

Business Paper

EXTRAORDINARY COUNCIL MEETING

COUNCIL CHAMBERS, GUNDAGAI

5:00PM, WEDNESDAY 19th December, 2018

Administration Centres: 1300 459 689

The Mayor & Councillors
Cootamundra-Gundagai Regional Council
PO Box 420
Cootamundra NSW 2590

NOTICE OF MEETING

An Extraordinary Meeting of Council will be held in the Council Chambers, Gundagai on:

Wednesday, 19th December, 2018 at 5:00pm

The agenda for the meeting is enclosed.

Phillip McMurray
Acting General Manager

AGENDA

Order Of Business

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**Following the closing of the Council meeting a Councillor workshop will be conducted
to review nominations submitted for the australia day, 2019 awards 21**

1 ACKNOWLEDGEMENT OF COUNTRY

Council acknowledges the Wiradjuri people, the Traditional Custodians of the Land at which the meeting is held and pays its respects to Elders, both past and present, of the Wiradjuri Nation and extends that respect to other Aboriginal people who are present.

2 APOLOGIES**3 DISCLOSURES OF INTEREST**

4 GENERAL MANAGER'S REPORT

4.1 CORPORATE SERVICES DIRECTORATE

4.1.1 BOARD VACANCY COOTAMUNDRA NURSING HOME

DOCUMENT NUMBER	294330
REPORTING OFFICER	Marianne McInerney, Personal Assistant to the General Manager
AUTHORISING OFFICER	Phil McMurray, Acting General Manager
RELEVANCE TO COMMUNITY STRATEGIC PLAN	1. A vibrant and supportive community: all members of our community are valued 1.3 Our community members are healthy and safe
FINANCIAL IMPLICATIONS	There are no Financial implications associated with this report.
LEGISLATIVE IMPLICATIONS	There are no Legislative implications associated with this report.
POLICY IMPLICATIONS	There are no Policy implications associated with this report.
ATTACHMENTS	Nil

RECOMMENDATION

Councillor Phillips' nomination to the Board of Directors of Cootamundra Nursing Home be endorsed.

Introduction

At the Ordinary Meeting of Council held on 30th October, 2018 Mr Jim Main, Chairperson of the Board of Directors of Cootamundra Nursing Home, addressed Council in the Open Forum section of the meeting discussing matters whereby Council could provide support to the nursing home. As part of that discussion Mr Main requested that consideration be given by Council for a Councillor to sit on the Board of Directors of the nursing home.

Discussion

An email was recently received from Mr Main in relation to the Cootamundra Nursing Home Board of Directors resolving to request Cr Phillips be invited to sit on the Board as Council's representative.

Cr Phillips has indicated that, pursuant to approval by Council, he is willing to accept the position as Council's representative on the Board of Directors for the Cootamundra Nursing Home.

4.2 DEVELOPMENT AND COMMUNITY SERVICES DIRECTORATE

4.2.1 PROPOSED ADDITION TO COOTAMUNDRA LOCAL ENVIRONMENTAL PLAN 2013 AMENDMENT 7

DOCUMENT NUMBER	294202
REPORTING OFFICER	Brandie Strickland, Graduate Town Planner
AUTHORISING OFFICER	Phil McMurray, Acting General Manager
RELEVANCE TO COMMUNITY STRATEGIC PLAN	3. Sustainable natural and built environments: we connect with the places and spaces around us 2.2 Strategic land-use planning is co-ordinated and needs-based
FINANCIAL IMPLICATIONS	There are no Financial implications associated with this report.
LEGISLATIVE IMPLICATIONS	Planning Proposal will result in amendment to the Cootamundra LEP 2013.
POLICY IMPLICATIONS	Adheres to Council's objectives to minimise the number of spot rezoning's.
ATTACHMENTS	1. Item 5 of CLEP 2013 Amendment 7

RECOMMENDATION

1. **Cootamundra Local Environmental Plan 2013 Amendment 7 be endorsed with addition of Item 5 as per attachment.**
2. **Cootamundra Local Environmental Plan 2013 Amendment 7 (including Item 5) be endorsed and sent to the Department of Planning and Environment for Gateway Determination.**
3. **Amendment 7 be placed on exhibition upon receipt of delegated approval from the Department of Planning and Environment.**

Introduction

The planning proposal seeks to amend the Cootamundra Local Environmental Plan 2013 Planning Proposal Amendment 7 to include the following outcomes:

1. Additional permitted use under Schedule 1 of the "feedlot" at 358 Jugiong Road Cootamundra, Lot 1 DP 1049802

Discussion

The addition of Item 5 -Additional permitted use under Schedule 1 of the "feedlot" at 358 Jugiong Road Cootamundra, Lot 1 DP 1049802 to the previously supported amendments of the Cootamundra Local Environmental Plan 2013 Planning Proposal Amendment 7 resolved in May 2018 (103/2018) is requested.

