



**COOTAMUNDRA-
GUNDAGAI** REGIONAL
COUNCIL

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Revised Planning Proposal:

**Cootamundra Local Environmental Plan 2013
(Amendment No. 6)**

1 September 2017

Introduction

This revised planning proposal has been prepared in accordance with Section 55 of the *Environmental Planning & Assessment Act 1979* and the Department of Planning and Environment's requirements as specified in "A guide to preparing a planning proposal."

The original planning proposal (PP_2017_CGREG_002_00) was submitted to the Department and granted conditional Gateway Approval on 19 May 2017. Condition 1 of the Gateway Determination, requires that the proposal be revised to include an appropriately prepared Heritage Impact Statement and Traffic Impact Assessment.

Subject Land

The subject land involves part of the existing special uses (railway) land fronting Hovell Street, Cootamundra indicated in the figure below. The subject land comprises approximately 4000m², including 1370m² of disused tennis courts and 2630m² of vacant land.

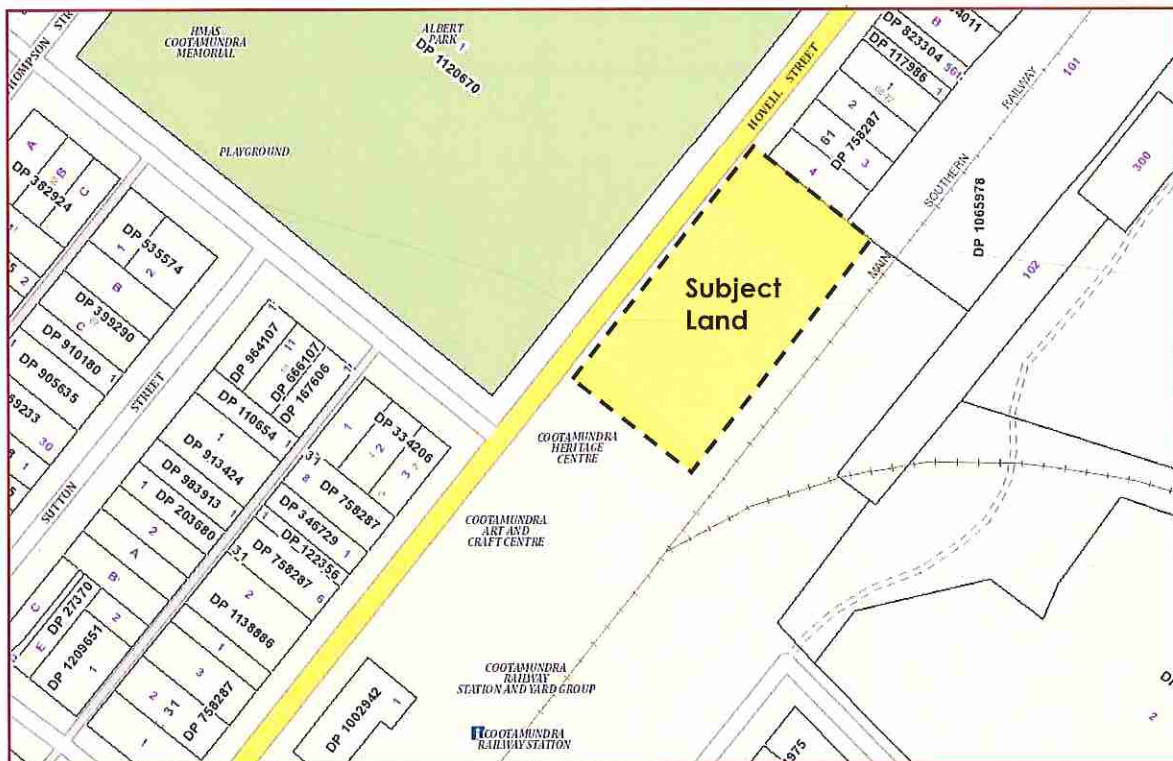


Figure 1: Subject Land (Source: SIX Maps)

The general development character of the surrounding land is shown in the site analysis plan and the photographs below.



