

Planning Services

IRF18/4975

Gateway Determination Report

LGA	Federation
PPA	Federation Council
NAME	Howlong Industrial Estate (0 homes, 100 jobs)
NUMBER	PP_2018_FEDER_001_00
LEP TO BE AMENDED	Corowa Local Environmental Plan 2012
ADDRESS	Kywong - Howlong Roads, Howlong
DESCRIPTION	Lots 67-70 DP753744
RECEIVED	11 September 2018
FILE NO.	IRF18/4975
POLITICAL DONATIONS	There are no donations or gifts to disclose and a political donation disclosure is not required
LOBBYIST CODE OF CONDUCT	There have been no meetings or communications with registered lobbyists with respect to this proposal

INTRODUCTION

Description of planning proposal

The planning proposal seeks to amend the Corowa Local Environmental Plan 2012 (Corowa LEP) at Lots 67, 68, 69 and 70 DP753744, Kywong - Howlong Roads Howlong by:

- Rezoning 50ha of zone RU1 Primary Production land to zone IN1 General Industrial;
- Removing the Minimum Lot Size (MLS), and
- Increasing the size of the Livestock Processing Facility Buffer Area to ensure there is a consistent buffer around the expanded Howlong Industrial Estate.

Site description

The subject site is approximately 50ha and located on the north east fringe of the Howlong township (**Figure 1**) adjacent to the existing Howlong Industrial Estate (**Figure 2**). It has historically been used for agricultural purposes, predominately cropping.

Existing planning controls

The subject site is currently zoned RU1 Primary Production, with a MLS of 400ha.

Surrounding area

Land adjacent to the subject site: (**Figure 3**):

- North and east - RU1 Primary Production, which consists of a mixture of cropping and grazing land.

- South – land immediately adjacent to the subject site is zoned IN1 General Industrial and further south is zoned RU1 Primary Production, which is identified as future residential land in the SLUP.
- RU1 Primary Production and R2 Low Density Residential to the west, which is towards the township of Howlong.

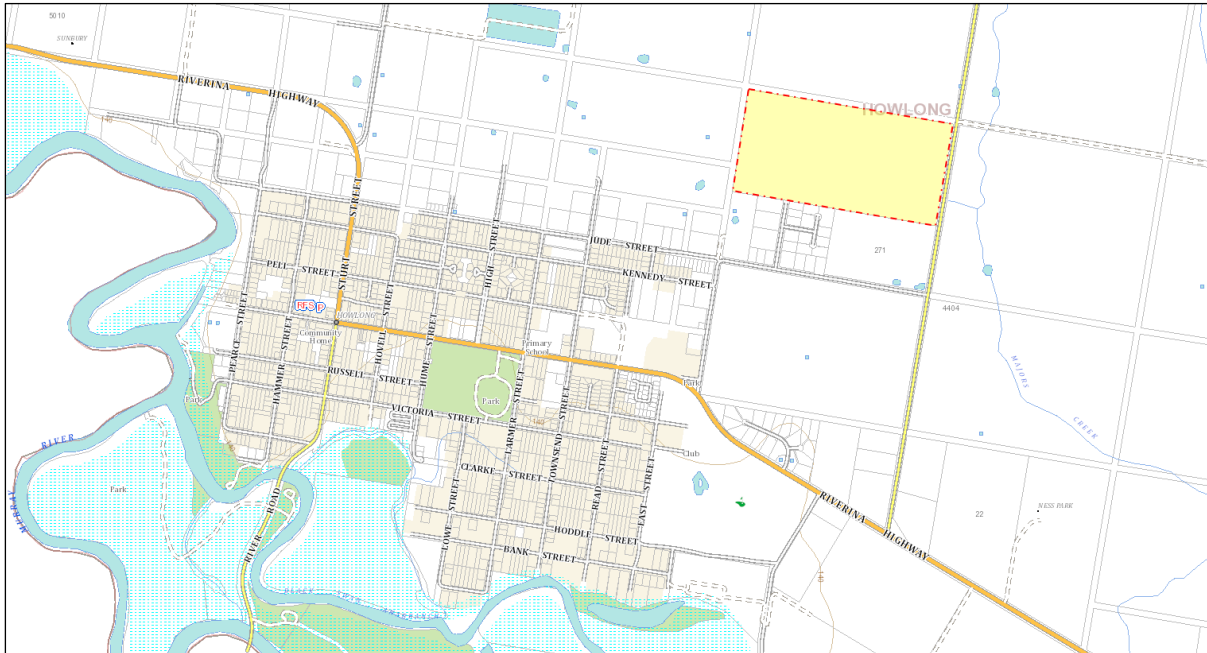


Figure 1 – Location of the subject site (yellow) to Howlong township (Source: SIX Maps, 2018)