This proposal stems from a development application being submitted to council for a feedlot on the above mentioned site. The site is dual zoned RU1 and RU4 as detailed in the attached report.

The proposed feedlot was to be located within the RU1 Primary Production zoned segment of the lot. Feedlots as “Intensive Livestock Agriculture” are ‘permitted with consent’ on land zoned RU1. However after assessment of the site and objections to the proposed development following a period of neighbour notification it was assessed that the proposed feedlot would be more suitable “on the other side of the hill” which is zoned RU4. “Intensive Livestock Agriculture” is ‘prohibited’ in RU4 Primary Production Small Lots zones.

The development application has since been withdrawn from Council and the applicant is in the process of compiling a new application to comply with council recommendation to relocate the feedlot to the RU4 segment of the site following determination of the Cootamundra Local Environmental Plan 2013 Amendment 7.

The additional permitted use of “feedlot” to the RU4- Primary Production Small Lots segment of the site will negate the potential odour and visual issues to neighbouring properties which could be caused if the development were to occur on the RU1 Primary Production segment of the site.

Part 1 – Objectives or Intended Outcomes

1. Allow a prohibited use (feedlot) in the RU4 Primary Production Small Lots zone under Schedule 1 on the site identified below.



- Development on particular land that is described or referred to in Schedule 1 may be carried out with development consent, in accordance with the conditions (if any) specified in that Schedule in relation to that development.
 - This clause has effect despite anything to the contrary in the Land Use Table or other provision of this Plan.
2. Add the following additional permitted use to Schedule 1:
- **Schedule 1 Additional permitted uses**
“2- Use of certain land at 358 Jugiong Road Cootamundra, being Lot1 DP1049802.
Development for the purpose of a Feedlot is permitted with consent.”

Part 2 – Explanation of Provisions

The changed provisions of the Cootamundra Local Environmental Plan 2013 will require amendments to Schedule 1. Current Schedule 1 Additional Permitted Uses as per the Cootamundra LEP 2013 are as follows:

Cootamundra Local Environmental Plan 2013

Current version for 9 November 2018 to date (accessed 6 December 2018 at 17:24)

Schedule 1

Schedule 1 Additional permitted uses

1 Use of certain land at 72 Parker Street, Cootamundra

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

Part 3 – Justification

- a) The existing non-conforming feed lot is required to be an approved land use within the existing property.
- b) Relocating the feedlot to the southwest to take advantage of the change in topography and the environmental benefits it brings to its long-term operation and surrounding rural dwellings in the area.
- c) Lot 1 zoned RU1 and RU4 approximately 50:50 as shown in Figure 4. In RU1 Feedlots a form of **intensive livestock agriculture** means the keeping or breeding, for commercial purposes, of cattle, poultry, pigs, goats, horses or other livestock that are fed wholly or substantially on externally-sourced feed. Intensive livestock agriculture is permissible in the RU1 and prohibited in RU4. The new feedlot location is as close as 30m to the zone boundary and totally within 240m and located totally within the RU4 zone hence prohibited.
- d) From a planning, and environmental (physical and social) the new location is more suitable than in any area within the RU1 zone within Lot 1.
- e) The Statement of Environmental effects sets out details of the:
 - Statement objectives
 - Analysis of Alternatives
 - Feedlot Proposal
 - Design layout
 - Management
 - Key issues
 - Assessment of environmental issues
 - Approvals and licenses required
 - Justification of the proposal

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

There is no underlying formal strategy associated with this amendment.

