

Planning Proposal 8:

Cootamundra Local Environmental Plan 2013 (Amendment No. 7)

Version 2

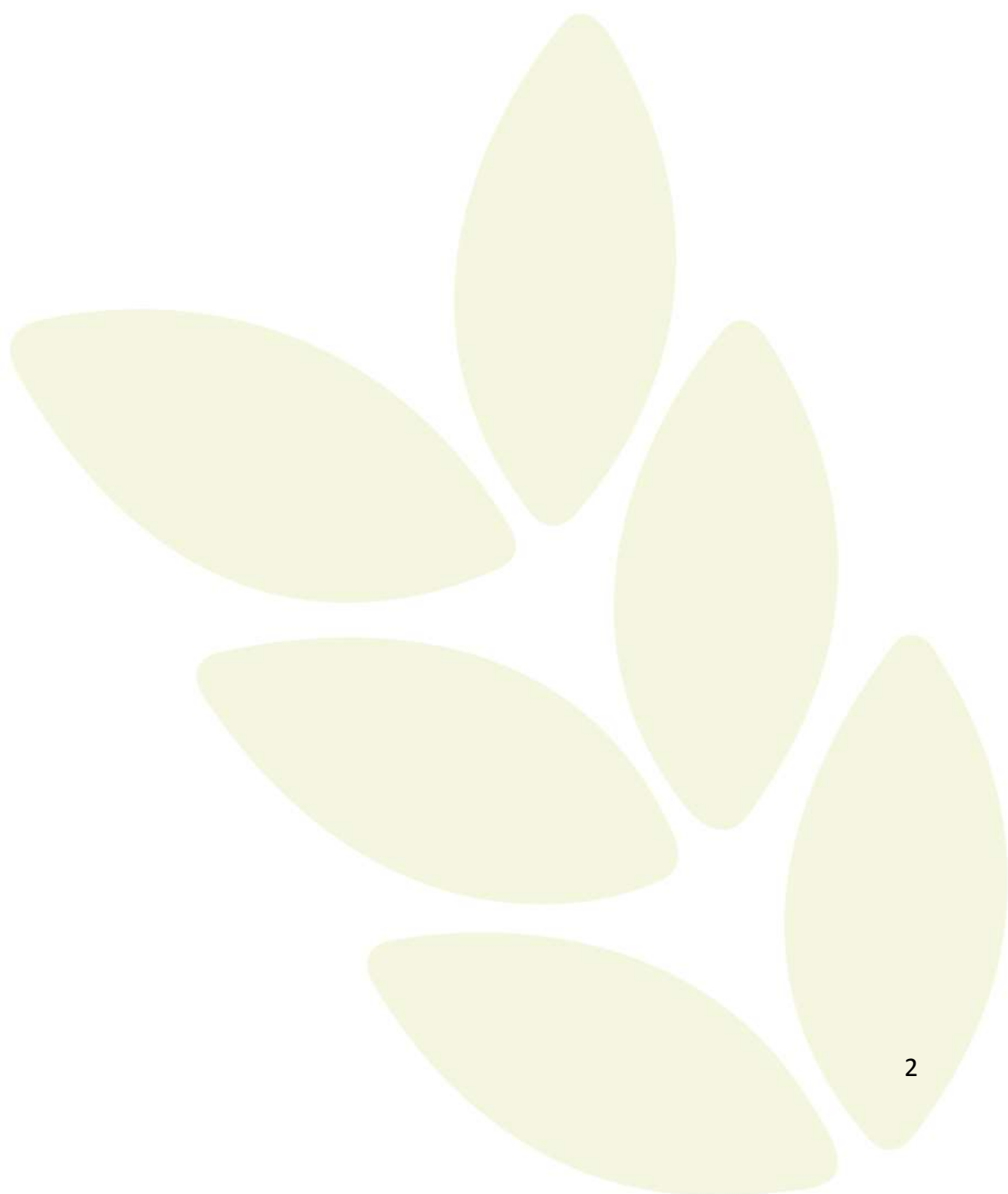


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Background

Former Cootamundra and Gundagai Shire Council merged to become Cootamundra-Gundagai Regional Council on 12 May 2016. The Council is required to create a single Local Environmental Plan (LEP) covering both former shires, however significant strategic planning work needs to be undertaken to ensure that the resulting LEP is measured and does not disadvantage areas. This is being addressed through strategic work Council is undertaking in the form of a Villages Strategy and a Rural Lands Strategy.

The Rural Lands Strategy in particular is a large and involved process which Council hopes to have finalised in early 2019. Once this work is finalised a new Cootamundra-Gundagai LEP will be created with the gazettal hopefully occurring no later than early 2020. As a new LEP is not likely to be endorsed for 24 months; Council is proposing a final, broad, planning proposal to address some long standing planning concerns and inconsistencies in the existing Cootamundra LEP.

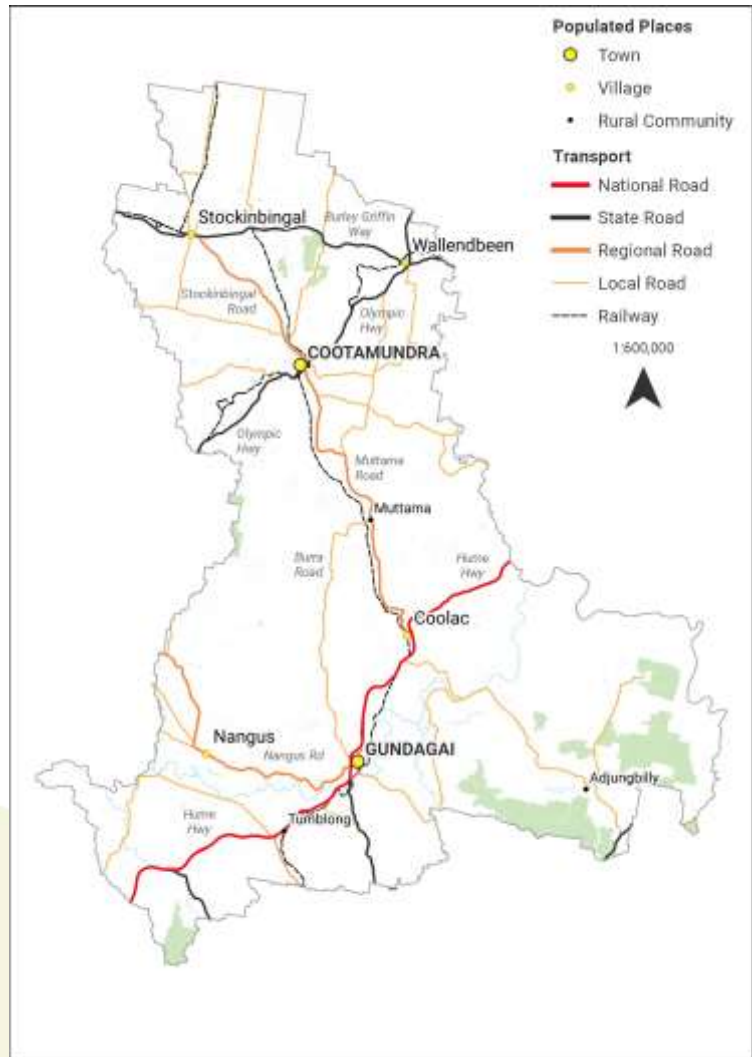


Figure 1: Map of CGRC.

The current proposals have been agreed by the Cootamundra-Gundagai Regional Council as being justified for the reasons given to each and considered to be consistent with the planning directions Council envisages for the respective locations.

The passage of time from the preparation of the Draft LEP for Cootamundra Shire (2010) until the plan commenced on 20/7/2013 has frustrated the desire to develop at these locations.

Item 1- Apply R1 General Residential zone to Cooper Street

Part 1 – Objectives or Intended Outcomes

- A. To change the existing zone applicable to this section of Cooper Street from Zone B3 Commercial Core to R1 General Residential.
- B. To impose a minimum lot size area of 450 sqm that is consistent with the adjoining Residential area



Part 2 – Explanation of Provisions

- 1. The changed provisions of the Cootamundra Local Environmental Plan 2013 will require amendments to the following Maps:
 - a. Land Zoning Map - Sheet LZN_ 005A to change the zoning on the subject section of Cooper Street from B3 Commercial Core to R1 General Residential
 - b. Lot Size Map – Sheet LSZ_ 005A to ensure the new rezoned area of Cooper Street is consistent with the Minimum Lot Size imposed on the adjoining R1 General residential area.
- 2. Refer to the following plans for details:



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**Cootamundra Local
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Land Zoning Map - Sheet LZN_005A

Zone

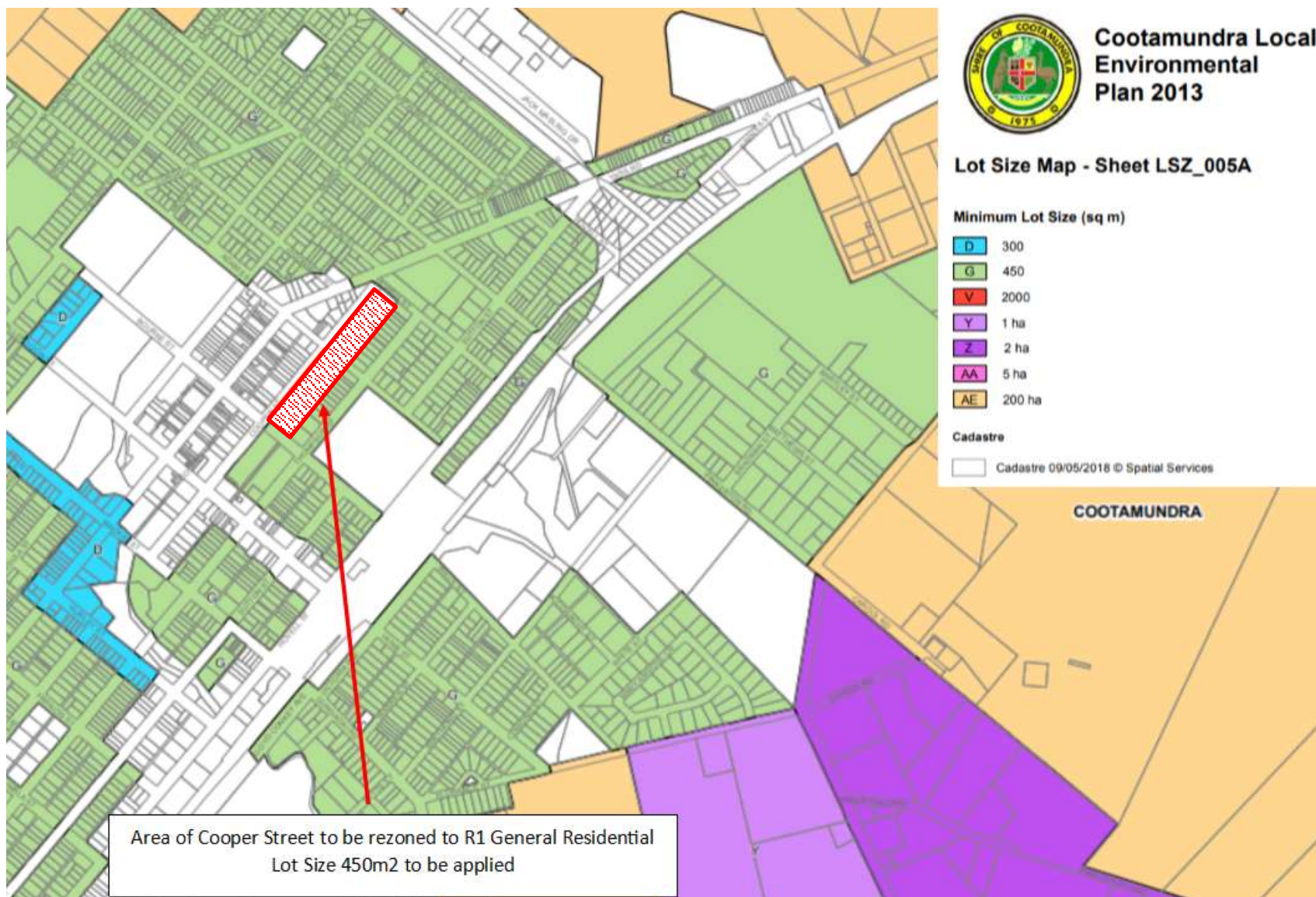
- E3 Commercial Core
- B6 Enterprise Corridor
- E1 National Parks and Nature Reserves
- E3 Environmental Management
- IN1 General Industrial
- IN2 Light Industrial
- IN3 Heavy Industrial
- R1 General Residential
- R3 Medium Density Residential
- R5 Large Lot Residential
- RE1 Public Recreation
- RE2 Private Recreation
- RU1 Primary Production
- RU2 Rural Landscape
- RU4 Primary Production Small Lots
- RU5 Village
- SP1 Special Activities
- SP2 Infrastructure

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Part 3 – Justification

Objective A

To change the existing zone applicable to this section of Cooper Street from Zone B3 Commercial Core to R1 General Residential.

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:

- a) This proposal results from a need to correct the extent of the Central Business District of Cootamundra. While the main street (Parker Street) serves the general retail and commercial needs of the Cootamundra Township, parallel streets such as Murray and Cooper Streets have been serving as a mixture of historic homes and professional offices.
- b) When the Cootamundra LEP was first investigated and adopted in 2013, Council was optimistic that professional offices were an expanding land use of Cootamundra. This has not eventuated and Council has been under significant pressure in recent years to allow for residential development (which is prohibited in the B3 – Commercial Core Zone) to occur, particularly along the eastern side of Cooper Street.
- c) Reducing the overall size of the Central Business District of Cootamundra is supported by the findings in the Planning & Environment's *Planning for the Future of Retail* discussion paper April 2018, which found that clustered areas of commercial activity tend to generate higher returns and support the development of other new businesses and thereby reducing vacancy rates. Having a compact retail and commercial core in regional areas is particularly important with the changing face of retail from bricks and mortar premises to a more online marketplace.
- d) As this area is identified under the Cootamundra Heritage Conservation Area, R1 – General Residential Zone is assessed as being the best fit for this area. Existing land uses which include professional offices (of which there are less than five) would continue under existing use rights.

Objective B

To impose a minimum lot size area of 450 sqm that is consistent with the adjoining Residential area

The proposed minimum lot size area of 450 sqm that is consistent with the adjoining R1 General Residential zoned area. This will enable the application of the State Environmental Planning Policy (Exempt & Complying development) to qualify for the Part 3B Low Rise Medium Density Housing Code forms of development that require a minimum site area of 400 sqm. The Low Rise Medium Density Housing Code development controls will produce outcomes acceptable in scale and character for this area.

The following extracts from the CGRC LEP 2013 Land use table shows the permitted uses within R1 and B3 zones that illustrates the change in character desired by Council:

- An increase in the density of residential accommodation on the fringe of the CBD. This will bring the associated benefits of improved access to services , community facilities, employment and retail outlets in Cootamundra “Main Street” (Parker Street”)
- With the area still able to accommodate: *health services with health care professionals.*

ZONE	Permitted with consent
Zone R1 General Residential	Attached dwellings; Bed and breakfast accommodation; Boarding houses; Business identification signs; Centre-based child care facilities; Community facilities; Dwelling houses; Group homes; Hostels; Multi dwelling housing; Neighbourhood shops; Places of public worship; Residential flat buildings; Respite day care centres; Roads; Semi-detached dwellings; Seniors housing; Serviced apartments; Shop top housing; Any other development not specified in item 2 or 4
Zone B3 Commercial Core	Centre-based child care facilities; Commercial premises; Community facilities; Educational establishments; Entertainment facilities; Function centres; Home industries; Hotel or motel accommodation; Information and education facilities; Medical centres; Passenger transport facilities; Recreation facilities (indoor); Registered clubs; Respite day care centres; Restricted premises; Roads; Shop top housing; Any other development not specified in item 2 or 4

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?

COOTAMUNDRA-GUNDAGAI REGIONAL COUNCIL COMMUNITY STRATEGIC PLAN 2018-28 :

- The planning proposals are consistent with *Objective 3.2: Our built environments support and enhance liveability*
- *Develop and implement land-use plans and design practices which complement the character of our communities, are considerate of our heritage, support sustainable design practices and respond to changing needs.*
- *Ensure a variety of housing options are made available.*

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

State Environmental Planning Policy	Compliance
State Environmental Planning Policy (Affordable Rental Housing) 2009	Yes
State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004	Yes
State Environmental Planning Policy (Exempt and Complying Development Codes) 2008	Yes
State Environmental Planning Policy (housing for Seniors or People with a Disability) 2004	Yes
State Environmental Planning Policy (Infrastructure) 2007	Yes
State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007	Yes
State Environmental Planning Policy (Miscellaneous Consent Provisions) 2007	Yes
State Environmental Planning Policy No 1- Development Standards	Yes
State Environmental Planning Policy No 21- Caravan Parks	N/A
State Environmental Planning Policy No 30-Intensive Agriculture	N/A
State Environmental Planning Policy No 33-Hazardous and Offensive Development	Yes
State Environmental Planning Policy No 36-Manufactured Homes	N/A
State Environmental Planning Policy No 50- Canal Estate Development	N/A
State Environmental Planning Policy No 55-Remediation of Land	Yes
State Environmental Planning Policy No 62-Sustainable Aquaculture	N/A
State Environmental Planning Policy No 64-Advertising and Signage	Yes
State Environmental Planning Policy No 65-Design Quality of Residential Apartment Development	Yes
State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017	N/A

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

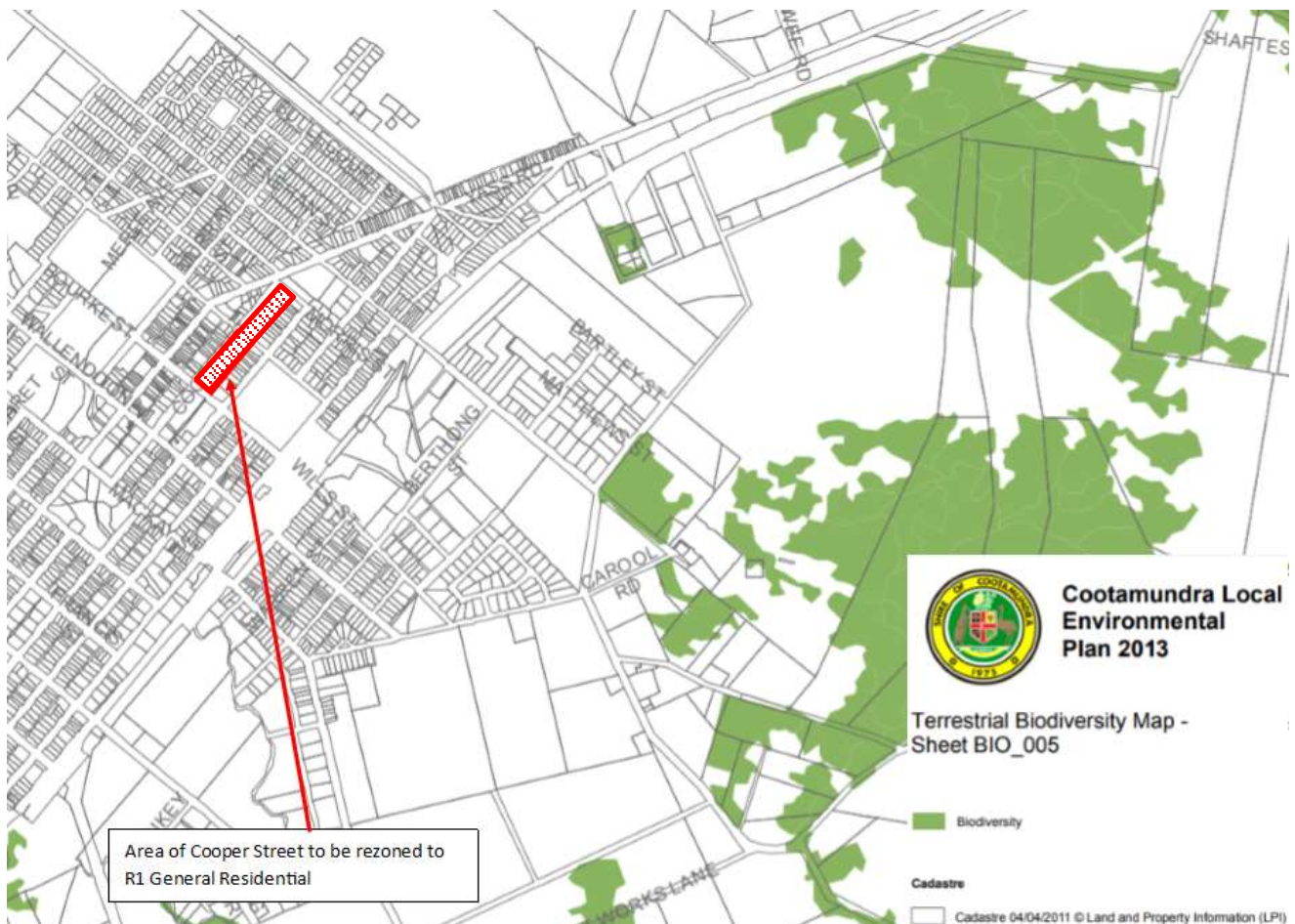
Relevant s117 directions that impact or are applicable to this planning proposal are listed below. The planning proposal is generally consistent with the relevant s117 directions.

1. Apply R1 – General Residential zoning to identified lots in Cooper Street and amend lot size map to reflect this change (450m ²).		
Direction Title	Direction Objectives	Consistency
1.1. Business & Industrial Zones	The objectives of this direction are to: (a) encourage employment growth in suitable locations, (b) protect employment land in business and industrial zones, and (c) support the viability of identified centres.	This proposal seeks to diminish the extent of the B3 Zone in Cootamundra. This is due to a high vacancy rate in the commercial core of Cootamundra and the need for more residential lots. As discussed above, creating a more compact CBD will improve the function and viability of existing businesses. In this way the objectives of this direction are supported.
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.	This proposal does not seek to remove or alter the HCA of Cootamundra, rather it seeks the best land use outcome to support the heritage values of the area whilst still encouraging development. Applying the R1 – General Residential Zone has been assessed as the best method of meeting the objectives of this direction.

3.1. Residential Zones	<p>The objectives of this direction are:</p> <ul style="list-style-type: none"> (a) to encourage a variety and choice of housing types to provide for existing and future housing needs, (b) to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and (c) to minimise the impact of residential development on the environment and resource lands 	<p>This proposal is consistent with this direction as it seeks to broaden housing availability, utilising existing infrastructure and resources. All land is serviced and of a residential character. There are anticipated to be minimal land use conflicts with neighbouring zones (B3 Zone) should this rezoning occur.</p>
3.3. Home Occupations	<p>The objective of this direction is to encourage the carrying out of low-impact small businesses in dwelling houses.</p>	<p>This proposal will allow home occupations to be carried out in dwelling houses without a requirement for development consent.</p>
5.10. Implementation of Regional Plans	<p>The objective of this direction is to give legal effect to the vision, land use strategy, policies, outcomes and actions contained in regional strategies.</p>	<p>No specific directions are applicable to this proposal in the Riverina-Murray Regional Plan.</p>
6.1 Approval and Referral Requirements	<p>The objective of this direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development.</p>	<p>The planning proposal is consistent with this direction. It is anticipated that should a Gateway Determination be issued in relation to Item 1- Apply R1 General Residential zone to Cooper Street of this proposal that a condition will be imposed to consult with:</p> <ul style="list-style-type: none"> • Office of Environment & Heritage

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?

