

Corowa Local Environmental Plan 2012 - Amendment No 6 - Clause 7.11 amendment and Local Clauses Map Amendment - Howlong Livestock Processing Facility

Proposal Title :	Corowa Local Environmental Plan 2012 - Amendment No 6 - Clause 7.11 amendment and Local Clauses Map Amendment - Howlong Livestock Processing Facility		
Proposal Summary :	Amend clause 7.11 and the Local Clauses Map of the Corowa Local Environmental Plan 2012 to map a buffer around an existing Livestock Processing Facility at Howlong and adapt Clause 7.11 to any site where an industrial buffer may be appropriate.		
PP Number :	PP_2014_COROW_002_00	Dop File No :	14/19935

Proposal Details

Date Planning Proposal Received :	27-Nov-2014	LGA covered :	Corowa
Region :	Western	RPA :	Corowa Shire Council
State Electorate :	ALBURY	Section of the Act :	55 - Planning Proposal
LEP Type :	Housekeeping		

Location Details

Street :			
Suburb :		City :	Postcode :
Land Parcel :	Lots 93 & 94 DP 753744, 2 Jude Road, Howlong		

DoP Planning Officer Contact Details

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RPA Contact Details

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DoP Project Manager Contact Details

Contact Name :	Wayne Garnsey
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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) :		Type of Release (eg Residential / Employment land) :	Employment Land
No. of Lots :	0	No. of Dwellings (where relevant) :	0
Gross Floor Area :	0	No of Jobs Created :	0
The NSW Government Lobbyists Code of Conduct has been complied with : Yes			
If No, comment :			
Have there been meetings or communications with registered lobbyists? : No			
If Yes, comment :			

Supporting notes

Internal Supporting Notes : **It is proposed to amend the existing Clause 7.11 if the Corowa LEP 2012 to remove the references to "Riverlea Feedmill Facility" in Clause 7.11(1)(a), (b) and 7.11(2), to enable the buffer area to be applied to multiple sites in the Shire, if required.**

The purpose of the new clause is to avoid the potential for land use conflicts between the industrial activity and land uses within the buffer. A new Local Clauses Map will also be developed to show a 500m buffer around the facility at Howlong. The intention of clause 7.11 is to require consideration of new development near the livestock processing facility.

The subject site is currently vacant land used for extensive agriculture, which is zoned IN1 - General Industrial. The site is adjacent to an existing Livestock Processing Facility. The RU1 zoning brings a level of restraint to the type of development that can locate near the facility.

The nearest residences and/or land zoned for residential purposes is approximately 800m from the site. Adjacent land is zoned RU1 - Primary Production.

The subject site is currently the subject of a staged development application for the expansion of the existing feedlot facility.

The Corowa 2011-2031 Strategic Land Use Plan (SLUP) identifies the buffer to be applied to the Riverlea site and surrounding land. The Planning Proposal is supported by the Strategy.

External Supporting Notes :

Adequacy Assessment

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

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

Comment : **To provide a buffer around an industrial facility at 2 Jude Road, Howlong to protect its current and future operation by using a site specific existing clause within the Corowa Local Environmental Plan 2012. The Planning Proposal intends to adapt the existing site specific clause so that it applies to any industrial site for which a buffer may be**

appropriate.

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

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

Comment : **The provisions to achieve the intended outcome of the Planning Proposal are as follows:**

1. Amend clause 7.11 of the Corowa Local Environmental Plan 2012 to change an existing site specific reference to a general reference that can be applied to multiple site in the Shire. The new clause proposed is as follows:

7.11 Development within buffer areas to industrial activities

(1) The objectives of this clause are as follows:

- (a) to protect the operational environment of industrial activities**
- (b) to control development near industrial activities to minimise land use conflict.**
- (2) This clause applies to land identified as 'buffer area' on the Local Clauses Map**
- (3) Before granting development consent to development on land to which this clause applies, the consent authority must consider the following:**
 - (a) the likely adverse impact that any noise or other emissions associated with existing land uses may have on the development;**
 - (b) any proposed measures incorporated into the development that limit the impact of such noise and other emissions associated with the existing land use;**
 - (c) the likely adverse impact of the development on the operations of the industrial activity;**
 - (d) whether the development has been sited to maximise the distance between the development and the industrial activity and minimise any land use conflict.**

2. Introduce a Local Clauses Map into the Corowa Local Environmental Plan 2012 (to be referenced as Local Clauses Map - Sheet LCL_009) to show a 500 metre buffer around the perimeter on the subject land known as Lots 93 & 94 DP 753744 within which clause 7.11 applies.

It is also proposed to introduce a Local Clauses Map into the CLEP (to be referenced as Local Clauses Map - Sheet LCL_009) to show a 500m buffer around the perimeter of Lots 93 and 94 in DP 753744 within which clause 7.11 applies.

Additional buffers will be able to be mapped via a planning proposal should they be required.

Justification - s55 (2)(c)

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

b) S.117 directions identified by RPA :

1.1 Business and Industrial Zones

2.3 Heritage Conservation

* May need the Director General's agreement

6.1 Approval and Referral Requirements

Is the Director General's agreement required?

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

d) Which SEPPs have the RPA identified?

