
ENVIRONMENTAL AND PLANNING SERVICES REPORT – PART 2.**5. SECTION 59 ENVIRONMENTAL PLANNING AND ASSESSMENT Act 1979 – PLANNING REPORT****Planning Proposal Details:****PP_2013_COROW_002_00:** to make various amendments to Corowa LEP 2012.**Planning Proposal Summary:**

To rezone land near the "Rivalea" feedmill site, Corowa from RU1 Primary Production to IN1 General Industrial and R5 Large Lot Residential and amend the minimum lot size for the land, insert clause 7.11 "Rivalea feedmill facility buffer area" and a Clause Application Map and identify the land on the Urban Release Area Map.

Date of Gateway Determination:27 May 2013

1.0 SUMMARY

- The lands to be rezoned and the 'buffer area' have previously been considered and supported by Council as part of its Section 68 report to the Department of Planning and Infrastructure for the Corowa Local Environmental Plan 2012. The items were not included in the gazetted LEP as the Department of Planning and Infrastructure was concerned that they had not been publically exhibited, hence the lands are being reconsidered as part of this Planning Proposal.
- Part of Lot 62 DP 1034631, Geo Way Road is to be rezoned from RU1-Primary Production to IN1-General Industrial.
- Land in vicinity and north of "Rivalea" feedmill facility bound by Whitehead Street, Honour Avenue and Riverina Highway to be rezoned from RU1-Primary Production to R5-Large Lot Residential.
- Land in 500 metre vicinity of "Rivalea" feedmill facility to be subject to a buffer zone.
- Insert Clause 7.11 "Rivalea feedmill facility buffer area" and a clause Application Map.
- The Planning Proposal was on public exhibition from 26 June 2013 until 26 July 2013.
- Points raised in submissions received following referral to Government agencies include, the risk to Sloane's Froglet and the need to protect the remnant of Inland Grey Box Woodland in the area, due to the potential adverse impact of septic tanks on ground water supplies the use of aerated wastewater systems is recommended for any dwellings, and due to the significant stand of Inland Grey Box trees Lot 66 DP 753734 (travelling stock reserve) be rezoned E3-Environmental Management rather than R5-Large Lot Residential.
- Other than the rezoning of Lot 66 DP 753734 to E3-Environmental Management there are no key amendments proposed to the Planning Proposal as a consequence of public exhibition or agency consultation.

2.0 GATEWAY DETERMINATION

- The Gateway Determination was issued on 27 May 2013.
 - The project timetable for the completion of the Planning Proposal is 12 months from the week following the date of the Gateway Determination.
 - The Gateway Determination was not subject to a review request.
 - The conditions included in the Gateway Determination have been complied with
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3.0 COMMUNITY CONSULTATION

- The Planning proposal was on public exhibition from 26 June 2013 until 26 July 2013.
- 2 submissions relating to the "Rivalea feedmill facility buffer area" were received following public exhibition.
- The Planning Proposal was not re-exhibited.
- The consultation requirements included in the Gateway Determination were complied with i.e. minimum number of days made publically available (28) and the type of material that was to be made publically available.
- Following a Post Exhibition review Council resolved to proceed with the Planning Proposal as exhibited other than the rezoning of Lot 62 DP 753734.
- Following the submission from Trade and Investment – Crown lands during government agency consultation it is proposed to amend the Planning Proposal by rezoning Lot 62 DP 753734 in response of such.
- Documents placed on public exhibition are attached.

4.0 VIEWS OF PUBLIC AUTHORITIES

- The following public authorities were consulted with and 5 provided written responses and one verbal:
 - 1 **Office of Environment and Heritage** – risk to Sloane's Froglet and the need to protect the remnant of Inland Grey Box Woodland in the area.
 - 2 **Department of Primary Industries – Agriculture** – supportive of the rezoning and the buffer area around the feedmill.
 - 3 **Department of primary Industries – Office of Water** – Due to the potential adverse impact of septic tanks on ground water supplies the use of aerated wastewater systems is recommended for any dwellings.
 - 4 **Trade and Investment – Crown Lands** – Due to the significant stand of Inland Grey Box trees Lot 66 DP 753734 (travelling stock reserve) be rezoned E3-Environmental Management rather than R5-Large Lot Residential.
 - 5 **Trade and Investment – Resources and Energy** – no issues to raise in regard to the planning proposal.
 - 6 **Murray Catchment Management Authority** – no issues raised in regard to the planning proposal.
- Agency consultation occurred in accordance with the requirements of the Gateway Determination ie agencies were given at least 21 days to comment and the type of material that was forwarded to them.
- Following a Post Exhibition review Council resolved to proceed with the Planning proposal as exhibited subject to Lot 66 DP 753734 being rezoned E3-Environmental Management.
- Other than the rezoning of Lot 66 DP 753734 it is not proposed to amend the Planning Proposal to respond to the issues raised by the agencies as these are of such a nature that should and can be assessed at development application stage of any future development.
- Documents forwarded to the public authorities are attached.

5.0 CONSISTENCY WITH S.117 DIRECTIONS AND OTHER STRATEGIC PLANNING DOCUMENTS

The following Section 117 Directions have been addressed as part of the Planning Proposal:

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Consistency with Section 117 Directions

No.	S117 Direction	Objective	Consistency	Comments
1	Employment and Resources			
1.2	Rural Zones	The objective of this direction is to protect the agricultural production value of rural land.	No – but of minor inconsistency	A PP may be inconsistent where the inconsistency is of minor significance. While the land is identified in the Strategy documentation (but subject to further work in relation to potential land use conflict) the inconsistency is considered to be justified for the following reasons: -the total area of land (abt. 310ha) that is proposed to be rezoned from primary production to large lot residential is minor in the broad context of primary production land in Corowa LGA. -the land adjoins urban land and is used for rural living and agriculture. -primary production land is protected through appropriate zoning and retention of suitable lot sizes in the lga -Council will consult with Agriculture during community consultation to determine if significant agricultural resources are affected -The land identified as industrial is currently used by

