

Rezone and amend the minimum lot size on Part Lot 63 DP1127637 from zone R5 Large Lot Residential to zone IN1 General Industrial and from a 2ha to a 10ha minimum lot size.

Proposal Title :	Rezone and amend the minimum lot size on Part Lot 63 DP1127637 from zone R5 Large Lot Residential to zone IN1 General Industrial and from a 2ha to a 10ha minimum lot size.		
Proposal Summary :	Rezoning of part Lot 63 DP1127637, 92 Strathvale Road, Berrigan from land zone R5 Large lot Residential to land zone IN1 General Industrial.		
PP Number :	PP_2016_BERRI_001_00	Dop File No :	16/04154-1

Proposal Details

Date Planning Proposal Received :	08-Mar-2016	LGA covered :	Berrigan
Region :	Western	RPA :	Berrigan Shire Council
State Electorate :	MURRAY DARLING	Section of the Act :	55 - Planning Proposal
LEP Type :	Spot Rezoning		

Location Details

Street :	92 Strathvale Road, Part lot 63 DP1127637		
Suburb :	Berrigan	City :	Berrigan
		Postcode :	2712
Land Parcel :			

DoP Planning Officer Contact Details

Contact Name :	Tim Collins
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RPA Contact Details

Contact Name :	Camillus O'Kane
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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)	10.00	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 :	15

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 : **The proposal will allow expansion of an existing employment generating development that will permit employment of an additional 15 persons. The reduction of residential land is not significant in this case.**

External Supporting Notes :

Adequacy Assessment

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

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

Comment : **The objective of the planning proposal is to rezone part of lot 63 DP 1127637 in the Berrigan Shire LEP 2013 from land zone R5 Large Lot Residential to zone IN1 General Industrial and to also change the minimum lot size from 2ha to 10ha. The planning proposal seeks to allow for freight transport facilities to be permissible on lot 63 DP 1127637.**

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

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

Comment : **The explanation of provisions clearly states the intent of the planning proposal is to rezone part of lot 63 DP 1127637 in the Berrigan Shire LEP 2013 from land zone R5 Large Lot Residential to zone IN1 General Industrial and to also change the minimum lot size from 2ha to 10ha.**

Justification - s55 (2)(c)

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

b) S.117 directions identified by RPA :

* May need the Director General's agreement

1.1 Business and Industrial Zones

2.1 Environment Protection Zones

2.3 Heritage Conservation

3.1 Residential Zones

3.2 Caravan Parks and Manufactured Home Estates

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3.3 Home Occupations
3.4 Integrating Land Use and Transport
6.1 Approval and Referral Requirements
6.3 Site Specific Provisions

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 4—Development Without Consent and Miscellaneous Exempt and Complying Development
SEPP No 21—Caravan Parks
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 50—Canal Estate Development
SEPP No 55—Remediation of Land
SEPP No 64—Advertising and Signage
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 (Affordable Rental Housing) 2009

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

1.1 Business and Industrial Zones: The Ministerial Direction is relevant to the planning proposal as the proposal proposes to rezone part of the lot to zone IN1 General Industrial. The planning proposal is consistent with the Direction in that it will not reduce the area of any commercial or Industrial zone but rather it will provide an additional 10.81ha of industrial zoned land.

3.1 Residential Zones: The Ministerial Direction is relevant to the planning proposal as the proposal applies to land zone R5 Large Lot Residential. The planning proposal is inconsistent as it is reducing residential zoned land. However, this inconsistency has been satisfactorily justified by Berrigan Shire Council as being minor significance given the site can yield a maximum of 4 residential lots, there is currently an adequate supply of land zoned R5 Large Lot Residential in the Berrigan local government area with potential to yield 32 lots. The current uptake of Large Lot Residential lots is 0.5 lots per year. The Director Regions, Western can be satisfied that the inconsistency is of minor significance and no further works are required.

3.4 Integrated Land Use and Transport: The Ministerial Direction is relevant to the planning proposal as it will alter the provisions relating to urban land. The proposal will not locate any additional zones for urban purposes away from existing infrastructure. Therefore the planning proposal is not inconsistent with this Direction.

