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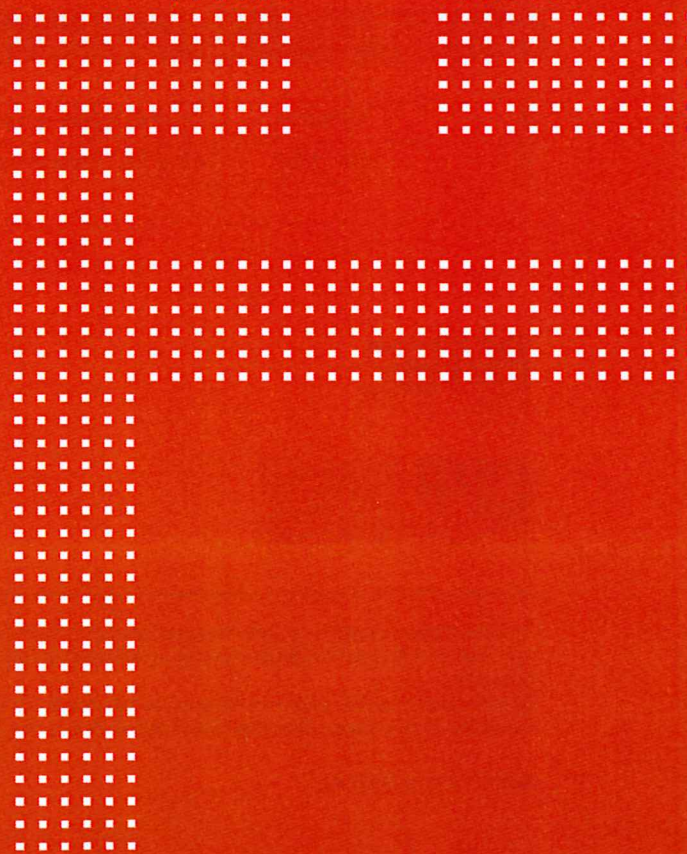
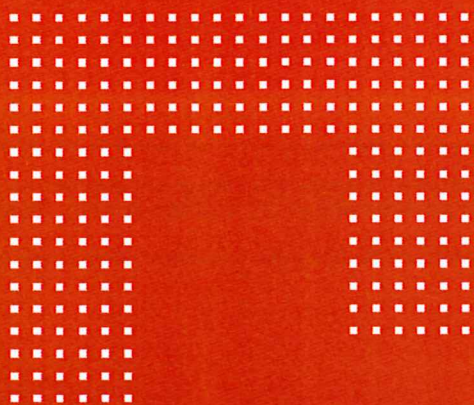
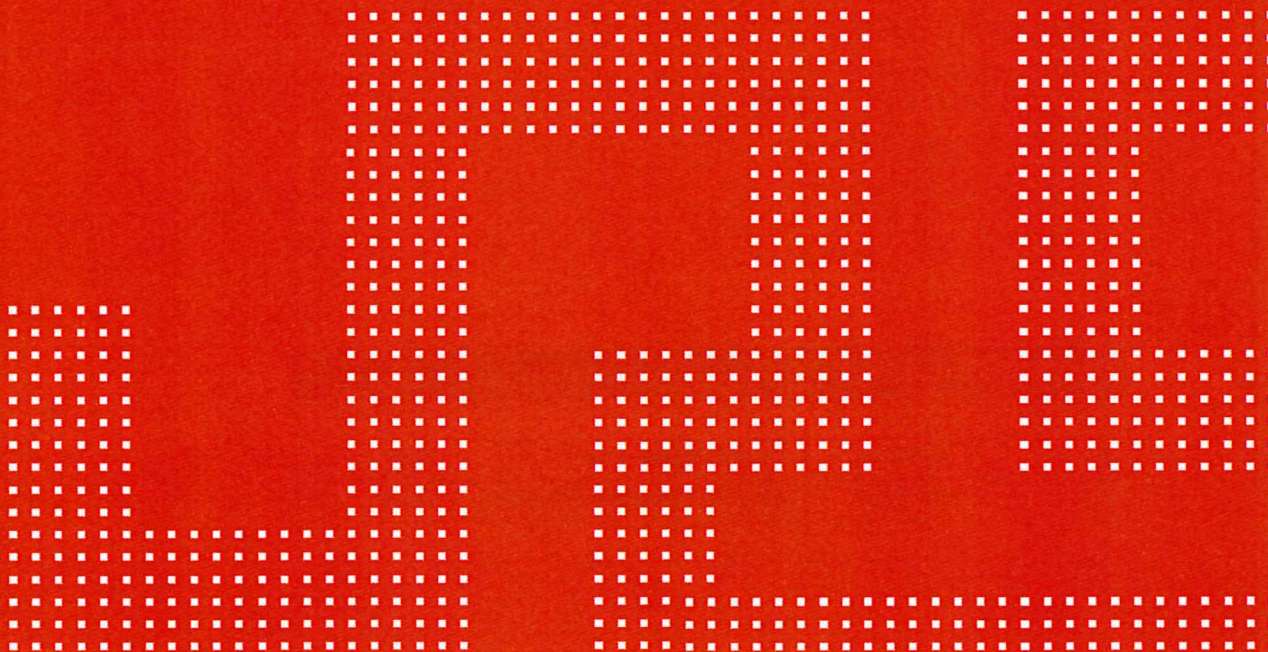
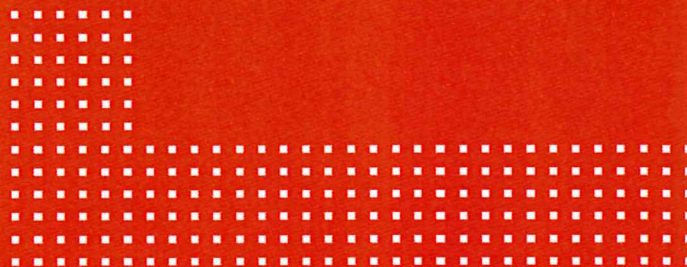
## Planning Proposal

Lots 67, 68, 69 & 70 in DP753744

Kywong-Howlong Road, Howlong

Change of zoning to IN1General Industrial with  
no Minimum Lot Size for subdivision

November 2017





**Prepared for**

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# Introduction

This is a Planning Proposal seeking an amendment to the *Corowa Local Environmental Plan 2012* (CLEP) to rezone land on the north east fringe of the Howlong township from RU1 Primary Production to IN1 General Residential and to remove the Minimum Lot Size (MLS) for subdivision.

The land is described as Lots 67, 68, 69 and 70 in DP753744 and located immediately north of the existing Howlong Industrial Estate with frontage to Kywong-Howlong Road on the eastern side ("the subject land"). The subject land has an area of approximately 50 hectares. The context of the subject land is shown in Maps 1 and 2.

The Planning Proposal has been structured and prepared in accordance with the Department of Planning and Environment's (DPE) *A guide to preparing planning proposals* ("the Guide").

## PART 1. Intended outcomes

The intended outcome of the Planning Proposal is to facilitate the development of the \$15.7 million Howlong Industrial and Export Precinct (HIEP) project. The Federal Government has just announced that the HIEP will receive nearly \$7 million towards its development through the Building Better Regions Fund.

The HIEP project and the resulting additional investment will transform existing industrial capacity, overcome strategic bottlenecks to economic growth, and provide the basis for sustainable, long-term employment and training opportunities in Howlong and the region as a whole.