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				Rivalea for stormwater runoff retention and disposal. - This will be further assessed at s59 stage
1.3	Mining, Petroleum Production and Extractive Industries	The objective of this direction is to ensure that the future extraction of State or regionally significant reserves of coal, other minerals, petroleum and extractive materials are not compromised by inappropriate development.	No	The land proposed to be rezoned from primary production to large lot large lot residential will prohibit mining where it is incompatible. - Council will consult with Minerals during community consultation to determine if significant mineral resources are affected. This will be further assessed at s59 stage.
1.5	Rural Lands	The objectives of this direction are to protect the agricultural production value of rural land and facilitate the orderly and economic development of rural lands for rural and related purposes.	No	An inconsistency exists with respect to the rezoning of Primary production land for large lot residential purposes. The land is located adjacent to urban uses. Council will consult with Agriculture during community consultation to determine if significant agricultural resources are affected. This will be further assessed at s59 stage
2	Environment and Heritage			
2.1	Environment Protection Zones	The objective of this direction is to protect and conserve environmentally sensitive areas	No	The PP is consistent with this direction as no identified environmentally sensitive land is being affected.
2.3	Heritage	The objective of this	Yes	The PP does not

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	Conservation	direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance		affect the standard provisions for the protection of heritage and archaeological sites.
2.4	Recreation Vehicle Areas	To protect sensitive land or land with significant conservation values from adverse impacts from recreation vehicles	Yes	No recreational vehicle areas are proposed in the LGA.
3	Housing, Infrastructure and Urban Development			
3.1	Residential Zones	The objectives of this direction are: to encourage a variety and choice of housing types to provide for existing and future housing needs, to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and to minimise the impact of residential development on the environment and resource lands.	Yes	The proposed rezoning of the subject land to residential is consistent with the objectives of this direction.
3.2	Caravan Parks and Manufactured Home Estates	The objectives of this direction are to provide for a variety of housing types and to provide opportunities for caravan parks and manufactured home estates.	Yes	The Corowa LEP 2012 allows the development of caravan parks and MHEs within the zone R5.
3.3	Home Occupations	The objective of this direction is to encourage the carrying out of low-impact small businesses in dwelling houses.	Yes	The PP is consistent with this direction

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3.4	Integrating Land Use and Transport	The objective of this direction is to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives: improving access to housing, jobs and services by walking, cycling and public transport, and increasing the choice of available transport and reducing dependence on cars, and reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and supporting the efficient and viable operation of public transport services, and providing for the efficient movement of freight	Yes	The PP is consistent with objectives of this Direction in that the subject land is in close proximity to existing urban Development.
4	Hazard and Risk			
4.3	Flood Prone Land	The objectives of this direction are: to ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the <i>Floodplain Development Manual 2005</i>, and to ensure that the provisions of an LEP on flood prone land is commensurate with flood hazard and includes consideration of the potential flood impacts both on and off the subject land.	Yes	The PP is consistent with Council's Floodplain Risk Management Plan and the standard provisions contained in the Corowa LEP 2012. None of the subject land at is identified as being affected by the flood planning area.

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4.4	Planning for Bushfire Protection	The objectives of this direction are to protect life, property and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses in bush fire prone areas, and to encourage sound management of bush fire prone areas	Yes	None of the land is identified to be bushfire prone
5	Regional Planning			
5.1	Implementation of Regional Strategies	The objective of this direction is to give legal effect to the vision, land use strategy, policies, outcomes and actions contained in regional strategies	Yes	No identified regional strategies apply. However the PP is consistent with the draft Murray Regional Strategy.
6	Local Plan Making			
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	Yes	There are no approval or referral requirements proposed in the draft LEP.
6.2	Reserving Land for Public Purposes	The objectives of this direction are to facilitate the provision of public services and facilities by reserving land for public purposes, and to facilitate the removal of reservations of land for public purposes where the land is no longer required for acquisition	Yes	The PP does not affect land reserved for public purposes.
6.3	Site Specific Provisions	The objective of this direction is to discourage unnecessarily restrictive site specific planning controls.	Yes	The PP does not proposed site planning controls.

Consistency with SEPP's

The following relevant environmental planning instruments (EPI) have been considered in

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the preparation of this planning proposal:

EPI	Applicable	Relevant	Consistent	Comments
Murray Regional Environmental Plan No 2—Riverine Land	Yes	Yes	Yes	The PP is generally consistent with the provisions of the MREP.
State Environmental Planning Policy No 1—Development Standards	Yes	Yes	Yes	This SEPP may apply to development of the land to which the PP applies and does not affect the operation of the SEPP
State Environmental Planning Policy No 4—Development Without Consent and Miscellaneous Exempt and Complying Development	Yes	Yes	Yes	This SEPP may apply to development of the land to which the PP applies and does not affect the operation of the SEPP
State Environmental Planning Policy No 6—Number of Storeys in a Building	Yes	Yes	Yes	This SEPP may apply to development of the land to which the PP applies and does not affect the operation of the SEPP
State Environmental Planning Policy No 21—Caravan Parks	Yes	Yes	Yes	The PP is consistent with provisions of SEPP in that development for the purpose of a caravan park requires the consent of Council and is permissible development in zone R1.
State Environmental Planning Policy No 22—Shops and Commercial Premises	Yes	Yes	Yes	The PP is consistent with these provisions, noting that these uses are controlled predominately through SEPP Exempt and Complying Development 2008.
State Environmental Planning Policy No 30—Intensive	Yes	Yes	Yes	The PP will not affect the application of this SEPP.

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Agriculture				
State Environmental Planning Policy No 32—Urban Consolidation (Redevelopment of Urban Land).	Yes	Yes	Yes	The PP will not affect the application of this SEPP.
State Environmental Planning Policy No 33—Hazardous and Offensive Development	Yes	Yes	Yes	The PP will not affect the application of this SEPP.
State Environmental Planning Policy No 36—Manufactured Home Estates	Yes	Yes	Yes	The PP will not affect the application of this SEPP.
State Environmental Planning Policy No 44—Koala Habitat Protection	Yes	Yes	Yes	The PP will not affect the application of this SEPP.
State Environmental Planning Policy No 50—Canal Estate Development	Yes	Yes	Yes	The PP will not affect the application of the SEPP.
State Environmental Planning Policy No 55—Remediation of Land	Yes	Yes	Yes	Council has assessed the sites in accordance with the requirements of the SEPP and there are no potentially contaminated land. The land is currently used for a mixture of living and agricultural purposes. Further consideration of this SEPP will be undertaken with the DA.
State Environmental Planning Policy No 62—Sustainable Aquaculture	Yes	Yes	Yes	The PP does not affect the application of the SEPP.

