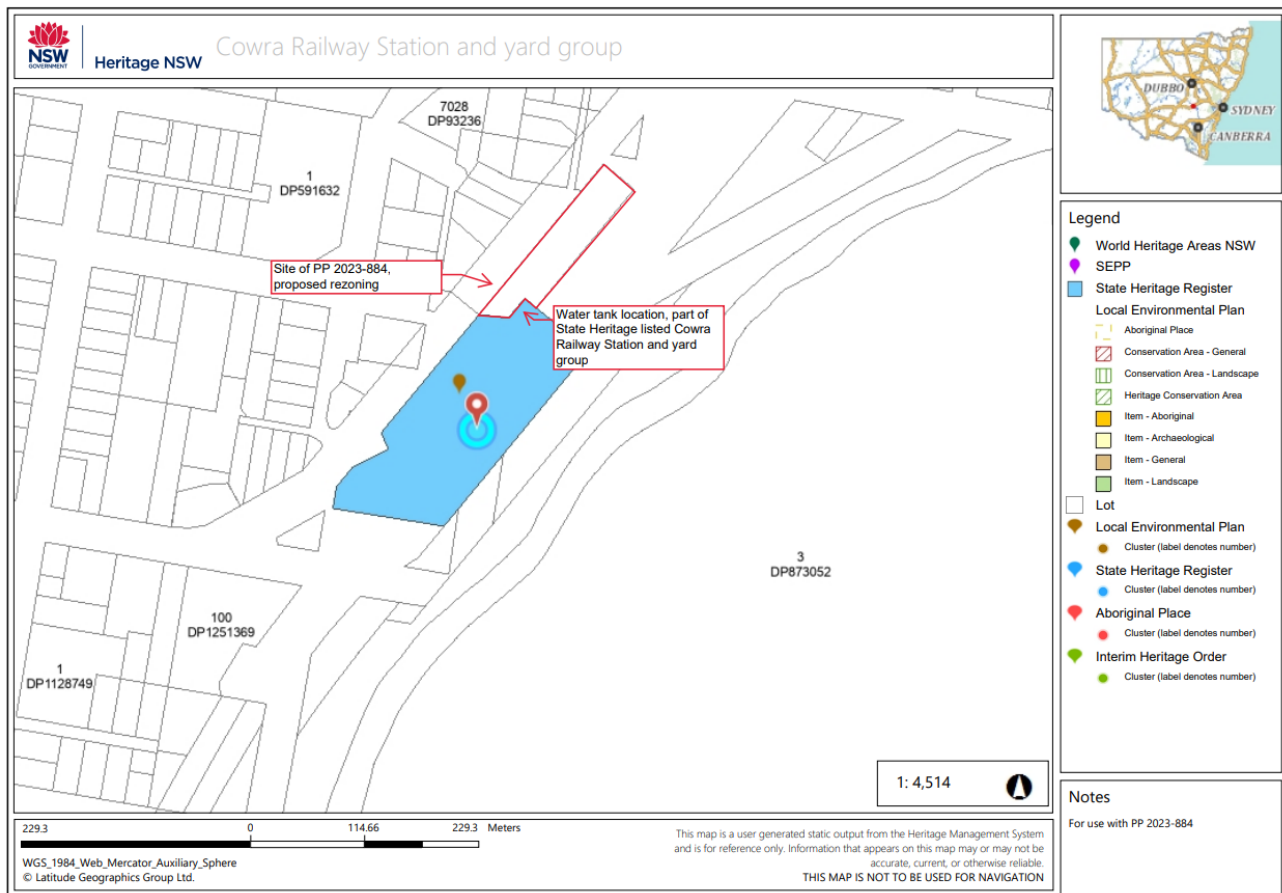


Figure 32. The water tank – which until 2000 was part of the lot until a boundary adjustment in DA 282/00– and the view to the State heritage listed Cowra Rail Station and Rail Yard.

Figure 43. The remnants of an old access road.