The elements of the HIEP project include:

- The release of new industrial estate lots to meet the growing demand by small-to-medium sized businesses in an area where supply is lacking.
- Associated upgrades and the introduction of new support services to the industrial estate, including roads, drainage, and utilities.
- The substantial expansion of an existing export distribution centre for pet food and related products in the industrial estate for supply to Thailand, USA, Canada, Europe and South Africa.
- Freight and logistics capacity to provide a direct freight service between regional horticulture, aquaculture and agri-businesses to the Port of Melbourne, and Melbourne and Sydney domestic markets.
- Creation of more than 100 new jobs.

Expanding the area of zoned industrial land will increase the supply of land for industrial development in Howlong. The Planning Proposal is therefore an important enabler of the other critical elements of the HIEP and the benefits it will deliver.

## PART 2. Explanation of the provisions

The intended outcomes of the Planning Proposal will be achieved by implementation of the following provisions:

- amending the Land Zoning Map LZN\_009A in the CLEP to show the subject land zoned as IN1 General Industrial; and
- amending the Minimum Lot Size Map LSZ\_009A in the CLEP to show the subject land having no minimum lot size for subdivision.

## PART 3. Justification

This section of the Planning Proposal sets out the justification for the intended outcomes and provisions, and the process for their implementation. The questions to which responses have been provided are taken from the Guide.

### 3 1. Need for the Planning Proposal

#### ➤ Is the Planning Proposal a result of any strategic study or report?

As a pre-cursor to the 2012 CLEP, Council undertook a strategic planning exercise for the Shire culminating in the adoption of the 2011-2031 *strategic land use plan* (SLUP). The SLUP included strategic plans for each of the three main settlements in the Shire and these were subsequently included in the *Corowa Shire Development Control Plan 2013* (CDCP) to assist in guiding development applications.

The Local Profile and Issues Paper that preceded and informed the SLUP identified the following planning issue in Howlong:

*Supply of industrial and commercial zoned land to provide opportunities for economic development.*

An extract from the SLUP for that part of Howlong to which the Planning Proposal relates is shown at Map 3. The SLUP shows that the current industrial estate should be expanded north in the 'longer term'. Whilst the SLUP was prepared not so long ago, the demand for industrial land in Howlong has exceeded expectations to the extent where there is now a need to re-establish a supply of vacant and serviced industrial land by expanding the estate in the 'short term'. So whilst the Planning Proposal may not be consistent with the timing expressed in the SLUP, more importantly it is consistent with the direction in which future industrial development in Howlong should take.

The Howlong Industrial Estate is a Council initiative and a screenshot from Council's website (see Attachment 'E') confirms the lack industrial land for sale in Howlong. An indication of Council's commitment to the expansion of the estate is also demonstrated with the preparation of a concept plan of subdivision (see Attachment 'E') that will be implemented immediately following approval of the Planning Proposal.

The existing industrial estate at Howlong and the adjoining land the subject of this Planning Proposal has been identified by Council for development as a major industrial hub for regional industry with an export focus. Council has recently announced that \$7 million has been allocated under the Federal Government's Building Better Regions Fund to initiate this project to be known as the Howlong Industrial and Export Precinct (HIEP). The HIEP project is consistent with the intent of the SLUP in regards to industrial land in Howlong.

Overall, the Planning Proposal is considered to be giving general effect to these desired strategic outcomes.

- **Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?**

The subject land is currently within the RU1 zone and has a MLS of 400 hectares for subdivision, which would prevent any subdivision occurring. In addition, 'Industries' are prohibited development within the RU1 zone which would prevent the expansion of the Howlong Industrial Estate into the subject land.

Consequently the current zone and lot size provisions do not allow for the type of industrial development sought for the subject land. Consequently the objective of urban industrial development on the subject land can only be achieved through an amendment to the CLEP via a Planning Proposal.

- **Is there a net community benefit?**

There is an overall net community benefit to be gained from the Planning Proposal by providing the opportunity for industrial development in Howlong. Development creates employment, which in turn leads to population growth which would have a net community benefit for Howlong.

## 3 2. Relationship to strategic planning framework

- **Is the Planning Proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including exhibited draft strategies)?**

The *Riverina Murray Regional Plan 2036* (RMRP) was adopted by the NSW government in 2017. The Minister's foreword to the document states that the RMRP "*encompasses a vision, goals, directions and actions that were developed with the community and stakeholders to deliver greater prosperity for this important region.*"

An assessment of the directions contained within the RMRP as they relate to the Planning Proposal is undertaken at Attachment 'D'. In summary, this assessment concludes that the Planning Proposal does not contradict the overall purpose of the RMRP or any Direction relating to the rezoning of land in Howlong for industrial purposes.

- **Is the Planning Proposal consistent with the local Council's community strategic plan or other local strategic plan?**

There are a number of local strategic influences that support the Planning Proposal.

### *Community Strategic Plan*

One of the six key strategic directions in the former Corowa Council's *Community Strategic Plan 2022 and Beyond* is for "*A prosperous and resilient economy*". Two objectives for this strategy that are relevant to the Planning Proposal are:

*4.1.3 Maintaining and establishing viable and long term businesses within the shire.*

*4.3.1 Attract new industry and business to the shire.*

The Planning Proposal is consistent with these objectives as it will support the rapid expansion of the existing Cool-Off business as well as providing additional zoned industrial land for new businesses in a planned expansion of the Howlong Industrial Estate.

### ***Corowa Shire Strategic Land Use Plan***

The SLUP for the former Corowa Shire was prepared as a pre-cursor to the CLEP and informed the allocation of the IN1 zone on the north eastern fringe of Howlong.

The strategic plan for Howlong shows the subject land located immediately north of the Howlong Industrial Estate (see Map 3). There is an annotation in form of an arrow and a text box with the words "*longer term expansion of industrial estate*" on the plan indicating that the future growth of the industrial estate should be in a northerly direction and into the subject land.

In addition, one of the Town Development Principles in the SLUP for Howlong is to:

*Provide an adequate supply of zoned and appropriately located land for development to accommodate population growth.*

The Planning Proposal is considered therefore to be unambiguously consistent with the future planning for Howlong. The only question is the matter of timing and whether the outcome sought by the Planning Proposal is premature in that the SLUP refers to expansion of the industrial estate in the 'longer term'. Whilst most strategic plans are well intentioned, there is always an element of 'crystal ball gazing' because the future can't be predicted with any certainty. The absence of any available land for sale within the existing industrial estate combined with announcement of the HIEP Project has brought forward the need for additional land zoned for industrial purposes.

### **➤ Is the Planning Proposal consistent with applicable State Environmental Planning Policies?**

Attachment 'A' provides an assessment of the Planning Proposal against all State Environmental Planning Policies (SEPP's). In summary, many of the SEPP's are not applicable to the area of the former Corowa Shire and even less are applicable to the circumstances of the Planning Proposal. The assessment concludes that the Planning Proposal is not inconsistent with any of the relevant SEPP's.

### **➤ Is the Planning Proposal consistent with applicable Ministerial Directions (S.117 Directions)?**

Section 117 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) provides for the Minister for Planning to give directions to Councils regarding the principles, aims, objectives or policies to be achieved or given effect to in the preparation of LEP's. A Planning Proposal needs to be consistent with the requirements of the Direction but in some instances can be inconsistent if justified using the criteria stipulated such as a Local Environmental Study or the proposal is of "*minor significance*".

An assessment of all Section 117 Directions is undertaken in Attachment 'B'. In summary, the Planning Proposal is either consistent or has some minor inconsistencies with the

relevant Directions. Where there is an inconsistency, it has been justified utilising the provisions within each of the Directions.

### 3.3. Environmental, social & economic impact

- **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?**

The subject land is described as a cleared parcel of land that has been used for agricultural purposes for more than 100 years. There is a three remnant trees and planted species for windbreak purposes along the southern and eastern boundary as well as part of the northern boundary. It is noted that none of the vegetation is recognised as contributing to 'terrestrial biodiversity' on the Biodiversity Map in the CLEP.