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State Environmental Planning Policy No 64—Advertising and Signage	Yes	Yes	Yes	The PP does not affect the application of the SEPP.
State Environmental Planning Policy No 65—Design Quality of Residential Flat Development	Yes	Yes	Yes	The PP does not affect the application of the SEPP.
State Environmental Planning Policy (Affordable Rental Housing) 2009	Yes	Yes	Yes	The PP does not affect the application of the SEPP.
State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004.	Yes	Yes	Yes	The PP does not affect the application of the SEPP.
State Environmental Planning Policy (Exempt and Complying Development Codes) 2008	Yes	Yes	Yes	The PP does not affect the application of the SEPP.
State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004	Yes	Yes	Yes	The PP does not affect the application of the SEPP.
State Environmental Planning Policy (Infrastructure) 2007	Yes	Yes	Yes	The PP does not affect the application of the SEPP.
State Environmental Planning Policy (Major	Yes	Yes	Yes	The PP does not affect the application of the SEPP.

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Development) 2005				
State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007	Yes	Yes	Yes	The PP does not affect the application of the SEPP.
State Environmental Planning Policy (Rural Lands) 2008	Yes	Yes	No	The PP proposes to rezone rural land to part residential and part industrial purposes. The proposal is to rezone rural land for large lot residential (610ha with a minimum lot size of 5 ha) and general industrial (about 30ha). The land is currently being used for a mixture of living and agriculture and is allocated adjacent to urban land. Having regard to the rural planning principles the rezoning of the subject land has the potential to affect the promotion and protection of opportunities for current and potential productive and sustainable economic activities or importance of rural land in the Corowa LGA particularly for the land to the north that is used for productive agriculture. However this land has been identified in the approved Corowa Land Use Strategy for rural living. However the approval by the Director General specifically required that additional work be undertaken to address potential land use conflicts between 'Rivalea' and land used for living. The potential conflict will be minimised by the proposed 'buffer' considerations and further community consultation.
State	Yes	Yes	Yes	The PP does not affect the

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Environmental Planning Policy (Temporary Structures and Places of Public Entertainment) 2007				application of the SEPP.
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6.0 PARLIAMENTARY COUNSEL OPINION

- An opinion was sought from Parliamentary Counsel on 14 January 2014.
- The opinion was given on 31 March 2014 and states that the draft environmental planning instrument may legally be made. See attachment.

7.0 OTHER RELEVANT MATTERS

- No representations have been received on the Planning Proposal from State or Federal Members of Parliament.
- The Council has not met with the Planning Minister in relation to the Planning Proposal.

8.0 MAPPING

- Maps indicating the current and the Planning Proposal i.e. Land Zoning Maps, Lot Size Maps and Urban Release Area Maps are attached.

9.0 RECOMMENDATION

RECOMMENDED that Council adopt this report, its attachments and all submissions in accordance with section 59 of the Environmental Planning and Assessment Act 1979 AND

Council further directs the General Manager (a delegate of the Minister for Planning and Infrastructure) to make the Plan in accordance with this Section 59 Planning Report.

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Corowa LEP 2012 – Amendment 2 – 'Rivalea'**Part 1 - Objectives or Intended Outcomes**

The Intended outcomes for the Planning Proposal are to:-

- Rezone rural land to enable future potential large lot residential development (about 610ha) with a minimum lot size of 5 ha near the 'Rivalea' feedmill development.
- Rezone rural land to zone IN1 - General Industrial (30ha) to allow the expansion of the 'Rivalea' feedmill development – these outcomes were Council's desired outcomes as submitted by Council at s68 for the Corowa LEP 2012. These lands were omitted from the Corowa LEP 2012 as they were post exhibition changes. This planning proposal will provide justification and will allow agency and community consultation to occur.
- The intention of the 'buffer' is to protect 'Rivalea' and surrounding development from operation of the feedmill. The proposed 'buffer' is based on information provided by the Department of Planning and Infrastructure and Office of Environment and Heritage.
- Amend the Urban Release Area maps to reflect the proposed residential and employment lands.

Justification for the proposal is provided in Attachment A, site assessment and the submission by 'Rivalea' in respect to the draft Corowa LEP 2012.

Part 2 - Explanation of Provisions

The Planning Proposal will require amendment to the relevant land zoning, lot size maps, urban release area maps and the map cover sheet. Refer to the maps that accompany this Planning Proposal both the 'Current' and 'Proposed' maps. The draft maps provided comply with the Technical Guidelines.

The following model 'buffer' clause is also proposed to be inserted as clause 7.11 as follows:-

7.11 Rivalea Feedmill Facility Buffer Area

- (1) The objective of this clause is to protect the operational environment of the Rivalea Feedmill Facility and prevent inappropriate development in close proximity to the Rivalea Feedmill Facility to avoid land use conflicts.
- (2) This clause applies to development on land within the "Rivalea Feedmill Facility Buffer Area" shown on the Clause Application Map.
- (3) Development consent must not be granted to development on land to which this clause applies unless the consent authority has considered the following:
 - (a) The likely adverse impacts that noise and other emissions from the existing and continued operations of the Rivalea Feedmill Facility on the proposed development,
 - (b) The likely adverse impact of the development on the existing and continued operations of the Rivalea Feedmill Facility,
 - (c) Any proposed measures incorporated into the proposed development that limit the impacts of noise and other emissions associated with the Rivalea Feedmill Facility,

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- (d) Whether the development is sited to maximise the distance between the development and the Rivalea Feedmill Facility to minimise the potential land use conflict.
- (4) In this clause:
Clause Application Map means the Corowa Local Environmental Plan 2011 Clause Application Map.

Part 3 - Justification

Section A - Need for the planning proposal

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

The planning Proposal is a result of a submission by 'Rivalea', site assessment report and post exhibition change proposed as part of the s68 submission for the Corowa LEP 2012. The proposed change was omitted from the notified LEP.