Figure 2: Site Analysis Plan (Source: SIX Maps & SP)



Figure 3: Aerial photo of Subject Land (Source: SIX Maps)



Figure 4: Site frontage to Hovell Street – view from Western corner (Source: Google Maps)



Figure 5: Hovell Street - looking North-East towards site (Source: SP 2016)



Figure 6: View of Northern boundary and disused Tennis Courts (Source: SP 2016)

Part 1 – Objectives or Intended Outcomes

The planning proposal seeks to facilitate the redevelopment of a currently disused tennis facility and vacant land located within an existing Infrastructure (SP2) Zone, for the purpose of a liquid fuel depot and service station which is not permissible in this zone. The proposal seeks to provide an Additional Permitted Use of a Liquid Fuel Depot and Service Station on the site in the Infrastructure (SP2) zone under Schedule 1 of the Cootamundra LEP 2013.

Part 2 – Explanations of Provisions

The proposed outcome is to be achieved by the amendment of the Cootamundra LEP 2013, Schedule 1, to include a clause outlining the additional permitted use of the site for the purpose of a liquid fuel depot and a service station.

Identification of the subject site is an issue that can also be addressed by the amendment. A review of other LEP's throughout the state has provided examples of land that requires identification under Schedule 1 that is not clearly defined using the existing boundaries of the lot. The following example clause under Schedule 1 will be utilised to distinguish the subject land:

2. Use of certain land at Hovell Street, Cootamundra

(1) This clause applies to Railway Land at Hovell Street, Cootamundra, identified as "2" on the Additional Permitted Uses Map.

(2) Development for the purpose of a Liquid Fuel Depot and Service Station is permitted with development consent.

The site will also be identified on the Additional Permitted Uses Map as per figure 1.

There will not be any other additional local provisions proposed as part of this Planning Proposal.

Part 3 – Justification

Section A – Need for the Planning Proposal

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

The planning proposal is not the result of any strategic study or report, however the proposed land use being a liquid fuel depot and service station directly supports the implementation (strategic action) of the *Cootamundra Land Use Strategy 2011*:

- Attract employment generating activities, and
- Continual review of social planning policies in support of industrial expansion activities.

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

The planning proposal will allow for an additional use in the location identified in figure 1. Due to the

proximity to the railway corridor there is no ability for residential development (residential rezoning) to occur; and due to the need to maintain the primacy of the Cootamundra Central Business District Council would not support commercial land uses. The lack of viable options for this site is evidenced by the long standing vacancy of the site (over four decades).

While technically a part of the railway corridor, the identified site fronts the Olympic Highway (Hovell Street). There are other sites in Cootamundra which provide frontage to the Olympic Highway, however the proposed development by the instigator of the planning proposal requires enough space for large trucks to manoeuvre and capacity to house their corporate headquarters. Because of this, other sites in the Cootamundra Central Business District would be unsuitable as it would take up too much commercial land and severely impact local traffic. Alternate sites along the Gundagai Road or further south along Hovell Street would not be convenient or obvious to highway users.

Section B – Relationship to Strategic Planning Framework

Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy?

The regional Strategy for Cootamundra-Gundagai Regional Council is *The Riverina-Murray Regional Plan 2036*. This planning proposal directly supports a number of directions and priority actions identified in the Plan including:

4.1. Encourage the sustainable development of industrial land to maximise the use of infrastructure and connectivity to the existing freight network.

While the site is not zoned “industrial” the SP2 - Infrastructure zone can be considered in this instance to have a secondary infrastructure function with a number of light and general industrial land uses operating in conjunction with the railway corridor for example Graincorp harvest receivable yards and other road transport businesses. The addition of a liquid fuel depot and service station at this site directly supports the industrial and freight activities of the region and the surrounding businesses. In this instance, colocation of such land uses will reduce the impact of industrial and freight activity on residential and commercial land.

4.4. Encourage the consolidation of isolated, unused or underused pockets of industrial zoned land to create new development opportunities over the long term.

The site has been disused for over four decades. The site is not appropriate for residential development, nor would it support any future expansion of the railway. Allowing for land uses of liquid fuel depot and service station will revitalise the site and utilise a disused site.

18.2. Prioritise projects that address impediments to the regional freight network to improve capacity and opportunities in the network.

Along the Olympic Highway, between Young and Wagga Wagga (approximately 140 kilometres) the only liquid fuel depot or opportunity for large freight transport to refuel is at the existing Caltex run by South West Fuels on Hovell Street. The existing site is land locked

and cannot expand, hence the need for a new facility to be established. The expanded liquid fuel depot and service station will improve the reliability of the north south route to Wagga Wagga, supporting development at Bomen.