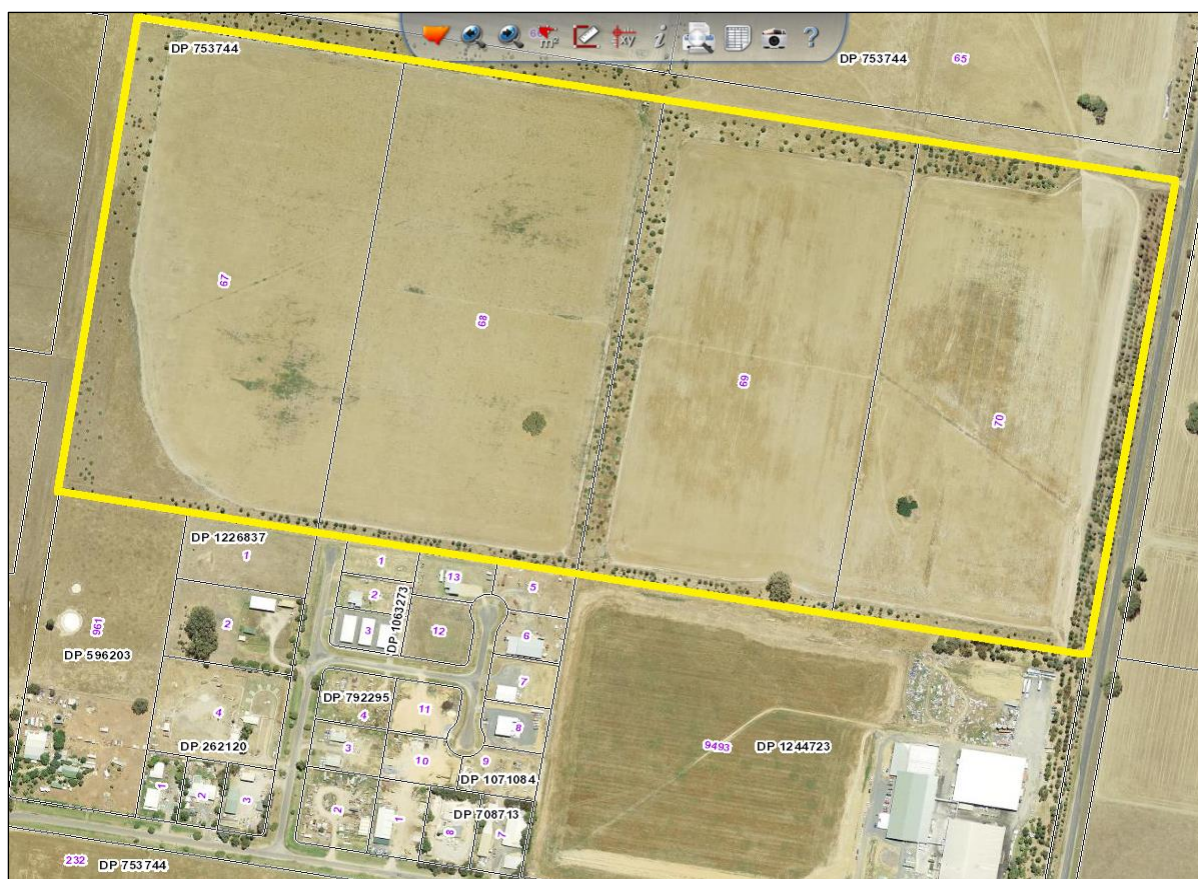


Figure 2 – Aerial imagery of the subject site (yellow) to the north of Howlong Industrial Estate (Source: SIX Maps, 2018)