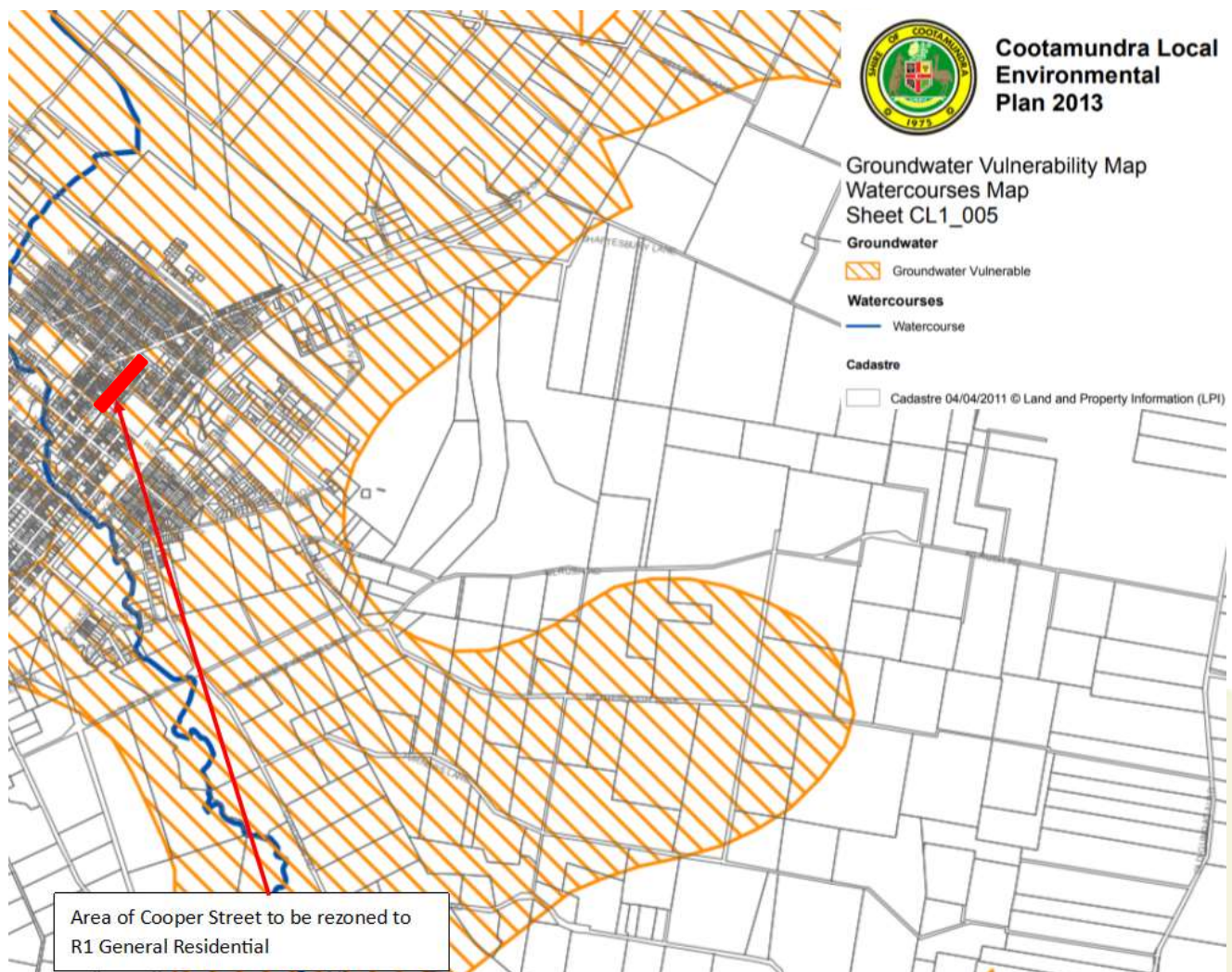
The subject land has not been identified on Map Sheet BIO_005 as **Terrestrial Biodiversity Land**. See map extract below.



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

The subject land has been identified as “Groundwater Vulnerable” on the Groundwater Vulnerability Map within the CGRC LEP 2013 as shown in the following map.

The environmental effects will be managed by implementing the provisions of the Cootamundra Local Environmental Plan 2013 Clause 6.4 Groundwater vulnerability when assessing and determining development applications. Appropriate conditions of consent will be imposed on approved development to achieve the objectives of *Cl 6.4 Groundwater vulnerability*

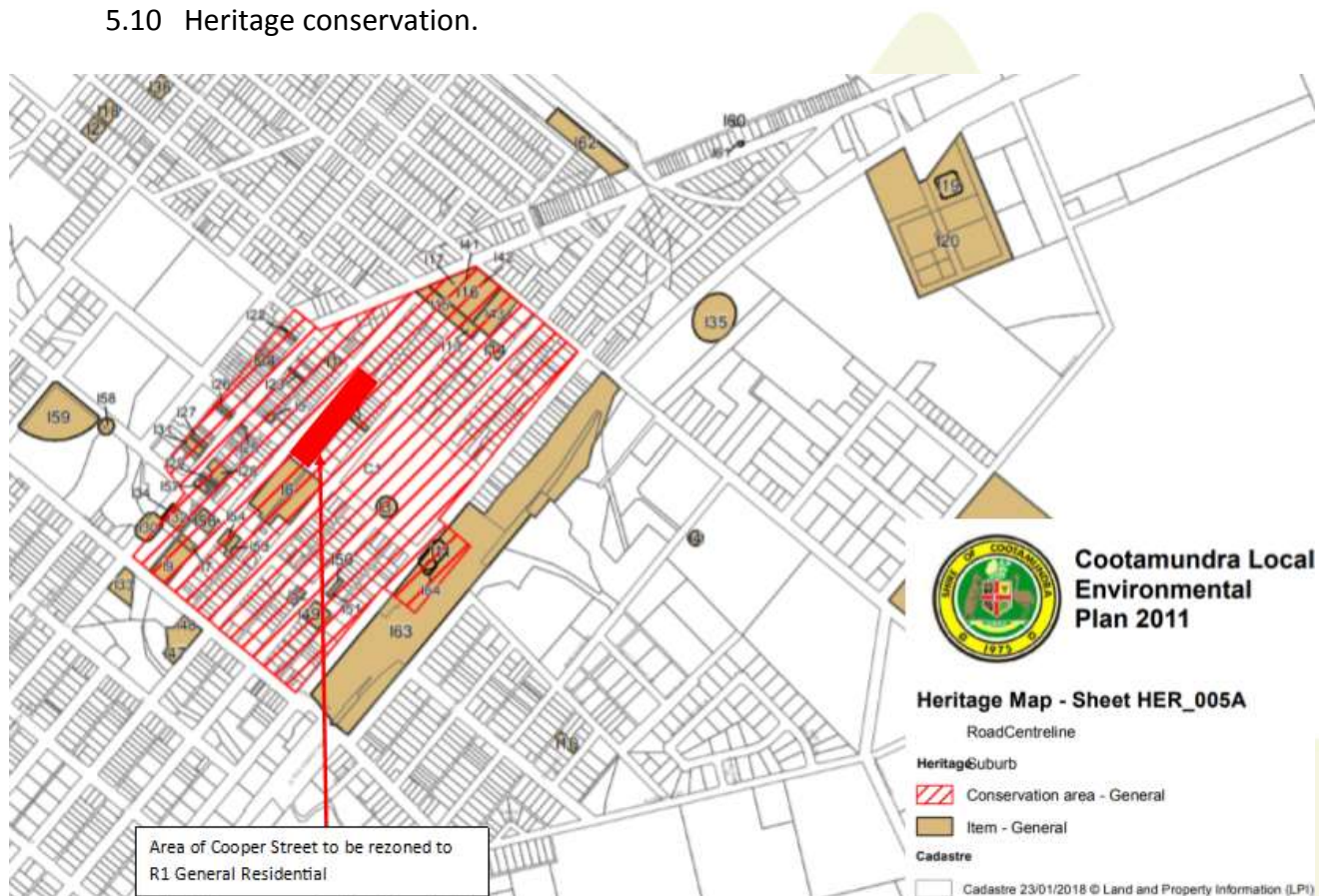


Q9 Has the planning proposal adequately addressed any social and economic effects?

The economic impacts are considered to be positive. The redevelopment of this inner CBD location for residential accommodation being attractive location to live in because of the access residents will have to retail shops and commercial and community services/facilities.

The social impacts:

- **The subject land is located in the Cootamundra Heritage Conservation Area**
- Housing options and residential accommodation types will be increased. Future residents will have ready and easy access to retail shops and commercial and community services/facilities.
- European cultural heritage will be safeguard by the assessment of development applications as required under the provisions of Cootamundra Local Environmental Plan 2013 Clause 5.10 Heritage conservation.



Q 10 Is there adequate planning infrastructure for the proposal?

The proposal will see a increase in residential accommodation in the area the scale and nature of which can be **adequately serviced** by the existing community 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 7
Lot Size Map	Yes. Refer to Page 8
Heritage Map	Refer to Page 17
Terrestrial Biodiversity Map	Yes. Refer to Page 15
Natural Resources Land Map	YES
Groundwater Vulnerability Map, Watercourses Map	Yes. Refer to Page 16



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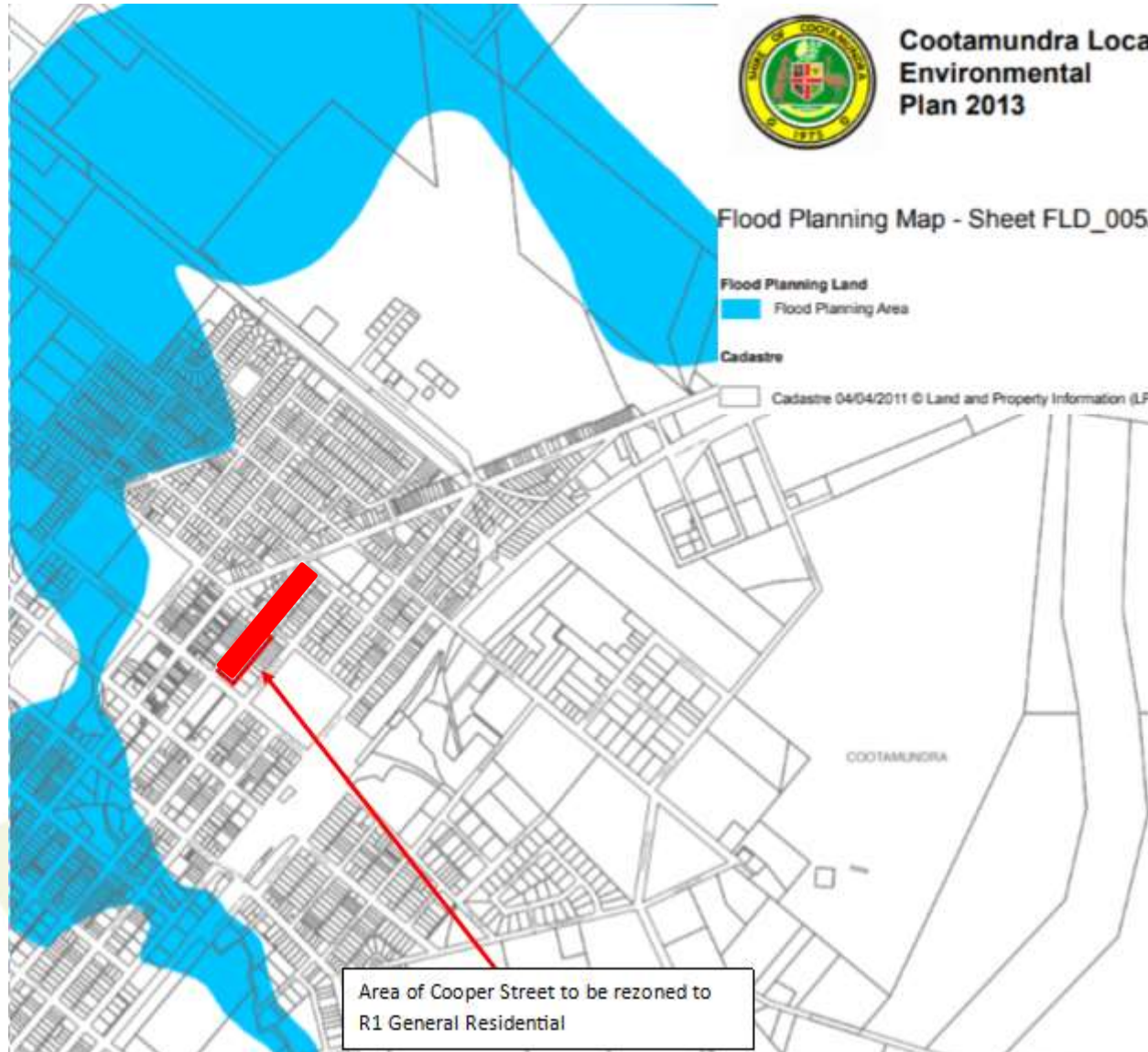
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Flood Planning Map - Sheet FLD_005A

Flood Planning Land
Flood Planning Area

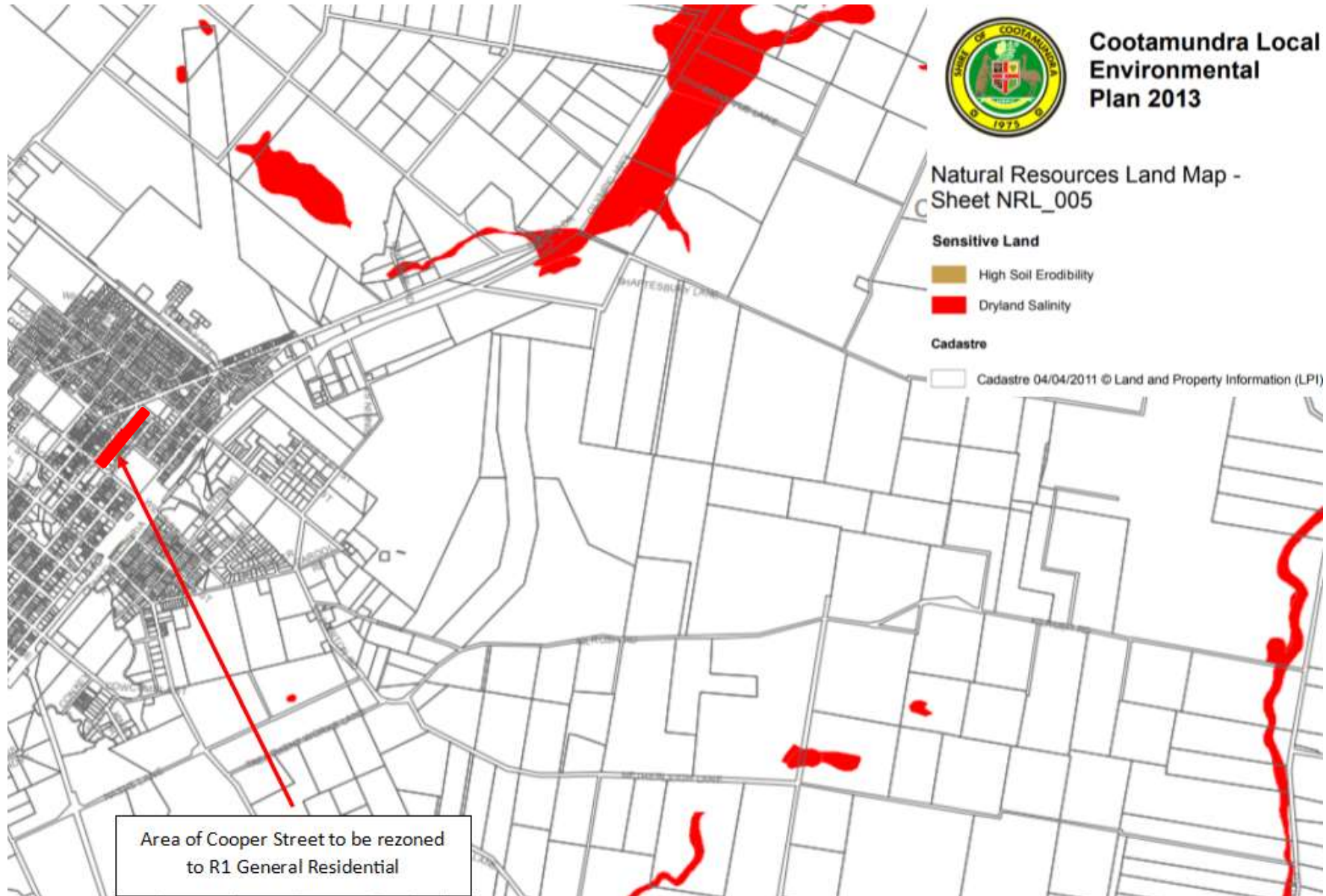
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Cadastral 04/04/2011 © Land and Property Information (LPI)



Area of Cooper Street to be rezoned to
R1 General Residential

8 February 2019



Part 5 – Community Consultation

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

Item 2 – Apply R3 Medium Density zone to Adams Street

Part 1 – Objectives or Intended Outcomes

1. Apply R3 – Medium Density Residential zoning to identified lots along Adams and Murray Streets and amend lot size map to reflect this change (300m²) as shown below
 - Rezone B3 – Commercial Core Zone (no minimum lot size);
 - Rezone R1 – General Residential Zone (450m² minimum lot size); and
 - Zone R3 – Medium Density Residential Zone with a minimum lot size of 300m².

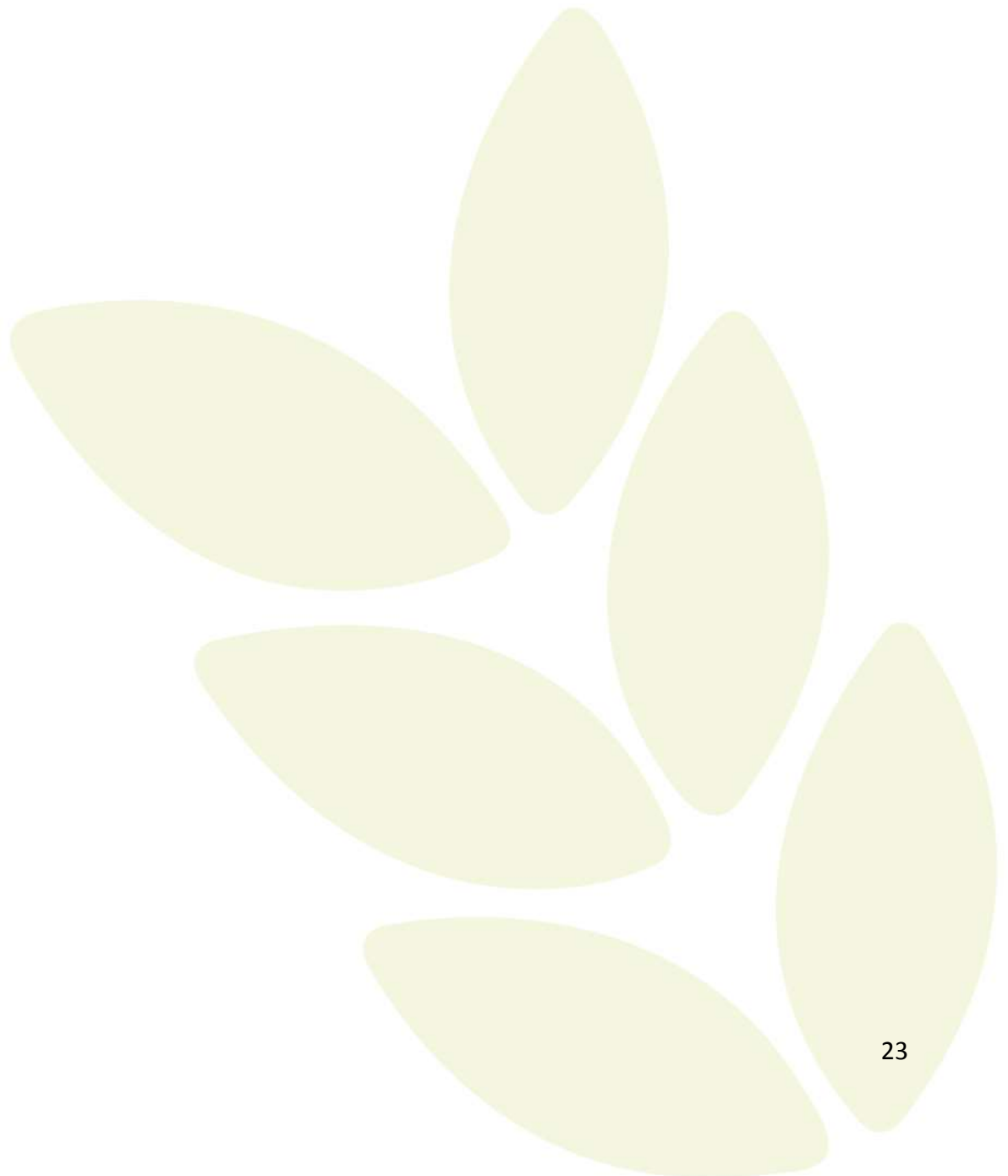


2. Amend permissible uses of the R3 – Medium Density Residential Land Use Table as shown in Appendix E:
 - Specify “**restaurant or café**” and “**takeaway food and drink premises**” under item 3 “Permitted with consent” in the R3 – Medium Density Residential Land Use Table.