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

The proposal is consistent with the Cootamundra Local Environmental Plan 2013, with the land currently designated for transport/rail use, providing an opportunity for the reuse of currently underutilised land within one of Cootamundra's designated transport areas. The proposed land use being a liquid fuel depot and service station directly supports the implementation of the *Cootamundra Land Use Strategy 2011*.

Is the planning proposal consistent with the applicable state environmental planning policies?

The proposal has been assessed as being consistent with all applicable State environmental Planning Policies in particular SEPP (Infrastructure) 2007, SEPP 44 Koala Habitat Protection, SEPP 55 Contaminated Land

Is the planning proposal consistent with applicable Ministerial Directions (s117 directions)?

Relevant s117 directions that impact or are applicable to this planning proposal are listed below. The planning proposal is generally consistent with the relevant s117 directions.

Table 1: s117 Directions

Direction Title	Direction Objectives	Consistency
2.3 Heritage Conservation	The objective of this direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.	<p>The proposal is consistent with this s117 directive, there will be negligible impact on the heritage item adjoining the site of the planning proposal. Attachment 1, is a detailed Heritage Impact Statement, which demonstrates that the local heritage and railway corridor has been used to influence future development as well as differentiating the site from the existing landscape.</p> <p>The HIS articulates the requirement to separate any new development at the proposed site in such a manner which does not distract from the neighbouring heritage item. The HIS was prepared in consultation with the Office of Environment and Heritage (Annex 1).</p> <p>The proposal is consistent with the provisions of this s117 directive as it provides for the efficient movement of freight.</p>
3.4 Integrating Land Use and Transport	<p>The objective of this direction is to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives:</p> <ul style="list-style-type: none"> (a) improving access to housing, jobs and services by walking, cycling and public transport, and (b) increasing the choice of available transport and reducing dependence on cars, and (c) reducing travel demand including the number of trips generated by development and the distances 	

	travelled, especially by car, and (d) supporting the efficient and viable operation of public transport services, and (e) providing for the efficient movement of freight.	
6.1 Approval and Referral Requirements	The objective of this direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development.	The planning proposal is consistent with this direction. The proposed Schedule 1 provisions are intended to be minimal, addressing permissibility of the proposed land use activity only.
6.3 Site Specific Provisions	The objective of this direction is to discourage unnecessarily restrictive site specific planning controls.	The planning proposal is consistent with this direction. The proposal is for a site specific provision to allow a particular land use development to occur. No detailed drawings of the proposed land use development is to be included in the draft instrument.



Section C - Environmental, Social and Economic Impact

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?

No critical habitat or threatened species, populations or ecological communities, or their habitats have been identified at the site of this planning proposal and it is expected that the impact of any development in line with this planning proposal will have a negligible impact on flora and fauna of Cootamundra. The planning proposal is targeted at an existing industrial site within an urban locality with a pronounced industrial character and context.

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

The planning proposal is targeted at an undeveloped site within an urban locality with a pronounced industrial character and context.

There will be negligible impact on the heritage item adjoining the site of the planning proposal. Attachment 1, is a detailed Heritage Impact Statement, which demonstrates that the local heritage and railway corridor has been used to influence a conceptual future development. A key point from the HIS is that no matter the design of a liquid fuel depot and service station, consideration to the proximity of the heritage item, outlook onto Albert Park and need to articulate the “old” and the “new” will be assessed as a part of any development application – allowing for an additional permitted use under Schedule 1 will not impact the requirement to make this assessment.