The subject site is identified in the Corowa Land Use Strategy documentation (Strategy) dated July 2011 comprising Local Profile and Issues Paper, 2011-2031 Strategic Land Use Plan and Site Assessment Report.

The Strategy was approved by the Director-General on 25 June 2012, but it was conditional on the following:

"Prior to land use change further assessment be undertaken in relation to the 'Rivalea' development site and proposed nearby future rural living area north of Corowa to minimise potential land use conflicts".

This Planning Proposal provides information in support of the proposed rezoning. The Corowa Strategic Land Use Plan identifies that Rivalea is the major industry in Corowa and states that "buffers are required to existing industrial activity".

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

The planning proposal is the only means to achieve the proposed outcomes as the identified land requires rezoning and lot size change to achieve the objectives.

The inclusion of the proposed 'buffer' clause requires an amendment to the Corowa LEP 2012.

3. Is there a net community benefit?

While not quantified there will be net community benefit realised for the identified land to allow future residential and industrial development with environmental impacts that will need to be managed.

Section B - Relationship to strategic planning framework.

4. Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

There is no regional or sub regional strategy applicable to the subject land. The draft Murray Regional Strategy is being prepared and the proposal is not inconsistent with this as it relates to relatively minor changes to local planning near urban areas.

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5. Is the planning proposal consistent with the local council's **Community Strategic Plan**, or other **local strategic plan**?

The proposal is not inconsistent with the approved Corowa Land Use Strategy.

6. Is the planning proposal consistent with applicable state **environmental planning policies**?
Yes – refer to assessment in **Attachment B**.

7. Is the planning proposal consistent with applicable **Ministerial Directions** (s.117 directions)?
Yes refer to assessment in **Attachment C**.

Section C - Environmental, social and economic impact.

8. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

No- the land is generally clear and free from constraints and suitable for the proposed development and adjacent to urban areas. Consultation will occur with agencies to ascertain if there are any significant species, communities or habitats affected by the Planning Proposal.

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

No- the land is generally clear and free from constraints and suitable for the proposed development. There are no known environmental effects. There is potential land use conflict between the proposed large lot residential land and the potential continued development of the 'Rivalea' feedmill. These impacts would include, but not be limited to noise, odour, dust, hours of operation and traffic. However, it is considered that the provision of the buffer one around the Rivalea site will negate any adverse environmental impacts. The sites are above the 1% flood level and excluding the Crown land portion, are outside the bushfire prone land. Consultation will occur with agencies to ascertain if there are any significant constraints.

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

In terms of social and environmental impacts the land is generally clear and free from constraints and suitable for the proposed development. There are no known European or aboriginal heritage located on the subject lands. Consultation will occur with agencies to ascertain if there are any significant constraints.

The proposal will provide residential and employment development opportunities on land suitable for such use which will have social and economic benefits. The larger lots of 5 ha and the proposed buffer will provide a separation between dwellings and the feedmill.

Section D - State and Commonwealth interests.

11. Is there adequate public infrastructure for the planning proposal?

The identified land can be adequately serviced by local services to cater for the proposed development.

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

No consultation has occurred at this stage. Consultation with the state government agencies will be undertaken post gateway determination.

It is proposed to consult with the NSW Office of Environment and Heritage, Office of Water, Roads and Maritime Services, Primary Industries – Agriculture and Minerals and NSW Environment Protection Authority.

There is no Commonwealth land involved and there is no known reason to consult with Commonwealth agencies in this case.

Section E – Reclassification of Public Land. There is no public land identified and therefore this section is not applicable.

Part 4 - Community Consultation

It is considered that the Planning Proposal is routine and it is proposed to consult with the community for 28 days and complete the proposal in 12 months.

Part 5 – Risks to the Planning Proposal.

Possible risks are that there are matters identified agencies (for example threatened species) that may result in further work being undertaken and time to resolve these issues. The proposal is such that the land is adjacent to urban areas, can be serviced and not expected to be developed at the one time thus not resulting in an oversupply of land.

Part 6 – Benchmark Timeframes for making the Plan.

Note: You cannot delete or alter any of the following statements except were directed to select an option.

1. The plan will be made within 12 months of the Gateway Determination date.
2. The Planning Proposal will be exhibited within 4 weeks of the Gateway Determination date.
3. Community Consultation will be completed 28 days from the last day the Planning Proposal must be exhibited
4. Public Authority Consultation will be completed within 35 days of the Gateway Determination date.
5. The RPA will request the Department to draft and finalise the LEP no later than 6 weeks prior to the projected making of the plan date specified in point 1.

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Request for Initial Gateway Determination**Instructions to Users**

When forwarding a planning proposal to the Minister under section 58(1), the relevant planning authority must provide the information specified on this form. This form and the required information should be sent to your local Regional Office. Please note one (1) electronic copy and two (2) hard copies of the completed Planning Proposal must be sent to your local Regional Office.

Relevant Planning Authority Details

Name of Relevant Planning Authority: Corowa Shire Council

Contact Person: Bob Parr

Contact Phone Number: (02) 60338999

Contact Email Address: bob.parr@corowa.nsw.gov.au

Planning Proposal Details**1. LAND INVOLVED:**

Land the subject of this Planning Proposal is known as 'Rivalea' and includes the following:

- Approximately 610 ha of land north of the 'Rivalea' feedmill site proposed to be rezoned from zone RU1 – Primary Production to zone R5 – large lot residential.
- Approximately 30 ha of land owned by 'Rivalea' west of and adjoining the current site is proposed to be rezoned from zone RU1 – Primary Production to zone IN1 General Industrial.
- The inclusion of a 'buffer' clause and map to protect residential development near 'Rivalea' feedmill development.

Attached/Completed ✓

2. MAPS (If applicable – 1 electronic and 2 hard copy) ✓

- Location map showing the land affected by the proposed draft plan in the context of the LGA (refer to 'location map').
- Existing zoning map showing the existing zoning of the site and surrounding land and proposed zoning for the site. Refer to 'Current' and 'Proposed' mapping attached.