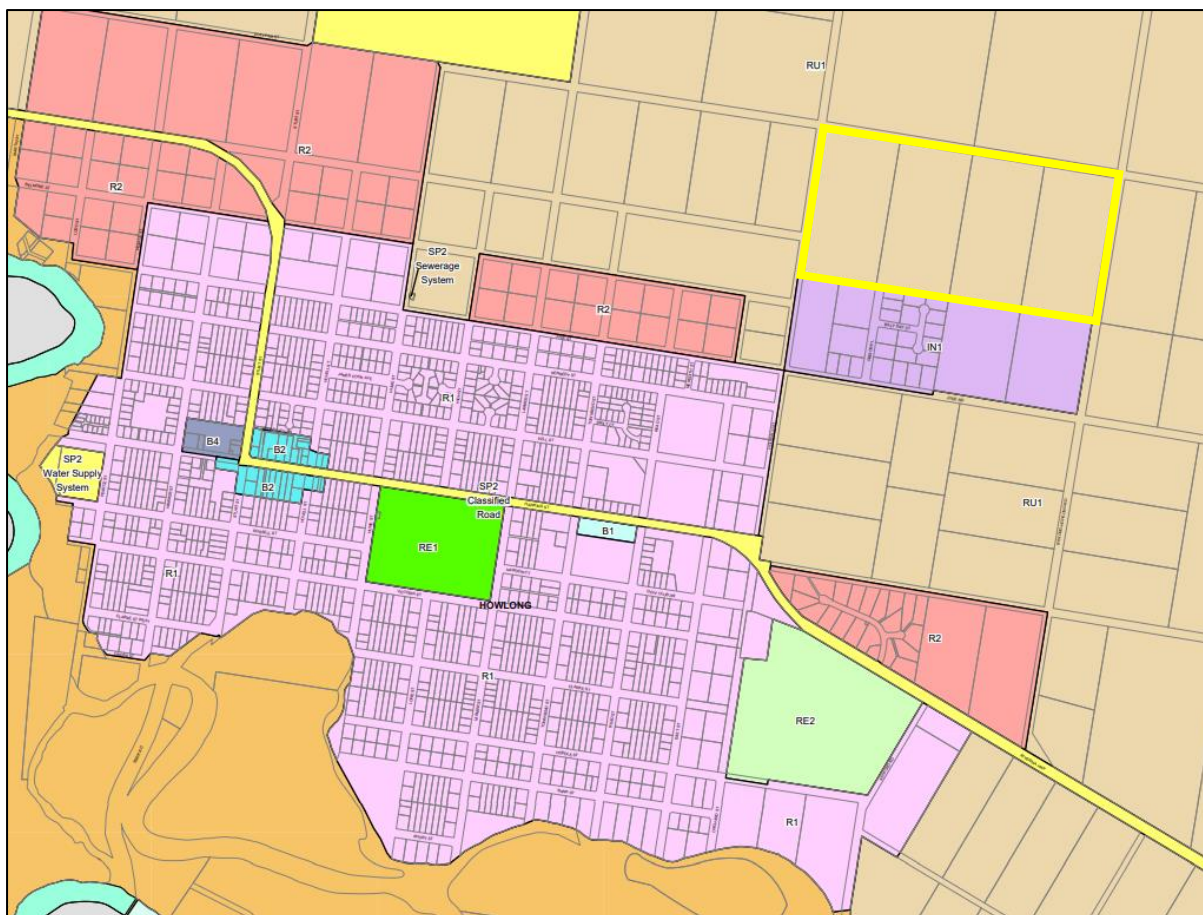


Figure 3 – Land zoning map of the subject site (yellow) and surrounds (Source: Corowa LEP Map LZN_009A)

Summary of recommendation

Proceed with condition

The location of the proposed industrial land is strategic as it is located on the fringe of the Howlong township and adjacent to existing industrial land. The subject site is located approximately 400m north-east of the nearest dwelling. It is proposed for the existing tree line surrounding the subject site to be maintained to assist with preventing any conflicts between industrial and residential interfaces. The location of the proposed industrial land is identified in the 2011-2031 Strategic Land Use Plan (SLUP) for Corowa, which has been endorsed by the Department on 25 June 2012.

Inconsistencies with the following section 9.1 Directions 1.2 Rural Zones and 1.5 Rural Lands are considered justified as the planning proposal is supported by an endorsed strategy. However, inconsistency with Direction 1.3 Mining, Petroleum and Extractive Industries is currently not justified. Consultation with the Director-General of the Department of Primary Industries (DPI) is required to determine if the inconsistency can be justified as being of minor significance. A conditional Gateway determination is recommended with a condition requiring consultation with Resources and Energy.