Attachment E – State Heritage Listing Map & and Inventory Details



State Heritage Listing Inventory

Statement of significance:

Cowra was reached by rail in 1886 from Young and linked to Blayney in 1888, forming the first cross country line. The station complex forms an interesting and complete group of buildings that illustrate the importance of the location through the development of the site, particularly the station building. Many periods of construction in varying styles are evident within the group and in the station buildings making the present structures unique. The complex forms an important civic group on one of the major approaches to Cowra having a strong relationship to the town and the nearby locomotive facilities. The station building is a significant civic structure within the town. The Institute building is one of the few remaining in the state and is of high significance for its social value in illustrating the importance of the railways to not only the work but the social, education and entertainment life of employees and their families. The examiners hut is a rare early example of such a building and is of high significance. The forecourt parking area (although the surface treatment has altered from the original) and grounds are of significance due to their connecting the streetscape and to the station complex. The site is in close proximity to the Cowra Locomotive Depot which is one of the few active remaining locomotive depots in the state. This association enhances the significance of both groups of structures.

Assessment of significance:

This item is assessed as historically rare. This item is assessed as scientifically rare. This item is assessed as archeologically rare. This item is assessed as socially rare.

Physical description:

Curtilage includes all infrastructure, vegetation and archaeological relics in Cowra yard between up and down distant signals. All infrastructure and vegetation included in the former Cowra locomotive depot.

BUILDINGS

Station building (1886) - standard roadside HS
Signal Box (1937) - non-standard platform level timber box with gable roof
Former Station Masters Residence (1886) - type 3, 32 Brougham St
Railways Institute Building (c1886)
Examiners Hut (c.1886)
Roundhouse and Environs, HS

STRUCTURES

Water Column
Water Tanks with brick base
Footbridge - timber
Turntable

PLANT + EQUIPMENT

drop pit jack in locomotive depot

LANDSCAPE

Forecourt and grounds.
Locomotive depot, roundhouse, gardens, buildings, war memorial, turntable, footpaths and approaches - an almost complete country locomotive depot.
Yard layout, c. 1930's

More detailed information is available for the following buildings:

RAILWAY STATION BUILDING:

Complex and substantially modified form. Painted terracotta asymmetrical brick building with corrugated iron clad hipped roof with three transverse gables and gablet details. Decorative timber bargeboards, gablet vents, finials and pendants, and vents under eaves at gable ends. Four painted brick chimneys. Concrete detailing (lintels, sills and plinth) Projecting central portico entrance with corrugated iron hipped verandah either side, extended to the south with simple timber posts and decorative cast iron lacework brackets (south only). Pebblecrete floor of verandah with painted dark brown square profile timber posts and cream cast iron lacework. Combination of hipped, skillion and flat roof extensions to north. Originally separate south pavilion (joined to main building) has a corrugated iron gable roof with lantern. Timber and corrugated iron roof platform awning with steel arched supports and cast iron Corinthian posts with decorative lacework brackets. Corrugated iron awnings over windows. No platform furniture. Metal bars on windows. Brick platform face with asphalt surface (GML, 2016).

DISTRICT LOCOMOTIVE ENGINEER'S OFFICE (DLE):

Single-storey building with square floor plan, central fireplace and four main areas including offices, conference room, meal room and kitchen. Building measures approximately 12 x 12m. Fabric consists of corrugated iron roof, timber floors covered with linoleum, external weatherboard walls. Interior walls are also weatherboard and ceiling is timber. Chimney and fireplace surrounds are of brick construction (GML, 2016).

AMENITIES BUILDING:

Single-storey rectangular building measuring 17 x 5m. Layout consists of five main spaces including meal room, wash room, toilets, showers and laundry. Corrugated asbestos roof sheeting, hardwood flooring in the large meal room, and concrete slab flooring elsewhere. Exterior walls consist of weatherboard from ground to waist-level and fibrous cement sheets to the roof eaves. Ceiling and interior walls are fibrous cement sheeting. Building in very poor condition (GML, 2016).

SIGNAL BOX:

Terracotta painted single room structure with corrugated iron skillion roof.

WATER TANK AND COLUMN AT STATION:

One type 3 Tank on a rare Type O brick stand with internal cavity. The tank sits on I beams. (Extent, 2016).

WATER TANKS AT DEPOT:

Two Type 3 Tanks on Type D Stands (stands no longer extant). One tank features a manufacturers plate, "Albion Engine Works, 1887, Davy and Sands Founders, Pyrmont Sydney".