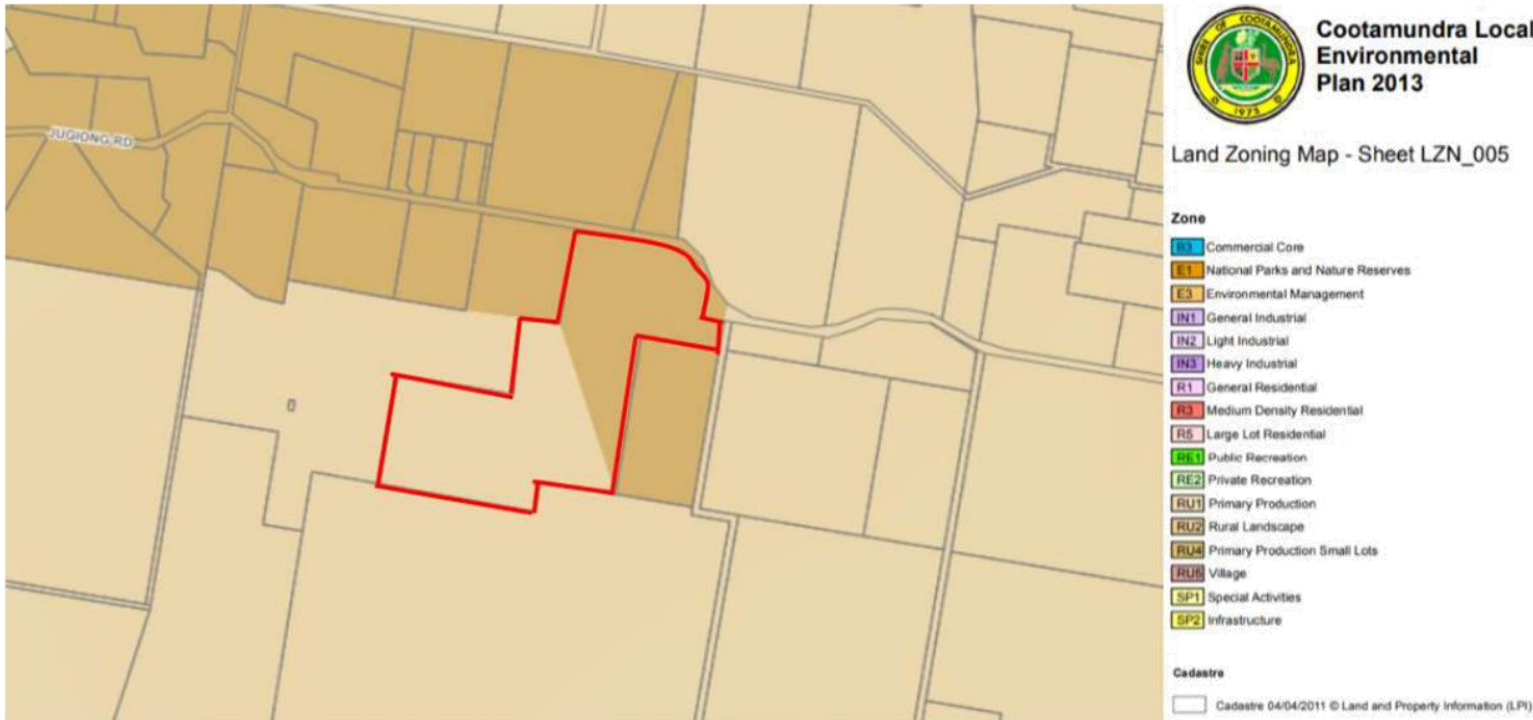
Q2 Is the planning proposal the best means of achieving the objectives or intended outcomes or is there a better way?

The planning proposal is considered the best way to achieve the outcomes desired by Council based on the following:

- The site is dual zoned RU1 and RU4. The existing temporary feedlot (in RU4) is currently close to the zone boundary. The topography of the site does not allow for the feedlot to be located in the South-West within the RU1 Primary Production zone where it could be permitted with consent.
- Investigation of the site and its surroundings revealed that the proposed site (RU4) would enable a more logical location with environmental and social benefits.
- The current location of the temporary feedlot is on land designated RU4 on a gentle downwards slope travelling South to North.
- The edge of the temporary feedlot where animals are fed is currently visible from the road (travelling West to East) and from the rural residential receptor property boundaries.
- The main rural residential receptor property boundaries are located approx. 650m to the North West and further downhill of the existing temporary feedlot. These properties are classified as RU4 Primary Production Small Lots.
- This area experiences occasional temperature inversions where cold air would flow down the slope towards the rural residential receptor property boundaries giving rise to odour complaints.
- This proposal relocates the temporary feedlot to a more appropriate location over 875m away from rural residential receptors (See Figure 4) reducing the visual impacts from the road and neighbouring property.
- Additionally the construction of the feedlot and associated structures will be according to best practice and as advised by the feedlot specialist consultant employed by the landowner.
- The proposed location is also over a ridge, out of sight and on a downward slope, descending in an easterly direction from the rural residential receptor.
- Additional trees and shrubs will be planted to act as additional screening to improve the visual aesthetics of the environment
- Notwithstanding that the development is within close proximity of the adjoining RU1 zone this planning proposal is the best way to achieve the desired outcome as the Cootamundra LEP 2013 did not adopt Clause 5.3 **Development near zone boundaries.**