SEPP No 6—Number of Storeys in a Building

SEPP No 21—Caravan Parks

SEPP No 22—Shops and Commercial Premises

SEPP No 30—Intensive Agriculture

SEPP No 32—Urban Consolidation (Redevelopment of Urban Land)

SEPP No 33—Hazardous and Offensive Development

SEPP No 36—Manufactured Home Estates

SEPP No 44—Koala Habitat Protection

SEPP No 50—Canal Estate Development

SEPP No 55—Remediation of Land

SEPP No 62—Sustainable Aquaculture

SEPP No 64—Advertising and Signage

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SEPP No 65—Design Quality of Residential Flat Development
SEPP (Building Sustainability Index: BASIX) 2004
SEPP (Exempt and Complying Development Codes) 2008
SEPP (Housing for Seniors or People with a Disability) 2004
SEPP (Infrastructure) 2007
SEPP (Major Projects) 2005
SEPP (Mining, Petroleum Production and Extractive Industries) 2007
SEPP (Rural Lands) 2008
SEPP (Temporary Structures and Places of Public Entertainment) 2007
Murray REP No. 2 - Riverine Land

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

Have inconsistencies with items a), b) and d) being adequately justified? **Yes**

If No, explain :

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : **Council has provided sufficient mapping to support the planning proposal. A new Local Clauses Map will be required to be developed.**

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : **Council proposes to exhibit the proposed amendments for 28 days in accordance with the requirements of section 57 of the Environmental Planning and Assessment Act 1979 and the NSW Department of Planning and Infrastructure's: A Guide to preparing local environmental plans 9 October 2012).**

This consultation period is considered appropriate.

Additional Director General's requirements

Are there any additional Director General's requirements? **No**

If Yes, reasons :

Overall adequacy of the proposal

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

If No, comment : **The Planning Proposal is consistent with the Strategic Land Use Plan 2011 - 2031. The mapping within the Strategic Land Use Plan indicates the intended buffers for land surrounding the Howlong Industrial Estate.**

The Planning Proposal is consistent with the Corowa Local Environmental Plan 2012 as it proposes to amend existing clause 7.11 to capture all industrial land within the Shire.

The Planning Proposal is consistent with all applicable SEPPs.

The Planning Proposal is consistent with all applicable s117 Directions.

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Proposal Assessment

Principal LEP:

Due Date : **October 2012**

Comments in relation to Principal LEP : **The Corowa Standard Instrument Local Environmental Plan was notified on 5 October 2012.**

Assessment Criteria

Need for planning proposal : **The Planning Proposal is the most appropriate method to implement a buffer in place to protect adjoining land to industrial uses in the Corowa Shire. It is noted that the applicant owns the subject land that will be part of the buffer area in Jude Road.**

Consistency with strategic planning framework : **The Planning Proposal is consistent with Corowa's Strategic Land Use Plan 2011 - 2031. The mapping within the Strategic Land Use Plan indicates the intended buffers for land surrounding the Howlong Industrial Estate (see figure 12).**

Environmental social economic impacts : **It is more likely that the inclusion of a buffer zone will constrain development rather than facilitate it and therefore the Planning Proposal is likely to benefit the environment.**

There is no critical habitat within the area to which the buffer is proposed.

The Planning Proposal is considered to have a positive economic benefit as it will provide confidence for industrial activity, future developers and adjoining land owners.

Assessment Process

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

Timeframe to make LEP : **9 months** Delegation :

Public Authority Consultation - 56(2) (d) :

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 :

Identify any additional studies, if required. :

If Other, provide reasons :

Identify any internal consultations, if required :

No internal consultation required

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Is the provision and funding of state infrastructure relevant to this plan? **No**

If Yes, reasons :

Documents

Document File Name	DocumentType Name	Is Public
Letter received from Council dated 19 November 2014.pdf	Proposal Covering Letter	No
Planning Proposal - Habitat Planning.pdf	Proposal	No
Council Mapping.pdf	Map	No
Land Zoning Map LZN_009A - Corowa LEP 2012.pdf	Map	No

Planning Team Recommendation

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

S.117 directions: **1.1 Business and Industrial Zones**
 2.3 Heritage Conservation
 6.1 Approval and Referral Requirements

Additional Information : **1. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 (EP&A Act) as follows:**

a) The planning proposal is to be made publicly available for 28 days; and
b) The relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in Section 5.5.2 of A Guide to Preparing LEPs (Department of Planning and Infrastructure 2013).

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

3. Prior to the submission of the Planning Proposal under section 59 of the EP&A Act, mapping is to be prepared and be compliant with the Departments 'Standard Technical Requirements for LEP Maps' November 2012 Version 2.0.

4. The timeframe for completing the LEP is to be 9 months from the week following the date of the Gateway Determination.

Supporting Reasons : **The Planning Proposal is consistent with the Strategic Land Use Plan 2011 - 2031. The mapping within the Strategic Land Use Plan indicates the intended buffers for land surrounding the Howlong Industrial Estate (see figure 12).**

The Planning Proposal is consistent with the Corowa Local Environmental Plan 2012 as it proposes to amend existing clause 7.11 to capture all industrial land within the Shire.

The Planning Proposal is consistent with all applicable SEPPs.

The Planning Proposal is consistent with all applicable s117 Directions.

Signature:



Printed Name:

Jenna McNalds

Date:

9/12/14

endorsed NSW
Acting team leader