3. PHOTOS and other visual material (If applicable) ☐

- Aerial photos of land affected by the Planning Proposal
- Photos of land involved and surrounding land uses

4. COMPLETE PLANNING PROPOSAL (1 electronic and 2 hard copy) ✓

- All matters to be addressed in a planning proposal – including Director-General's requirements for the justification of all planning proposals (other than those that solely reclassify public land) in accordance with a 'Guide to preparing a planning proposal' are completed prior to forwarding to the Regional Office in the first instance.

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4. PLANNING PROPOSAL HAS BEEN SUPPORTED BY COUNCIL ✓

- o Council has considered the written planning proposal before it is sent to the Department of Planning.
- o Attached is Council's resolution to send the written planning proposal to the Department of Planning.



26/4/13

Signed for and on behalf of the Relevant Planning Authority .

DATE: DD/MM/YY

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Attachment B

Consistency with SEPP's

The following relevant environmental planning instruments (EPI) have been considered in the preparation of this planning proposal:

EPI	Applicable	Relevant	Consistent	Comments
Murray Regional Environmental Plan No 2—Riverine Land	Yes	Yes	Yes	The PP is generally consistent with the provisions of the MREP.
State Environmental Planning Policy No 1—Development Standards	Yes	Yes	Yes	This SEPP may apply to development of the land to which the PP applies and does not affect the operation of the SEPP.
State Environmental Planning Policy No 4—Development Without Consent and Miscellaneous Exempt and Complying Development	Yes	Yes	Yes	This SEPP may apply to development of the land to which the PP applies and does not affect the operation of the SEPP.
State Environmental Planning Policy No 6—Number of Storeys in a Building	Yes	Yes	Yes	This SEPP may apply to development of the land to which the PP applies and does not affect the operation of the SEPP.
State Environmental Planning Policy No 21—Caravan Parks	Yes	Yes	Yes	The PP is consistent with provisions of SEPP in that development for the purpose of a caravan park requires the consent of Council and is permissible development in zone R1.
State Environmental Planning Policy No 22—Shops and Commercial Premises	Yes	Yes	Yes	The PP is consistent with these provisions, noting that these uses are controlled predominately through SEPP Exempt and Complying Development 2008.
State Environmental Planning Policy No 30—Intensive Agriculture	Yes	Yes	Yes	The PP will not affect the application of this SEPP.
State Environmental Planning Policy No 32—Urban	Yes	Yes	Yes	The PP will not affect the application of this SEPP.

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Consolidation (Redevelopment of Urban Land).				
State Environmental Planning Policy No 33— Hazardous and Offensive Development	Yes	Yes	Yes	The PP will not affect the application of this SEPP.
State Environmental Planning Policy No 36— Manufactured Home Estates	Yes	Yes	Yes	The PP will not affect the application of this SEPP.
State Environmental Planning Policy No 44—Koala Habitat Protection	Yes	Yes	Yes	The PP will not affect the application of this SEPP.
State Environmental Planning Policy No 50—Canal Estate Development	Yes	Yes	Yes	The PP will not affect the application of the SEPP.
State Environmental Planning Policy No 55— Remediation of Land	Yes	Yes	Yes	Council has assessed the sites in accordance with the requirements of the SEPP and there are no potentially contaminated land. The land is currently used for a mixture of living and agricultural purposes. Further consideration of this SEPP will be undertaken with the DA.
State Environmental Planning Policy No 62— Sustainable Aquaculture	Yes	Yes	Yes	The PP does not affect the application of the SEPP.
State Environmental Planning Policy No 64— Advertising and Signage	Yes	Yes	Yes	The PP does not affect the application of the SEPP.
State Environmental Planning Policy No 65—Design Quality of Residential Flat Development	Yes	Yes	Yes	The PP does not affect the application of the SEPP.
State Environmental Planning Policy (Affordable Rental	Yes	Yes	Yes	The PP does not affect the application of the SEPP.

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Housing) 2009				
State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004.	Yes	Yes	Yes	The PP does not affect the application of the SEPP.
State Environmental Planning Policy (Exempt and Complying Development Codes) 2008	Yes	Yes	Yes	The PP does not affect the application of the SEPP.
State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004	Yes	Yes	Yes	The PP does not affect the application of the SEPP.
State Environmental Planning Policy (Infrastructure) 2007	Yes	Yes	Yes	The PP does not affect the application of the SEPP.
State Environmental Planning Policy (Major Development) 2005	Yes	Yes	Yes	The PP does not affect the application of the SEPP.
State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007	Yes	Yes	Yes	The PP does not affect the application of the SEPP.
State Environmental Planning Policy (Rural Lands) 2008	Yes	Yes	No	The PP proposes to rezone rural land to part residential and part industrial purposes. The proposal is to rezone rural land for large lot residential (610ha with a minimum lot size of 5 ha) and general industrial (about 30ha). The land is currently being used for a mixture of living and agriculture and is allocated adjacent to urban land. Having regard to the rural planning principles the rezoning of the subject land has the potential to affect the promotion and protection of opportunities for current and potential productive and sustainable economic activities or importance of rural land in the Corowa LGA particularly for the

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				land to the north that is used for productive agriculture. However this land has been identified in the approved Corowa Land Use Strategy for rural living. However the approval by the Director General specifically required that additional work be undertaken to address potential land use conflicts between 'Rivalea' and land used for living. The potential conflict will be minimised by the proposed 'buffer' considerations and further community consultation.
State Environmental Planning Policy (Temporary Structures and Places of Public Entertainment) 2007	Yes	Yes	Yes	The PP does not affect the application of the SEPP.