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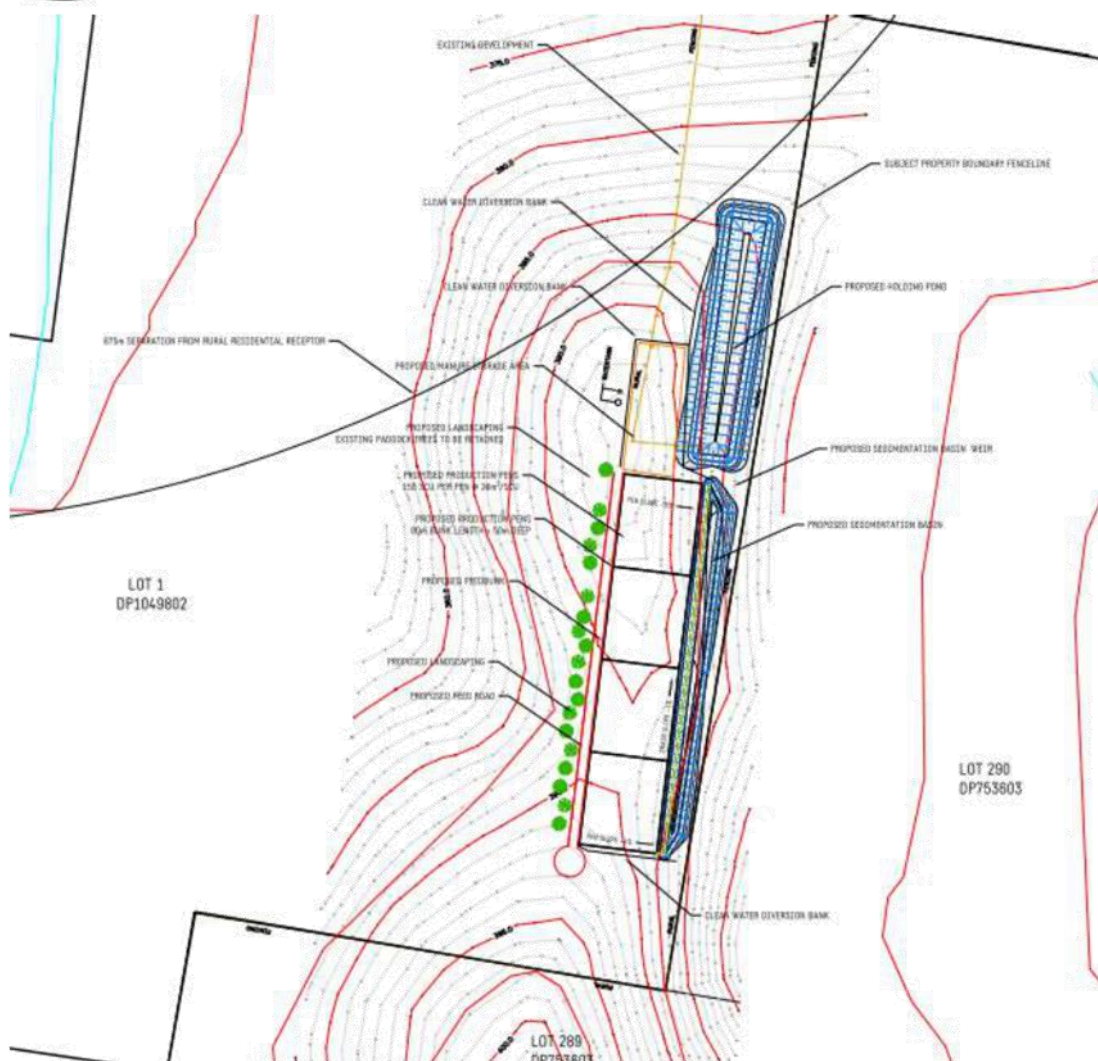