It would be desirable for the windbreak vegetation to be retained in the future development of the land for industrial purposes to assist in visual screening.

- **Are there any other likely environmental effects as a result of the Planning Proposal and how are they proposed to be managed?**

There are no other environmental effects resulting from the Planning Proposal.

- **How has the Planning Proposal adequately addressed any social and economic effects?**

There will be a positive social and economic effect for the Howlong community from the Planning Proposal through implementation of the HIEP Project that will increase employment opportunities and subsequently lead to population growth. This will result in an increase in both community and commercial services for residents in Howlong as well as an increased investment in the local community through subdivision and industrial development.

### 3.4. State & Commonwealth interests

- **Is there adequate public infrastructure for the Planning Proposal?**

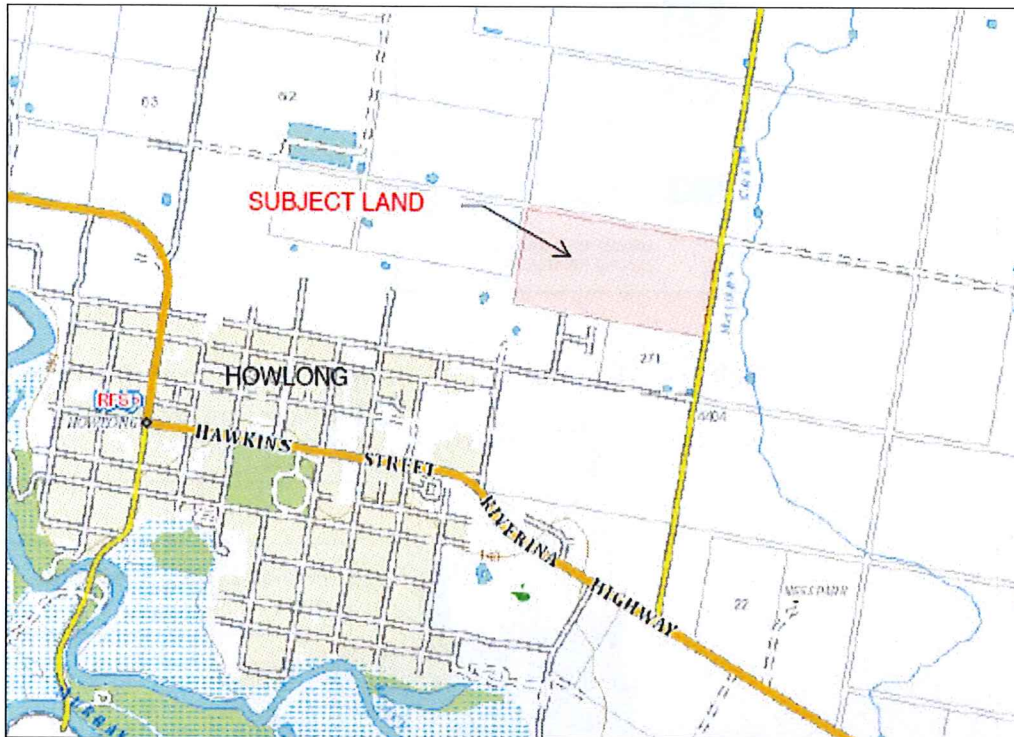
The public infrastructure associated with the existing industrial estate (including reticulated potable water, sewer, electricity and telecommunications) can be extended to service the subject land. The subject land has an extensive 500 metre frontage to the Kywong-Howlong Road, providing ample opportunity for road access. An unconstructed road reserve extends along the northern boundary and this can also be utilised for access to the subject land if necessary.

- **What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?**

Having regard for the relatively benign nature of the Planning Proposal, no government agencies have been consulted ahead of the request for a Gateway Determination from DPE.

## PART 3. Maps

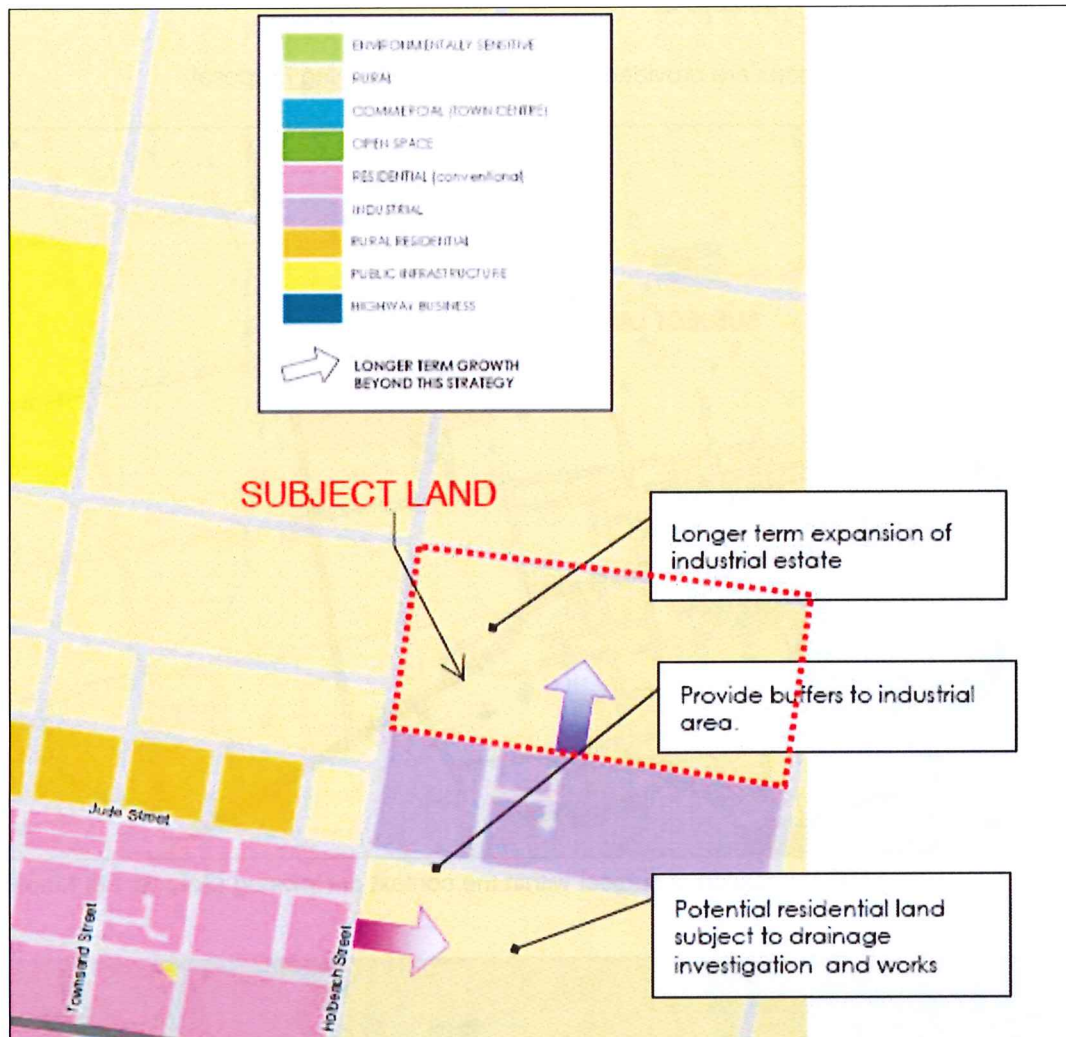
The following maps are provided in support of the Planning Proposal.