State Environmental Planning Policy No 55—Remediation of Land (SEPP 55) applies to the subject site as agricultural activities are listed as a type of activity that may cause contamination. A Gateway condition is required to ensure a Stage 1 – Preliminary Investigation is completed, as per the Managing Land Contamination

Planning Guidelines. Results of this investigation will provide guidance as to whether further investigation and potentially land remediation is required.

Amending the land zoning and minimum lot size maps of the Corowa LEP is considered the best method of achieving the objectives of the planning proposal. The proposal is considered to have planning merit and it is recommended the Gateway determination proceed with conditions.

PROPOSAL

Objectives or intended outcomes

The objectives of the proposal are to rezone 50ha of RU1 Primary Production land to IN1 General Industrial and remove the MLS. This will facilitate expansion of the Howlong Industrial Estate in accordance with the SLUP.

Explanation of provisions

Industrial land uses are not permissible on RU1 Primary Production land; therefore, the site requires rezoning to IN1 General Industrial to allow for these activities.

The MLS on the site is 400ha, which would not facilitate any further subdivision for development. The planning proposal requests for no MLS to be placed on the land. This would match the remainder of Howlong Industrial Estate which has no MLS and provide flexibility for future use.

Mapping

To achieve the planning proposal objectives, the following changes to the Corowa LEP are required:

- Amending the Land Zoning Map LZN_009A to show the subject site zoned as IN1 General Industrial.
- Amending the Minimum Lot Size Map LSZ_009A to show the subject site as having no MLS.
- Amending the Local Clauses Map LCL_009 to show the change in buffer area around the amended industrial zoned land.

NEED FOR THE PLANNING PROPOSAL

Additional industrial land is required as there is currently no industrial zoned land available for sale in Howlong. Expansion of the Howlong Industrial Estate is required for the Howlong Industrial and Export Precinct (HIEP) project. The HIEP project is a \$15.7 million development which has recently received nearly \$7 million of funding by the Federal Government through the Building Better Regions Fund. The HIEP project will become an important economic driver for the region and approval of the planning proposal is required for the HIEP project. Given the potential economic benefits of the proposal and support from an endorsed strategy it is recommended the planning proposal is approved.

The method of achieving the objectives of the planning proposal is through amending the land zoning and minimum lot size maps of the Corowa LEP 2012. This is considered the best method of achieving the objectives of the planning proposal as it is specific to the subject site without requiring any site-specific conditions to be added to the Corowa LEP 2012 and consistent with adjoining industrial development.

STRATEGIC ASSESSMENT

State

The planning proposal is not inconsistent with the State strategic direction.

Regional / District

The most relevant Riverina Murray Regional Plan (RMRP) 2036 direction is Direction 4 – Promote business activities in industrial and commercial areas. This direction relates to locating industrial land in strategic areas to avoid land use conflict, and which helps to improve the freight network and grow local and regional economies. The subject site is located in a strategic location away from existing dwellings and adjacent to the Howlong Industrial Estate. The expansion of the Howlong Industrial Estate for the HIEP project will upgrade the freight and logistics capacity of the estate to provide a better service between regional agriculture hubs and the domestic market ports in Sydney and Melbourne. In addition to this, it is estimated the HIEP will create more than 100 jobs. Overall the planning proposal is considered consistent with the RMRP, specifically with Direction 4 – Promote business activities in industrial and commercial areas.

Local

The location of the proposed industrial land is consistent with the planned growth of Howlong identified in the SLUP for the former Corowa Shire Council. The planning proposal will facilitate growth of industry and jobs for Howlong. This is consistent with the former Corowa Shire Council Community Strategic Plan 2022 and Beyond, objective 4.3.1 – Attract new industry and business to the shire. Therefore, the planning proposal is consistent with local strategic planning.

Section 9.1 Ministerial Directions

The planning proposal will remove 50ha of RU1 Primary Production land which is inconsistent with section 9.1 Directions 1.2 Rural Zones and 1.5 Rural Lands. The subject site is identified in the SLUP as future industrial land. As the loss of RU1 Primary Production land is supported by an endorsed strategy, the inconsistencies with section 9.1 Directions is considered justified.