Part 2 – Explanation of Provisions

1. The changed provisions of the Cootamundra Local Environmental Plan 2013 will require amendments to the following Maps:

- a. Land Zoning Map - Sheet LZN_ 005A to change the zoning on the subject section of the corner of Adams Street and Murray Street from B3 Commercial Core to R3 Medium Density Residential
 - b. Lot Size Map – Sheet LSZ_ 005A to ensure the new rezoned area of Adams Street is consistent with the Minimum Lot Size imposed Medium Density residential area.
2. Apply R3 – Medium Density Residential zoning to identified lots along Adams and Murray Streets and amend lot size map to reflect this change (300m²)
3. Refer to the following plans for details:





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**Cootamundra Local
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Land Zoning Map - Sheet LZN_005A

Zone

- B3 Commercial Core
- B6 Enterprise Corridor
- E1 National Parks and Nature Reserves
- E3 Environmental Management
- IN1 General Industrial
- IN2 Light Industrial
- IN3 Heavy Industrial
- R1 General Residential
- R3 Medium Density Residential
- R5 Large Lot Residential
- RE1 Public Recreation
- RE2 Private Recreation
- RU1 Primary Production
- RU2 Rural Landscape
- RU4 Primary Production Small Lots
- RU5 Village
- SP1 Special Activities
- SP2 Infrastructure

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Cootamundra Local Environmental Plan 2013

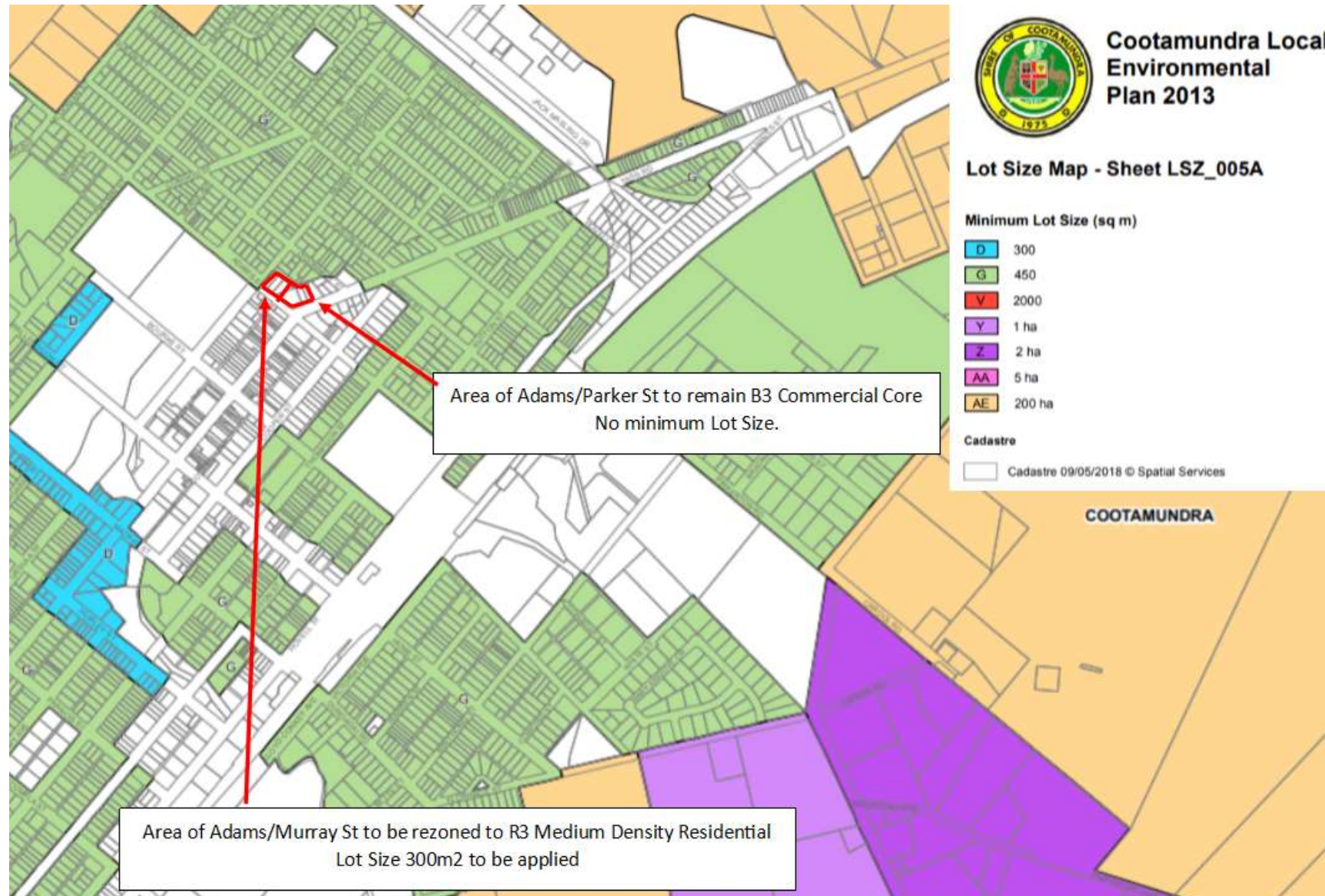
Lot Size Map - Sheet LSZ_005A

Minimum Lot Size (sq m)

D	300
G	450
V	2000
Y	1 ha
Z	2 ha
AA	5 ha
AE	200 ha

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Part 3 – Justification

Objective A

To change the existing zone applicable to this section of Adams Street from Zone B3 Commercial Core to R3 Medium Density Residential.

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

There is no underlying formal strategy associated with this amendment. This proposal results from a specific development proposal which seeks to redevelop a disused centrally located site known colloquially as the “Old Mitre 10 Site.” A concept for redevelopment is provided below. This proposal includes medium density housing, which is prohibited in the B3 - Commercial Core Zone.



Figure 2 Concept for redevelopment of Adams Street to allow R3 Medium Density Residential Development

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:

- a) This proposal results from a need to correct the extent of the Central Business District of Cootamundra. While the main street (Parker Street) serves the general retail and commercial needs of the Cootamundra Township, parallel streets such as Murray, Parker Streets and intersecting streets (Adams Street) have been serving as a mixture of commercial and residential.
- b) When the Cootamundra LEP was first investigated and adopted in 2013, Council was optimistic that professional offices were an expanding land use of Cootamundra. This has not eventuated and Council has been under significant pressure in recent years to allow for residential development (which is prohibited in the B3 – Commercial Core Zone) to occur, particularly along the fringe of the commercial core zone including this area.
- c) Reducing the overall size of the central business district of Cootamundra is supported by the findings in the Planning & Environment's *Planning for the Future of Retail* discussion paper April 2018, which found that clustered areas of commercial activity tend to generate higher returns and support the development of other new businesses and thereby reducing vacancy rates. Having a compact retail and commercial core in regional areas is particularly important with the changing face of retail from bricks and mortar premises to a more online marketplace.
- d) It is the intention of the developer to provide accessible housing within close proximity to services and amenities. Noting that a number of State Environmental Planning Policies such as the SEPP (Affordable Rental Housing) 2009 and SEPP (Housing for Seniors or People with a Disability) 2004 cannot be applied in Cootamundra, Council wishes to support the intent of these sorts of development whenever possible.

Objective B

Amend permissible uses of the R3 – Medium Density Residential Land Use Table

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

There is no underlying formal strategy associated with this amendment. This proposal is borne from the need to have a more inclusive and flexible R3 – Medium Density zone which allows for innovation and adaptive land use. This is particularly problematic when neighbouring shires allow for certain land uses and prospective residents and business owners decide to start up elsewhere. The proposal to include “**restaurant or café**” and “**takeaway food and drink premises**” in the R3 Zone is logical, with existing enterprises operating in Cootamundra already (see figure 8), either through existing use rights or liberal application of “ancillary use” provisions. Amending the land use table is the only method of allowing for “**restaurant or café**” and “**takeaway food and drink premises**” uses to occur in a clear legal manner in the residential area.

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:

- a) The proposed minimum lot size area of 300 sqm will enable an increase in density in an appropriate location close to existing facilities and services.
- b) An increase in the density of residential accommodation on the fringe of the CBD. This will bring the associated benefits of improved access to services , community facilities, employment and retail outlets in Cootamundra “Main Street” (Parker Street”)
- c) This proposal results from the adaptive reuse of a former nursing residence, located in the R3 – Medium Density Residential zone in Cootamundra. Current owners of the site have redeveloped the building as accommodation with an ancillary café. Noting that this is a flexible interpretation of “ancillary” (noting also that “ancillary” is not defined in the Standard Instrument) and the current objectives of the R3 Zone includes “To enable other land uses that provide facilities or services to meet the day to day needs of residents,” Council believe that it is a natural fit that “restaurant or café” and “takeaway food and drink premises” be permitted in the R3 Zone. “Restaurant or café” and “takeaway food and drink premises” are currently prohibited as “Commercial premises” are listed as a prohibited land use. This amendment would seek to leave “Commercial premises” as prohibited, but would take “restaurant or café” and “takeaway food and drink premises” and list specifically as permitted with consent.
- d) The following extracts from the CGRC LEP 2013 Land use table shows the permitted uses and the proposed additional uses within R3 and B3 zones that illustrates the change in character desired by Council for that area:

ZONE	Permitted with consent
Zone R3 Medium Density Residential	Attached dwellings; Boarding houses; Business identification signs; Centre-based child care facilities; Community facilities; Group homes; Multi dwelling housing; Neighbourhood shops; Places of public worship; Respite day care centres; Restaurant or café ; Roads; Seniors housing; Takeaway food and drink premises ; Any other development not specified in item 2 or 4
Zone B3 Commercial Core	Centre-based child care facilities; Commercial premises; Community facilities; Educational establishments; Entertainment facilities; Function centres; Home industries; Hotel or motel accommodation; Information and education facilities; Medical centres; Passenger transport facilities; Recreation facilities (indoor); Registered clubs; Respite day care centres; Restricted premises; Roads; Shop top housing; Any other development not specified in item 2 or 4

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?

COOTAMUNDRA-GUNDAGAI REGIONAL COUNCIL COMMUNITY STRATEGIC PLAN 2018-28 :

The planning proposals are consistent with *Objective 3.2: Our built environments support and enhance liveability*

- *Develop and implement land-use plans and design practices which complement the character of our communities, are considerate of our heritage, support sustainable design practices and respond to changing needs.*
- *Ensure a variety of housing options are made available.*



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

State Environmental Planning Policy	Compliance
State Environmental Planning Policy (Affordable Rental Housing) 2009	Yes
State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004	Yes
State Environmental Planning Policy (Exempt and Complying Development Codes) 2008	Yes
State Environmental Planning Policy (housing for Seniors or People with a Disability) 2004	Yes
State Environmental Planning Policy (Infrastructure) 2007	Yes
State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007	N/A
State Environmental Planning Policy (Miscellaneous Consent Provisions) 2007	Yes
State Environmental Planning Policy No 1- Development Standards	Yes
State Environmental Planning Policy No 21- Caravan Parks	N/A
State Environmental Planning Policy No 30-Intensive Agriculture	N/A
State Environmental Planning Policy No 33-Hazardous and Offensive Development	N/A
State Environmental Planning Policy No 36-Manufactured Homes	N/A
State Environmental Planning Policy No 50- Canal Estate Development	N/A
State Environmental Planning Policy No 55-Remediation of Land	Yes
State Environmental Planning Policy No 62-Sustainable Aquaculture	N/A
State Environmental Planning Policy No 64-Advertising and Signage	Yes
State Environmental Planning Policy No 65-Design Quality of Residential Apartment Development	Yes
State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017	N/A

Q6 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

2. Apply R1 – General Residential zoning to identified lots in Cooper Street and amend lot size map to reflect this change (450m ²).		
Direction Title	Direction Objectives	Consistency
1.1. Business & Industrial Zones	<p>The objectives of this direction are to:</p> <ul style="list-style-type: none"> (a) encourage employment growth in suitable locations, (b) protect employment land in business and industrial zones, and (c) support the viability of identified centres. 	<p>This proposal seeks to diminish the extent of the B3 Zone in Cootamundra. This is due to a high vacancy rate in the commercial core of Cootamundra and the need for more residential lots.</p> <p>As discussed above, creating a more compact CBD will improve the function and viability of existing businesses. In this way the objectives of this direction are supported.</p>
3.1. Residential Zones	<p>The objectives of this direction are:</p> <ul style="list-style-type: none"> (a) to encourage a variety and choice of housing types to provide for existing and future housing needs, (b) to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and (c) to minimise the impact of residential development on the environment and resource lands 	<p>This proposal is consistent with this direction as it seeks to broaden housing availability, utilising existing infrastructure and resources. All land is serviced and of a residential character. There are anticipated to be minimal land use conflicts with neighbouring zones (B3 Zone) should this rezoning occur.</p>

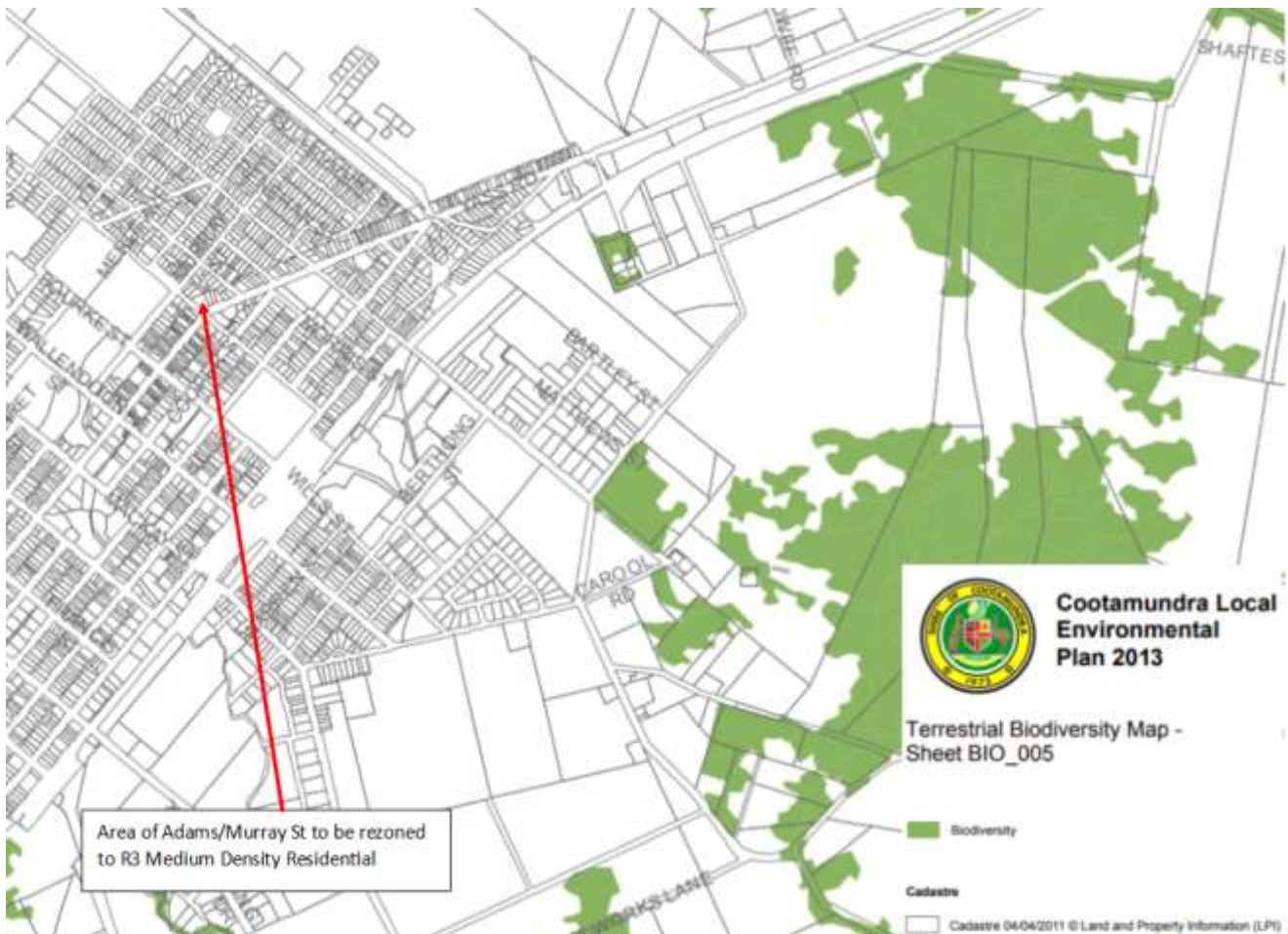
3.3. Home Occupations	The objective of this direction is to encourage the carrying out of low-impact small businesses in dwelling houses.	This proposal will allow home occupations to be carried out in dwelling houses without a requirement for development consent.
5.10. Implementation of Regional Plans	The objective of this direction is to give legal effect to the vision, land use strategy, policies, outcomes and actions contained in regional strategies.	No specific directions are applicable to this proposal in the Riverina-Murray Regional Plan.
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.





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?

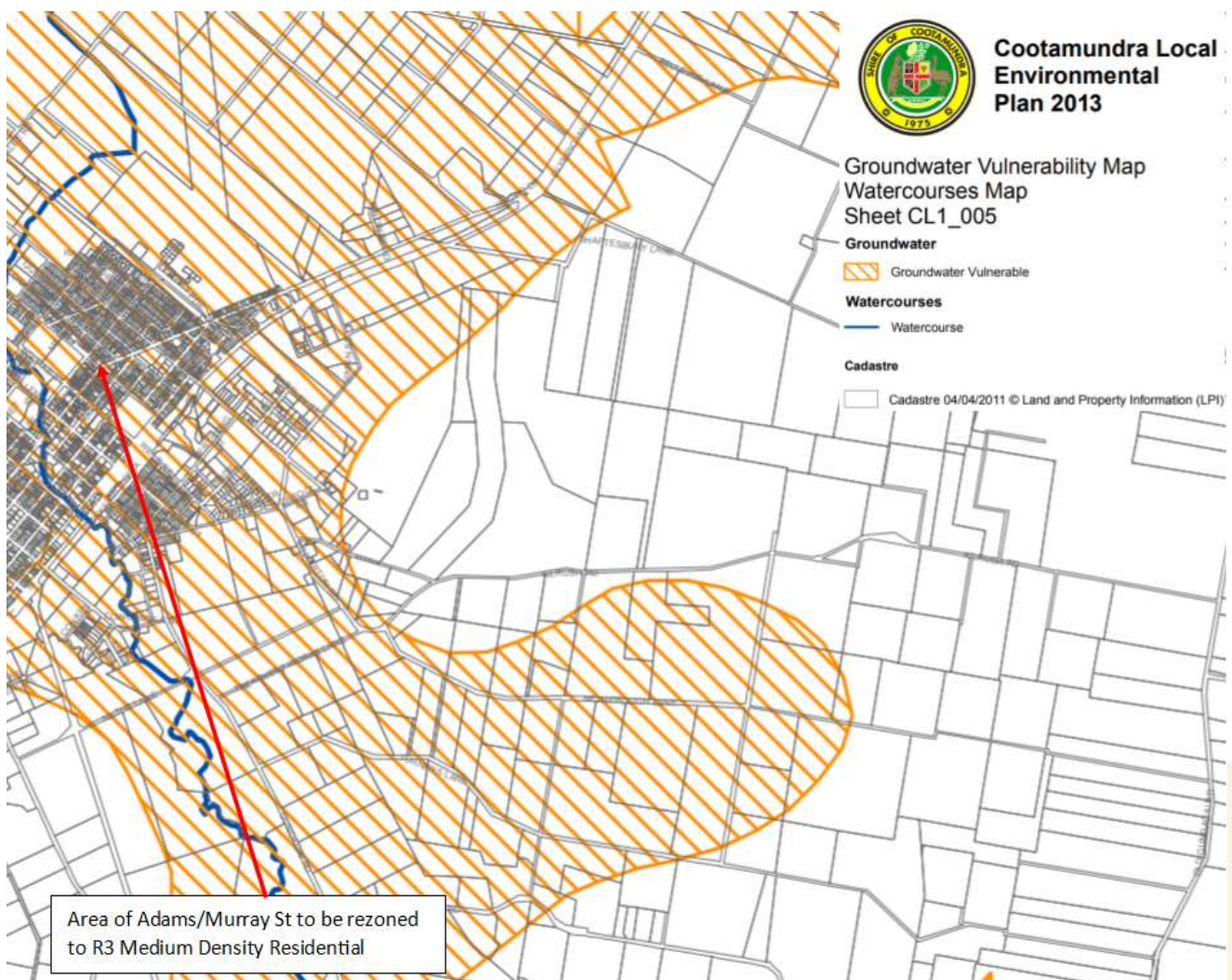
The subject land has not been identified on Map Sheet BIO_005 as **Terrestrial Biodiversity Land**. See map extract below.

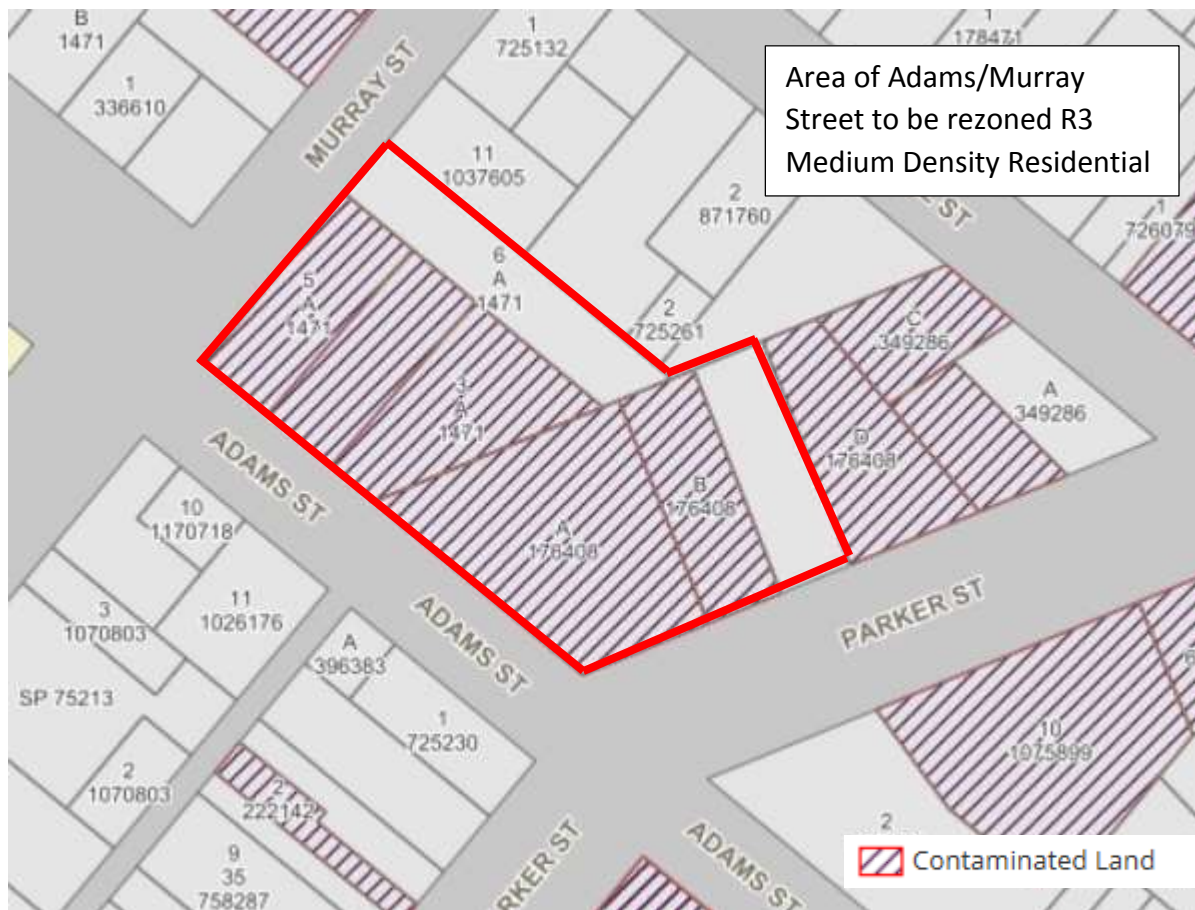


Q8 Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

The subject land has been identified as “Groundwater Vulnerable” on the Groundwater Vulnerability Map within the CGRC LEP 2013 as shown in the following map.

