

Amendment to Corowa LEP 2012 - Rivalea - rezone RU1 land to R5 and IN1

Proposal Title : **Amendment to Corowa LEP 2012 - Rivalea - rezone RU1 land to R5 and IN1**

Proposal Summary : **Rezone zone RU1 land to zone R5 (570ha) and IN1 (10ha) near the 'Rivalea' feedmill Corowa and insert a 'buffer area' provision around the 'Rivalea' feedmill development. Land is bounded by Corowa Road, Riverina Highway and Whitehead Street Corowa.**

PP Number : **PP_2013_COROW_002_00** Dop File No : **12/18865**

Proposal Details

Date Planning Proposal Received : **02-May-2013** LGA covered : **Corowa**

Region : **Western** RPA : **Corowa Shire Council**

State Electorate : **ALBURY** Section of the Act : **55 - Planning Proposal**

LEP Type : **Spot Rezoning**

Location Details

Street : **Corowa Road**

Suburb : City : **Corowa** Postcode : **2646**

Land Parcel : **Rezone RU1 zone to R5 Large Lot residential (570ha) with mls of 5 ha and IN1 General Industrial (10ha)**

DoP Planning Officer Contact Details

Contact Name : **Wayne Garnsey**

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RPA Contact Details

Contact Name : **Bob Parr**

Contact Number : **0260338999**

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

DoP Project Manager Contact Details

Contact Name :

Contact Number :

Contact Email :

Land Release Data

Growth Centre : **N/A** Release Area Name : **N/A**

Regional / Sub Regional Strategy : **N/A** Consistent with Strategy : **N/A**

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MDP Number :		Date of Release :	
Area of Release (Ha) :	580.00	Type of Release (eg Residential / Employment land) :	Both
No. of Lots :	60	No. of Dwellings (where relevant) :	60
Gross Floor Area :	0	No of Jobs Created :	0

The NSW Government Lobbyists Code of Conduct has been complied with :

If No, comment :

Have there been meetings or communications with registered lobbyists? :

If Yes, comment : **No known meetings have been held with registered lobbyists**

Supporting notes

Internal Supporting Notes : **The proposed rezoning of this land was a s68 post exhibition inclusion in the draft Corowa LEP 2012. It was determined by Council and the Department that such land use change was a significant post exhibition change and was removed from Corowa LEP 2012. It was determined that such matter should be considered as a separate Planning Proposal to allow community and agency consultation.**

With agreement from Council the Corowa LEP 2012 was finalised with the 'Rivalea' Feedmill site being industrial and the extent of zone R5 land significantly reduced to approximately 80 ha outside the 'buffer' area. This recognises the "Rivalea" development as industrial and allows some large lot residential development opportunities in the short term.

The proposed 300m buffer area around the feedmill provided by 'Rivalea' is based on information from the Victorian EPA's recommended buffer zones for industrial residual air emissions. This is also in response to a land use conflict issue in 2005. The proposed 'buffer area' clause and mapping was provided to Council by the Department in 2012. The proposed 10 ha industrial land is used by 'Rivalea' for effluent disposal and will be used for future industrial development. See attached map of the proposed 'buffer area' around 'Rivalea'.

'Rivalea' Feedmill is a significant industry and employer in Corowa and needs to be protected. 'Rivalea' has provided the proposed 300m 'buffer area' to assist in mitigating possible land use conflict.

There is limited justification provided that indicates that the additional amount of large lot residential is required in this location and therefore has the potential for land use conflict. This potential conflict is to be mitigated by the proposed 'buffer area' provisions.

The subject land is good agricultural land although somewhat fragmented. There are no known natural resource management issues that would prevent the land from being used for residential purposes.

The Local Member Mr Aplin, MP, in response to the Corowa LEP 2012 made representation to the Minister on behalf of the owner of the proposed R5 land objecting to the proposed 'buffer area' over that land. This Planning Proposal will allow further community consultation in this regard.

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External Supporting
Notes :

The land the subject of this Planning Proposal is identified in the D-G approved Corowa Land Use Strategy documentation for future large lot residential and industrial subject to further work and justification prior to land use change. This Planning Proposal provides additional information and allows further community and agency consultation.

The land the subject of this Planning Proposal was proposed to be zoned large lot residential and industrial by Council as a late inclusion in the draft Corowa LEP 2012. This land was omitted from the final Corowa LEP 2012 so that a separate Planning Proposal could be prepared to allow community and agency consultation.