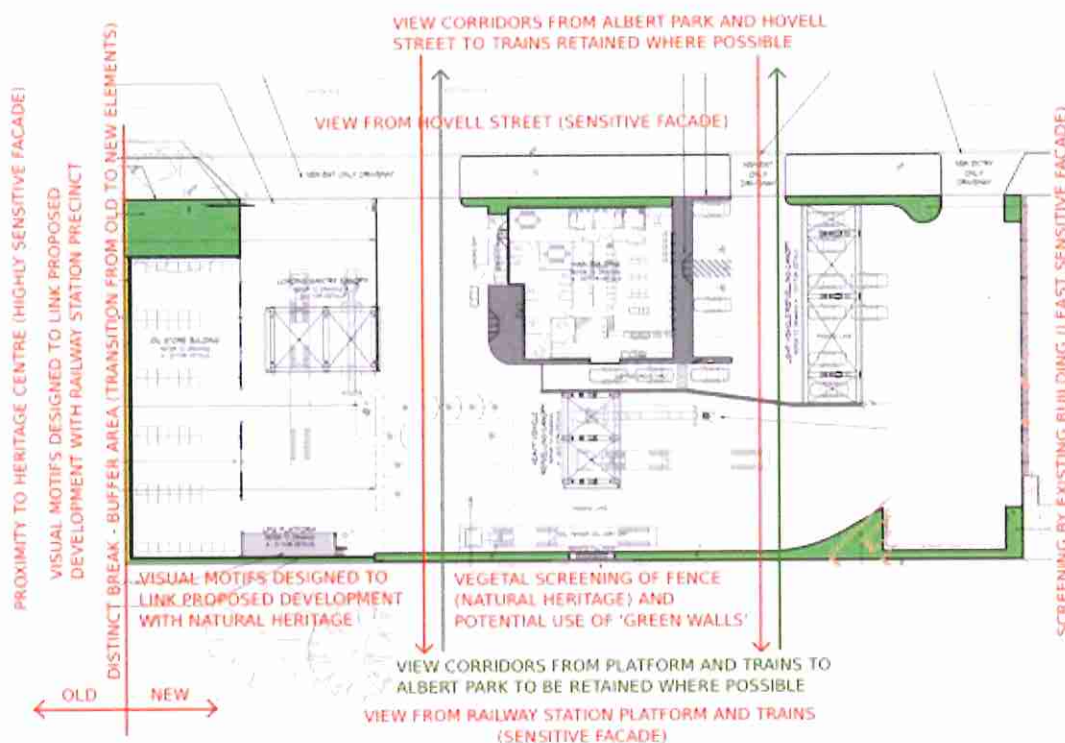


Figure 7: Any future development will need to consider the proximity to the heritage item as well as sensitive cultural areas

Noise impacts have also been taken into consideration, with the attached additional information showing that noise impacts on surrounding residential properties can be mitigated. Estimated traffic generation rates and flows have also been generated, demonstrating the suitability of the site for the future proposed use (refer to Attachment 2: Traffic Impact Assessment).

How has the planning proposal adequately addressed and social and economic effects?

The proposal will likely have a net positive impact and benefit to the economic and social aspects of the community of Cootamundra. The current prospective developers of the site, employ over 30 employees in Cootamundra, the expansion of their operations to this site will allow for opportunities to manage a larger distribution area and as a result employ more people in the Cootamundra and region.

Such a large investment and employment generator is not only of economic significance, it also has substantial benefit to the social cohesion of Cootamundra. In recent times, the community has seen a downturn in investment and employment (Manildra Abattoirs ceased operations earlier this year, resulting in a loss of 200 jobs in the Cootamundra community), the development of a liquid fuel depot and service station will improve the job security of locals in service and retail industries as well as demonstrating to investors outside of Cootamundra that Cootamundra is a well serviced and positive community which encourages and supports growth.

Section D - State and Commonwealth Interests

Is there adequate public infrastructure for the planning proposal?

There is adequate public infrastructure available to accommodate this planning proposal. The site will reutilise the existing service connections provided to the site or in the vicinity of the site.

What are the views of State and Commonwealth Public Authorities consulted in accordance with the gateway determination, and have they resulted in any variations to the planning proposal?

While pre-consultation with the Roads and Maritime Authority and the Office of Environment and Heritage was undertaken by the proponent of this planning proposal, the incorporation of feedback was not substantially addressed or incorporated into the original planning proposal submitted to the Department. The original planning proposal (PP_2017_CGREG_002_00) was submitted to the Department and granted conditional Gateway Approval on 19 May 2017. Condition 1 of the Gateway Determination, requires that the proposal be revised to include an appropriately prepared Heritage Impact Statement and Traffic Impact Assessment. These documents have been prepared and are included as attachments 1 and 2 respectively.