The environmental effects will be managed by implementing the provisions of the Cootamundra Local Environmental Plan 2013 Clause 6.4 Groundwater vulnerability when assessing and determining development applications. Appropriate conditions of consent will be imposed on approved development to achieve the objectives of *Cl 6.4 Groundwater vulnerability*





Council's records indicate potential contamination of this site from past industrial activity (former hardware store – chemical storage, fertilizer and paint). It is the purchaser's responsibility to ensure that the site is suitable for the proposed use by investigating the site in accordance with the guidelines of State Environmental Planning Policy No 55 – Remediation of Land.

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

The economic impacts are considered to be positive. The redevelopment of this inner CBD location for residential accommodation being attractive location to live in because of the access residents will have to retail shops and commercial and community services/facilities.

The social impacts:

- Housing options and residential accommodation types will be increased. Future residents will have ready and easy access to retail shops and commercial and community services/facilities.

Q 10 Is there adequate planning infrastructure for the proposal?

The proposal will see an increase in residential accommodation in the area the scale and nature of which can be adequately serviced by the existing community 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 24
Lot Size Map	Yes. Refer to Page 25
Terrestrial Biodiversity Map	Yes. Refer to Page 34
Natural Resources Land Map	YES
Groundwater Vulnerability Map, Watercourses Map	Yes. Refer to Page 35



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Cootamundra Local Environmental Plan 2013

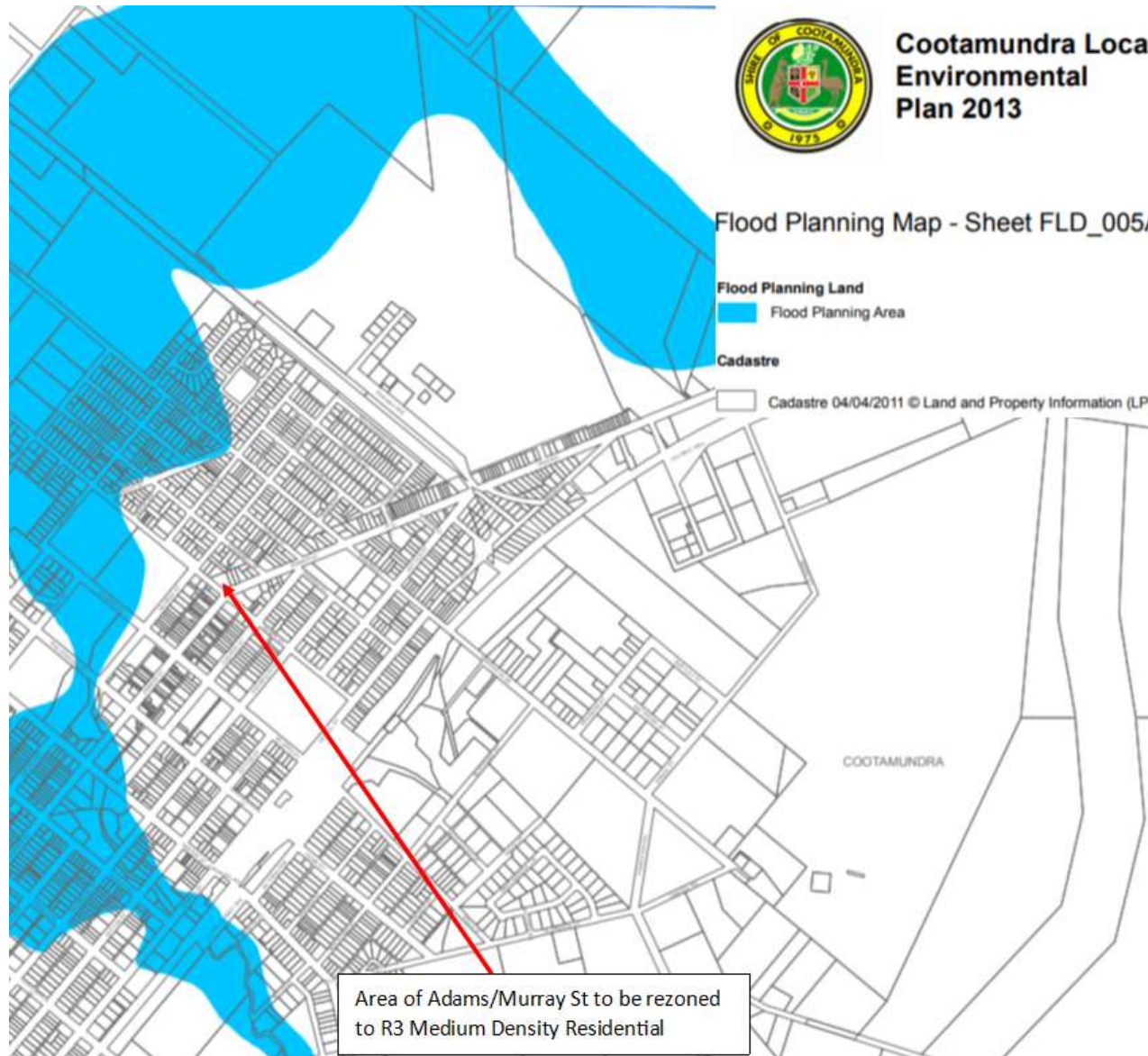
Flood Planning Map - Sheet FLD_005A

Flood Planning Land

 Flood Planning Area

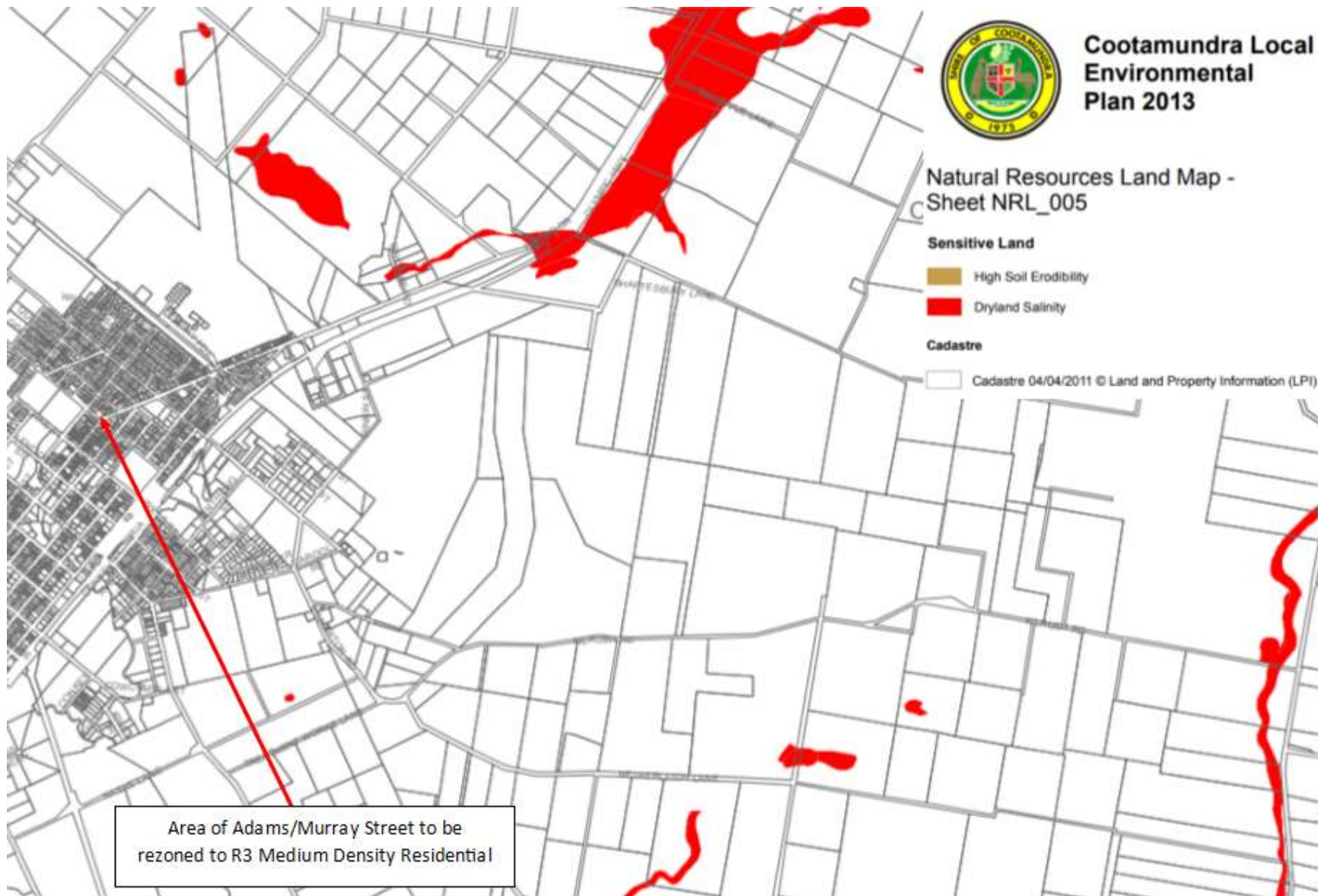
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 Cadastral 04/04/2011 © Land and Property Information (LPI)



Area of Adams/Murray St to be rezoned
to R3 Medium Density Residential

8 February 2019



Part 5 – Community Consultation

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

Item 3- Introduce E4 Environmental Living zone to Back Brawlin Road

Part 1 – Objectives or Intended Outcomes

1. Introduce the E4 – Environmental Living Zone to the Cootamundra LEP as shown below.
 - Create and add the land use table for E4 – Environmental Living to the Cootamundra LEP.
2. Apply the E4 – Environmental Living Zone to identified lots and amend lot size map to reflect a minimum lot size of 5 hectares:
 - Rezone RU1 – Primary Production zone (200 hectares minimum lot size); and
 - Zone the E4 – Environmental Living Zone with a minimum lot size of 5 hectares.



Part 2 – Explanation of Provisions

1. The changed provisions of the Cootamundra Local Environmental Plan 2013 will require amendments to the following Maps:
 - a. Land Zoning Map - Sheet LZN_ 002 to change the zoning on the subject section of Back Brawlin Road from RU1 Primary Production to E4 Environmental Living zone.
 - b. Land Zoning Map - Sheet LZN_ 002A to change the zoning on the subject section of Back Brawlin Road from RU1 Primary Production to E4 Environmental Living zone.
 - c. Land Zoning Map - Sheet LZN_ 005 to change the zoning on the subject section of Back Brawlin Road from RU1 Primary Production to E4 Environmental Living zone.
 - d. Lot Size Map – Sheet LSZ_ 002 to ensure the new E4 Environmental Living rezoned area of Back Brawlin Road has a Minimum Lot Size of 5 hectares.
 - e. Lot Size Map – Sheet LSZ_ 002A to ensure the new E4 Environmental Living rezoned area of Back Brawlin Road has a Minimum Lot Size of 5 hectares.
 - f. Lot Size Map – Sheet LSZ_ 005 to ensure the new E4 Environmental Living rezoned area of Back Brawlin Road has a Minimum Lot Size of 5 hectares.
2. Refer to the following plan for details.



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**Cootamundra Local
Environmental
Plan 2013**

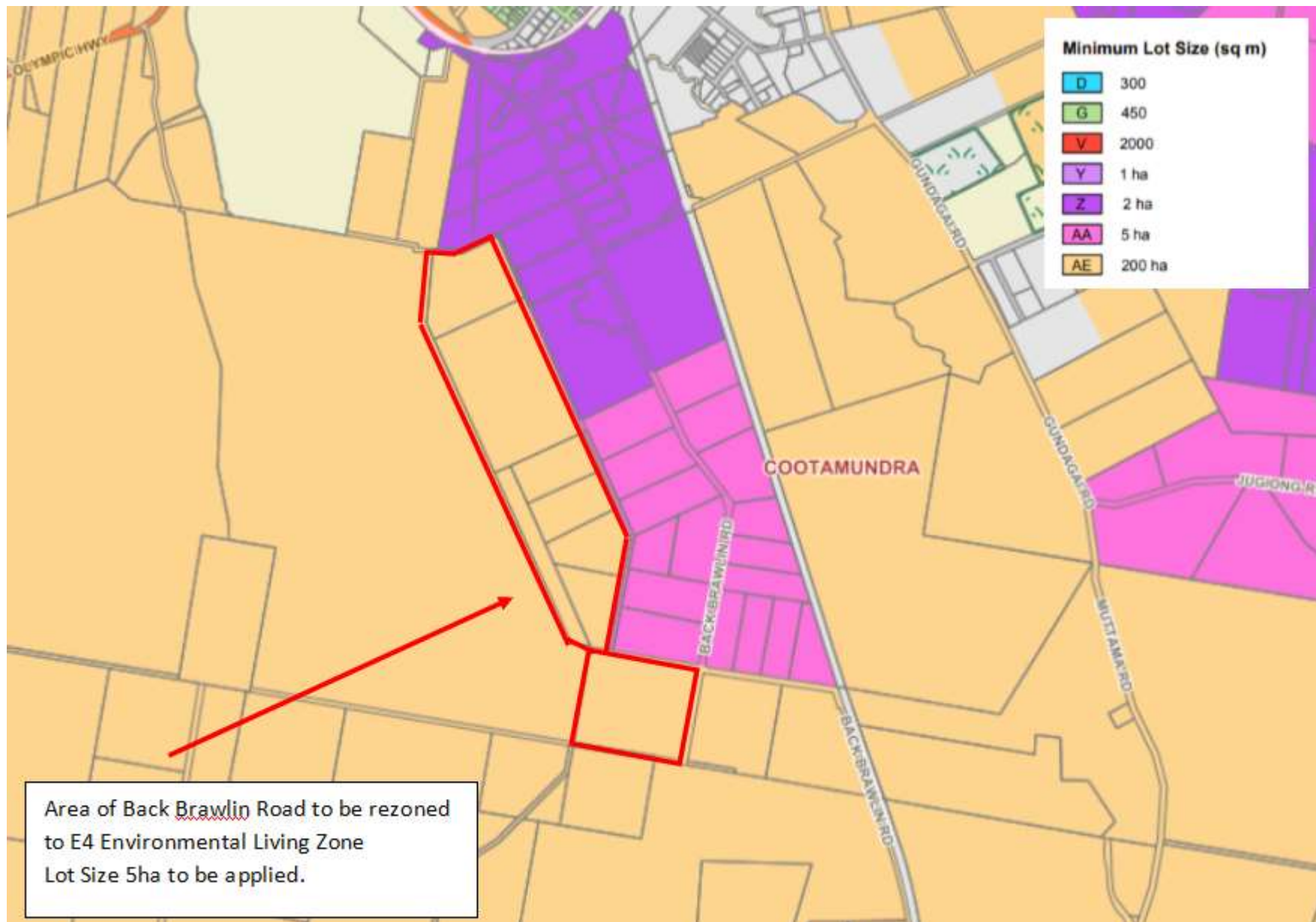
Land Zoning Map - Sheet LZN_005A

Zone	
	Commercial Core
	Enterprise Corridor
	National Parks and Nature Reserves
	Environmental Management
	General Industrial
	Light Industrial
	Heavy Industrial
	General Residential
	Medium Density Residential
	Large Lot Residential
	Public Recreation
	Private Recreation
	Primary Production
	Rural Landscape
	Primary Production Small Lots
	Village
	Special Activities
	Infrastructure

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 Cadastre 09/05/2018 © Spatial Services

Area of Back Brawlin Road to be rezoned
to E4 Environmental Living Zone
Lot Size 5ha to be applied.

8 February 2019



Part 3 – Justification

Objective A

To change the existing zone applicable to this section of Back Brawlin Road from RU1 Primary Production Zone to E4 Environmental Living Zone.

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

There is no underlying formal strategy associated with this amendment. The Rural Lands Strategy which is currently being investigated by Council does not cover environmental zones.

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:

- a) The parcel of land is unique in location being bordered by two incompatible land uses (E3 Environmental Protection and RU4 Primary Production Small Lots).
- b) It is prudent to impose this E4 Environmental Living zone to provide a softer transition between E3 Environmental Protection and RU4 Primary Production Small Lots.
- c) Notwithstanding the absence of a completed rural lands strategy it is considered a proactive planning initiative at this time to avoid future potential large lot residential development at this location without the same environmental considerations imposed by the E4 Environmental Living Zone.
- d) The area identified is fragmented RU1 Land which does not adhere to the minimum lot size of 200 hectares and due to being land locked by other zones, will never be able to achieve the minimum lot size. This site was left as RU1 to provide a buffer between the emerging “rural living” precinct of Cootamundra and the E3 – Environmental Management area of Pioneer Park. This buffer has been problematic however as it has become essentially worthless agricultural land (multiple owners, none can achieve the minimum lot size) which is poorly managed and a haven for weeds and other pests.
- e) When assessing further subdivision of RU4 zoned land along Back Brawlin Road (rural living precinct) it became necessary to consider the future potential use of this identified area. Through discussions with land holders of the identified site and land managers for Pioneer Park, it became apparent that the best use of this land would be to have people take ownership of the site as a “home” rather than agricultural land which can produce no viable income.

Additionally, acreage lots are much sought after in Cootamundra, however, there are limited areas which would encourage or allow people to undertake environmental protection works and have a dwelling. Because of this, E4 zoning has been assessed as being an appropriate method of better improvement land management in this area, providing additional housing blocks and providing variety of dwelling options for the Cootamundra community.

- f) Access had been assured to this site through the existing unformed road reserves as well as creation of a road between Back Brawlin Road and this site through Lot 2 DP 583945 which has development consent for a 10 lot subdivision (DA2017/17).

Objective B

To impose a minimum lot size area of 5 hectares that is consistent with the adjoining Primary Production Small Lots in scale and character

The proposed minimum lot size area of 5 ha that is consistent with the adjoining RU4 Primary Production Small Lots zoned area. The RU1 Primary Production zone is considered inappropriate in that location given the size of the existing lots and current ownerships. The proposed E4 Environmental Living Zone satisfies the principles (d), (e) and (f) of the SEPP (Rural Lands) 2008 by achieving balance of the social, economic and environmental interests of the community and safeguarding the objectives of the adjoining E3 Environmental Protection Zone on behalf of the adjoining RU4 Primary Production Small Lots zoned land.

The following extracts from the CGRC LEP 2013 Land use table shows the objectives within RU1, RU4, E3 and E4 zones that illustrates the change in objectives desired by Council:

ZONE	Objectives
Zone RU1 Primary Production	<ul style="list-style-type: none"> • To encourage sustainable primary industry production by maintaining and enhancing the natural resource base. • To encourage diversity in primary industry enterprises and systems appropriate for the area. • To minimise the fragmentation and alienation of resource lands. • To minimise conflict between land uses within this zone and land uses within adjoining zones. • To protect and conserve deposits of extractive materials and allow their extraction by limited development where appropriate. • To protect and conserve native and other vegetation in order to preserve scenic amenity and to minimise land degradation.
Zone RU4 Primary Production Small Lots	<ul style="list-style-type: none"> • To enable sustainable primary industry and other compatible land uses. • To encourage and promote diversity and employment opportunities in relation to primary industry enterprises, particularly those that require smaller lots or that are more intensive in nature. • To minimise conflict between land uses within this zone and land uses within adjoining zones.
Zone E3 Environmental Protection	<ul style="list-style-type: none"> • To protect, manage and restore areas with special ecological, scientific, cultural or aesthetic values. • To provide for a limited range of development that does not have an adverse effect on those values.
Zone E4 Environmental Living	<ul style="list-style-type: none"> • To provide for low-impact residential development in areas with special ecological, scientific or aesthetic values. • To ensure that residential development does not have an adverse effect on those values.

The following extract from the **Standard Instrument-Principal Local Environmental Plan** Land Use Table shows the permissible land uses within the E4 Environmental Management and illustrates the change in objective and land uses desired by Council:

Standard Instrument—Principal Local Environmental Plan

Current version for 9 November 2018 to date (accessed 6 December 2018 at 10:23)

[Land Use Table](#) > [Zone E4](#)

Zone E4 Environmental Living

Direction.

The following must be included as either "Permitted without consent" or "Permitted with consent" for this zone:

Environmental protection works

Roads

Home industries may (but need not) be included as permitted with consent.

1 Objectives of zone

- To provide for low-impact residential development in areas with special ecological, scientific or aesthetic values.
- To ensure that residential development does not have an adverse effect on those values.

2 Permitted without consent

Home occupations

3 Permitted with consent

Dwelling houses

4 Prohibited

Industries; Service stations; Warehouse or distribution centres; Any other development not specified in item 2 or 3

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 these objectives.

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

COOTAMUNDRA-GUNDAGAI REGIONAL COUNCIL COMMUNITY STRATEGIC PLAN 2018-28 :

The planning proposals are consistent with:

Objective 3.1: The natural environment is valued and protected

- *The built environments and infrastructure around us should sit within this environment to support us, and enhance liveability.*
- *The people in our community are strongly connected to the places around us and our natural environments, such as the Murrumbidgee River, Muttama Creek and **a multitude of parks that require our preservation and protection.***

and Objective 3.2: Our built environments support and enhance liveability

- *Develop and implement land-use plans and design practices which complement the character of our communities, are considerate of our heritage, support sustainable design practices and respond to changing needs.*
- *Ensure a variety of housing options are made available.*

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

State Environmental Planning Policy	Compliance
State Environmental Planning Policy (Affordable Rental Housing) 2009	Yes
State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004	Yes
State Environmental Planning Policy (Exempt and Complying Development Codes) 2008	Yes
State Environmental Planning Policy (housing for Seniors or People with a Disability) 2004	Yes
State Environmental Planning Policy (Infrastructure) 2007	Yes
State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007	Yes
State Environmental Planning Policy (Miscellaneous Consent Provisions) 2007	Yes
State Environmental Planning Policy No 1- Development Standards	Yes
State Environmental Planning Policy No 21- Caravan Parks	N/A
State Environmental Planning Policy No 30-Intensive Agriculture	N/A
State Environmental Planning Policy No 33-Hazardous and Offensive Development	N/A
State Environmental Planning Policy No 36-Manufactured Homes	N/A
State Environmental Planning Policy No 50- Canal Estate Development	N/A
State Environmental Planning Policy No 55-Remediation of Land	Yes
State Environmental Planning Policy No 62-Sustainable Aquaculture	N/A
State Environmental Planning Policy No 64-Advertising and Signage	Yes
State Environmental Planning Policy No 65-Design Quality of Residential Apartment Development	N/A
State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017	Yes

Q6 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

4. Introduce the E4 – Environmental Living Zone to the Cootamundra LEP.		
Direction Title	Direction Objectives	Consistency
2.1. Environmental Protection Zones	The objective of this direction is to protect and conserve environmentally sensitive areas.	This proposal supports this direction as it will provide more opportunities to protect and conserve environmentally sensitive areas.
3.3. Home Occupations	The objective of this direction is to encourage the carrying out of low-impact small businesses in dwelling houses.	This proposal will continue to allow home occupations to be carried out in dwelling houses without a requirement for development consent.
5.10. Implementation of Regional Plans	The objective of this direction is to give legal effect to the vision, land use strategy, policies, outcomes and actions contained in regional strategies.	This planning proposal is consistent with the objectives of this direction and applies the following direction of the regional plan: 15.1. Protect high environmental value assets through local plans. The introduction of this zone will help to facilitate this action, by allowing for identified sites to be zoned as E4 – Environmental Living in order to create a managed barrier between areas of high environmental and scenic value and residential or rural areas.
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.	No agencies or departments have been identified as being required to consult with for item 4 of this planning proposal.