Figure 3 Preliminary design for proposed feedlot at 358 Jugiong Road Cootamundra, being Lot1 DP1049802

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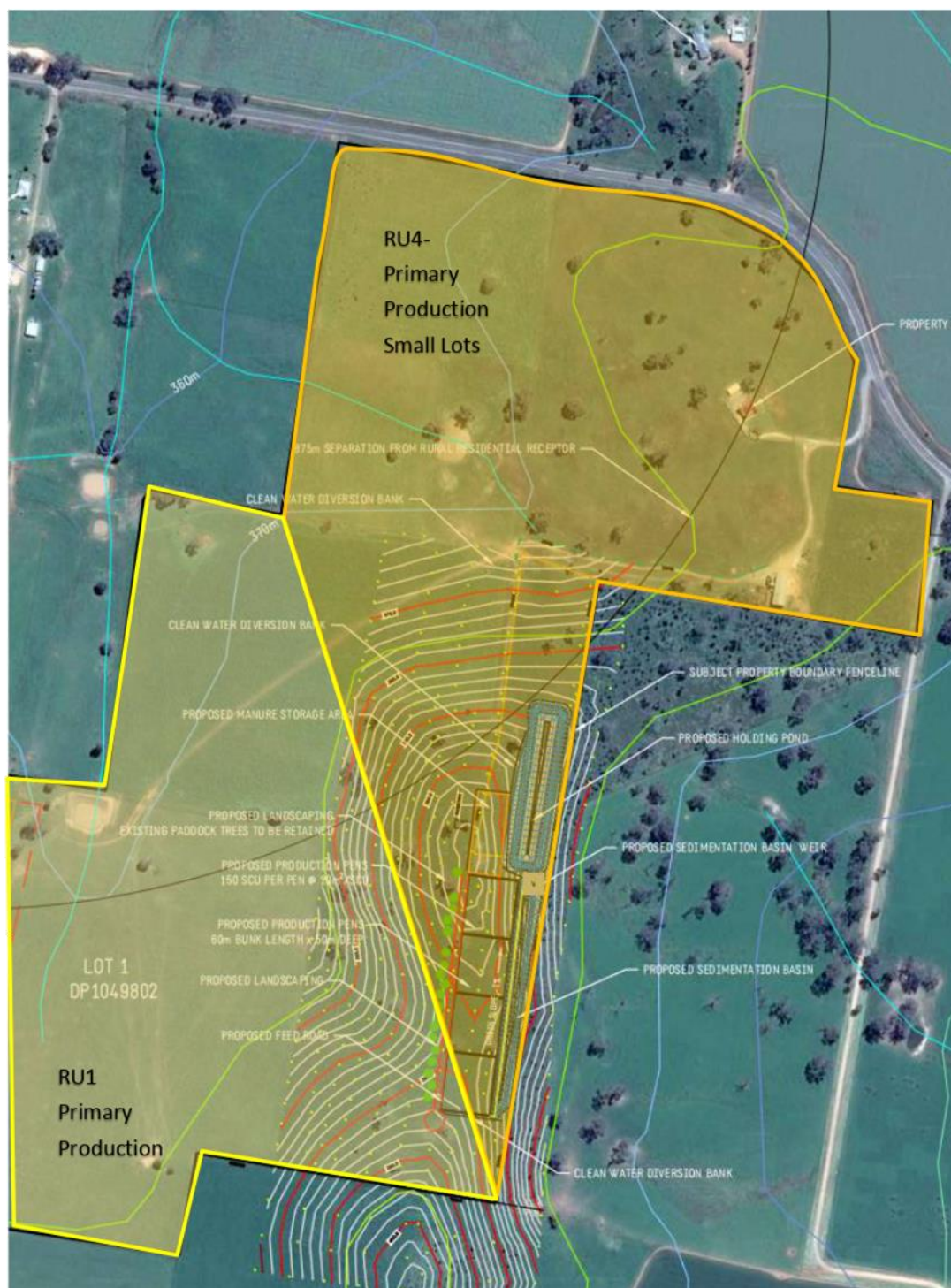
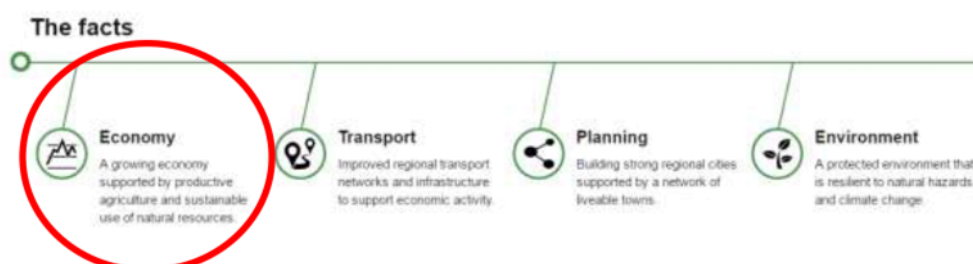


