

**Corowa LEP 2012 - Amendment No. 10 - Additional Permitted Use of Certain Land Zoned R1
General Residential at 124-138 Federation Avenue, Corowa for Light Industry**

Proposal Title : **Corowa LEP 2012 - Amendment No. 10 - Additional Permitted Use of Certain Land Zoned R1
General Residential at 124-138 Federation Avenue, Corowa for Light Industry**

Proposal Summary : **Amending Schedule 1 (Additional permitted uses) of Corowa LEP 2012 to provide for the use of
certain land zoned R1 General Residential at 124-138 Federation Avenue, Corowa (Lot 1 DP
198395 and Lot 1 DP 198396) for 'light industry'.**

PP Number : **PP_2015_COROW_004_00** Dop File No : **15/16685-1**

Proposal Details

Date Planning Proposal Received : **16-Nov-2015** LGA covered : **Corowa**

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

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

LEP Type : **Reclassification**

Location Details

Street : **124-138 Federation Avenue**

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

Land Parcel : **Lot 1 DP 198396 and Lot 1 DP 198395**

DoP Planning Officer Contact Details

Contact Name : **Ben Eveleigh**

Contact Number : **0268412180**

Contact Email : **ben.eveleigh@planning.nsw.gov.au**

RPA Contact Details

Contact Name : **Bob Parr**

Contact Number : **0260338921**

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

DoP Project Manager Contact Details

Contact Name : **Wayne Garnsey**

Contact Number : **0268412180**

Contact Email : **wayne.garnsey@planning.nsw.gov.au**

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) :	N/A
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 :

If No, comment :

Have there been meetings or communications with registered lobbyists? :

If Yes, comment :

Supporting notes

Internal Supporting Notes : **The planning proposal seeks to amend Schedule 1 (Additional permitted uses) of Corowa LEP 2012 to provide for the additional permitted use of certain land zoned R1 General Residential at 124-138 Federation Avenue, Corowa (Lot 1 DP 198395 and Lot 1 DP 198396) for 'light industry'.**

'light industry' means a building or place used to carry out an industrial activity that does not interfere with the amenity of the neighborhood by reason of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or otherwise.

The land owner intends to redevelop the land for light industrial purposes, including the construction of new buildings and redevelopment of existing buildings associated with the existing use, subject to a future development application.

The Council Report accompanying the planning proposal identifies that the land has an existing use right for general industry and that it has historically been used for industrial purposes and contains a number of existing industrial buildings. However, pursuant to section 41 of the Environmental Planning and Assessment Regulation 2000, the existing use right does not permit changes to light industrial uses if there is an increase of more than 10% in floor space of the existing buildings or if it involves the rebuilding of the premises associated with the existing use.

Consequently, the land owner requires the proposed amendment to the LEP to facilitate the proposed redevelopment of the land for 'light industry'. The planning proposal seeks to amend Schedule 1 of the Corowa LEP 2012 to identify 'light industry' as an additional permitted use of the land.

Council have requested authorisation to undertake plan making delegations. This is considered appropriate.

External Supporting Notes :

Adequacy Assessment

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

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

Comment : **The planning proposal identifies the intended outcome to provide for the additional permitted use of the land for light industry to facilitate the use and redevelopment of the land for light industry, subject to a future development application.**

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

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

Comment : **The planning proposal includes an explanation of the provisions that are proposed to be included in Schedule 1 (Additional permitted uses) of Corowa LEP 2012. The explanation of the provisions is consistent with the objective of the proposal.**

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **No**

b) S.117 directions identified by RPA : **3.1 Residential Zones
3.4 Integrating Land Use and Transport
5.1 Implementation of Regional Strategies
6.3 Site Specific Provisions**

* May need the Director General's agreement

Is the Director General's agreement required? **No**

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

d) Which SEPPs have the RPA identified? **SEPP No 55—Remediation of Land
Murray REP No. 2 - Riverine Land**

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

Section 117 Directions:

3.1 Residential Zones

The Ministerial Direction is relevant to the planning proposal as it involves an additional permitted land use of land zoned R1 - General Residential. The proposal is consistent with this direction as it will not prohibit or limit the ability to develop the land for residential purposes. Whilst the land is zoned R1, the site currently contains an industrial use which enjoys existing use rights.

3.4 Integrated Land Use and Transport

The Ministerial Direction is relevant to the planning proposal as it includes an additional permitted land use for an area of urban land. The planning proposal is considered consistent with this direction and any specific transport and access requirements of the proposed 'light industry' use of the land can be considered at the future development application stage.

5.1 Implementation of Regional Strategies

Whilst the land is not subject to any Regional Strategies listed in the Ministerial Direction, the land is subject to the Draft Murray Regional Strategy 2009 (draft strategy) and the planning proposal is considered generally consistent with the relevant aims and objectives of the draft strategy.