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Attachment C

Consistency with Section 117 Directions

The following relevant s117 Directions have been considered in the preparation of this planning proposal:

No.	S117 Direction	Objective	Consistency	Comments
1	Employment and Resources			
1.2	Rural Zones	The objective of this direction is to protect the agricultural production value of rural land.	No – but of minor inconsistency	A PP may be inconsistent where the inconsistency is of minor significance. While the land is identified in the Strategy documentation (but subject to further work in relation to potential land use conflict) the inconsistency is considered to be justified for the following reasons: - the total area of land (abt. 310ha) that is proposed to be rezoned from primary production to large lot residential is minor in the broad context of primary production land in Corowa LGA. - the land adjoins urban land and is used for rural living and agriculture. - primary production land is protected through appropriate zoning and retention of suitable lot sizes in the lga - Council will consult with Agriculture during community consultation to determine if significant agricultural resources are affected - The land identified as industrial is currently used by Rivalea for stormwater runoff retention and disposal. - This will be further assessed at s59 stage
1.3	Mining, Petroleum Production and Extractive Industries	The objective of this direction is to ensure that the future extraction of State or regionally significant reserves of coal, other minerals, petroleum and extractive materials are not compromised by inappropriate	No	The land proposed to be rezoned from primary production to large lot residential will prohibit mining where it is incompatible. - Council will consult with Minerals during

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		development.		community consultation to determine if significant mineral resources are affected. This will be further assessed at s59 stage.
1.5	Rural Lands	The objectives of this direction are to protect the agricultural production value of rural land and facilitate the orderly and economic development of rural lands for rural and related purposes.	No	An inconsistency exists with respect to the rezoning of Primary production land for large lot residential purposes. The land is located adjacent to urban uses. Council will consult with Agriculture during community consultation to determine if significant agricultural resources are affected. This will be further assessed at s59 stage.
2	Environment and Heritage			
2.1	Environment Protection Zones	The objective of this direction is to protect and conserve environmentally sensitive areas	No	The PP is consistent with this direction as no identified environmentally sensitive land is being affected.
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	Yes	The PP does not affect the standard provisions for the protection of heritage and archaeological sites.
2.4	Recreation Vehicle Areas	To protect sensitive land or land with significant conservation values from adverse impacts from recreation vehicles	Yes	No recreational vehicle areas are proposed in the LGA.
3	Housing, Infrastructure and Urban Development			
3.1	Residential Zones	The objectives of this direction are: - to encourage a variety and choice of housing types to provide for existing and future housing needs, - to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and - to minimise the impact of residential development on the environment and resource lands.	Yes	The proposed rezoning of the subject land to residential is consistent with the objectives of this direction.
3.2	Caravan Parks	The objectives of this direction	Yes	The Corowa LEP 2012

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	and Manufactured Home Estates	are to provide for a variety of housing types and to provide opportunities for caravan parks and manufactured home estates.		allows the development of caravan parks and MHEs within the zone R5.
3.3	Home Occupations	The objective of this direction is to encourage the carrying out of low-impact small businesses in dwelling houses.	Yes	The PP is consistent with this direction
3.4	Integrating Land Use and Transport	The objective of this direction is to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives: improving access to housing, jobs and services by walking, cycling and public transport, and Increasing the choice of available transport and reducing dependence on cars, and reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and supporting the efficient and viable operation of public transport services, and providing for the efficient movement of freight	Yes	The PP is consistent with objectives of this Direction in that the subject land is in close proximity to existing urban Development.
4	Hazard and Risk			
4.3	Flood Prone Land	The objectives of this direction are: to ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the <i>Floodplain Development Manual 2005</i> , and to ensure that the provisions of an LEP on flood prone land is commensurate with flood hazard and includes consideration of the potential flood impacts both on and off the subject land.	Yes	The PP is consistent with Council's Floodplain Risk Management Plan and the standard provisions contained in the Corowa LEP 2012. None of the subject land at is identified as being affected by the flood planning area.
4.4	Planning for Bushfire Protection	The objectives of this direction are to protect life, property and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses in bush fire prone areas, and to encourage sound	Yes	None of the land is identified to be bushfire prone

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		management of bush fire prone areas		
5	Regional Planning			
5.1	Implementation of Regional Strategies	The objective of this direction is to give legal effect to the vision, land use strategy, policies, outcomes and actions contained in regional strategies	Yes	No identified regional strategies apply. However the PP is consistent with the draft Murray Regional Strategy.
6	Local Plan Making			
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	Yes	There are no approval or referral requirements proposed in the draft LEP.
6.2	Reserving Land for Public Purposes	The objectives of this direction are to facilitate the provision of public services and facilities by reserving land for public purposes, and to facilitate the removal of reservations of land for public purposes where the land is no longer required for acquisition	Yes	The PP does not affect land reserved for public purposes.
6.3	Site Specific Provisions	The objective of this direction is to discourage unnecessarily restrictive site specific planning controls.	Yes	The PP does not proposed site planning controls.

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Rivalea

A U S T R A L I A

4 August 2011

Mr Bruce Corcoran
General Manger
Corowa Shire Council
233 Honour Avenue
PO Box 77
NSW 2646

PLANNING

Dear Mr Bruce Corcoran

**NOTICE OF AN OBJECTION TO THE REVISION OF LAND ZONING MAP – SHEET
LZN_006A, REGARDING ZONE R5.**

In respect to the above Land Zoning Map, Rivalea strongly objects to the proposed rezoning of Primary Production (RU1) land into Large lot residential (R5) on land located directly north and west of the Corowa Feedmill.

This rezoning will limit Rivalea's ability to expand and will have the potential to allow residents to be in close proximity to a 24hr seven day/week feedmill which is a large emitter of noise, odour and potentially dust.

The feedmill is a major employer in the Corowa district and a key partner for the areas farming community and has been established since 1977. Judicious land use planning can often prevent any amenity issues from occurring. Separation distances not only protect the industry, they also protect residents from undue amenity issues such as noise and odour.

In 2005 Rivalea experienced a noise issue associated with the Corowa feedmill. The issue was created in part due to poor planning regulations and practices. The location of one resident approximately 180 metres from the feedmill in what is primarily an industrial zone caused difficulties for both Rivalea and the affected resident. The resolution of this issue was time consuming and expensive with tens of thousands of dollar spent trying to minimise the noise from the feedmill. It was eventually resolved with the purchase of the block and the removal of the house.

Rivalea understands the need for industrial activity to be balanced with other community activities including residential zoning. However there is a need for reasonable separation distances from activities considered either offensive or intrusive, and local planning policies can go a long way to prevent amenity issues from developing in the future.

Rivalea provided comments to Habitat Planning in November 2007 in respect to the review of the LEP (letter attached). This letter outlined our concerns in respect to maintaining appropriate buffers around the Feedmill. However, it appears that these comments were not taken into consideration.