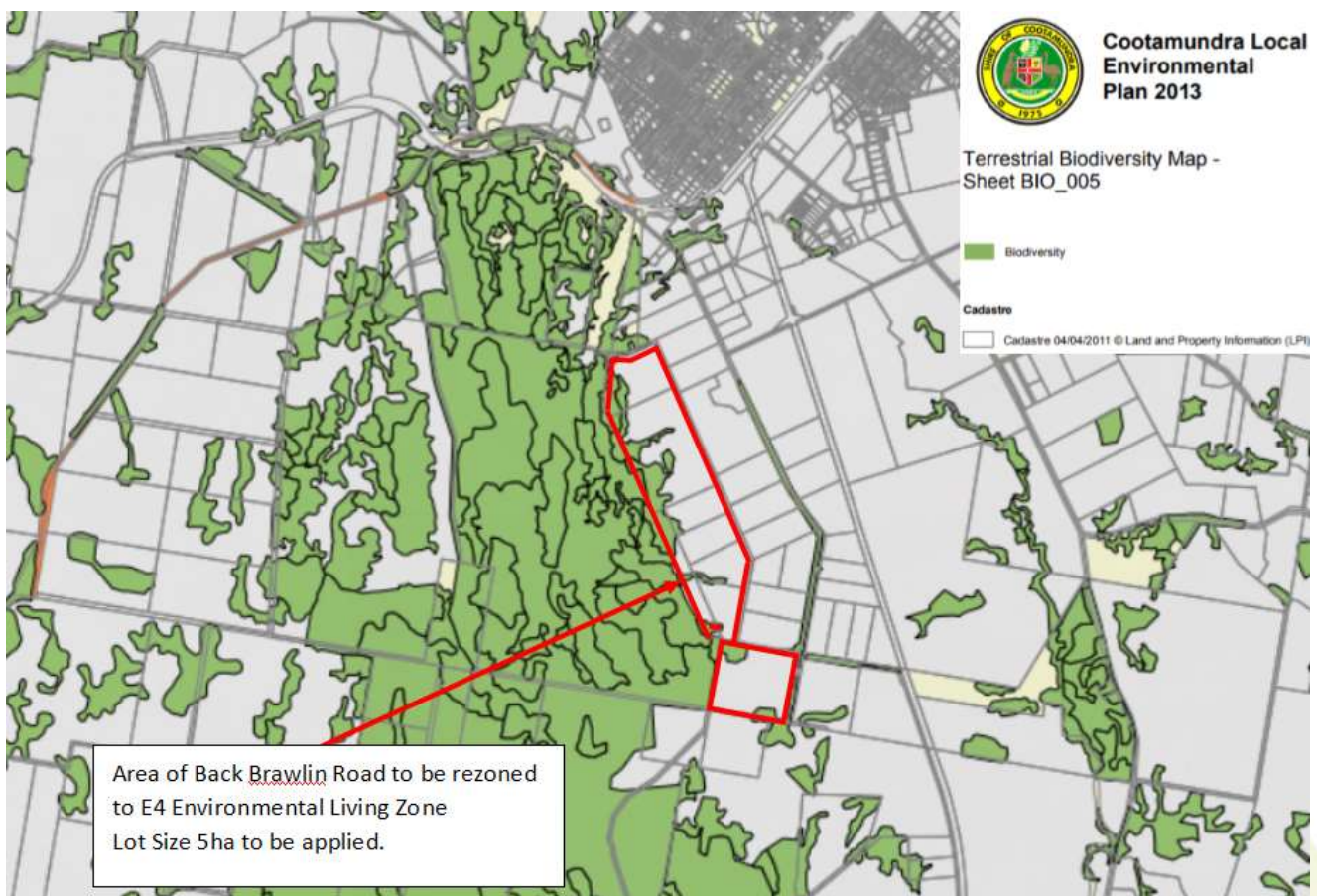
3. Apply E4 – Environmental Living Zone to identified lots and amend lot size map to reflect a minimum lot size of 5 hectares.

Direction Title	Direction Objectives	Consistency
1.2 Rural Zone	The objective of this direction is to protect the agricultural production value of rural land.	Inconsistent but justifiable in the sense of “minor significance”. Unimportant in RU1 Agricultural Production in the context of the LGA.
1.5 Rural Lands		The proposal is consistent with the Rural Planning Principles within the State Environmental Planning Policy (Rural Lands) 2008. Consistent with minimum lot size of RU4 adjoining.
2.1. Environmental Protection Zones	The objective of this direction is to protect and conserve environmentally sensitive areas.	This proposal is consistent with this direction as its application is minor in nature and supports the environmental values of neighbouring land and is supported by the regional plan.
3.3. Home Occupations	The objective of this direction is to encourage the carrying out of low-impact small businesses in dwelling houses.	This proposal will continue to allow home occupations to be carried out in dwelling houses without a requirement for development consent.
4.4 Planning for Bushfire Protection	The objective of this direction are to: a) To protect life, property and the environment from bushfire hazards, by	This proposal is consistent with this direction as the provision of subclause 4, 5 and 6 will be met following Gateway Determination.

	discouraging establishment of incompatible land uses in bushfire prone areas. b) To encourage sound management of bushfire prone areas.	
5.10. Implementation of Regional Plans	The objective of this direction is to give legal effect to the vision, land use strategy, policies, outcomes and actions contained in regional strategies.	<p>This planning proposal is consistent with the objectives of this direction and applies the following directions of the regional plan:</p> <p>15.1. Protect high environmental value assets through local plans. Applying the E4 – Environmental Living Zone in the proposed location between Pioneer Park and the rural living subdivision along Back Brawlin Road seeks to improve the amenity and environmental value of Pioneer Park which is not only an environmental reserve, but a popular walking spot for tourist and locals.</p> <p>27.3. Manage land use conflict that can result from cumulative impacts of successive development decisions.</p> <p>This proposal would better manage the conflict between environmental and residential land.</p>
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.	<p>The planning proposal is consistent with this direction. It is anticipated that should a Gateway Determination be issued in relation to Item 3- Introduce E4 Environmental Living zone to Back Brawlin Road proposal that a condition will be imposed to consult with:</p> <ul style="list-style-type: none"> • Department of Primary Industries – Agriculture • Commissioner of the NSW Rural Fire Service

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.



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

Part of the land is identified as Busfire Prone as indicated below. Management of any potential development will require referral to the the appropriate authorities (e.g. Rural Fire Service, Office of Environment and Heritage) and will need to comply with all relevant strategic policies and guidelines and legislation.

Consideration will be given to Aboriginal objects and places which may be determined prior to any development proceeding or during construction.



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

The economic impacts are considered to be positive, overall. The rezoning of this land will allow for more rural housing opportunities which are identified as being highly desired in this area. Implications of this rezoning involves provision of services, public utilities and public road access. Future development of the E4 zone will require a master plan to ensure adequate servicing and access.

The social impacts:

- Housing options and residential accommodation types will be increased.

- Providing a buffer between the surrounding E3 Environmental Protection and RU4 Primary Production Small Lots zones to maintain the landscape and environmental values associated with the area by the community.
- Providing potential for more appropriate use of the land rather than the permissible uses associated with the RU4 Primary Production Small Lot zone.

Q 10 Is there adequate planning infrastructure for the proposal?

The proposal will see an increase in residential accommodation in the area the scale and nature of which can be adequately serviced by an extension of the existing community 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

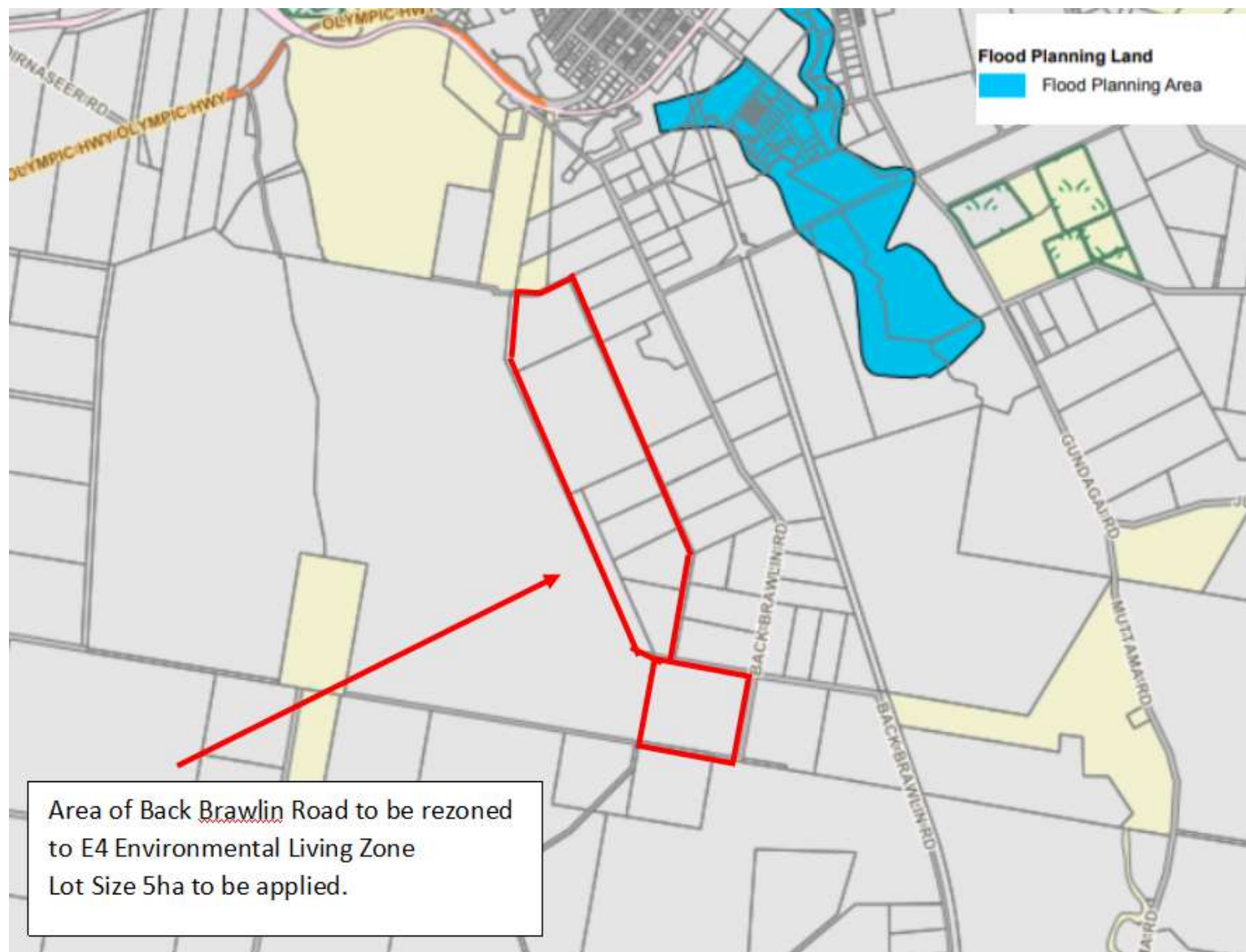
Cootamundra Local Environmental Plan 2013 Map Index Last updated 25 May 2018

MAP	EXTRACT PROVIDED
Flood Planning Map	YES
Land Zoning Map	Yes. Refer to Page 44
Lot Size Map	Yes. Refer to Page 45
Terrestrial Biodiversity Map	Yes. Refer to Page 55
Natural Resources Land Map	YES
Bushfire Prone Land	Yes. Refer to Page 56

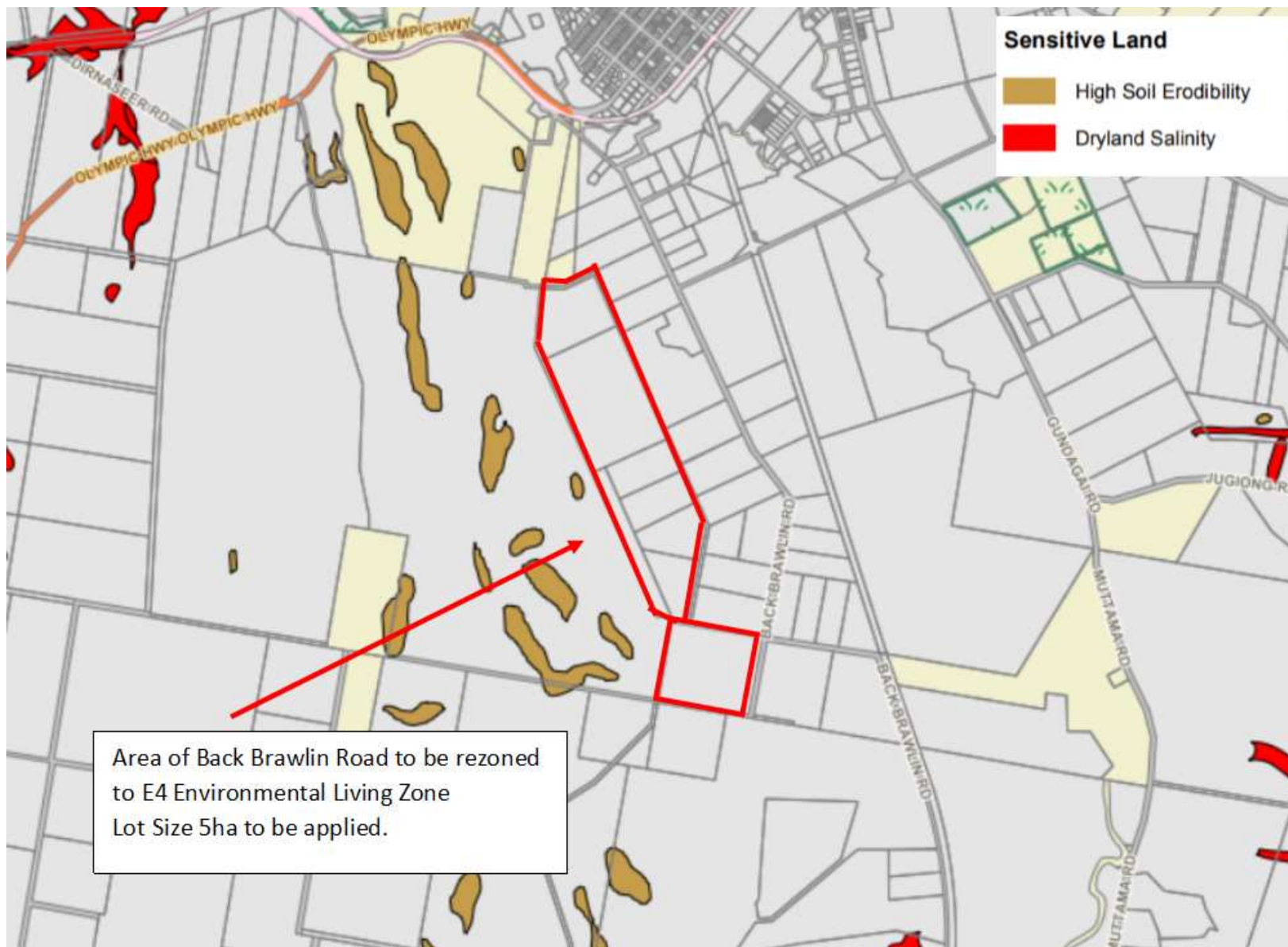


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8 February 2019



Part 5 – Community Consultation

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

Item 4 – Apply RU4 Primary Production Small Scale Lots zone to Back Brawlin Road and Salt Clay Road.

Part 1 – Objectives or Intended Outcomes

1. Apply the RU4 – Primary Production Small Lots zoning to identified lots along Back Brawlin Road and amend lot size map to reflect this change (5 hectares).
 - Rezone RU1 – Primary Production zone (200 hectares minimum lot size); and
 - Zone the RU4 – Primary Production Small Lots zone with a minimum lot size of 5 hectares.

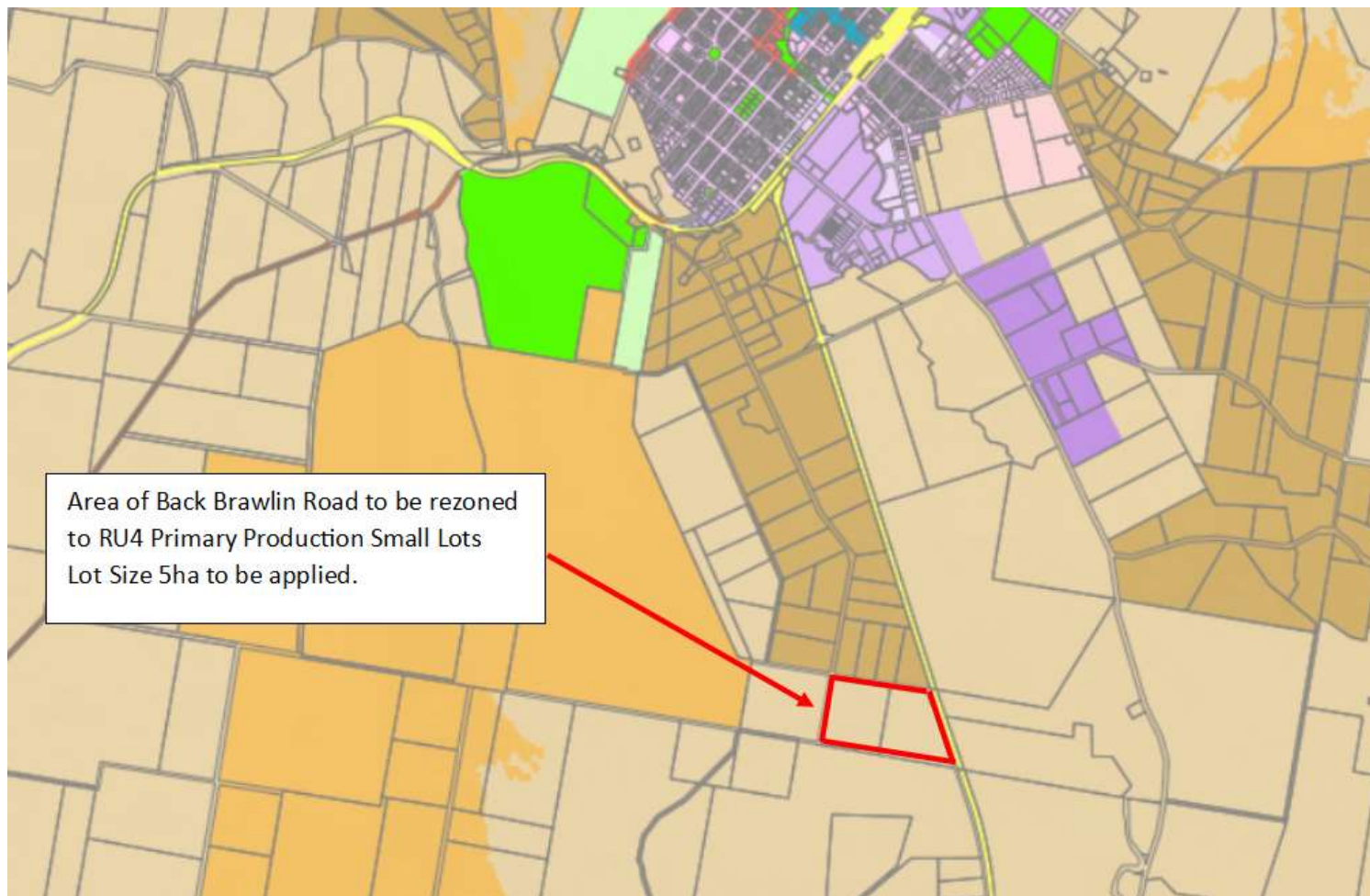


2. Apply the RU4 – Primary Production Small Lots zoning to identified part lot along Salt Clay Road and amend lot size map to reflect this change (5 hectares).
 - Rezone RU1 – Primary Production zone (200 hectares minimum lot size); and
 - Zone the RU4 – Primary Production Small Lots zone with a minimum lot size of 5 hectares.



Part 2 – Explanation of Provisions

2. The changed provisions of the Cootamundra Local Environmental Plan 2013 will require amendments to the following Maps:
 - a. Land Zoning Map - Sheet LZN_ 002A to change the zoning on the subject section of Salt Clay Road from RU1 Primary Production to RU4 Primary Production Small Lots zone.
 - b. Land Zoning Map - Sheet LZN_ 005 to change the zoning on the subject section of Back Brawlin Road from RU1 Primary Production to RU4 Primary Production Small Lots zone.
 - c. Lot Size Map – Sheet LSZ_ 002A to ensure the new RU4 Primary Production Small Lots rezoned area of Salt Clay Road has a Minimum Lot Size of 5 hectares.
 - d. Lot Size Map – Sheet LSZ_ 005 to ensure the new RU4 Primary Production Small Lots rezoned area of Back Brawlin Road has a Minimum Lot Size of 5 hectares.
3. Refer to the following plans for details.