6.3 Site Specific Provisions

The Ministerial Direction is relevant to the planning proposal as it includes an additional permitted land use which would allow light industry development to be carried out, with consent. The planning proposal is considered consistent with this direction as the proposal will not result in any unnecessarily restrictive site specific controls.

SEPPs

State Environmental Planning Policy No.55 - Remediation of Land

SEPP 55 is required to be considered for zoning and rezoning proposals. The land has historically been used for general industry purposes and is therefore considered appropriate for the proposed 'light industry' use. Detailed consideration of any specific

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contamination issues and any required remediation will be required at the future development application stage.

Murray Regional Environmental Plan No 2—Riverine Land

The site is located within the boundary of the Murray REP however it is not located within the identified Flood Liable Land, Native Vegetation Areas or the defined Wetland and Stream Areas. Detailed consideration of any relevant principles and consultation requirements of the Murray REP will be required at the future development application stage.

Have inconsistencies with items a), b) and d) being adequately justified? **N/A**

If No, explain :

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : **Draft maps have been provided. A condition has been recommended that, prior to the submission of the planning proposal under section 59 of the EP&A Act, an 'Additional Permitted Use Map' be prepared compliant with the Department's "Standard technical requirements for LEP Maps".**

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : **Council has proposed a period of 28 days of community consultation. This 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 :

Proposal Assessment

Principal LEP:

Due Date : **June 2012**

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

Assessment Criteria

Need for planning proposal : **The planning proposal is required to facilitate the redevelopment of the land for 'light industry' including the construction of new buildings and rebuilding of the premises associated with the existing general industry use, subject to a future development application. The proposal is not the result of any strategy or study, however it has been prepared in response to the intention to undertake development of the land. The proposed amendment of Schedule 1 of the Corowa LEP 2012 is the most appropriate mechanism to facilitate the development.**

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Consistency with strategic planning framework :

There is currently no final regional strategy applicable to the land. However, the land is subject to the Draft Murray Regional Strategy 2009 (draft strategy), and the proposal is considered to be consistent with the relevant aims and objectives of the draft strategy.

The proposal is consistent with the Corowa Strategic Land Use Plan 2011-2031 (CSLUP) as it supports the vision of the plan to develop the industrial base of Corowa through the provision of an additional permitted use of the land for 'light industry'. The CSLUP also includes Town Development Principles, including inter alia maintaining separation buffers between industrial and residential areas. Given the size of the land (approximately 16,000 m2) appropriate buffering can be accommodated within the land between the future light industry uses and surrounding residential land uses, which can be determined at the future development application stage.

Environmental social economic impacts :

Given the land has an existing use right for general industry, it has historically been used for industrial purposes and contains a number of existing industrial buildings, the land is considered appropriate for the proposed future light industry use. The land is also located in an existing urban area and is well serviced by existing infrastructure. Any impacts of the proposed future light industry use of the land can be assessed and managed at the future development application stage. Consideration of the impacts of traffic generation on the surrounding road network and access requirements will be required by Council.

The redevelopment of the land for light industry will lead to an increase in employment opportunities and other flow on economic benefits to the township of Corowa. Utilising the land for light industry purposes would also have a negligible impact on the supply and affordability of industrial land in Corowa.

Assessment Process

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

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

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 :

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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
Request for Initial Gateway Determination.pdf	Proposal Covering Letter	No
Land Description.pdf	Proposal	No
Draft Maps.pdf	Map	No
Planning Proposal.pdf	Proposal	No
Corowa Council Report.pdf	Proposal	No
Determination & Evaluation Criteria for the Delegation of Plan Making Functions.pdf	Proposal	No

Planning Team Recommendation

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

- S.117 directions:
- 3.1 Residential Zones**
 - 3.4 Integrating Land Use and Transport**
 - 5.1 Implementation of Regional Strategies**
 - 6.3 Site Specific Provisions**

- Additional Information :
- 1. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 as follows:**
 - (a) the planning proposal must be made publicly available for a minimum of 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 & Infrastructure 2013).**
 - 2. Consultation is required with Roads and Maritime Services under section 56(2)(d) of the Environmental Planning and Assessment Act 1979. Roads and Maritime Services are to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal.**
 - 3. Prior to the submission of the planning proposal under section 59 of the EP&A Act an Additional Permitted Use Map is to be prepared compliant with the Department's "Standard technical requirements for LEP Maps".**
 - 4. 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).**
 - 5. The time frame for completing the LEP is to be 12 months from the week following the date of the Gateway determination**
 - 6. Council is authorised to exercise plan making delegations.**

Supporting Reasons : **The planning proposal provides adequate justification that the site is suitable for the proposed additional permitted use of light industry.**

The Acting General Manager, Western Region, as delegate of the Minister for Planning can use delegation in this instance as this matter is minor in nature and provides an additional use of land for a long standing 'light industry' purpose.

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Signature: 

Printed Name: Ben Eveleigh Date: 25/11/15