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Within Rivalea's boundary is an area of land zoned RU1. This land is used to dispose of contaminated storm water (organic material) from the Feedmill in a purpose built tree plantation. This land is designated for future development and expansion of the Feedmill business. Rivalea request that this land to the west of the railway corridor line be rezoned as Industrial to help facilitate this future expansion.

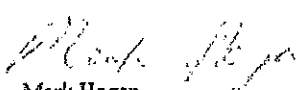
NSW does not have any appropriate separation Guidelines; however, the Victorian EPA has "*Recommended Buffer Zones for Industrial Residual Air Emissions*" Publication, AQ 2/86. These guidelines are used to provide assistance to planners to determine appropriate buffer distances. Although Feedmills are not specifically listed, the Guidelines refer to "Grain Elevators" requiring a buffer of 300 metres.

Enclosed are two maps showing a proposed 300 metre buffer distance from the Feedmill boundary. The land within these buffer distances should be zoned such that residential development cannot occur.

In light of the previous noise issues in 2005 where the effected resident was approximately 180 metres from the Feedmill, Rivalea believe this buffer distance is necessary to avoid land use conflict in the future. Further to this, the Feedmill is currently a major employer in Corowa and poor land use decisions should not put this in jeopardy.

Should you have any queries relating to the above please contact me on 0409808146 or 02 6033 8249.

Yours sincerely,


Mark Hogan
General Manager
Safety Environment Quality

Rivalea

A U S T R A L I A

Letter 1- Comments to Habitat Planning in November 2007 in respect to the review of the LEP.

QAF 

Food Group

16 November 2007

Mr Warsick Horsfall
445 Townsend St
Albury NSW 2640

Dear Mr Horsfall

Thank you for your letter informing QAF of the Corowa Shire Council Local Environmental Plan (LEP) review.

The LEP review needs to include the protection of separation distances for QAF's Corowa Piggery and Feedmill. The piggery and the feedmill are major employees in the Corowa district and have been established in the community since 1975 and 1977 respectively. Judicious land use planning can often prevent any amenity issues from occurring. Protecting separation distances not only protects the industry, it also protects potential residents from undue amenity issues such as noise and odour.

QAF in 2005 experienced a noise issue associated with its Corowa feedmill. The issue was created in part due to poor planning regulations and practices. The location of one resident approximately 150 metres from the feedmill in what is primarily an industrial zone caused difficulties for both QAF and the affected resident. The resolution of this issue was time consuming and expensive.

Australian Pork Limited (2004) National Environmental Guidelines for Piggeries require set separation distances between piggeries and designated receptors (e.g. rural dwellings). In the case of QAF these distances would be considerable. These separation distances need to be incorporated into the LEP to ensure no amenity issues arise from future developments. The APL (2004) separation distances are required to be met by proposed piggeries.

QAF understands the need for industrial activity to be balanced with other community activities including residential zoning. However there is a need for reasonable separation distances from activities considered either offensive or intrusive, and local planning policies can go a long way to prevent amenity issues from developing in the future.

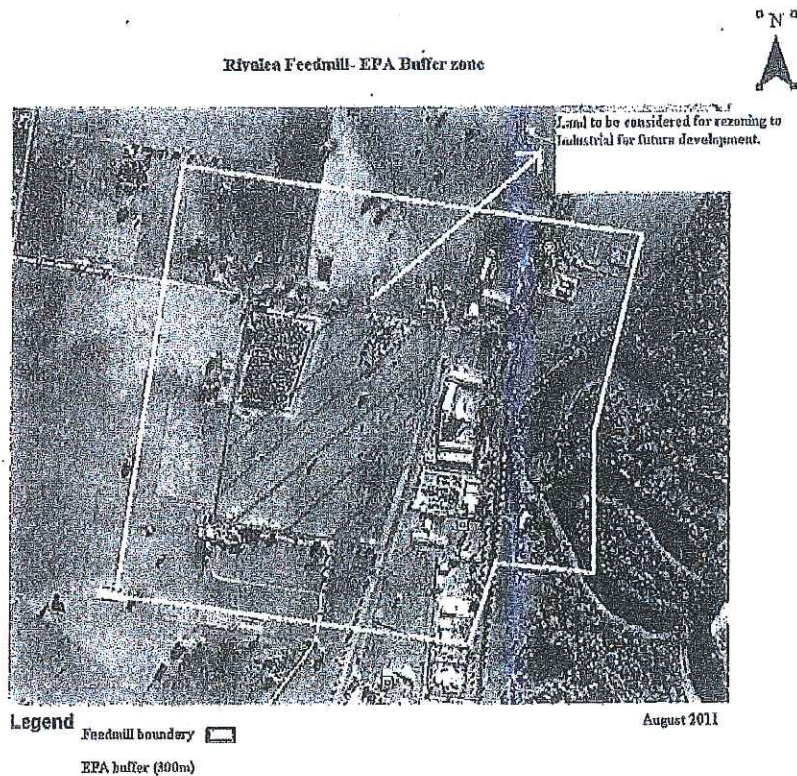
Should you require any further information please call me on 0407 522 653 or 02 6033 5216.

Yours sincerely

Amber Rodd
Manager Environment and Resources

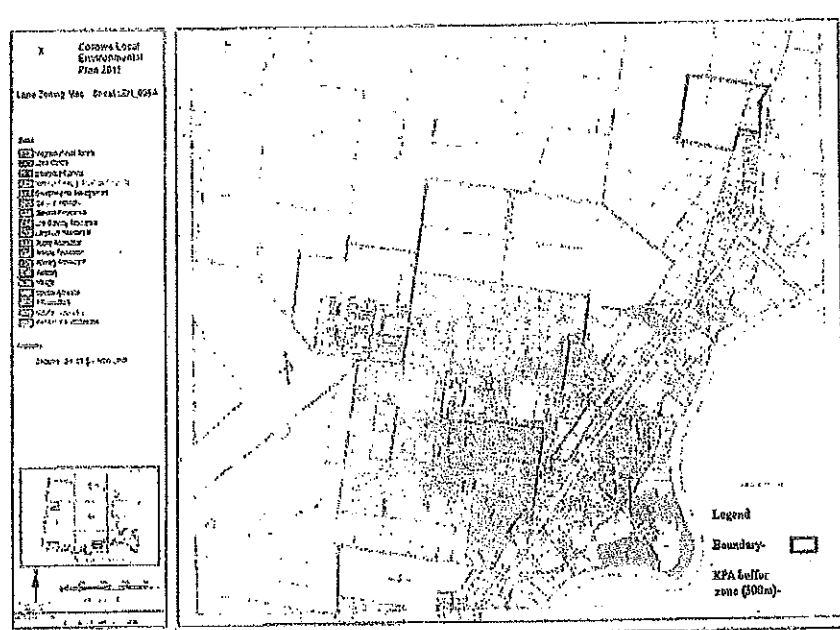


Map 1- Rivalea Feedmill boundary with EPA buffer zone of 300m.