Adequacy Assessment

Statement of the objectives - s55(2)(a)

Is a statement of the objectives provided? **Yes**

Comment : **Adequately addressed**

Explanation of provisions provided - s55(2)(b)

Is an explanation of provisions provided? **Yes**

Comment : **Proposed buffer information was provided by Department and OEH**

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **Yes**

b) S.117 directions identified by RPA :

1.2 Rural Zones

* May need the Director General's agreement

1.3 Mining, Petroleum Production and Extractive Industries

1.5 Rural Lands

Is the Director General's agreement required? **Yes**

c) Consistent with Standard Instrument (LEPs) Order 2006 : **Yes**

d) Which SEPPs have the RPA identified?

SEPP No 55—Remediation of Land

SEPP (Rural Lands) 2008

e) List any other
matters that need to
be considered :

The Planning Proposal is consistent with s117 Direction 2.1 Environment Protection Zones as it does not affect the environment protection standards of Corowa LEP 2012.

Have inconsistencies with items a), b) and d) being adequately justified? **No**

If No, explain :

The D-G approved the Corowa Land Use Strategy documentation on 25 June 2012 with the subject land being identified for large lot residential and industrial as proposed in this Planning Proposal subject to a condition that further work be undertaken in relation to development around the 'Rivalea' site. Further information has been provided in this Planning Proposal.

Consultation is required with Primary Industries, Resources and Energy and OEH

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment :

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : **28 days has been proposed and agreed**

Additional Director General's requirements

Are there any additional Director General's requirements? **Yes**

If Yes, reasons : **Prior to exhibition Council is to:-**

Provide Lot and DP description for each parcel of land the subject of this Planning Proposal

Provide clear zoning, lot size and 'buffer area' maps for the subject land

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **Yes**

If No, comment :

Proposal Assessment**Principal LEP:**

Due Date :

Comments in relation to Principal LEP : **Corowa LEP 2012 notified on 29 June 2012**

Assessment Criteria

Need for planning proposal : **Yes required as zone RU1 land is to be rezoned to R5 and IN1**

Consistency with strategic planning framework : **Yes**

Environmental social economic impacts : **Yes considered**

Assessment Process

Proposal type : **Consistent** Community Consultation Period : **28 Days**

Timeframe to make LEP : **12 Month** Delegation : **RPA**

Public Authority Consultation - s56(2)(d) : **Murray Catchment Management Authority
Office of Environment and Heritage
NSW Department of Primary Industries - Agriculture
NSW Department of Primary Industries - Minerals and Petroleum**

Is Public Hearing by the PAC required? **No**

(2)(a) Should the matter proceed ? **Yes**

If no, provide reasons :

Resubmission - s56(2)(b) : **No**

If Yes, reasons :

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Identify any additional studies, if required. :

If Other, provide reasons :

Identify any internal consultations, if required. :

Part 3A

Is the provision and funding of state infrastructure relevant to this plan? **Yes**

If Yes, reasons : **Adjoins land that is already identified as URA although the proposed lot yields do not meet threshold for designated State Infrastructure provision.**

Documents

Document File Name	DocumentType Name	Is Public
Corowa Rivalea - initial gateway det.pdf	Proposal Covering Letter	No
Corowa Amendment 2 - Rivalea.pdf	Proposal	No
Corowa PP - Rivalea buffer area.pdf	Map	No
Corowa PP.pdf	Map	No
Rivalea land lot & DP descriptions.pdf	Proposal	No

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

S.117 directions: **1.2 Rural Zones
1.3 Mining, Petroleum Production and Extractive Industries
1.5 Rural Lands**

Additional Information : **1. Proceed and finalise the Planning Proposal in 12 months**

2. Community consultation be undertaken for 28 days

3. Corowa Shire Council be issued an authorisation to exercise delegation to make this Plan

4. Prior to undertaking public exhibition , Council is to provide to the Department:

Lot and DP descriptions for all the land the subject of this Planning Proposal

Proposed land zoning, lot size and 'buffer area' maps.

5. At this time the Planning Proposal is inconsistent with section 117 Directions 1.2 Rural Zones & 1.5 Rural Lands - and consultation is required with Trade and Investment - Primary Industries to assist Council in justifying inconsistencies prior to the section 59 submission.

6. At this time the Planning Proposal is inconsistent with section 117 Directions 1.3 Mining, Petroleum and Extractive Industries- consultation is required with Trade and Investment - Resources and Energy to assist Council in justifying the inconsistency prior to the section 59 submission.

7. In relation to the proposed 'buffer area' requirements Council is to consult with Office of Environment and Heritage and provide justification with section 59 submission.

Supporting Reasons : **The land to which this Planning Proposal applies was identified in the D-G approved Corowa Land Use Strategy documentation for large lot residential and industrial subject to further work being undertaken.**

Additional work has now been undertaken to progress this matter.

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Signature:

Ashley Albury

Printed Name:

Ashley Albury

Date:

9/5/2018