Feedback was sought from the Roads and Maritime Authority and the Office of Environment and Heritage in relation to drafts of the submitted Heritage Impact Statement and Traffic Impact Assessment. Both agencies have been in contact with the Council's Town Planner who has coordinated feedback between these agencies and the author of the HIS and TIA. This feedback has led to well-rounded documents which address the conceptual idea of a liquid fuel depot and service station at this site, but also lend themselves to be of use in the development assessment process.

The majority of the feedback from these agencies has been in relation to the proposed future development on the site. From Council's perspective such feedback is problematic and difficult to

assess as this is a planning proposal and not a development application. This Council has been in a position where the instigator of a planning proposal is not necessary the developer who gains the benefit of such a proposal. Council believes that the development application process after the Planning Proposal is designed to and is able to adequately address a number of issues raised by the Office of Environment and Heritage in particular.

The Australian Rail and Track Corporation is the land manager for this site and have provided the instigator of the planning proposal with a lease for the site, demonstrating that they are satisfied with the proposed land uses. Any development application lodged would be referred to the Australian Rail and Track Corporation.

No other consultation has been conducted with any other relevant State or Commonwealth Public Authorities.

Part 4 – Mapping

The Cootamundra Local Environment Plan 2013 will need to be expanded to include an additional map to identify the proposed additional permitted uses at this site, as a written description in Schedule 1 will be insufficient to identify the site. This method of identification is seen in other Local Environment Plans such as the Sutherland Shire Local Environmental Plan 2015.

Part 5 – Community Consultation

Following the approval by the Director of the Department, Council will place the planning proposal on public exhibition and undertake any community and agency consultation in accordance with conditions 2, 3 and 4 of the gateway determination.

2. Community consultation is required under Sections 56(2)(c) and 57 of the Act as follows:
 - (a) the Planning Proposal must be made publicly available for a minimum of **28 days**; and
 - (b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in Section 5.5.2 of *A guide to preparing local environmental plans* (Department of Planning and Environment 2016).
3. Consultation is required with the following public authorities and / or organisations under Section 56(2)(d) of the Act and/or to comply with the requirements of relevant Section 117 Directions:
 - Office of Environment and Heritage (Heritage Division)
 - NSW Roads and Maritime Service
 - Australian Rail Track Corporation (ARTC)

Each public authority/organisation is to be provided with a copy of the Planning Proposal and any relevant supporting material, and given at least 21 days to comment on the proposal.

4. A public hearing is not required to be held into the matter by any person or body under Section 56(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).

Figure 8: Extract from Gateway Determination

Part 6 – Project Timeline

Stage	Timing
Planning Proposal Lodgement	April 2017
Assessment	April - May 2017
Gateway Determination	May 2017
Revision of Planning Proposal	June - September 2017
Public Exhibition	September - October 2017
Submission to Department and Parliamentary Council to Finalise LEP	October - November 2017
Anticipated date RPA will make the Plan	December 2017

Appendix 1

Cootamundra LEP 2013

Schedule 1 Additional permitted uses

2 Use of certain land at Hovell Street, Cootamundra

- (1) This clause applies to Railway Land at Hovell Street, Cootamundra, identified as "2" on the Additional Permitted Uses Map.
- (2) Development for the purpose of a Liquid Fuel Depot and Service Station is permitted with development consent.

Cootamundra LEP 2013 Map changes

The map displays a residential neighborhood with the following streets and lot details:

- Streets:** Bourke St, Sutton St, Thompson St, Adams St, Hovell St, Victoria Pde, Wills St.
- Highlighted Area:** A large green-shaded area is shown, with a red rectangle labeled '2' indicating a specific lot.
- Lot Numbers:** Various lot numbers are visible, including 103621, 313253, 300072, 401530, 316371, 591465, 591465, 758287, 1120670, 1197335, 932906, 932906, 958163, 958163, 301042, 106557, 304988, 304988, 104011, 104011, 1065978, 1006978, 3001036930, 3021036936, 1002942, 1002942, 1065978, 3001036930, 3021036936, 1002942, 1002942, 1065978, 3001036930, 3021036936.