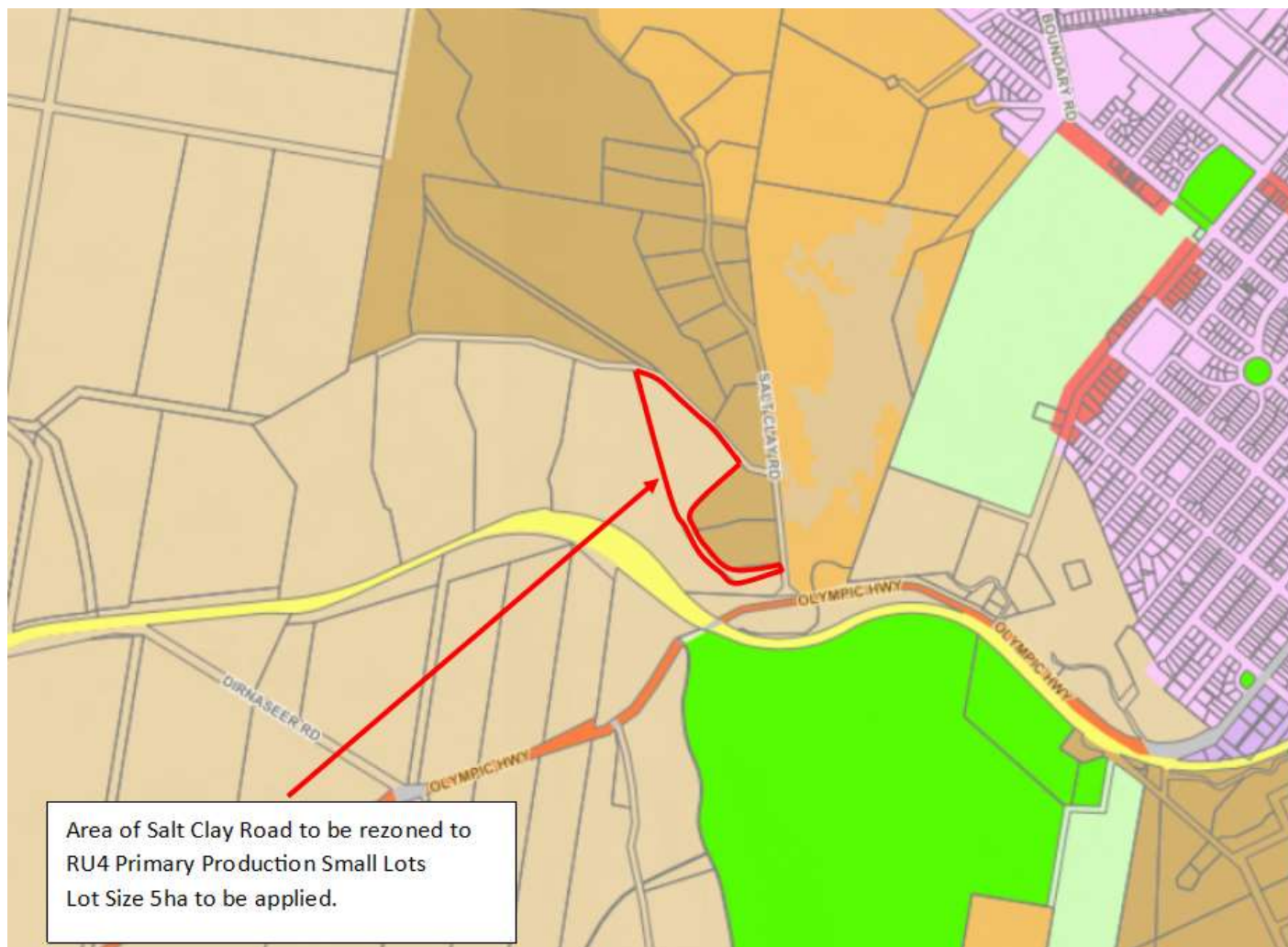


Zone

- B3** Commercial Core
- B6** Enterprise Corridor
- E1** National Parks and Nature Reserves
- E3** Environmental Management
- IN1** General Industrial
- IN2** Light Industrial
- IN3** Heavy Industrial
- R1** General Residential
- R3** Medium Density Residential
- R5** Large Lot Residential
- RE1** Public Recreation
- RE2** Private Recreation
- RU1** Primary Production
- RU2** Rural Landscape
- RU4** Primary Production Small Lots
- RU5** Village
- SP1** Special Activities
- SP2** Infrastructure

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Cootamundra Local Environmental Plan 2013

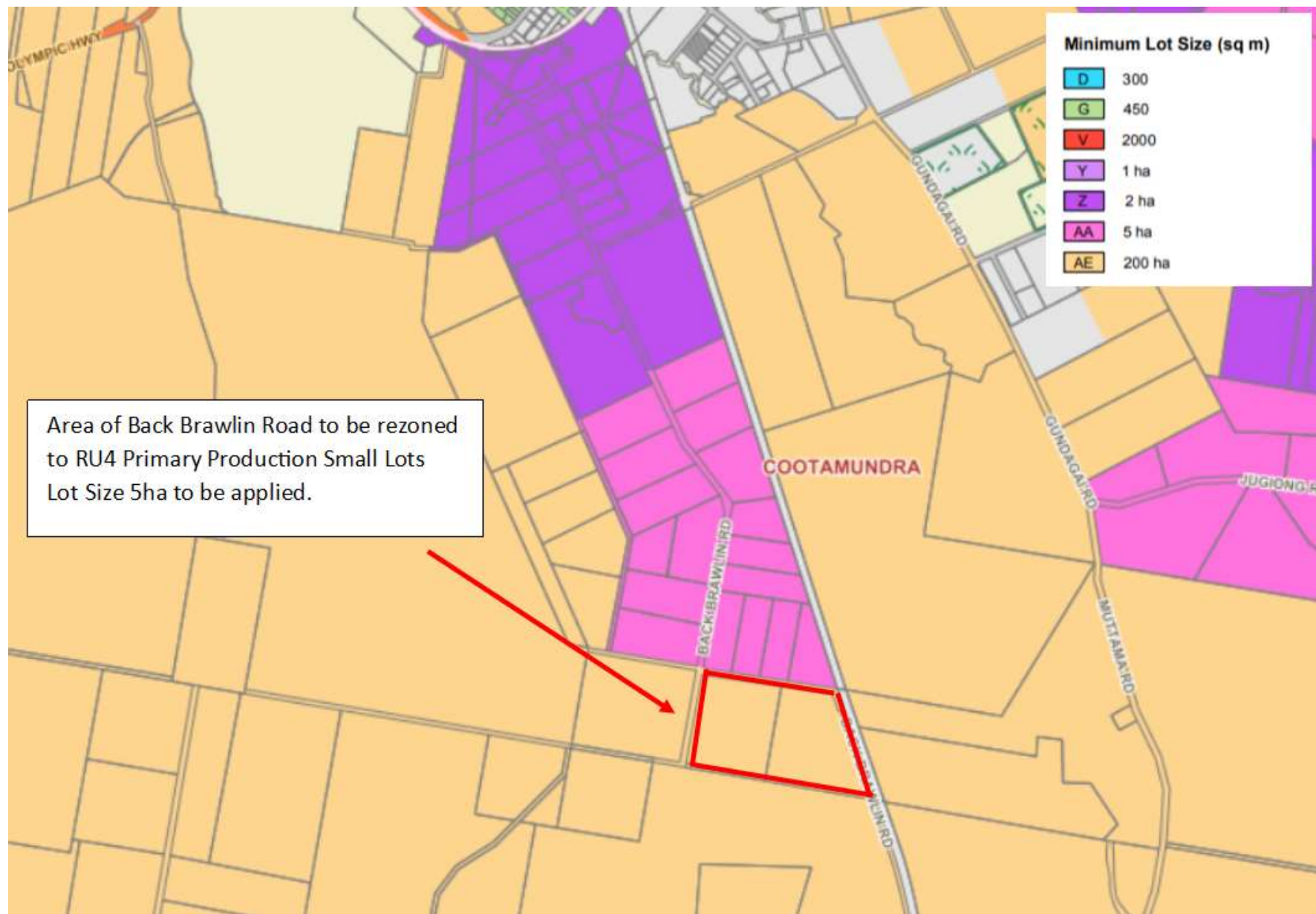
Land Zoning Map - Sheet LZN_002A

Zone

- B3 Commercial Core
- E1 National Parks and Nature Reserves
- E3 Environmental Management
- IN1 General Industrial
- IN2 Light Industrial
- IN3 Heavy Industrial
- R1 General Residential
- R3 Medium Density Residential
- R5 Large Lot Residential
- RE1 Public Recreation
- RE2 Private Recreation
- RU1 Primary Production
- RU2 Rural Landscape
- RU4 Primary Production Small Lots
- RU5 Village
- SP1 Special Activities
- SP2 Infrastructure

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Cootamundra Local Environmental Plan 2013

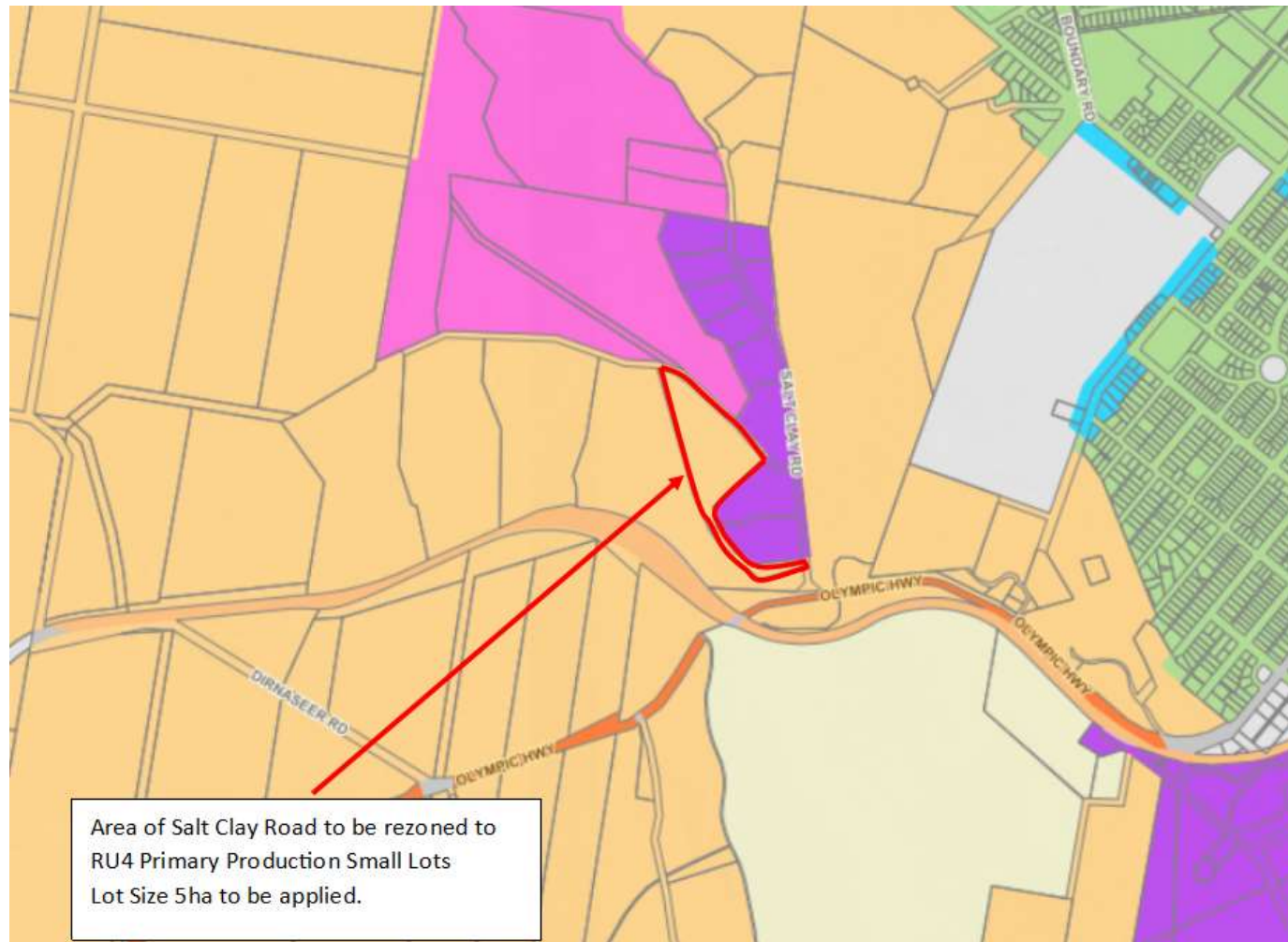
Lot Size Map - Sheet LSZ_002A

Minimum Lot Size (sq m)

D	300
G	450
V	2000
Y	1 ha
Z	2 ha
AA	5 ha
AE	200 ha

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 Cadastre 04/04/2011 © Land and Property Information (LPI)



Part 3 – Justification

Objective A

To change the existing zone applicable to this section of Back Brawlin Road and Salt Clay Road from RU1 Primary Production to RU4 Primary Production Small Lots.

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:

- a) This proposed rezoning of Back Brawlin Road results from specific application by the owners of this land to have a zone which better reflects the land uses they currently undertake and those which they wish to pursue. While Council is undertaking a Rural Lands Strategy, it is assessed that this rezoning is minor in nature and appropriately reflects the Cootamundra Interim Development Order's boundaries which were not accurately applied to the Cootamundra LEP. This detrimentally affected some land holders.
- b) It is assessed that this rezoning is the best method of correcting this as well as demonstrating that Council is responsive to community input in the planning system, provided rational argument is put forward.
- c) The proposed rezoning of Salt Clay Road is the result of a development proposal which seeks to consolidate an existing RU4 parcel and a part lot which is zoned RU1. This is assessed as a good land use outcome as the area currently zoned RU1 would actually increase in size. Despite this, not achieving the minimum lot size of the RU1 Zone of 200 hectares, means that SEPP (Rural Lands) 2008 would make this subdivision not permissible. Rezoning to RU4 Zone and applying a smaller minimum lot size is the only way for this lot to be consolidated.

Objective B

To impose a minimum lot size area of 5 hectares that is consistent with the adjoining Rural Residential area

The proposed minimum lot size area of 5 hectares that is consistent with the adjoining RU4 Primary Production Small Lots.

The following extracts from the CGRC LEP 2013 Land use table shows the permitted uses within RU1 and RU4 zones that illustrates the change in character desired by Council:

- An increase in the density of residential accommodation on the fringe of the town. This is a logical extension to the existing RU4 Primary Production Small Lots in Back Brawlin Road.

ZONE	Permitted with consent
Zone RU1 Primary Production	Airstrips; Animal boarding or training establishments; Aquaculture; Backpackers' accommodation; Bed and breakfast accommodation; Business identification signs; Cellar door premises; Dwelling houses; Dual occupancies (attached); Environmental facilities; Extractive industries; Farm buildings; Farm stay accommodation; Forestry; Helipads; Home-based child care; Home businesses; Home industries; Intensive livestock agriculture; Intensive plant agriculture; Open cut mining; Recreation facilities (outdoor); Roads; Roadside stalls; Rural industries; Rural workers' dwellings; Secondary dwellings; Truck depots; Veterinary hospitals; Water storage facilities
Zone RU4 Primary Production Small Lots	Bed and breakfast accommodation; Business identification signs; Cellar door premises; Dual occupancies (attached); Dwelling houses; Environmental protection works; Farm buildings; Farm stay accommodation; Home-based child care; Home businesses; Home industries; Intensive plant agriculture; Plant nurseries; Roads; Roadside stalls

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?

COOTAMUNDRA-GUNDAGAI REGIONAL COUNCIL COMMUNITY STRATEGIC PLAN 2018-28 :

The planning proposals are consistent with:

Objective 3.1: The natural environment is valued and protected

- *The built environments and infrastructure around us should sit within this environment to support us, and enhance liveability.*

and Objective 3.2: Our built environments support and enhance liveability

- *Develop and implement land-use plans and design practices which complement the character of our communities, are considerate of our heritage, support sustainable design practices and respond to changing needs.*
- *Ensure a variety of housing options are made available.*

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

State Environmental Planning Policy	Compliance
State Environmental Planning Policy (Affordable Rental Housing) 2009	
State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004	
State Environmental Planning Policy (Exempt and Complying Development Codes) 2008	
State Environmental Planning Policy (housing for Seniors or People with a Disability) 2004	
State Environmental Planning Policy (Infrastructure) 2007	
State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007	
State Environmental Planning Policy (Miscellaneous Consent Provisions) 2007	
State Environmental Planning Policy No 1- Development Standards	
State Environmental Planning Policy No 21- Caravan Parks	
State Environmental Planning Policy No 30-Intensive Agriculture	
State Environmental Planning Policy No 33-Hazardous and Offensive Development	
State Environmental Planning Policy No 36-Manufactured Homes	
State Environmental Planning Policy No 50- Canal Estate Development	
State Environmental Planning Policy No 55-Remediation of Land	
State Environmental Planning Policy No 62-Sustainable Aquaculture	
State Environmental Planning Policy No 64-Advertising and Signage	
State Environmental Planning Policy No 65-Design Quality of Residential Apartment Development	
State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017	

Q6 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

5. Apply the RU4 – Primary Production Small Lots zoning to identified lots along Back Brawlin Road and amend lot size map to reflect this change (5 hectares).		
Direction Title	Direction Objectives	Consistency
1.2. Rural Zones	The objective of this direction is to protect the agricultural production value of rural land.	The rezoning of this site is considered constant with this direction as it is minor in significance and will be retaining the rural character of the area. Essentially it is changing one rural zone to another.
1.5. Rural Lands	The objectives of this direction are to: (a) protect the agricultural production value of rural land, (b) facilitate the orderly and economic development of rural lands for rural and related purposes.	This direction is generally adhered to by this proposal as it will eliminate existing constraints on the land caused by the application of the State Environmental Planning Policy (Rural Lands) 2008.
3.3. Home Occupations	The objective of this direction is to encourage the carrying out of low-impact small businesses in dwelling houses.	This proposal will continue to allow home occupations to be carried out in dwelling houses without a requirement for development consent.
5.10. Implementation of Regional Plans	The objective of this direction is to give legal effect to the vision, land use strategy, policies, outcomes and actions contained in regional strategies.	This planning proposal is consistent with the objectives of this direction and applies the following direction of the regional plan: 27.3. Manage land use conflict that can result from cumulative impacts of successive development decisions.

		Development decisions and strategic thought applied under the Cootamundra Interim Development Order with regards to this land were not accurately applied when converted to the Cootamundra LEP. There is no subsequent strategic work which justifies this and as it only applies to this area, it is assessed by staff that this is an error. This proposal seeks to rectify this and is in keeping with this action from the regional plan.
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.	<p>The planning proposal is consistent with this direction. It is anticipated that should a Gateway Determination be issued in relation to item 6 of this proposal that a condition will be imposed to consult with:</p> <ul style="list-style-type: none"> • Department of Primary Industries – Agriculture

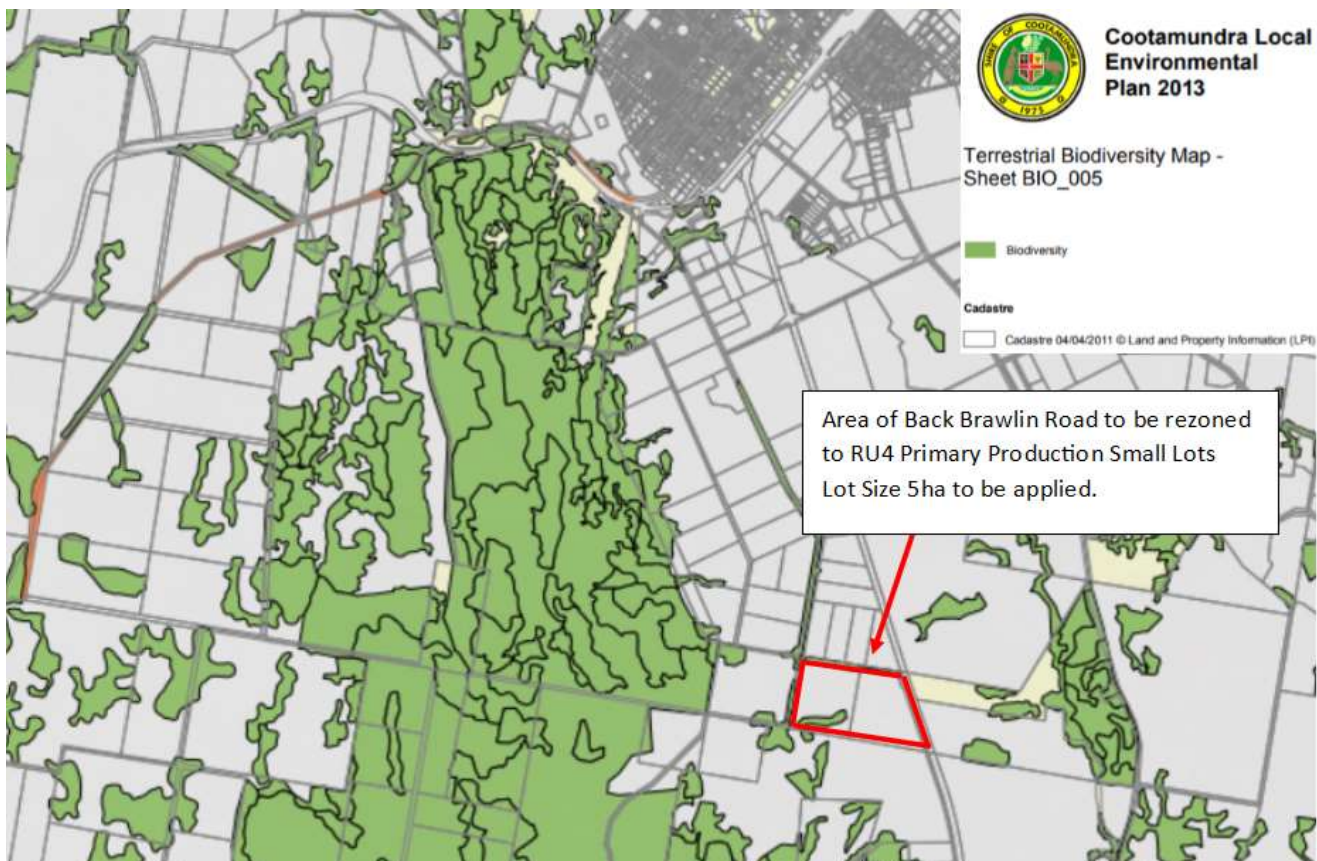
6. Apply the RU4 – Primary Production Small Lots zoning to identified part lot along Salt Clay Road and amend lot size map to reflect this change (5 hectares).