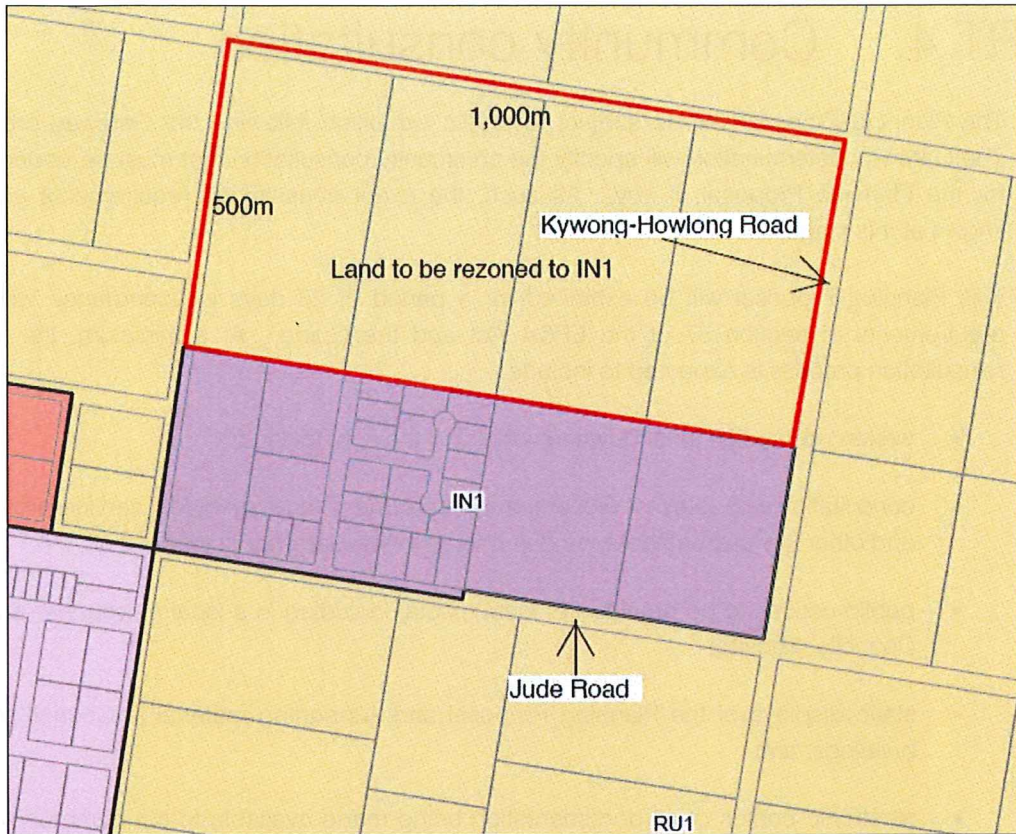
MAP 1: Location of subject within the context of Howlong (Source: SIX Maps)



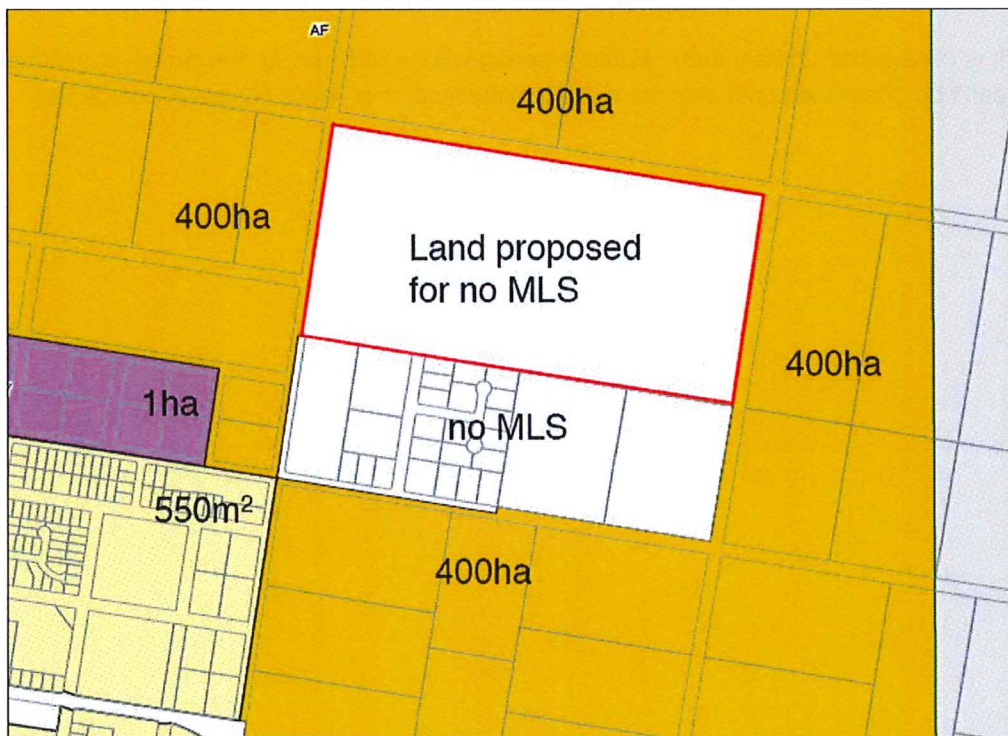
MAP 2: Subject land within the context of land uses in the immediate surrounds.  
(Source: SIX Maps)



**MAP 3:** Extract from SLUP for Howlong indicating existing and preferred land uses in the vicinity of the subject land.



**MAP 4:** Current and proposed zoning of the subject land and surrounds  
(Source: Corowa LEP)



**MAP 5:** Current and proposed Minimum Lot Size for the subject land and surrounds  
(Source: Corowa LEP)

## PART 4. Community consultation

The Planning Proposal will be subject to public exhibition following the Gateway process. The Gateway determination will specify the community consultation that must be undertaken for the Planning Proposal, if any. As such, the exact consultation requirements are not known at this stage.

This Planning Proposal will be exhibited for a period of 28 days in accordance with the requirements of section 57 of the EP&A Act and the Guide. At a minimum, the future consultation process is expected to include:

- written notification to landowners adjoining the subject land;
- consultation with relevant Government Departments and agencies, service providers and other key stakeholders, as determined in the Gateway determination;
- public notices to be provided in local media, including in a local newspaper and on Councils' website;
- static displays of the Planning Proposal and supporting material in Council public buildings; and
- electronic copies of all documentation being made available to the community free of charge (preferably via downloads from Council's website).

At the conclusion of the public exhibition period Council staff will consider submissions made with respect to the Planning Proposal and prepare a report to Council.

It is considered unlikely that a Public Hearing will be required for the proposal although this can't be conformed until after the exhibition/notification process has been completed.

## PART 5. Project Timeline

The project timeline for the planning proposal is outlined in Table 1. There are many factors that can influence compliance with the timeframe including the cycle of Council meetings, consequences of agency consultation (if required) and outcomes from public exhibition. Consequently the timeframe should be regarded as indicative only.

**TABLE 1:** – Project timeline

Milestone	Date/timeframe
Anticipated commencement date (date of Gateway determination)	To be decided.
Anticipated timeframe for the completion of required studies	If studies are required, two months from Gateway determination.
Timeframe for government agency consultation (pre and post exhibition as required by Gateway determination)	If required, two months from Gateway determination.
Commencement and completion dates for public exhibition period	Two weeks from Gateway determination with completion one month later.
Dates for public hearing (if required)	To be confirmed if required.
Timeframe for consideration of submissions	Two weeks following completion of exhibition.
Timeframe for the consideration of a proposal post exhibition	Two weeks following completion of exhibition.
Anticipated date RPA will make the plan (if delegated)	To be determined.
Anticipated date RPA will forward to the department for notification (if delegated).	To be determined.