Figure 4 Property Aerial Preliminary design for proposed feedlot at 358 Jugiong Road Cootamundra

Q3 Are the planning proposals consistent with the objectives and actions of the applicable regional, sub-regional or district plans or strategy?

The Riverina Murray Regional Plan 2036 is a 20-year blueprint for the future of the Riverina Murray



The planning proposals are considered consistent with working towards the achievement of this objective

Q4 Are the planning proposals consistent with Councils local strategy or other local strategic plans?

- The Rural Lands Strategy is currently being prepared that will rationalise and homogenise the two existing LEPS that cover the new amalgamated local government area of Cootamundra and Gundagai.
- Consideration will be given to introducing a new Clause 5.3 to provide reasonable overlapping distances for land uses within the various zones related to the minimum lots sizes.

Q5 Is the planning proposal consistent with applicable state environmental planning policies

The addition of this use to Schedule 1 of the *Cootamundra LEP 2013* will not negate the principles and objectives of the SEPPs which currently apply to the identified land.

Q6 Is the planning proposal consistent with applicable Ministerial Directions (s117 directions)?

There are no Ministerial Directions (s117 directions) that apply to this planning proposal.

Q7 Is there any likelihood that critical habitat or threatened species, populations or ecological communities or their habitats, will be adversely affected by the proposal?

The subject land is identified in Map Sheet BIO_005 as **Terrestrial Biodiversity Land**. The presence of this environmental constraint will remove the potential for Complying Development and therefore will need to be assessed through a Development Application. Any Development Application for potential development on the identified land will require compliance with the *Biodiversity Conservation Act 2016* which may include a Test of Significance.



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

The proposed development is a small scale feedlot with a total of 650 cattle units. Potential environmental impacts have been identified as visual and odour.

Potential visual impacts of the proposal will be addressed through strategic placement of the feedlot on the eastern slope of the hill (RU4), which will reduce the visual impact from Jugiong Road. Visual impact will also be reduced through screen planting of vegetation on the western side of the proposed feedlot. Such visual impacts are being considered during pre-lodgement meetings.

Potential odour impacts of the proposal will be addressed through site design. The proposed development includes a sedimentation basin positioned to capture and control any runoff from the pens into a holding pond. Prevailing wind is from the west which should help move any odour away from residential receptors. In times of inversion the cold air should move downhill in an easterly direction, away from the residential receptors. According to the advice from the consultant this location and resizing of the pens, change in stock density and good management practice should significantly reduce the occurrence of odour to a level which should not be considered as nuisance. The proposed location of the small scale feedlot pens is approx. 1000m from residential receptors.

Determination of the development application will include conditions of consent to address any environmental impacts identified in the statement of environmental effects or identified during the assessment of the application. Determination will be conditioned to address any impacts to acceptable levels and relevant statutory requirements.

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

The economic impacts are considered to be a more efficient means of the production of cattle than currently practiced on the site.

The social impacts:

- The proposed location of the feedlot reduces the impact on amenity to neighbouring properties and occupied dwellings than would be available within the RU1 zone on the property.
- The feedlot will have to operate within the legislative means to comply with licencing requirements and operations approved to maintain and enhance environmental performance of the site and sustain animal welfare.

Q 10 Is there adequate planning infrastructure for the proposal?

The proposal will not result in an increase in planning infrastructure as the development (feedlot) can be adequately serviced by the existing infrastructure, services and facilities.

Q11 What are the views of the state and commonwealth authorities consulted in accordance with the gateway determination?

The Gateway process step 2 the Minister (or delegate) decides whether the planning proposal can proceed (with or without variation) including agency consultation if required.