Map 2- LEP map with proposed 300 metre buffer distances from the feedmill boundary.





10. Rivalea Australia	Objection to proposed R5 Large Lot Residential zone in close proximity to Corowa Feedmill	The Rivalea feedmill is a major employer in the Corowa district and a key partner for the area's farming community and has been established since 1977. In 2005 Rivalea was involved in a land use conflict with a resident approximately 180 metres from the feedmill. The resolution of this issue was time consuming and expensive requiring the purchase and removal of the residence. Rivalea understands the need for industrial activity to be balanced with other community activities including residential zoning. However there is a need for reasonable separation distances from activities considered either offensive or intrusive and local planning policies can prevent amenity issues from developing in the future. Rivalea request that the land to the west of the railway corridor be rezoned industrial to help facilitate the future expansion of the business and recommend the imposition of a 300 metre buffer around the operation in line with the Victorian EPA's 'Recommended Buffer Zones for Industrial Residual Air Emissions'.	Council staff together with consultants GHD have reviewed the buffer requirements for the existing Rivalea feedmill and support the inclusion of a buffer zone around the existing facility and that land immediately to the west of the existing facility to afford the feedmill protection from future land use conflicts. It is proposed to incorporate a new local provision as follows: 7.11 Rivalea Feedmill Facility Buffer Area (4) The objective of this clause is to protect the operational environment of the Rivalea Feedmill Facility and prevent inappropriate development in close proximity to the Rivalea Feedmill Facility to avoid land use conflicts. (5) This clause applies to development on land within the "Rivalea Feedmill Facility Buffer Area" shown on the Clause Application Map. (6) Development consent must not be granted to development on land to which this clause applies unless the consent authority has considered the following: (e) The likely adverse impacts that noise and other emissions from the existing and continued operations of the Rivalea Feedmill Facility on the proposed development. (f) The likely adverse impact of the development on the existing and continued operations of the Rivalea Feedmill Facility. (g) Any proposed measures incorporated into the proposed development that limit the impacts of noise and other emissions associated with the Rivalea Feedmill Facility. (h) Whether the development is sited to maximise the distance between the development and the Rivalea Feedmill Facility to minimise the potential land use conflict.	Revise the draft LEP by rezoning additional Rivalea land IN1 General Industrial and by inserting a new clause 7.11 and associated new Clause Application Map which illustrates a 500m buffer around the revised IN1 General Industrial zone.
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Table 3-1 Summary of Submissions to Corowa Draft LEP

Respondent	Issue	Description	Planning Comment	Action
Government Agency Submissions				
1	Roads and Traffic Authority	Draft LEP does not appear to represent any significant changes to the draft LEP previously discussed and forwarded to the RTA in December 2010. Noted that plans do identify Classified State Roads as SP2 as requested. As draft LEP does not appear to present any significant changes the RTA does not have any further comments.	The draft LEP does not contain any significant changes to that version previously discussed and presented at the Planning Focus Meeting in December 2010.	No action necessary.
2.	Office of Environment and Heritage	OEH supportive of draft LEP. Comments provided in relation to: - National Parks and Reserves - New urban release areas - Additional local provisions - Flooding - Other rezonings. While some of the new reserves in the Corowa LGA created under the National Parks Estate (Riverina Red Gum Reservation Act) 2010 have been identified on the zone map two have not been included. These are the section of the Murray Valley National Park near Corowa and Murray Valley National Regional Park west of Mulwala on the Barrigan local government boundary.	The Land Zoning Maps will be updated to reflect the new reserves created under the National Parks Estate Riverina Red Gum Reservation Act) 2010. Update Land Zoning Maps to include all new reserves created under the National Parks Estate Riverina Red Gum Reservation Act) 2010.	



Urban Release Areas

Land proposed to be zoned R5 on corner of Riverina Hwy and Albury Road.

Buffer zone recommended to avoid land use conflict between existing feedmill and proposed large lot residential uses. Buffer should not be zoned R5 Large Lot Residential.

TSR contains Inland Grey Box tall grassy woodland on alluvial loam and clay soils in NSW South Western Slopes and Riverina Bioregions and should not be zoned R5 Large Lot Residential.

Council staff together with consultants GHD have reviewed the buffer requirements for the existing Rivalea feedmill and support the inclusion of a buffer zone around the existing facility. It is proposed to incorporate a new local provision as follows:

7.11 Rivalea Feedmill Facility Buffer Area

(1) The objective of this clause is to protect the operational environment of the Rivalea Feedmill Facility and prevent inappropriate development in close proximity to the Rivalea Feedmill Facility to avoid land use conflicts.

(2) This clause applies to development on land within the "Rivalea Feedmill Facility Buffer Area" shown on the Clause Application Map.

(3) Development consent must not be granted to development on land to which this clause applies unless the consent authority has considered the following:

- (a) The likely adverse impacts that noise and other emissions from the existing and continued operations of the Rivalea Feedmill Facility on the proposed development,
- (b) The likely adverse impact of the development on the existing and continued operations of the Rivalea Feedmill Facility,
- (c) Any proposed measures incorporated into the proposed development that limit the impacts of noise and other emissions associated with the Rivalea Feedmill Facility,
- (d) Whether the development is sited to maximise the distance between the development and the Rivalea Feedmill Facility to minimise the potential land use conflict.

(4) In this clause:

Clause Application Map means the Corowa Local Environmental Plan 2011 Clause Application Map.

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