# Conclusion

This is a Planning Proposal seeking an amendment to the CLEP to rezone land on the north east fringe of Howlong township from RU1 Primary Production to IN1 General Residential and remove the Minimum Lot Size (MLS) for subdivision. The subject land is described as Lots 67, 68, 69 and 70 in DP753744 and has an area of approximately 50 hectares.

The Planning Proposal has been structured and prepared in accordance with the Department of Planning and Environment's (DPE) *A guide to preparing planning proposals* ("the Guide").

In summary, the Planning Proposal is considered to have merit because:

- it will facilitate the development of the Howlong Industrial and Export Precinct (HIEP) for which Federal funding has been obtained through the Building Better Regions Fund;
- it will re-establish a supply of vacant zoned land within the Howlong Industrial Estate for industrial development;
- it will cater for the expansion of an existing and rapidly growing industrial activity within the industrial estate and significant new industries associated with that activity;
- it will create the opportunity for more than 100 new jobs in Howlong;
- it is consistent with planning strategy;
- the subject land is located within the context of the Howlong township;
- there will be a net social and economic benefit for the Howlong community;
- it is generally consistent with the broader planning framework (e.g. State policy);
- there will no detrimental environmental effects; and
- the subject land can be provided with all urban services.

## Attachment A

### Consistency with State Environmental Planning Policies

No.	Title	Consistency
1	Development Standards	Not applicable since gazettal of CLEP.
14	Coastal Wetlands	Not applicable to former Corowa Shire.
19	Bushland in Urban Areas	Not applicable to former Corowa Shire.
21	Caravan Parks	Not applicable as 'caravan parks' are prohibited in the IN1 zone.
26	Littoral Rainforests	Not applicable to former Corowa Shire.
30	Intensive Agriculture	The Planning Proposal does not conflict with the provisions of this SEPP and intensive agriculture remains permissible in the IN1 zone.
33	Hazardous & Offensive Development	The Planning Proposal does not conflict with the provisions of this SEPP as they relate to hazardous and offensive industry.
36	Manufactured Home Estate	Not applicable as the IN1 zone does not provide for manufactured homes estates.
44	Koala Habitat Protection	<p>This SEPP is applicable because the former Corowa Shire is listed in Schedule 1 and the subject land exceeds the area threshold that necessitates consideration. Council is required to consider whether the land offers any habitat for koalas. Across the 50ha of the subject land there are just three scattered remnant trees that because of their isolation would provide no habitat for koalas.</p> <p>There are no recorded sightings of koalas in the vicinity of Howlong. In addition, the 2008 approved <i>Recovery Plan for the Koala in NSW</i> acknowledges the probability of koalas being present in the 'far west and south west' region of NSW (which includes Howlong) is low.</p> <p>Consequently the proposal can be supported without the need for a Koala Management Plan.</p>
47	Moore Park Showground	Not applicable to former Corowa Shire.
50	Canal Estate Development	The Planning Proposal does not conflict with the aims and canal estate development prohibitions as provided in the SEPP.
52	Farm Dams and Other Works in Land and Water Management Plan Areas	Not applicable to former Corowa Shire.
55	Remediation of Land	Not applicable as the proposal does not qualify for consideration under section 6(4) of the SEPP.
62	Sustainable Aquaculture	Not applicable as 'aquaculture' (as a subset of 'agriculture') is prohibited within the IN1 zone.
64	Advertising & Signage	The Planning Proposal does not conflict with the aims, development consent requirements and assessment criteria for advertising and signage as provided in the SEPP.
65	Design Quality of Residential Flat Development	Not applicable as 'residential flat buildings' (as a subset of 'residential accommodation') are prohibited within the IN1 zone.
70	Affordable Housing (Revised Schemes)	Not applicable to former Corowa Shire.
71	Coastal Protection	Not applicable to former Corowa Shire.

No.	Title	Consistency
	Affordable Rental Housing 2009	Not applicable as 'residential accommodation' is prohibited within the IN1 zone.
	Building Sustainability Index (BASIX) 2004	Not applicable as the type of developments for which a BASIX certificate is required are generally prohibited in the IN1 zone.
	Educational Establishments and Child Care Facilities 2017	Not applicable as 'Educational Establishments and Child Care Facilities' are prohibited within the IN1 zone.
	Exempt & Complying Development Codes 2008	The Planning Proposal does not conflict with the aims and functions of this SEPP with respect to exempt and complying development provisions.
	Housing for Seniors & People with a Disability 2004	Not applicable as 'seniors housing' (as a subset of 'residential accommodation') is prohibited within the IN1 zone.
	Infrastructure 2007	The Planning Proposal does not conflict with the aims, permissibility, development consent, assessment and consultation requirements, capacity to undertake additional uses, adjacent, exempt and complying development provisions as provided in the SEPP.
	Integration and Repeals 2016	Not applicable.
	Kosciuszko National Park – Alpine Resorts 2007	Not applicable to former Corowa Shire.
	Kurnell Peninsula 1989	Not applicable to former Corowa Shire.
	Major Development 2005	Not applicable as the subject land is not a nominated State significant site.
	Mining, Petroleum Production & Extractive Industries 2007	The Planning Proposal does not conflict with the aims, permissibility, development assessment requirements relating to mining, petroleum production and extractive industries as provided in the SEPP.
	Miscellaneous Consent Provisions 2007	The Planning Proposal does not conflict with the aims, permissibility, development assessment requirements relating to temporary structures as provided in the SEPP.
	Penrith Lakes Scheme 1989	Not applicable to former Corowa Shire.
	Murray Regional Environmental Plan No. 2 – Riverine Land	The subject land is within the area to which MREP2 applies. The SEPP requires a Planning Proposal to consider a number of planning principles and this is undertaken in Attachment 'C'. This assessment concludes that the Planning Proposal does not contradict the general planning principles of MREP2 as it will have little to no impact on the riverine environment.
	Rural Lands 2008	This SEPP is relevant because of Ministerial Direction 1.5 Rural Lands (see Attachment 'B' for consideration of this SEPP).
	State & Regional Development 2011	Not applicable as the Planning Proposal is not for State significant development.
	State Significant Precincts	Not applicable as the subject land is not within a State significant precinct.
	Sydney Drinking Water Catchment 2011	Not applicable to former Corowa Shire.

No.	Title	Consistency
	Sydney Region Growth Centres 2006	Not applicable to former Corowa Shire.
	Three Ports 2013	Not applicable to former Corowa Shire.
	Urban Renewal 2010	Not applicable as the subject land is not within a nominated urban renewal precinct.
	Vegetation in Non-Rural Areas 2017	Not applicable to former Corowa Shire.
	Western Sydney Employment Area 2009	Not applicable to former Corowa Shire.
	Western Sydney Parklands 2009	Not applicable to former Corowa Shire.