FORMER STATION MASTERS RESIDENCE:

Located at the Brougham Street level crossing, the residence is described as a Type 3. However, it appears to have been heavily modified and no longer exhibits the square footprint and pyramidal roof form. It was constructed in 1886 concurrent with the railway station building almost 1km north. The property is currently tenanted by a resident with historical connections with Cowra Railway Station (2016).

Attachment F – Cowra Council Heritage Advisor Report

See following pages.

2.0 Lynch Street Planning Proposal

Contact : Dean Steward

Revision 4 of the proposal has been reviewed:

Issues to note:

- The Objectives do not include an Objective related to provide for the Conservation of state and local heritage items and their associated settings and curtilage;
- The Objectives do not include an Objective related to the provision of opportunities to optimize the use of the rail corridor in the support of heritage rail tourism;
- Page 5. A reference to the disused railway line. The term is imprecise and could be misleading. The Line is not currently used for rolling stock and is under repair
- It is technically named the Blayney Harden Railway line
- The State Heritage Inventory. The correct description is the State Heritage Register. The site is also listed on the S170 State Agency Heritage Register and the Cowra LEP. The SHI is the recording system which describes all heritage items in NSW, listed by Councils, The State and Statutory Authorities
- It is recommended that the following aerial plan – Curtilage Mape be included for information.

Heritage Council of New South Wales



Cowra Railway Station and yard group
SHR: 01122 - Plan: 2767

The listing boundary is in 4 parts. Firstly the Examiners hut is bounded by a line approximately 5 m away from the structure on all sides. Secondly the station complex is bounded by a line running along the railway boundary on the eastern side turning west on the north side incorporating the water stand and tank, then turning south and incorporating the carpark and park area following the property boundary to a point where it turns south east to include the the railway institute. The boundary then turns north behind the Institute until the entry road which it follows until the southern end of the platform. The boundary around the locomotive roundhouse includes all buildings and structures in the area presently leased by the Lachlan Valley Railway Co-op Society Ltd. The residence is bounded by its yard boundary to three sides and by the tracks to the east.

State Heritage Register - SHR 01122, Plan 2767 Cowra Railway Station & Yard Group

Gazettal Date: 02 April 1999

0 100 200 300 400
Metres

Scale: 1:8,500

Datum/Projection: GCS GDA 1994



Legend

- SHR Curtilage
- Land Parcels
- Railways
- Roads
- LGRS
- Suburbs

- The reference to the brick building with a tin roof. This building is at the north western extent of the listing, is separately described with a boundary and is known as the Examiner's Hut.
- In relation to the impact on the operational rail corridor, the recommendations are:
 - The whole perimeter of the railway is to be fenced to a standard with the fencing located not less than 3m from the centre of the outermost track.
 - Discussion will need to be held with UGL as rail maintainer on behalf of TfNSW and with Lachlan valley Railway as the licensed operator, on any additional maintenance access which may be required to maintain the tracks and deal with any emergency related to Locomotives and Rolling stock
- The discussion on page 6 needs to encompass a range of issues – questions and answers provided within the Heritage Impact Statement guide. This appears as a summary and perhaps it could appear elsewhere in the assessment.
 - Matters for consideration
 - Do the proposed works include removal of unsympathetic alterations and additions? How does this benefit or impact the heritage item and its significance?
 - Do the proposed works affect the setting of the heritage item, including views and vistas to and from the heritage item and/or a cultural landscape in which it is sited? Can the impacts be avoided and/or mitigated?
 - Are the proposed works part of a broader scope of works?
 - Does this proposal relate to any previous or future works? If so, what cumulative impact (positive and/or adverse) will these works have on the heritage significance of the item?
 - Are the proposed works to a heritage item that is also significant for its Aboriginal cultural heritage values? If so, have experts in Aboriginal cultural heritage been consulted?
 - Has the applicant checked if any other approvals or a separate process to evaluate the potential for impacts is required?
 - Do the proposed works trigger a change of use classification under the National construction code that may result in prescriptive building requirements? If so, have options that avoid impact on the heritage values been investigated?
 - If the proposed works are to a local heritage item, are the requirements of the development control plans or any local design guidelines that may apply to the site considered?
 - Will the proposed works result in adverse heritage impact? If so, how will this be avoided, minimised or mitigated?