The only other section 9.1 Direction concern is with Direction 1.3 Mining, Petroleum and Extractive Industries. The proposed industrial land use may result in land use conflicts or, prohibit or restrict development of certain resources of the land. Consultation with Resources and Energy is required to determine if the inconsistency is justified as it is of minor significance. As the proposal is consistent with the SLUP a conditional Gateway determination is recommended with a condition requiring consultation with Resources and Energy to satisfy Direction 1.3.

Creation of additional industrial land by the proposal is directly relevant to and consistent with Directions 1.1 Business and Industrial Zones, 3.4 Integrating Land Use and Transport and 5.10 Implementation of Regional Plans. The planning proposal is either consistent with or not relevant to the remaining section 9.1 Ministerial Directions.

State environmental planning policies

State Environmental Planning Policy No 44—Koala Habitat Protection (SEPP 44) applies as the former Corowa LGA is listed under SEPP 44. The subject site does not contain any SEPP 44 listed Koala feed trees and there are no recorded sightings of Koalas near Howlong. SEPP 44 has been adequately considered and the Director Regions Western can be satisfied that the proposal can proceed.

State Environmental Planning Policy No 55—Remediation of Land (SEPP 55) applies to the subject site as agricultural activities are listed as a type of activity that may cause contamination in Table 1 of the Managing Land Contamination Planning Guidelines. No investigation into potential land contamination appears to have occurred for this planning proposal. A Stage 1 – Preliminary Investigation is required, as per the Guidelines, to identify if any previous potentially contaminating activities have occurred at the subject site. Results of this investigation will provide guidance as to whether further investigation and potentially land remediation is required is required.

The subject site is located on land which applies to the *Murray Regional Environmental Plan No 2—Riverine Land* (MREP). An assessment of the proposal against the general and specific planning principles listed in the MREP, provided in the planning proposal, found there were no issues. The only identified potential issues were land degradation and water quality. Given the subject site is approximately two kilometres from the Murray River and outside of the 1:100 flood zone, it is unlikely for sediments or other pollutants to reach the Murray River. Mitigation measures for these potential impacts would be further assessed at the development application stage. Therefore, the proposal is considered consistent with the MREP.

State Environmental Planning Policy (Rural Lands) 2008 (Rural Lands SEPP) is relevant because the planning proposal affects land within a rural zone. Direction 1.5 Rural Lands requires the planning proposal to be consistent with the rural planning principles within the Rural Lands SEPP. The planning proposal states it is consistent with the rural planning principles, however, loss of 50ha of rural lands is not consistent with the first principle “the promotion and protection of opportunities for current and potential productive and sustainable economic activities in rural areas”. Inconsistencies with the Rural Lands SEPP are justifiable if a planning proposal is supported by an endorsed strategy which identifies the subject site for another use. Loss of 50ha of agricultural land is considered justified under Direction 1.5 Rural Lands and Rural Lands SEPP as the proposal is supported by the SLUP for Corowa.

SITE-SPECIFIC ASSESSMENT

Social

The economic benefits of the planning proposal explained below are expected to have a positive social impact. The location of the proposed industrial estate is adjacent to the existing industrial estate, approximately 400m away from the nearest dwelling. A buffer around the industrial estate, illustrated in the LCL_009 map of the Corowa LEP, will ensure no residential dwellings are constructed near the industrial zone to be impacted by environmental hazards of noise, dust, odour etc. Overall the planning proposal is expected to have a positive social impact.

Environmental

The proposal is located outside of the 1:100 flood event for the Murray River and is not mapped as being in a bushfire prone or biodiversity area in the Corowa LEP. The subject site has been historically cleared for cropping and as a result contains three remnant trees and planted trees around the boundary of the property. It is intended for the windbreak trees to be maintained and development would only clear three trees. Potential for erosion and sedimentation impacts from the development would

be controlled through an Erosion and Sedimentation Control Plan at the development stage. The potential impact to the environment from the planning proposal is minimal.

Economic

The planning proposal is an important step to facilitate the HIEP project. The HIEP project is an important economic driver for the region as it will:

- Expand the export distribution centre for pet food and related products overseas.
- Improve the freight and logistics capacity to provide a direct freight service between regional agriculture centres to Sydney and Melbourne domestic markets.
- Create more than 100 jobs for the region.