## Attachment B

### Consistency with Ministerial Directions

No.	Title	Consistency
<b>1.</b>	<b>Employment and Resources</b>	
1.1	Business & Industrial Zones	<p>This direction is relevant because the Planning Proposal affects land proposed for an industrial zone.</p> <p>The proposal is consistent with the requirements of this direction because:</p> <ul style="list-style-type: none"> <li>(a) the objective is to encourage employment growth in suitable locations and the SLUP advocates the subject land for industrial purposes;</li> <li>(b) it is increasing rather than reducing the area of IN1 zoned land;</li> <li>(c) (not relevant to industrial zones);</li> <li>(d) it is increasing the potential for additional industrial floorspace rather than reducing it; and</li> <li>(e) it is consistent with the SLUP for Howlong (notwithstanding the SLUP has not been endorsed by the Director-General) and the proposed HIEP Project.</li> </ul>
1.2	Rural Zones	<p>This direction is relevant because the Planning Proposal affects land within an existing rural zone.</p> <p>The proposal is inconsistent with the direction because it seeks to rezone land from rural to industrial.</p> <p>The inconsistency with the direction is justified by a strategy (the SLUP) that specifically identifies the subject land for future industrial development.</p>
1.3	Mining, Petroleum Production & Extractive Industries	Not applicable as the planning proposal does not impact on mining.
1.4	Oyster Aquaculture	Not applicable as the subject land is not within a Priority Oyster Aquaculture Area.
1.5	Rural Lands	<p>This direction is relevant because the planning proposal affects land within a rural zone.</p> <p>The proposal is consistent with the direction because it satisfies the Rural Planning Principles expressed in the SEPP (Rural Lands), namely:</p> <ul style="list-style-type: none"> <li>a) The land is located within the township of Howlong as such and designated for future industrial development. Consequently it can be considered as having no economic future in a rural context.</li> <li>b) As for a) above.</li> <li>c) The loss of a relatively small parcel of rural land through its rezoning and development will have no impact on the local community.</li> <li>d) The use of the land for industrial purposes as part of Howlong's continued growth is more in the community's interest than maintaining the rural use.</li> <li>e) The subject land is devoid of environmental features. It is also practically unaffected by natural hazards such as bushfire and flooding in a 1 in 100 year event.</li> <li>f) The land is identified for future industrial development in Howlong and reinforced by the HIEP.</li> </ul>

No.	Title	Consistency
		<p>g) There will be no opportunity for rural housing.</p> <p>h) The proposal is consistent with the Riverina Murray Regional Plan (see Attachment 'D').</p>
<b>2. Environment and Heritage</b>		
2.1	Environment Protection Zones	<p>This direction is relevant because it applies to all planning proposals.</p> <p>The Planning Proposal is consistent with the direction because the subject land has no "<i>environmentally sensitive areas</i>" that are affected.</p>
2.2	Coastal Protection	Not applicable as the subject land is not within a coastal zone.
2.3	Heritage Conservation	<p>This direction is relevant because it applies to all planning proposals.</p> <p>The Planning Proposal is consistent with this direction because the subject land does not contain any known "<i>items, places, buildings, works, relics, moveable objects or precincts of environmental heritage significance</i>". None of the heritage items identified in the Schedule 5 of CLEP for Howlong are afforded protection by clause 5.10. None of these items are located in or near the subject land.</p>
2.4	Recreation Vehicle Areas	<p>This direction is relevant because it applies to all planning proposals.</p> <p>The Planning Proposal is consistent with the direction because it does not advocate the designation of the subject land as a recreation vehicle area pursuant to an order in force under section 11 (1) of the <i>Recreation Vehicles Act 1983</i>.</p>
2.5	Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs	Not applicable as the subject land is not within one of the local government areas nominated in this direction.
<b>3. Housing Infrastructure and Urban Development</b>		
3.1	Residential Zones	Not applicable as the proposal does not involve a residential zone.
3.2	Caravan Parks & Manufactured Home Estates	<p>This direction is relevant because it applies to all planning proposals.</p> <p>The planning proposal is not inconsistent with this direction because it does not contemplate "<i>suitable zones, locations and provisions</i>" for caravan parks and manufactured homes estates.</p>
3.3	Home Occupations	<p>This direction is relevant because it applies to all planning proposals.</p> <p>The planning proposal will not prevent future dwellings being used for 'home occupations' and hence is consistent with this direction.</p>
3.4	Integrating Land Use and Transport	<p>This direction is relevant because the planning proposal is advocating urban industrial development.</p> <p>The planning proposal will facilitate industrial development at an urban scale and within the township of Howlong. The subject land is within a five minute drive of the Howlong commercial centre. Recreational facilities are available nearby at the Howlong Golf Club. Having regard for these circumstances, the planning proposal is considered consistent with this direction.</p>
3.5	Development Near Licensed Aerodromes	Not applicable as the subject land is not in the vicinity of a licensed aerodrome.

No.	Title	Consistency
3.6	Shooting Ranges	Not applicable as the subject land is not in the vicinity of a shooting range.
<b>4. Hazard and Risk</b>		
4.1	Acid Sulphate Soils	Not applicable as the subject land does not contain acid sulphate soils.
4.2	Mine Subsidence & Unstable Land	Not applicable as the subject land is not within Mine Subsidence District.
4.3	Flood Prone Land	Not applicable as the subject land is not 'flood prone land' being land mapped in the 2009 Floodplain Risk Management Study for Howlong as "susceptible to flooding by the PMF event".
4.4	Planning for Bushfire Protection	Not applicable as the subject land is not mapped as bushfire prone land.
<b>5. Regional Planning</b>		
5.1	Implementation of Regional Strategies	Not applicable as the subject land is not within one of the regional strategies nominated in this direction.
5.2	Sydney Drinking Water Catchment	Not applicable as the subject land is not within the Sydney Drinking Water Catchment.
5.3	Farmland of State & Regional Significance on the NSW Far North Coast	Not applicable as the subject land is not within one of the local government areas nominated in this direction.
5.4	Commercial and Retail Development along the Pacific Highway, North Coast	Not applicable as the subject land is not near the Pacific Highway.
5.5	Development in the Vicinity of Ellalong, Paxton and Millfield (Cessnock LGA)	Revoked in 2010.
5.6	Sydney to Canberra Corridor	Revoked in 2008.
5.7	Central Coast	Revoked in 2008.
5.8	Second Sydney Airport: Badgerys Creek	Not applicable as the subject land is not near the site for a second Sydney airport.
5.9	North West Rail Link Corridor Strategy	Not applicable as the subject land is not near this corridor.
5.10	Implementation of Regional Plans	<p>This direction is relevant because it applies to all planning proposals.</p> <p>The planning proposal is consistent with this direction because it is consistent with the <i>Riverina Murray Regional Plan 2036</i>. Consideration of this regional plan is given in Attachment 'D'.</p>
<b>6. Local Plan Making</b>		
6.1	Approval and Referral Requirements	<p>This direction is relevant because it applies to all planning proposals.</p> <p>The planning proposal is consistent with this direction because it does not propose any referral requirements or nominate any development as 'designated development'.</p>

No.	Title	Consistency
6.2	Reserving Land for Public Purposes	This direction is relevant because it applies to all planning proposals. The planning proposal is consistent with this direction because it does not remove or propose any public land.
6.3	Site Specific Provisions	Not applicable as the proposal does not propose any site specific provisions.
<b>7.</b>	<b>Metropolitan Planning</b>	
7.1	Implementation of A Plan for Growing Sydney	Not applicable as the subject land is not within one of the local government areas nominated in this direction.
7.2	Implementation of Greater Macarthur Land Release Investigation	Not applicable as the subject land is not within one of the local government areas nominated in this direction.
7.3	Parramatta Road Corridor Urban Transformation Strategy	Not applicable as the subject land is not within one of the local government areas nominated in this direction.
7.4	Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan	Not applicable as the subject land is not within the North West Priority Growth Area.
7.5	Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	Not applicable as the subject land is not within the Greater Parramatta Priority Growth Area.
7.6	Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	Not applicable as the subject land is not within the Wollondilly Shire Council.