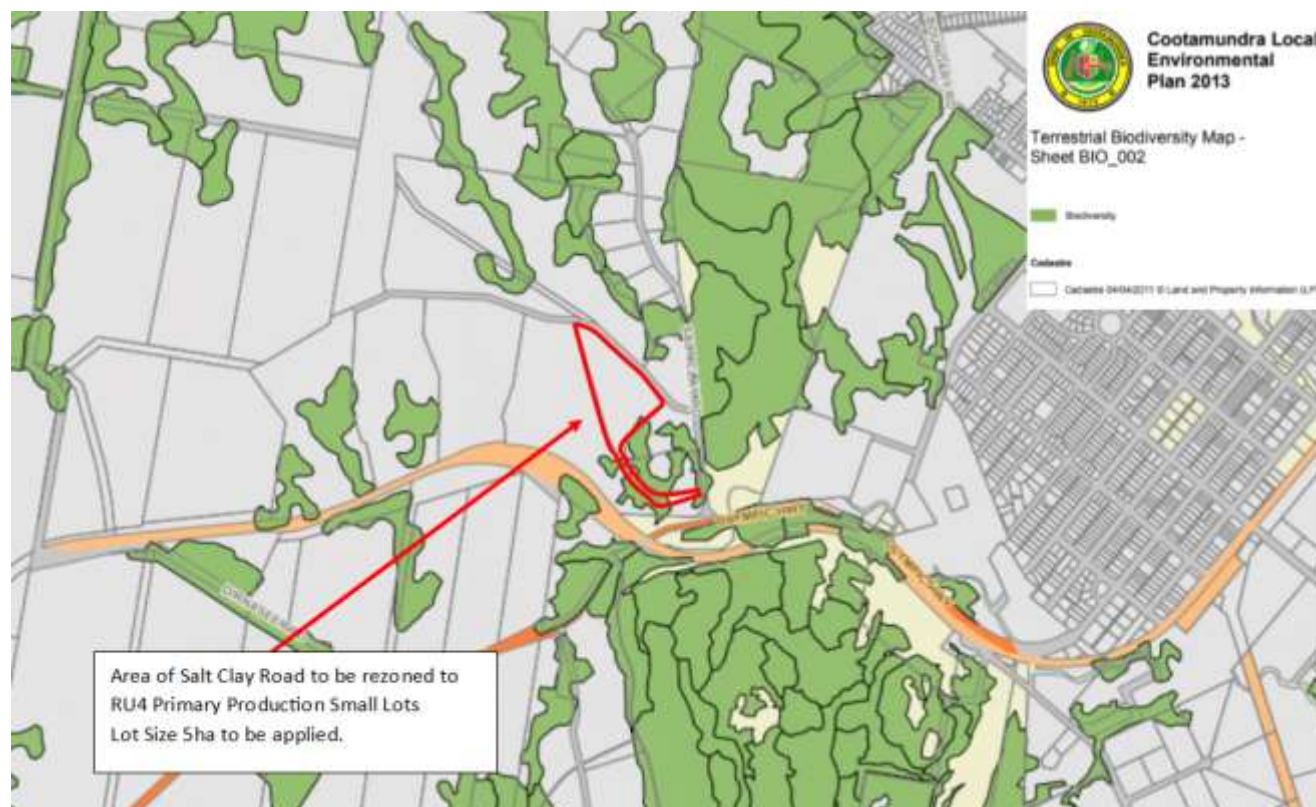
Direction Title	Direction Objectives	Consistency
1.2. Rural Zones	The objective of this direction is to protect the agricultural production value of rural land.	The rezoning of this site is considered constant with this direction as it is minor in significance and will be retaining the rural character of the area. Essentially it is changing one rural zone to another.
1.5. Rural Lands		This direction is generally adhered to by this proposal as it will eliminate existing constraints on the land caused by the application of the State Environmental Planning Policy (Rural Lands) 2008.

3.3. Home Occupations	The objective of this direction is to encourage the carrying out of low-impact small businesses in dwelling houses.	This proposal will continue to allow home occupations to be carried out in dwelling houses without a requirement for development consent.
5.10. Implementation of Regional Plans	The objective of this direction is to give legal effect to the vision, land use strategy, policies, outcomes and actions contained in regional strategies.	<p>This planning proposal is consistent with the objectives of this direction and applies the following direction of the regional plan:</p> <p>27.3. Manage land use conflict that can result from cumulative impacts of successive development decisions.</p> <p>The subdivision of Salt Clay Road occurred in two phases. The first phase in the early 2000s saw a number of small lots (2 hectares or less) produced in a high amenity location. With the millennium drought, water supply was rethought and in this interim period (from development consent to subdivision certificate) this area was not able to be supplied with a water connection. As this development proposal seeks to consolidate allotments and increase size of a rural living lot, this can be viewed as helping to manage or correct development decisions which have become problematic due to changing conditions.</p>
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.	<p>The planning proposal is consistent with this direction. It is anticipated that should a Gateway Determination be issued in relation to item 7 of this proposal that a condition will be imposed to consult with:</p> <ul style="list-style-type: none"> • Department of Primary Industries – Agriculture

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?

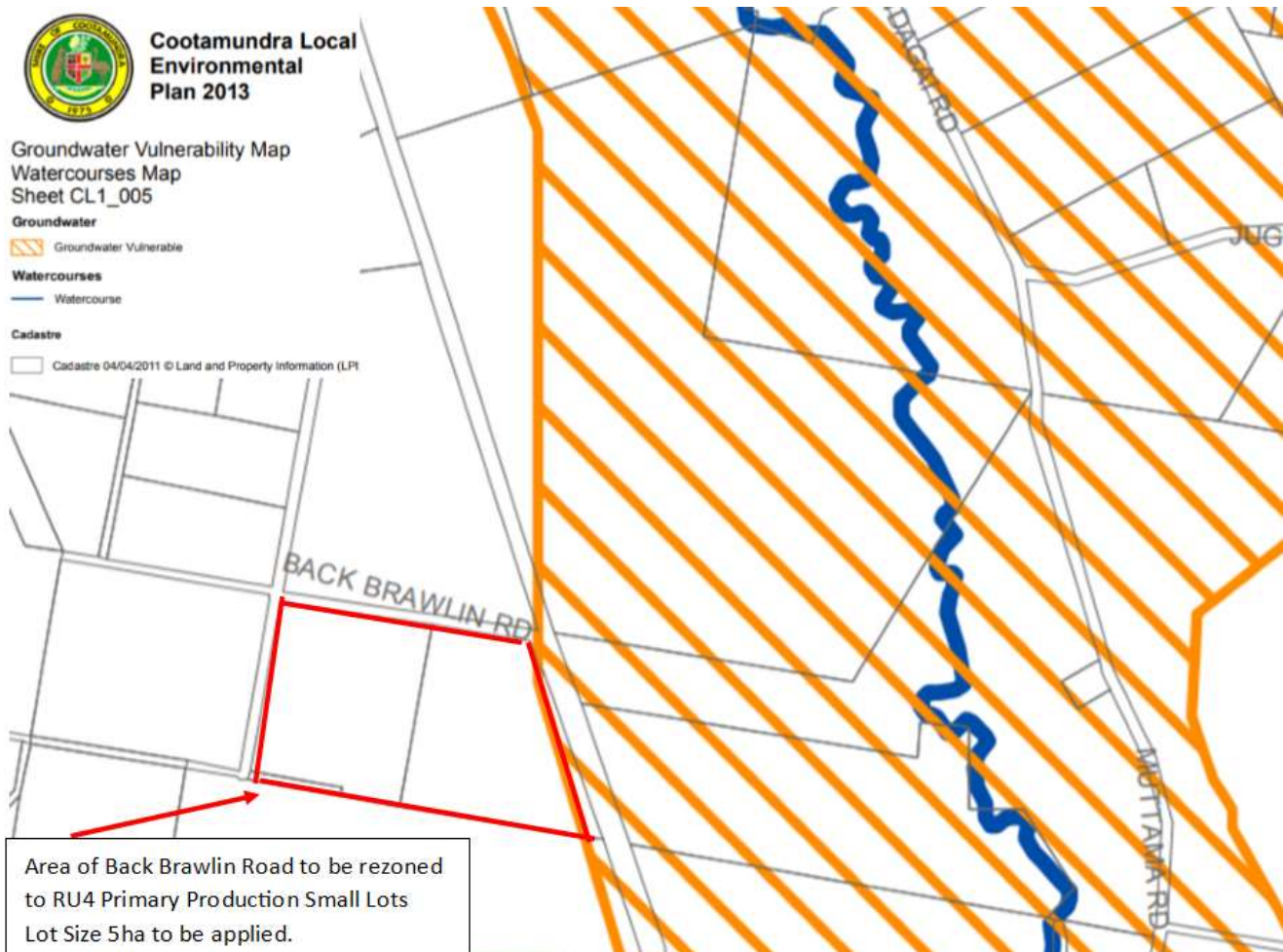
The subject land is identified in Map Sheet BIO_005 as **Terrestrial Biodiversity Land**. The presence of this environmental constraint will remove the potential for Complying Development and therefore will need to be assessed through a Development Application. Any Development Application for potential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

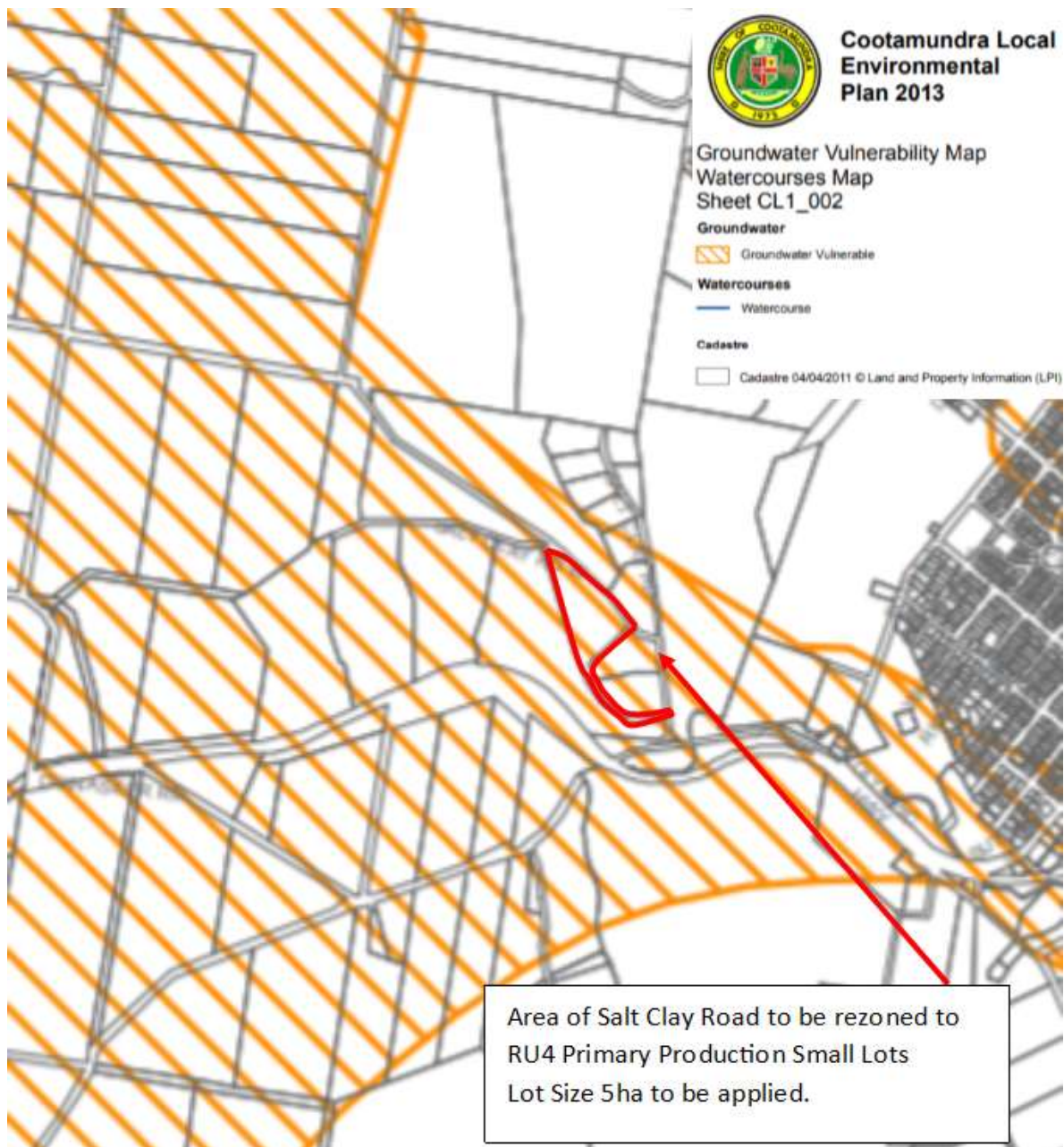




Q8 Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

The subject land has been identified as “Groundwater Vulnerable” on the Groundwater Vulnerability Map within the CGRC LEP 2013 as shown in the following map extracts:





The environmental effects will be managed by implementing the provisions of the Cootamundra Local Environmental Plan 2013 Clause 6.4 Groundwater vulnerability when assessing and determining development applications. Appropriate conditions of consent will be imposed on approved development to achieve the objectives of *Cl 6.4 Groundwater vulnerability*

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

The economic impacts are considered to be positive, overall. The rezoning of this land will allow for more rural housing opportunities (of a relatively small scale) which are identified as being highly desired in this area. Implications of this rezoning involves provision of services, public utilities and public road access.

The social impacts:

- Housing options and residential accommodation types will be increased.
- Providing potential for more appropriate use of the land for more intense production rather than the broad acre land uses associated with RU1 which are inappropriate and unsustainable on these particular sites which are already fragmented and well under the minimum lot size for RU1 zones (approximately 20 ha each).

Q 10 Is there adequate planning infrastructure for the proposal?

The proposal will see an increase in residential accommodation in the area the scale and nature of which can be adequately serviced by an extension of the existing community 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

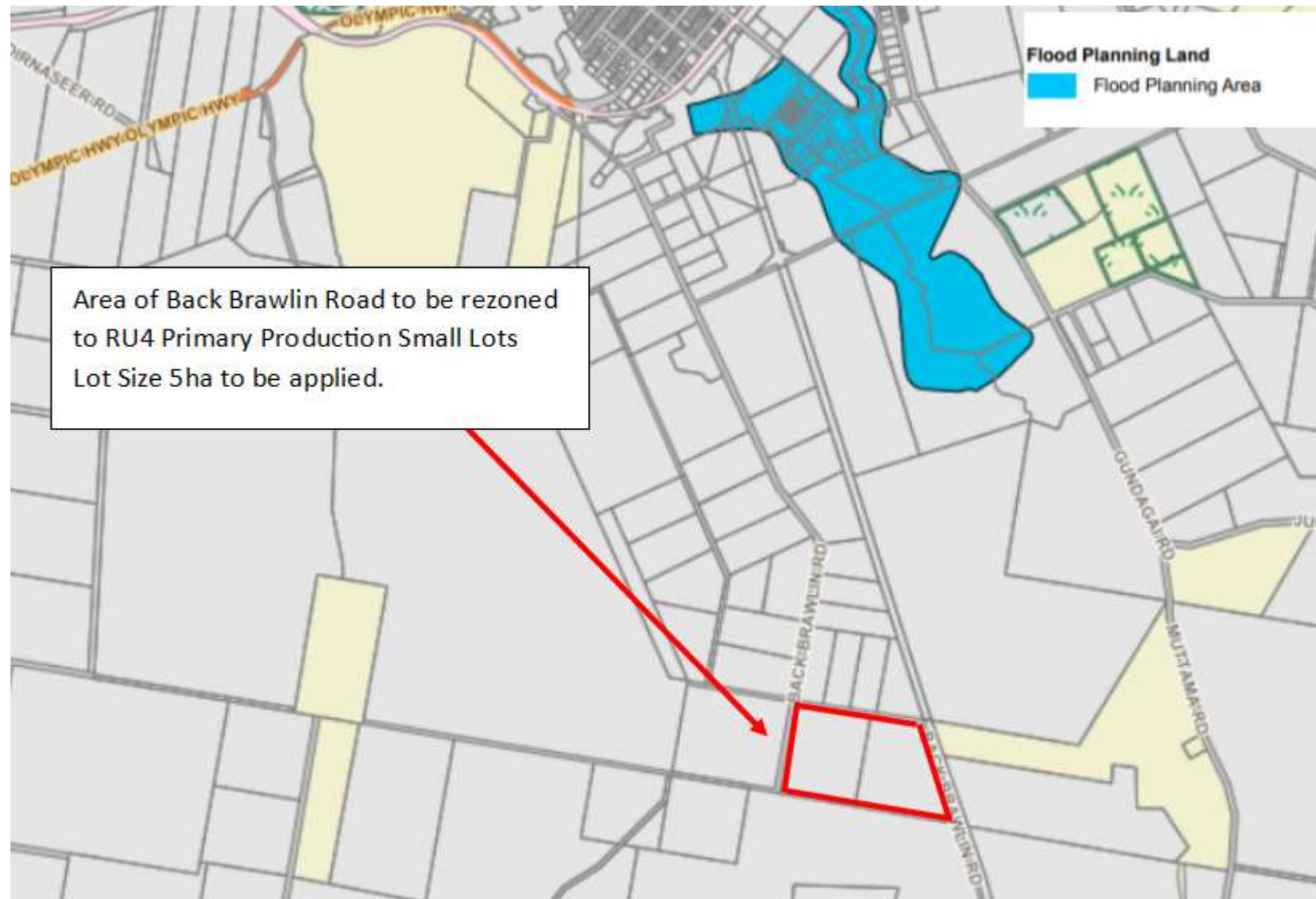
Cootamundra Local Environmental Plan 2013 Map Index Last updated 25 May 2018

MAP	EXTRACT PROVIDED
Flood Planning Map	Yes
Land Zoning Map	Yes. Refer to page 63 and 64
Lot Size Map	Yes. Refer to page 65 and 66
Terrestrial Biodiversity Map	Yes. Refer to page 74 and 75
Natural Resources Land Map	Yes.
Groundwater Vulnerability Map, Watercourses Map	Yes. Refer to page 76 and 77