The planning proposal will result in the loss of 50ha of agricultural land and could result in some land use conflicts to adjoining agricultural land. The potential economic benefits of the HIEP project are expected to be high. The proposal is consistent with the endorsed SLUP. Overall, the planning proposal is expected to have a positive impact to the local and regional economy.

Infrastructure

Part of the Building Better Regions Fund grant for the HIEP Project will go to the upgrading and expansion of infrastructure currently servicing the industrial estate. Future supply of infrastructure for the proposal is not expected to be an issue.

CONSULTATION

Community

The consultation procedure proposed by Council is a 28-day period entailing of:

- A written notification to landowners adjoining the subject land.
- Public notices in a local newspaper and on councils' website.
- Static displays of the planning proposal and supporting material in council public buildings.
- Electronic copies of all documentation being made available to the community free of charge (preferably via downloads from council's website).

This proposed consultation period and exhibition method is considered appropriate for the planning proposal. It is recommended that the public consultation phase does not commence until potential contaminated land issues and required agency consultation is completed (to be conditioned). The planning proposal should be updated to reflect these findings and made available to the public as described above, prior to commencement of consultation.

Agencies

Council have proposed a 28-day agency consultation period occur with the public agencies as required by the Gateway determination. Council have proposed a 28-day agency consultation period occur with the public agencies as required by the Gateway determination. The following agency consultation is recommended:

- Consultation with the Resources and Energy for at least 40 days as per Direction 1.3 Mining, Petroleum and Extractive Industries.

- Consultation with Roads and Maritime Services for at least 28 days to determine if they have any concerns with the increased freight traffic generated by the proposal.

TIME FRAME

A specific time frame for completing the LEP has not been proposed by Council due to the number of unknown factors. The estimated timeframe from Council is expected to be greater than six months. It is recommended for a 12-month timeframe to be granted to make the LEP.

LOCAL PLAN-MAKING AUTHORITY

Council has requested to be the local plan-making authority. Council owns the subject site and intends to be the developer. Therefore, it is decided Council should not be authorised to be the local plan-making authority.

CONCLUSION

Upon consideration of all relevant section 9.1 Directions, SEPPs, strategic endorsement and, social, economic and environmental impacts, the preparation of the planning proposal is supported to proceed with conditions.

RECOMMENDATION

It is recommended that the delegate of the Secretary:

1. agree that any inconsistencies with section 9.1 Directions (1.2 Rural Zones and 1.5 Rural Lands) are minor or justified; and
2. note that the consistency with section 9.1 Direction (1.3 Mining, Petroleum and Extractive Industries) is unresolved and will require consultation with Resources and Energy.

It is recommended that the delegate of the Minister for Planning determine that the planning proposal should proceed subject to the following conditions:

1. Prior to community consultation Council is to undertake a preliminary review of the subject land and prepare an initial site contamination investigation report that satisfies the requirements of State Environmental Planning Policy (SEPP) 55—Remediation of Land to demonstrate that the land is suitable for rezoning to the proposed IN1 General Industrial zone. The preliminary review and initial site contamination report are to be placed on public exhibition with the planning proposal.
2. Prior to community consultation the planning proposal is to be updated to include amending the Livestock Processing Facility Buffer Area on the Local Clauses Map (LCL_009).
3. Public exhibition is required under section 3.34(2)(c) and schedule 1 clause 4 of the Act as follows:
 - (a) the planning proposal must be made publicly available for a minimum of **28 days**; and
 - (b) the planning proposal 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 local environmental plans* (Department of Planning and Environment 2016).

4. Consultation is required with the following public authorities under section 3.34(2)(d) of the Act or to comply with the requirements of relevant section 9.1 Directions:

- Department of Planning and Environment – Resources and Energy
- Roads and Maritime Services

Each public authority/organisation is to be provided with a copy of the planning proposal and any relevant supporting material and given at least 40 days to comment on the proposal.

5. A public hearing is not required to be held into the matter by any person or body under section 3.34(2)(e) of the 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).
6. Prior to submission of the planning proposal under section 3.36 of the Act, the LEP maps must be prepared and be compliant with the Department's 'Standard Technical Requirements for Spatial Datasets and Maps 2017'.
7. The time frame for completing the LEP is to be **12 months** from the week following the date of the Gateway determination.



27.9.18

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28.9.18

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