## Attachment C

Consistency with planning principles in Murray  
Regional Environmental Plan No.2 – Riverine Land

Principles to be taken into account	Compatibility of proposal
<b>General</b>  (a) the aims, objectives and planning principles of this plan.  (b) any relevant River Management Plan  (c) any likely effect of the proposed plan or development on adjacent and downstream local government areas.  (d) the cumulative impact of the proposed development on the River Murray.	<p>Satisfaction against the general objectives can be determined by the assessment against the specific principles below.</p> <p>There are no known river management plans relevant to the proposal.</p> <p>Polluted stormwater is the only consequence of the development that potentially could have a detrimental downstream impact. The subject land is more than two kilometres from the river floodplain and stormwater from any future subdivision will be detained and treated prior to discharge.</p> <p>None.</p>
<b>Access</b>  The waterway and much of the foreshore of the River Murray is a public resource. Alienation or obstruction of this resource by or for private purposes should not be supported.  Development along the main channel of the River Murray should be for public purposes. Moorings in the main channel should be for the purposes of short stay occupation only.  Human and stock access to the River Murray should be managed to minimise the adverse impacts of uncontrolled access on the stability of the bank and vegetation growth.	<p>The proposal does not prevent access to the river.</p> <p>Not applicable.</p> <p>The subject land does not have frontage to the river.</p>
<b>Bank disturbance</b>  Disturbance to the shape of the bank and riparian vegetation should be kept to a minimum in any development of riverfront land.	<p>The development is not on riverfront land.</p>

Principles to be taken into account	Compatibility of proposal
<p><b>Flooding</b></p> <p>Where land is subject to inundation by floodwater:</p> <ul style="list-style-type: none"> <li>(a) the benefits to riverine ecosystems of periodic flooding,</li> <li>(b) the hazard risks involved in developing that land,</li> <li>(c) the redistributive effect of the proposed development on floodwater,</li> <li>(d) the availability of other suitable land in the locality not liable to flooding,</li> <li>(e) the availability of flood free access for essential facilities and services,</li> <li>(f) the pollution threat represented by any development in the event of a flood,</li> <li>(g) the cumulative effect of the proposed development on the behaviour of floodwater, and</li> <li>(h) the cost of providing emergency services and replacing infrastructure in the event of a flood.</li> </ul> <p>Flood mitigation works constructed to protect new urban development should be designed and maintained to meet the technical specifications of the Department of Water Resources</p>	<p>The Flood Planning Map in the CLEP shows that the subject land is not subject to inundation in a 1 in 100 year event.</p> <p>Not applicable.</p>
<p><b>Land degradation</b></p> <p>Development should seek to avoid land degradation processes such as erosion, native vegetation decline, pollution of ground or surface water, groundwater accession, salination and soil acidity, and adverse effects on the quality of terrestrial and aquatic habitats.</p>	<p>The only land disturbance arising from the proposal is site preparation. During construction of future subdivision and development, earthworks will be controlled via a Soil and Water Management Plan.</p>
<p><b>Landscape</b></p> <p>Measures should be taken to protect and enhance the riverine landscape by maintaining native vegetation along the riverbank and adjacent land, rehabilitating degraded sites and stabilising and revegetating riverbanks with appropriate species.</p>	<p>The subject land is not on or adjacent to the river bank.</p>
<p><b>River related uses</b></p> <p>Only development which has a demonstrated, essential relationship with the river Murray should be located in or on land adjacent to the River Murray. Other development should be set well back from the bank of the River Murray</p> <p>Development which would intensify the use of riverside land should provide public access to the foreshore.</p>	<p>The subject land is not 'on' or adjacent to the river.</p> <p>The subject land is not 'riverside' land.</p>

Principles to be taken into account	Compatibility of proposal
<p><b>Settlement</b></p> <p>New or expanding settlements (including rural-residential subdivision, tourism and recreational development) should be located:</p> <ul style="list-style-type: none"> <li>(a) on flood free land,</li> <li>(b) close to existing services and facilities, and</li> <li>(c) on land that does not compromise the potential of prime crop and pasture land to produce food or fibre.</li> </ul>	<p>The subject land is:</p> <ul style="list-style-type: none"> <li>(a) 'flood free';</li> <li>(b) can be serviced with all urban infrastructure; and</li> <li>(c) is not 'prime' agricultural land.</li> </ul>
<p><b>Water quality</b></p> <p>All decisions affecting the use or management of riverine land should seek to reduce pollution caused by salts and nutrients entering the River Murray and otherwise improve the quality of water in the River Murray.</p>	<p>It is possible that development of the land for urban industrial purposes will result in an improvement of water quality in the river because existing run-off from the agricultural activity is unconstrained and potentially more polluted.</p>
<p><b>Wetlands</b></p> <p>Wetlands are a natural resource which have ecological, recreational, economic, flood storage and nutrient and pollutant filtering values.</p> <p>Land use and management decisions affecting wetlands should:</p> <ul style="list-style-type: none"> <li>(a) provide for a hydrological regime appropriate for the maintenance or restoration of the productive capacity of the wetland,</li> <li>(b) consider the potential impact of surrounding land uses and incorporate measures such as a vegetated buffer which mitigate against any adverse effects,</li> <li>(c) control human and animal access, and</li> <li>(d) conserve native plants and animals</li> </ul>	<p>The subject land does not contain a wetland.</p>

## Attachment D

Consistency with the Riverina-Murray Regional  
Plan 2036

Goal, Direction & Action Title	Applicable to the Planning Proposal	Consistency
<b>Goal 1 – A growing and diverse economy</b>		
Direction 1 – Protect the region's diverse and productive agricultural land.	Yes, as the subject land is currently used for productive agricultural purposes.	Consideration of the loss of agricultural land is provided in the assessment of the Planning Proposal against the provisions of the Rural Lands SEPP (Attachment 'A') and Ministerial Direction 1.5 Rural Lands (Attachment 'B').
Direction 2 – Promote and grow the agribusiness sector.	Not applicable, as the proposal does not relate to agribusiness.	N/A
Direction 3 – Expand advanced and value-added manufacturing.	Yes, as the proposal does potentially relate to future value-added manufacturing.	The purpose of the Planning Proposal is both to implement the Federally funded HIEP Project and to provide additional supply of industrial land within the Howlong Industrial Estate. Within this context the proposal is supporting this direction.
Direction 4 – Promote business activities in industrial and commercial areas.	Yes, as the proposal is to facilitate the growth of industry in Howlong.	The rezoning of the subject land will promote industrial business activities in Howlong through the HIEP Project.
Direction 5 – Support the growth of the health and aged care sectors.	Not applicable, as the proposal does not relate to the health and aged care sectors.	N/A
Direction 6 – Promote the expansion of education and training opportunities.	Yes, as the proposal will facilitate industrial development that in turn will provide training opportunities.	The proposal is in response to committed industrial investment in Howlong and is not speculative.
Direction 7 – Promote tourism opportunities.	Not applicable, as the proposal does not relate to tourism.	N/A

Direction 8 – Enhance the economic self-determination of Aboriginal communities.	Not applicable to the subject proposal.	N/A
Direction 9 – Support the forestry industry.	Not applicable, as the proposal does not relate to forestry.	N/A
Direction 10 – Sustainably manage water resources for economic opportunities.	Not applicable to the subject proposal.	N/A
Direction 11 – Promote the diversification of energy supplies through renewable energy generation.	Not applicable to the subject proposal.	N/A
Direction 12 – Sustainably manage mineral resources.	Not applicable, as the subject land is not known to contain any significant mineral resources.	N/A
<b>Goal 2 – A healthy environment with pristine waterways</b>		
Direction 13 – Manage and conserve water resources for the environment.	Not applicable, as the subject land is not known to contain any water resources.	N/A
Direction 14 – Manage land uses along key river corridors.	Not applicable as the subject land is more than two kilometres from the Murray river floodplain.	N/A