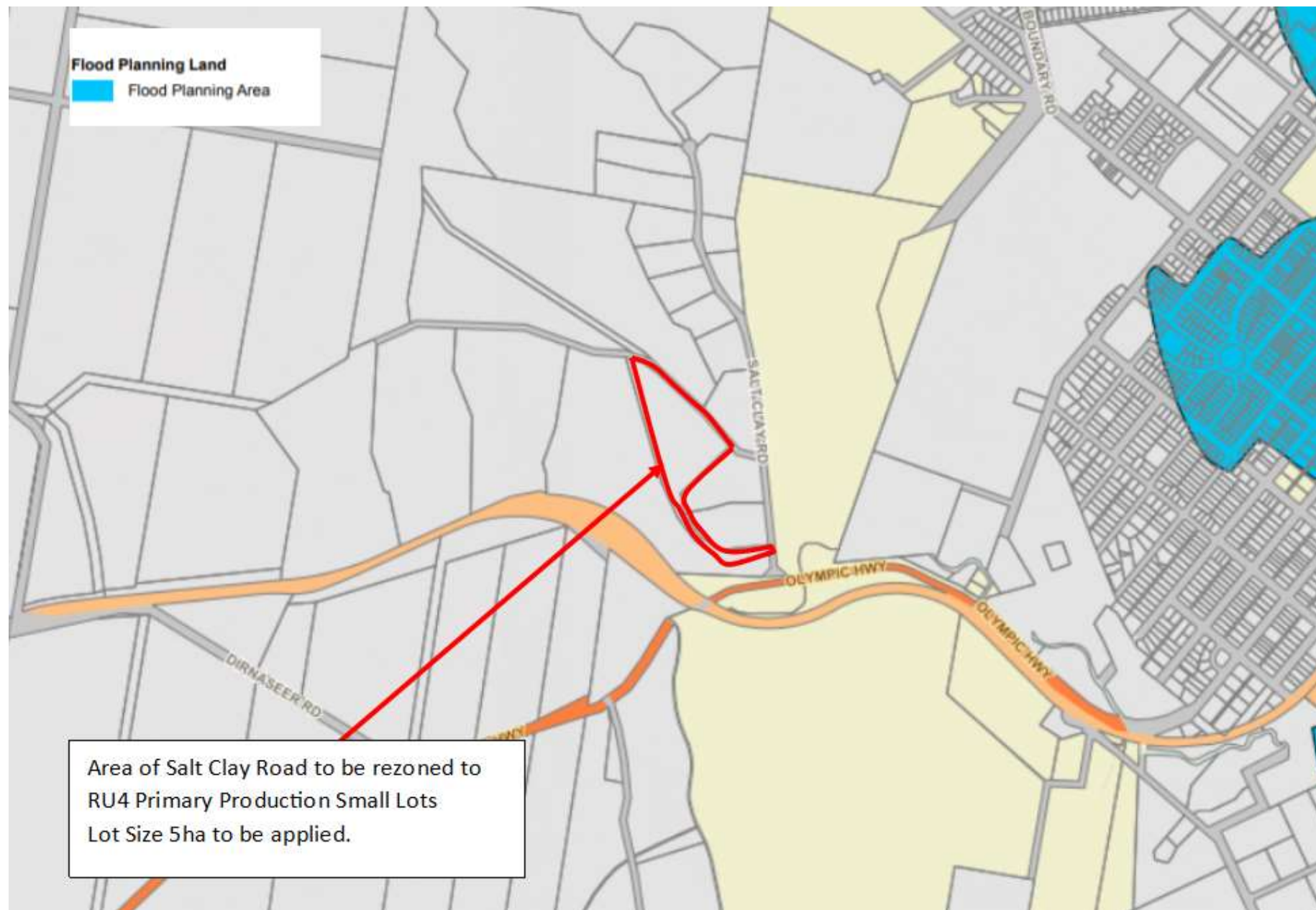


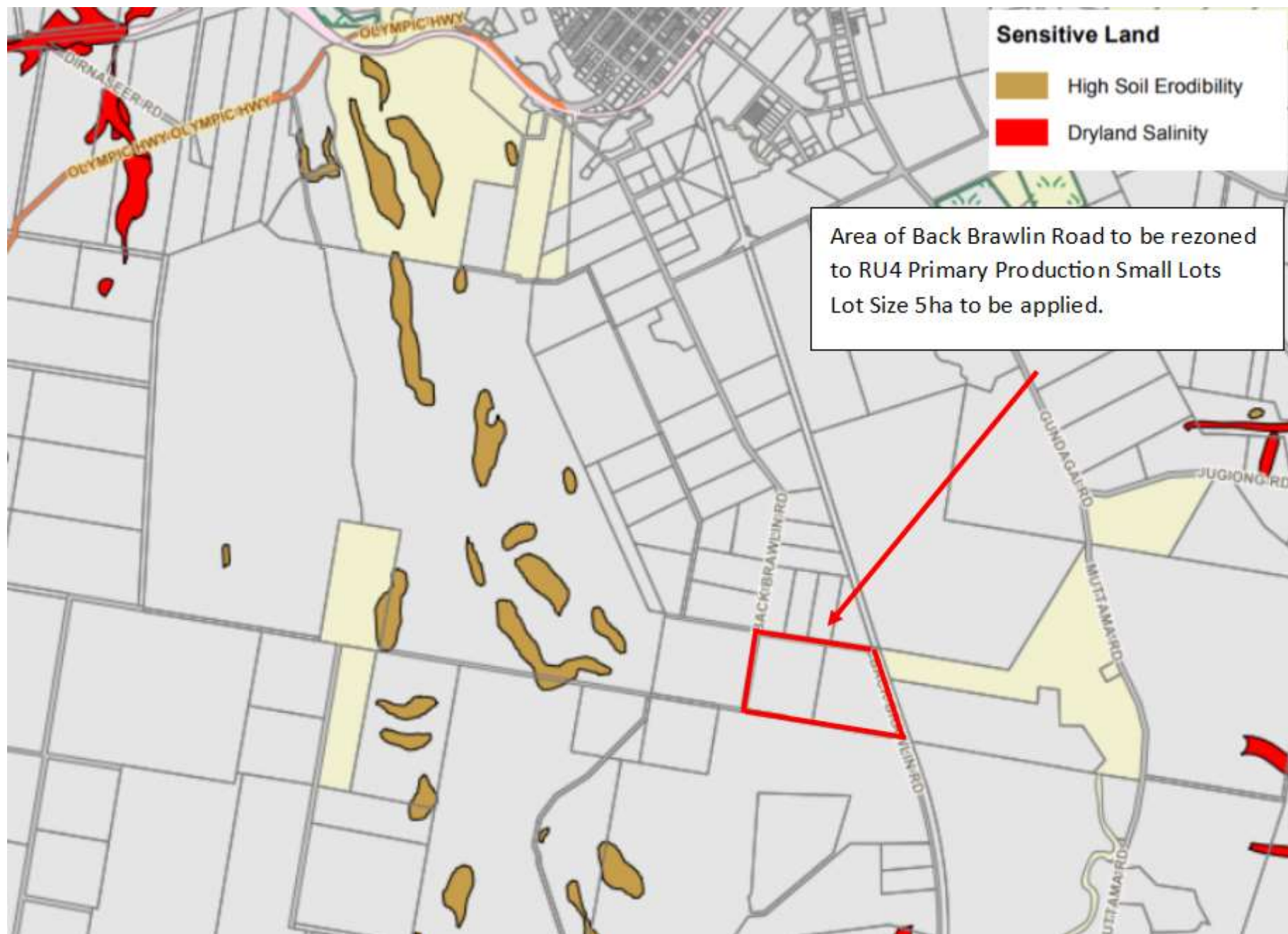
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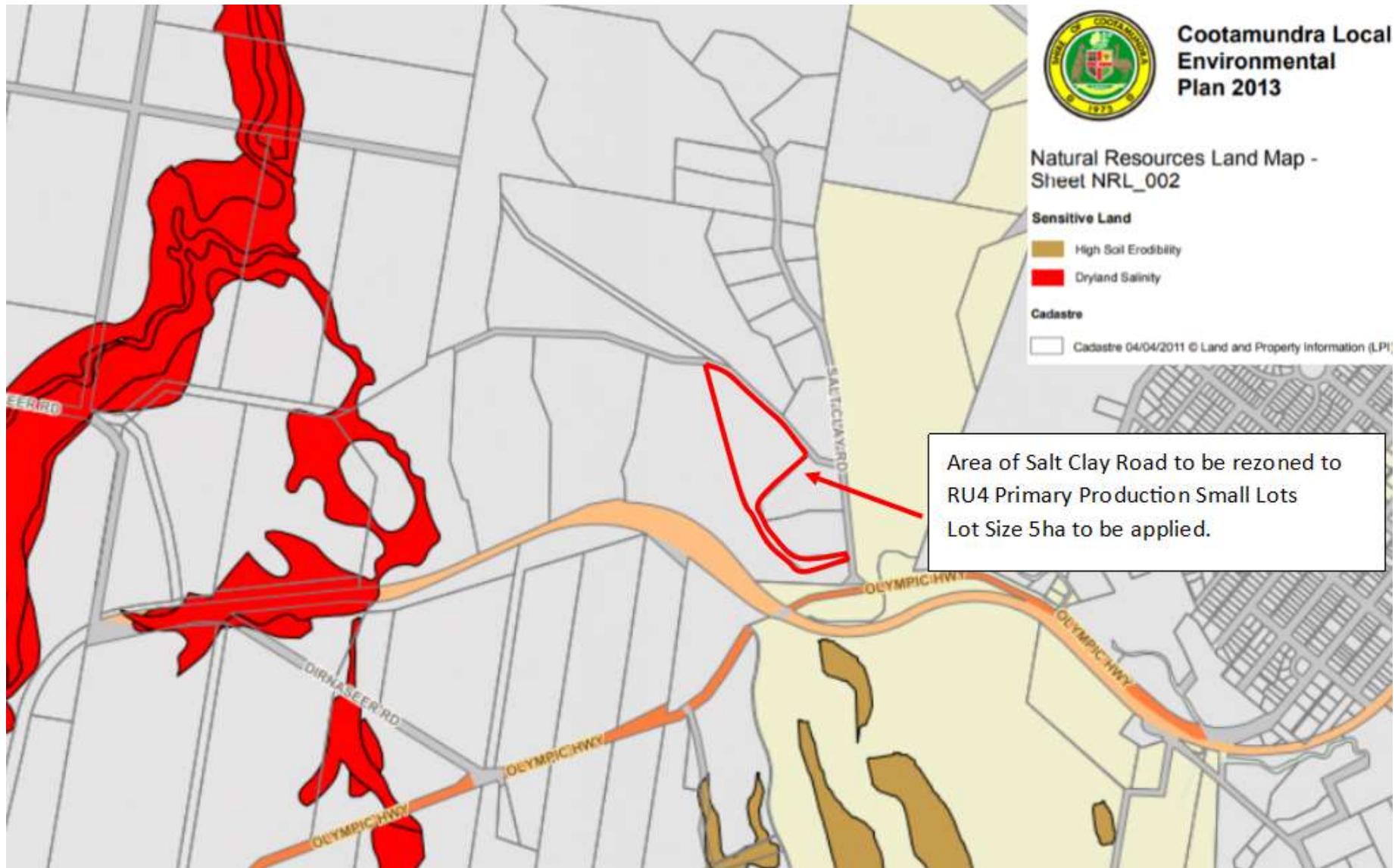
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8 February 2019







Part 5 – Community Consultation

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

Part 1 – Objectives or Intended Outcomes

- [illegible]

- 85

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. Insensitive 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?

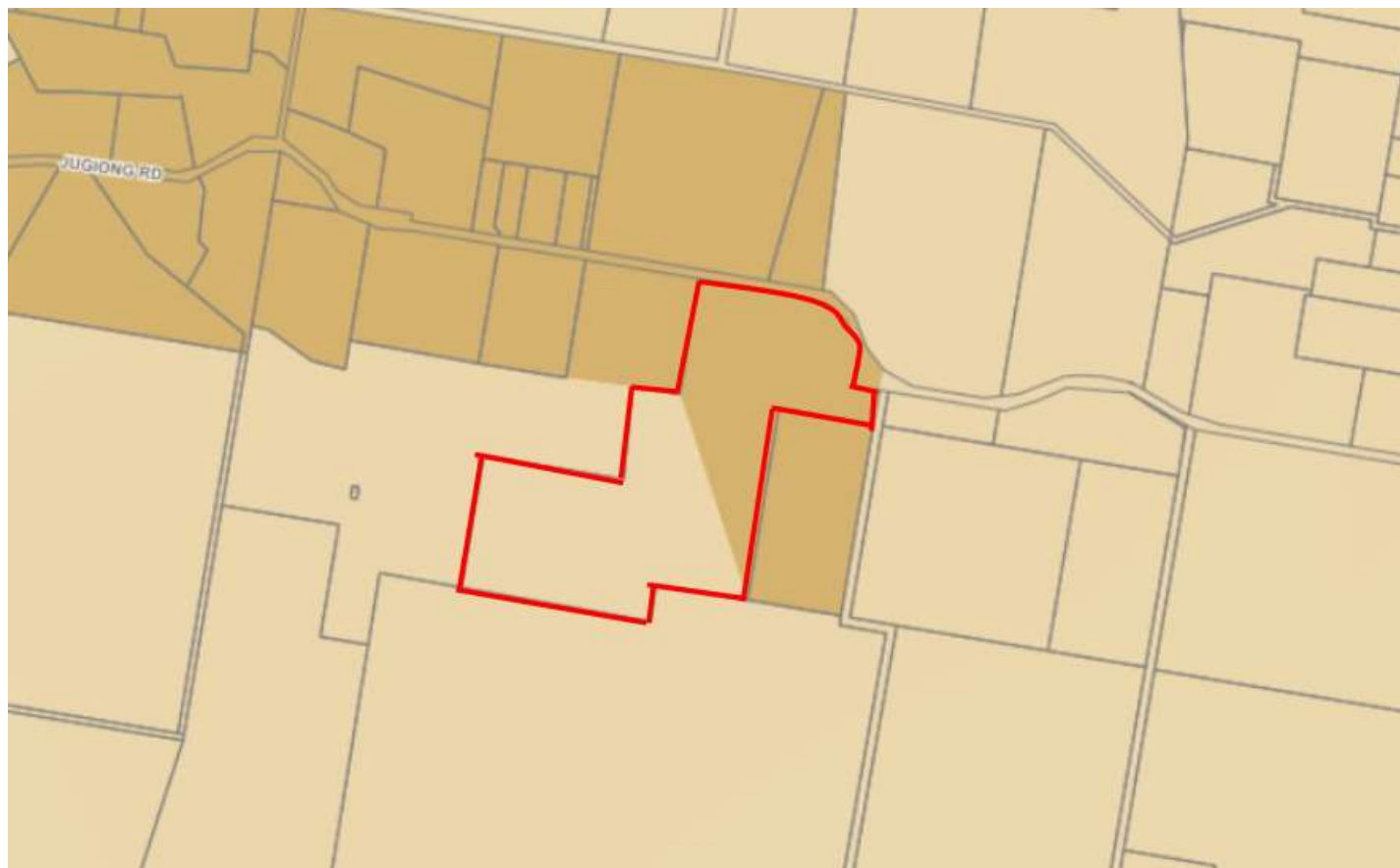
The planning proposal is considered the best way to achieve the outcomes desired by Council based on the following:

- 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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**Cootamundra Local
Environmental
Plan 2013**

Land Zoning Map - Sheet LZN_005

Zone

- C3** Commercial Core
- E1** National Parks and Nature Reserves
- E3** Environmental Management
- IN1** General Industrial
- IN2** Light Industrial
- IN3** Heavy Industrial
- R1** General Residential
- R3** Medium Density Residential
- R5** Large Lot Residential
- RE1** Public Recreation
- RE2** Private Recreation
- RU1** Primary Production
- RU2** Rural Landscape
- RU4** Primary Production Small Lots
- RU5** Village
- SP1** Special Activities
- SP2** Infrastructure

Cadastre

 Cadastre 04/04/2011 © Land and Property Information (LPI)

8 February 2019



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

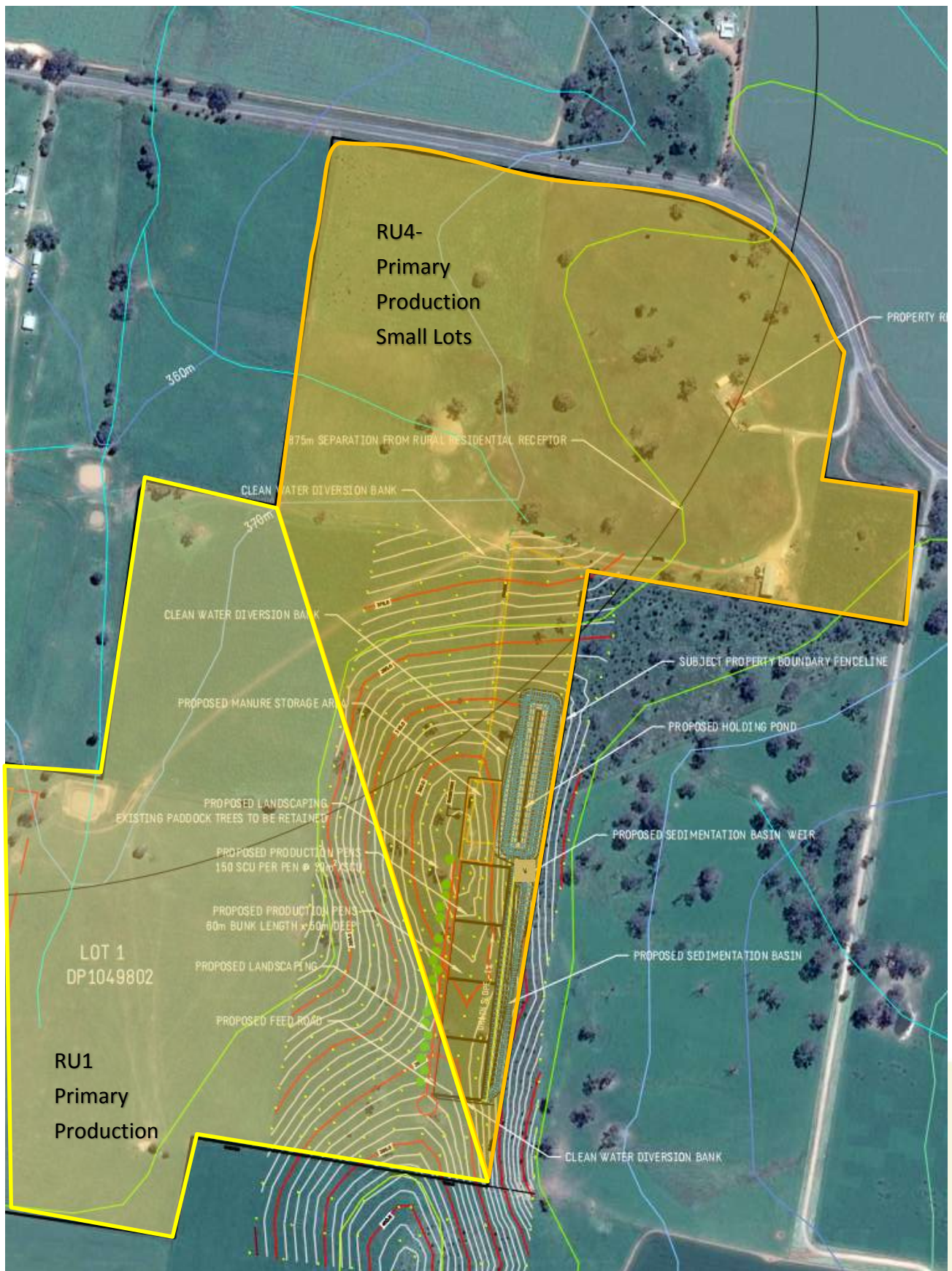
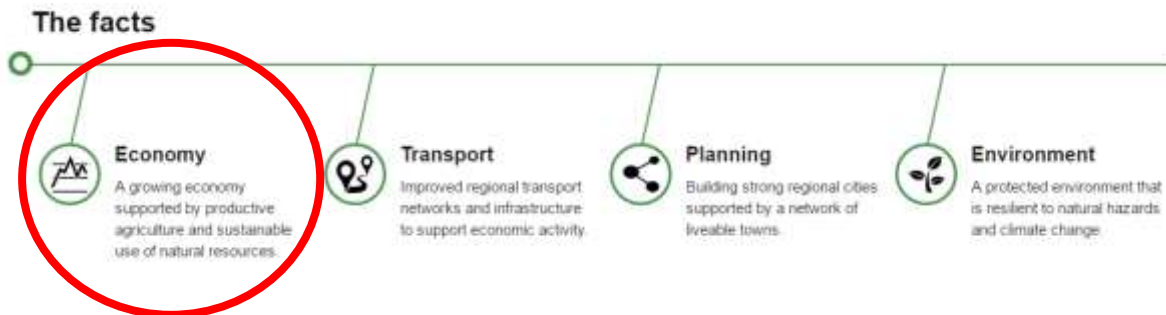


Figure 4 Property Aerial Preliminary design for proposed feedlot at 358 Jugiong Road Cootamundra

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.



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

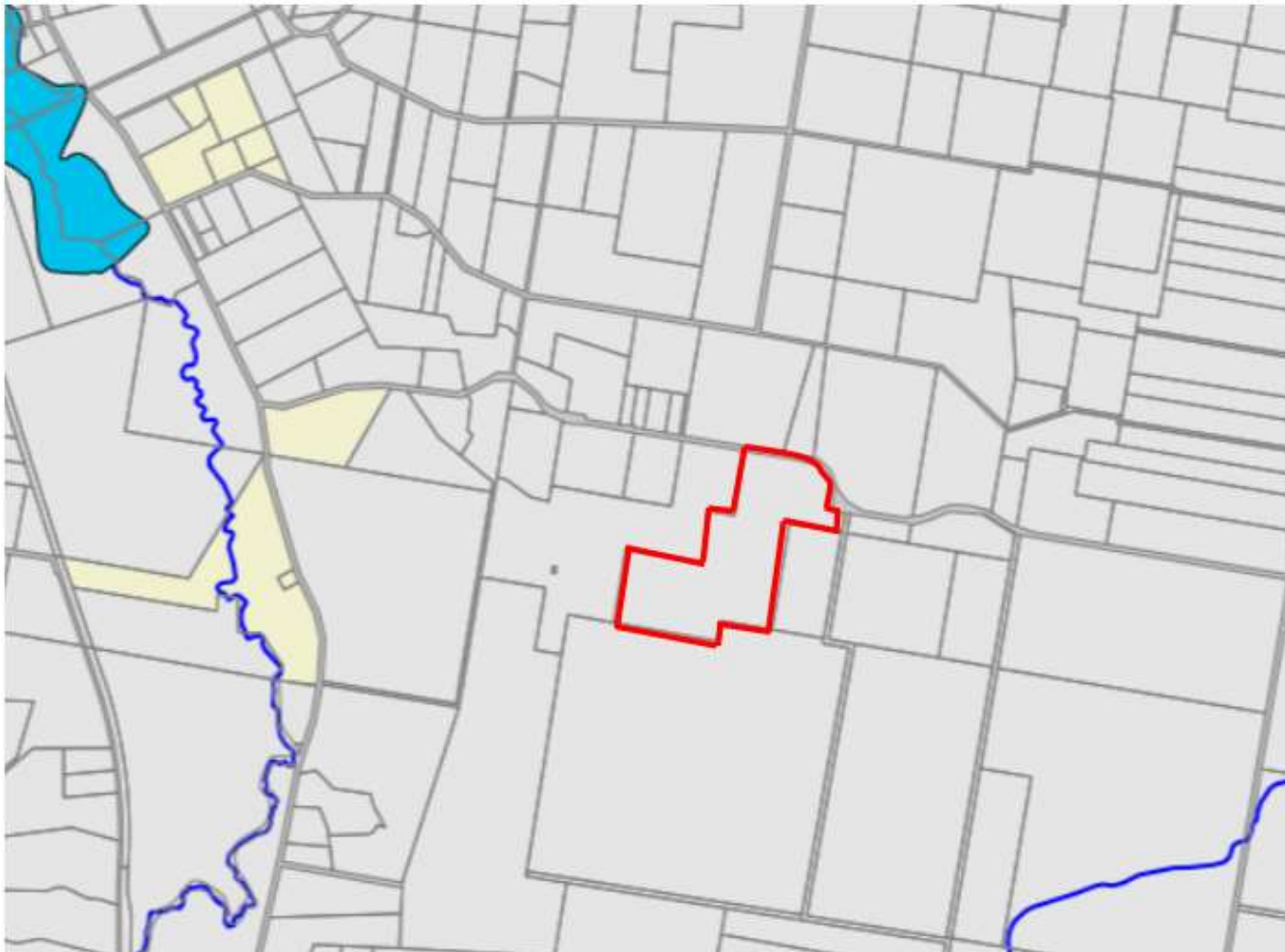
Flood Planning Map - Sheet FLD_005

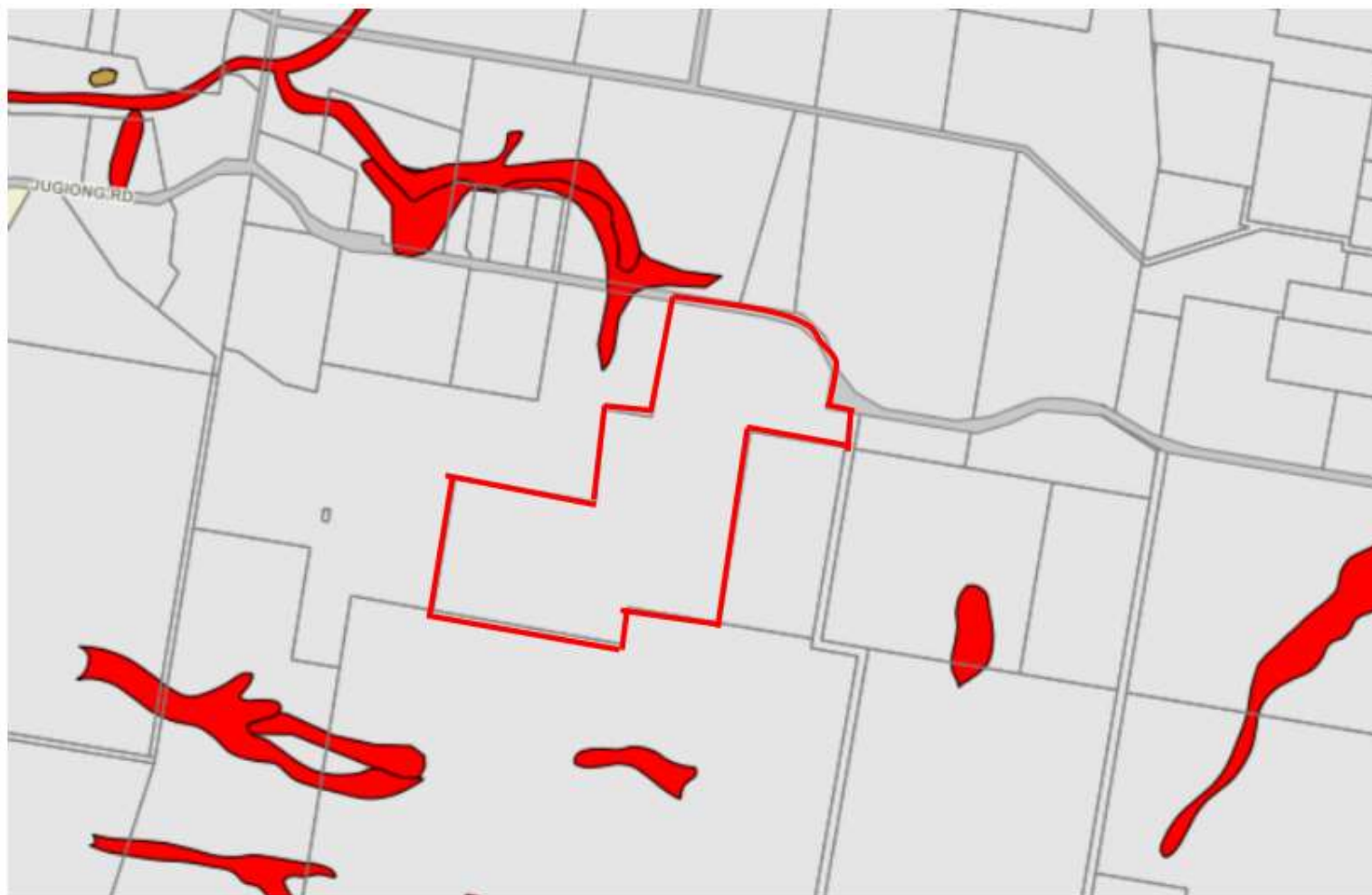
Flood Planning Land

 Flood Planning Area

Cadastre

 Cadastre 04/04/2011 © Land and Property Information (LPI)





Cootamundra Local Environmental Plan 2013

Natural Resources Land Map - Sheet NRL_005

Sensitive Land

- High Soil Erodibility
- Dryland Salinity

Cadastral

Cadastral 04/04/2011 © Land and Property Information (LPI)

Part 5 – Community Consultation

The subject land

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Part 6 – Project Timeline

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