Part 4 Mapping**Cootamundra Local Environmental Plan 2013 Map Index** Last updated 25 May 2018

MAP	EXTRACT PROVIDED
Flood Planning Map	YES
Land Zoning Map	YES. Refer to page 88
Terrestrial Biodiversity Map	YES. Refer to page 92
Natural Resources Land Map	YES





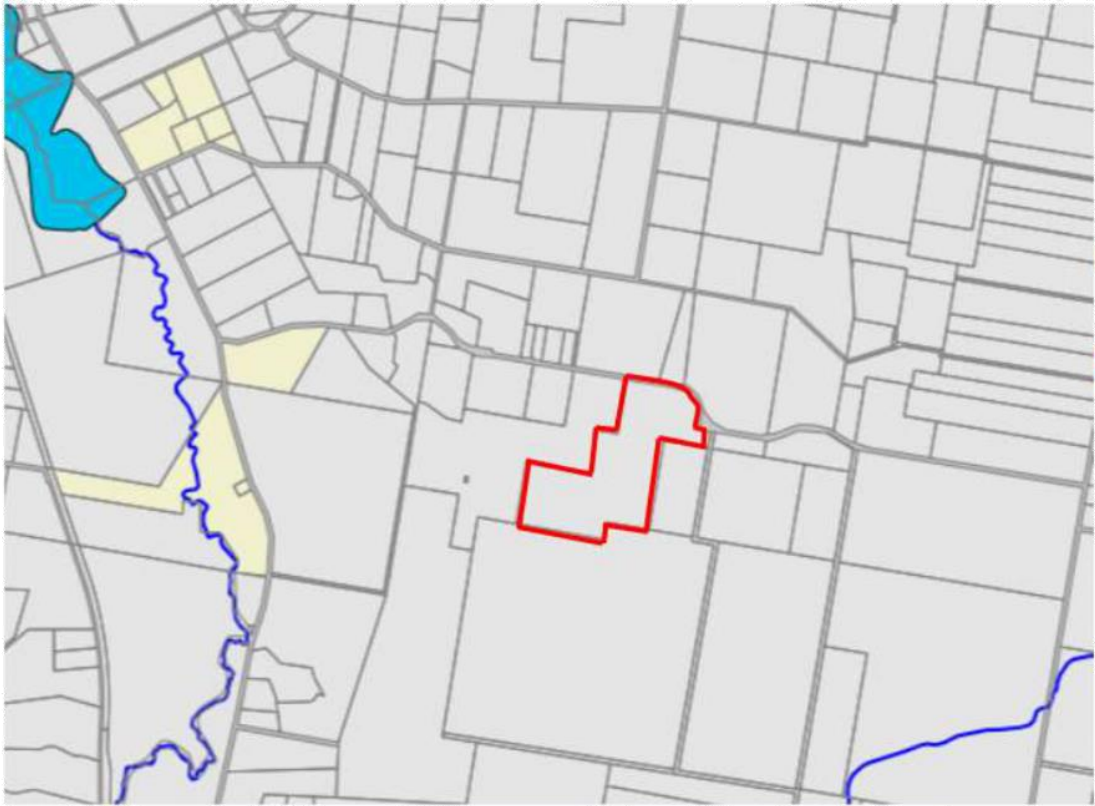
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**Cootamundra Local
Environmental
Plan 2013**

Flood Planning Map - Sheet FLD_005

- Flood Planning Land**
-  Flood Planning Area
- Cadastre**
-  Cadastre 04/04/2011 © Land and Property Information (LPI)



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Part 5 – Community Consultation

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The subject land

Following the approval by the Director of the Department of Planning and Environment, Council will place the planning proposal on public exhibition and undertake any community and agency consultation in accordance with conditions of a Gateway Determination.

Part 6 – Project Timeline

Gateway Determination	July 2018
Revision of Planning Proposal	November-December 2018
Public Exhibition	December- January 2018
Submission to Department and Parliamentary Council to Finalise LEP	February – March 2019
Anticipated date RPA will make the Plan	March 2019

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FOLLOWING THE CLOSING OF THE COUNCIL MEETING A COUNCILLOR WORKSHOP WILL BE CONDUCTED TO REVIEW NOMINATIONS SUBMITTED FOR THE AUSTRALIA DAY, 2019 AWARDS