Direction 15 – Protect and manage the region's many environmental assets.	Not applicable, as the Planning Proposal does not include land identified on the Terrestrial Biodiversity Map, the Watercourse Map or the Wetlands Map in the CLEP.	N/A
Direction 16 – Increase resilience to natural hazards and climate change.	Not applicable as the subject land is not identified as at risk from natural hazards.	N/A
<b>Goal 3 – Efficient transport and infrastructure networks</b>		
Direction 17 – Transform the region into the eastern seaboard's freight and logistics hub.	Yes as the proposal has the potential to create an industrial environment contributing to a transport 'hub'.	The successful implementation of the HIEP Project specifically will result in a transport 'hub' in Howlong.
Direction 18 – Enhance road and rail freight links.	Not relevant, as the proposal does not relate to transport infrastructure.	N/A
Direction 19 – Support and protect ongoing access to air travel.	Not relevant, as the proposal will not affect air travel.	N/A
Direction 20 – Identify and protect future transport corridors.	Not relevant, as the proposal does not relate to transport corridors.	N/A

Direction 21 – Align and protect utility infrastructure investment.	Yes, as the proposal seeks to rezone land for urban purposes.	The Planning Proposal is consistent with this Direction and will not place any undue pressures or demands on infrastructure as the future development can be adequately serviced. Part of the Federal funding for the HIEP Project will go to the upgrading and expansion of infrastructure currently servicing the industrial estate.
<b>Goal 4 – Strong, connected and healthy communities</b>		
Direction 22 – Promote the growth of regional cities and local centres.	Yes, as the proposal is part of the Howlong township.	The Planning Proposal will support and promote the growth of Howlong via the rezoning of land for industrial purposes and in turn implementation of the HIEP Project. This in turn will contribute to the demand for residential growth in Howlong, which is consistent with this Direction.
Direction 23 – Build resilience in towns and villages.	Yes as the proposal supports the Howlong community.	An increasing population builds resilience and this will be the outcome of the Planning Proposal courtesy of the HIEP Project.
Direction 24 – Create a connected and competitive environment for cross-border communities.	Whilst Howlong is located on the Murray River, there is no town opposite on the Victorian side.	N/A
Direction 25 – Build housing capacity to meet demand.	Not applicable as the proposal relates to industrial development.	N/A
Direction 25 – Build housing capacity to meet demand.	Not applicable as the proposal relates to industrial development.	N/A
Direction 26 – Provide greater housing choice.	Not applicable as the proposal relates to industrial development.	N/A
Direction 27 – Manage rural residential development.	Not applicable as the proposal relates to industrial development.	N/A

Direction 28 – Deliver healthy built environments and improved urban design.	Yes, as the proposal will result in the expansion of the urban environment.	The Planning Proposal is generally consistent with the actions of this Direction bearing in mind that the rezoning of the land alone has little influence on urban design.
Direction 29 – Protect the region's Aboriginal and historic heritage.	Yes, as the development occurring as a result of the rezoning needs to consider the impact on Aboriginal heritage.	The 'due diligence' assessment of the potential impact of the proposal on Aboriginal heritage indicates that this will be low and more intensive investigation is not warranted.

## Attachment E

Supply of industrial land &  
concept plan of subdivision

## Howlong Industrial Estate

The Howlong Industrial Estate is located in Jude Road Howlong. It is just 15 minutes from Albury/Wodonga and less than 10 minutes from the Hume Freeway and Barnawatha LOGIC Centre, Australia's Industry Hub.

There is currently no land available for sale within this estate.

For further information or assistance about industrial land for sale, please [contact Council](#) on (02) 6033 8999 or complete the form below and a team member will be in touch with you.

### Industrial Land Enquiry Form:

First Name (required)

Surname (required)

Telephone (required)

Email

Preferred contact method (required)

☐ Email

☐ Telephone



## ATTACHMENT 4 – EVALUATION CRITERIA FOR THE DELEGATION OF PLAN MAKING FUNCTIONS

### Checklist for the review of a request for delegation of plan making functions to councils

**Local Government Area:** Federation

**Name of draft LEP:** Corowa Local Environmental Plan 2012 - No 12

**Address of Land (if applicable):** Lots 67, 68, 69 & 70 DP753744 located in Kywong-Howlong Road, Howlong

**Intent of draft LEP:** The purpose of the Planning Proposal is to change the zoning of the subject land from RU1 Primary Production with a Minimum Lot Size (MLS) of 400 hectares to IN1General Industrial with no MLS.

#### Additional Supporting Points/Information:

The Planning Proposal is relatively straightforward being in accordance with strategic planning for Howlong and on land that has few constraints for development.

Evaluation criteria for the issuing of an Authorisation  (Note: where the matter is identified as relevant and the requirement has not been met, council is attach information to explain why the matter has not been addressed)	Council response		Department assessment	
	Y/N	Not relevant	Agree	Not agree
Is the planning proposal consistent with the Standard Instrument Order, 2006?	Y			
Does the planning proposal contain an adequate explanation of the intent, objectives, and intended outcome of the proposed amendment?	Y			
Are appropriate maps included to identify the location of the site and the intent of the amendment?	Y			
Does the planning proposal contain details related to proposed consultation?	Y			
Is the planning proposal compatible with an endorsed regional or sub-regional planning strategy or a local strategy endorsed by the Director-General?	Y			
Does the planning proposal adequately address any consistency with all relevant S117 Planning Directions?	Y			
Is the planning proposal consistent with all relevant State	Y			

## NOTES

- Where a council responds 'yes' or can demonstrate that the matter is 'not relevant', in most cases, the planning proposal will routinely be delegated to council to finalise as a matter of local planning significance.
- Endorsed strategy means a regional strategy, sub-regional strategy, or any other local strategic planning document that is endorsed by the Director-General of the department.

## Request for Initial Gateway Determination

### Instructions to Users

1. When forwarding a planning proposal to the Minister under section 56(1), the relevant planning authority must provide the information specified in this form.
2. Please send this completed form and one (1) electronic copy and two (2) hard copies of the completed Planning Proposal and other information as applicable, to your local Regional Office.
3. This document is a locked word document, please check boxes and type directly into the hi-lighted grey areas of this form.

### Relevant Planning Authority Details

Name of Relevant Planning Authority: Federation Council

Contact Person: Kate Larnach

Contact Phone and Email: (02) 6033 8921 & kate.larnach@federationcouncil.nsw.gov.au

### Planning Proposal Details - Attachments

1. **LAND INVOLVED** *[If relevant - e.g. Street Address and Lot and Deposited Plan]*  
Lots 67, 68, 69 & 70 DP753744 located in Kywong-Howlong Road, Howlong

#### Attached/Completed *[Check the box]*

2. **MAPS** *[If applicable – provide 1 electronic and 2 hard copies]*
  - ☒ Location map showing the land affected by the proposed draft plan in the context of the LGA *[tagged 'location map']*
  - ☒ Existing zoning map showing the existing zoning of the site and surrounding land and proposed zoning change for the site/s *[tagged 'comparative existing/proposed zoning']*
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** *[provide 1 electronic and 2 hard copies]*  
*Council's must address all relevant matters in a planning proposal – including the Director-General's requirements for the justification of all planning proposals (other than those that solely reclassify public land) as set out in the Department of Planning publications; a 'Guide to preparing local environmental plans' and a 'Guide to preparing a planning proposal'. These requirements must be completed prior to submitting the Planning proposal to the Regional Office.*
5. **PLANNING PROPOSAL HAS BEEN SUPPORTED BY COUNCIL**
  - ☒ Council has considered the written planning proposal prior to sending it to the Department of Planning
  - ☒ Council has resolved to send the written planning proposal to the Department of Planning *[attach Council's resolution]*

Kate Larnach    Signed for and on behalf of the Relevant Planning Authority  
DATE

  
23 August 2018