Annex 1

-----Original Message-----

From: Bronwyn Smith [mailto:Bronwyn.Smith@environment.nsw.gov.au]
Sent: Tuesday, August 8, 2017 1:20 PM
To: Grace Foulds <Grace.Foulds@cgrc.nsw.gov.au>
Subject: RE: Preliminary Statement of Heritage Impact

Hi Grace

The document is well written but I have the following suggestions

- There needs to be more critical analysis as to how the proposed development will/will not impact on the SHR listed item,
- What are the risks, what are the potential risks and how have they been mitigated,
- There needs to be more work undertaken on the view corridors, what will it look like from the proposed development,
- How high are the structures to be, and
- Is there separation from structures to enable views to the state listed item.

Happy to discuss further

Regards
Bronwyn

-----Original Message-----

From: Grace Foulds [mailto:Grace.Foulds@cgrc.nsw.gov.au]
Sent: Tuesday, 8 August 2017 10:38 AM
To: Bronwyn Smith <Bronwyn.Smith@environment.nsw.gov.au>
Subject: FW: Preliminary Statement of Heritage Impact

Hi Bronwyn,

Just wondering if you've had a chance to take a look at this draft HIS, so I can send your comments back to the applicant and then send you through a final version?

-----Original Message-----

From: Grace Foulds
Sent: Monday, July 24, 2017 4:30 PM
To: 'bronwyn.smith@environment.nsw.gov.au' <bronwyn.smith@environment.nsw.gov.au>
Subject: FW: Preliminary Statement of Heritage Impact

Hi Bronwyn,

As discussed on the phone - please find attached a copy of the draft HIS. If you need to refamiliarise yourself with the proposal it can be found here https://www.dropbox.com/sh/j84zq3pdnijv1wI/AABEYDzrcOAlOVe-AMYJ9ZF_a?dl=0

What I am seeking from you are some comments to help guide the applicant in the formation of this document. I have provided preliminary comments regarding some of the comments made under the Cootamundra LEP; however I believe some comments around a definitive yes/no the site impacts the neighbouring heritage item and some better plans which demonstrate the concepts discussed on pages 24-25 would greatly benefit the application.

24 August 2017

SWT17/00092
SF2017/161539
MM

The General Manager
Cootamundra-Gundagai Regional Council
PO Box420
COOTAMUNDRA NSW 2590

Attention: Grace Foulds

**PLANNING PROPOSAL (PP_CGREG_2017_001_00) – AMENDMENT TO COOTAMUNDRA
LEP 2013 - HOVELL STREET, COOTAMUNDRA.**

I refer to your correspondence regarding the subject Planning Proposal which was referred to the Roads and Maritime Services for assessment and comment.

From the information provided it is understood that the planning proposal is a request for the amendment of schedule 1 of the Cootamundra LEP 2013 to include additional land uses (service station and a liquid fuel depot) on land zoned SP2 Infrastructure (railway) on Hovel Street Cootamundra. The subject site has frontage to Hovell Street which forms part of the Olympic Highway through Cootamundra. The Olympic Highway is a classified road.

The subject site is located adjoining land that is zoned SP2 Infrastructure (railway) or Residential as per the Cootamundra LEP 2013. It is noted that notwithstanding the residential zoning that surrounding allotments with frontage to Hovell Street are currently occupied by commercial or industrial land uses.

The Gateway Determination issued by the Department of Planning and Environment acknowledged the request of Roads and Maritime Services for a traffic impact assessment to be prepared and provided for consultation as part of the planning proposal process. This has not been provided as part of the information referred to Roads and Maritime. It is noted that whilst this amendment to the LEP may allow for the proposed land use the development of the subject site as such requires the submission of a Development Application to Council for Assessment.

Please note that under the provisions of Clause 104 and Schedule 3 of SEPP (Infrastructure) that the development of a service station or liquid fuel depot on a site that has direct vehicular or pedestrian access to a classified road shall be referred to Roads and Maritime Services for comment.

Roads and Maritime Services has considered the planning proposal on the basis of the supporting documentation and advises that no objection is raised to the proposed rezoning of the subject site. Notwithstanding this any future Development Application shall be supported by a Traffic Impact Assessment prepared by appropriately qualified person(s) to allow for an informed assessment of the development proposal.

Any enquiries regarding this correspondence may be referred to the Manager, Land Use for Roads and Maritime Services (South West Region), Maurice Morgan, phone (02) 6923 6611.

Yours faithfully

Per:
Jonathan Tasker
Acting Director
South West NSW