The following would be specific to the PP and should be addressed:

Works adjacent to a heritage item

- Will the proposed works affect the heritage significance of the adjacent heritage item or the heritage conservation area? Setting, views and vistas Heritage conservation area Archaeology
- Will the proposed works affect views to, and from, the Interpretation heritage item? If yes, how will the impact be mitigated?
- Will the proposed works impact on the integrity or the streetscape of the heritage conservation area?

Curtilage

Describe impacts to the identified curtilage, including on layout, use(s), built and landscape elements such as open space, plantings (trees, shrubs, ground covers). Describe any previous subdivision and consider how it may result in future development or affect the identified curtilage.

Historical archaeology

Consider any impacts of the proposed works on the archaeological potential of the site. This information will determine if an archaeological assessment is required. If an archaeological assessment exists, refer to this report and describe any impacts on archaeology.

- Page 7: Lot 2 includes the railway water tank which falls within the SHR Curtilage boundary. The structure is significant and any future development would need to respect this

significance and utilise and setback to clear the structure. It is recommended that a site photo be included of this structure as it defines the southern extent of Lot 1 and the site of the Planning Proposal

- Figure 4. The Examiners Hut is clearly visible in this image
- Page 11. It is recommended that additional photos are provided external to the site from the north, south and west so that a comprehensive survey is provided to fully assess any impacts of future development.
- Page 15. This is the Parkes Special Activation Precinct and the connection to the inland Rail Route
- Page 15 & 16
 - It is recommended that a Priority in relation to the Rail line is the activation of Heritage tourism using the rail line to transport visitors between Cowra Railway Station and the Village of Woodstock via Holmwood.
 - An estimate from LVR of the potential passenger traffic is 5,000 passengers per annum. These travellers would take one of the twice monthly services from Cowra Railway Station using the steam locomotive and restored lounge car. As the line between Cowra to the south was restored, the journey time would be extended.
- Page 19 Part 5. It is recommended that Lawrance Ryan provide the statistics for the previous and future visitor numbers which could be expected to utilise the proposed heritage tourism railway from Cowra Railway Station.
- Page 20. Many previous projects have been based on multi-modal use of sites similar to this one. The demolition of the depot is an illustrative example of the failure of such concepts. It is therefore recommended that this section focus more on tourism railway uses in the vicinity and the potential value from complementary uses associated with the heritage trains.
- Page 21. Lawrance and the LVR may have records related to potential contamination or not, associated with the site and the former rail and vehicle uses in the vicinity. The only structure of significance which occupied the subject site was the Railway barracks building. This was located at the northern end of the site and close to Lynch Street. The building and environs were demolished in 1985.



1. A valued artefact located adjoining the rail corridor. The structure will not be affected by the proposal. A future DA with appropriate Conditions will ensure development will have an acceptable impact on the heritage significance.



2. View looking south west to the Examiners Hut with the tank to the right. The development proposal has the capacity to affect the curtilage and setting of these items. Mitigation for these impacts, which will be visual, can be dealt with through Conditions of Consent as part of DA.



3. A close view of the rare water tank. The site of this significant structure is close to the northern end of the subject site. Mitigation for impacts on this element, which will be visual and physical through construction/site works, can be dealt with through Conditions of Consent as part of DA. Particular Conditions would relate to a curtilage around the structure which would require a setback for any works of a nominal 15m from the structure and the provision of a planted landscape buffer



4. A view to the south from the forecourt of the Cowra Railway Station. The view indicates that the potential visual impacts will be minimal and capable of being mitigated through Conditions as part of a DA.



5. View of the northern end of the site with the heritage structure to the right. The view indicates that the potential visual impacts will be minimal and capable of being mitigated through Conditions as part of a DA. A potential condition could require retention of the mature tree group shown to the left and a setback for works from the tree group of 12m to works. The tree group have potential heritage value as they have formed part of the former Railway Barracks which occupied this area until demolished in 1985. The nominal area of the Barracks was a footprint of 5x15m.



6. A view from the rail corridor looking north towards the Cowra Railway Station. The photo is taken south of the proposed site to illustrate the rail corridor. Standard curtilage fencing would be required 3m from the track. It is noted that remnant power infrastructure remains in place



7. View looking east towards Lynch Street of the site marker to the south eastern corner of the subject site.

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Heritage Advisor to CSC