SEPP No. 55 Remediation of Land: The planning proposal is consistent with the SEPP given the land is not located within an "investigation area" and is not land on which development for a purpose referred to in table 1 of the Managing Land Contamination: Planning Guidelines has not know to have been carried out. The proposed land use is industrial and less sensitive than residential.

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

If No, explain :

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Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : Draft LEP maps have not been provided with the planning proposal. However, maps have been provided which satisfactorily identifies the site area subject to this planning proposal.

A condition on the Gateway determination requires LEP maps to be produced prior to the submission of the planning proposal under section 59 of the EP&A Act, prepared compliant with the Department's "Standard technical requirements for LEP Maps.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : The planning proposal recommends a 28 day consultation period during which time Council will; notify adjoining and surrounding landowners, consult with relevant government departments, notices in local media, static displays at Berrigan Shire Council and documentation made available to the public at Council and on the Berrigan Shire Council web site.

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 minor in nature and is considered to meet the adequacy criteria under section 55 of the Environmental Planning and Assessment Act.

Proposal Assessment

Principal LEP:

Due Date :

Comments in relation to Principal LEP : Berrigan Local Environmental Plan 2013 was notified on 4 October 2013

Assessment Criteria

Need for planning proposal : The planning proposal is required to rezone land from zone R5 Large Lot Residential to zone IN1 General Industrial and to also change the minimum lot size from 2ha to 10ha.

Consistency with strategic planning framework : The planning proposal seeks to provide an additional 10 ha of industrial land for the purpose of a freight transport facility which will allow for the expansion of the adjoining existing facility.

The proposal is consistent with the Planning Principles of the Murray Regional Environmental Plan No.2. The land on which the proposed land use is to be situated is predominantly flood free and located close to services and infrastructure. The development is not expected to impact on land through the process of erosion, native vegetation decline, pollution of ground or surface water, groundwater accession, salination and soil acidity, nor adverse effects on the quality of terrestrial and aquatic habitats.

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Environmental social economic impacts : **It is considered that the planning proposal will not have any known environmental impact.**

The economic and social benefits are positive; greater capacity of the existing facility, create up to 15 regional jobs, allow for the investment of \$2.4 million in capital infrastructure and equipment and assist the greater region with the economic multiplier effect.

Assessment Process

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

Timeframe to make LEP : **9 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 :

No internal consultation required

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

If Yes, reasons :

Documents

Document File Name	DocumentType Name	Is Public
Planning Proposal Documentation - PART 1.pdf	Proposal	Yes
Planning Proposal Documentation - PART 2.pdf	Proposal	Yes
Planning Proposal Coverletter.pdf	Proposal Covering Letter	Yes
Request For Initial Gateway Determination.pdf	Proposal	Yes

Planning Team Recommendation

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

S.117 directions:

- 1.1 Business and Industrial Zones**
- 2.1 Environment Protection Zones**
- 2.3 Heritage Conservation**
- 3.1 Residential Zones**

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Additional Information : The planning proposal to proceed subject to the following conditions:

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 as described in A Guide to Preparing LEPs (Department of Planning and Infrastructure 2013); 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. 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 submission of the planning proposal under section 59 of the Environmental Planning and Assessment act 1979, the LEP maps must be prepared and be compliant with the Department's 'Standard Technical Requirements for LEP maps'

4. The time frame for completing the LEP is to be nine (9) months from the week following the date of the Gateway determination.

Supporting Reasons : Council has provided satisfactory justification that the site is suited to the proposed freight transport facility extension due to the site already containing an existing freight transport facility. Given freight transport facilities are not permitted in zone R5 Large Lot Residential the rezoning of the site to zone IN1 General Industrial is supported.

The General Manager, Berrigan Shire Council can use delegation in this instance as the proposal is consistent with the surrounding land use and is a one off proposal which should provide a positive impact on the local economy in terms of greater capacity of the existing facility, create up to 15 regional part time jobs, allow for the investment of \$2.4 million in capital infrastructure and equipment and assist the greater region with the economic multiplier effect.

The reduction of residential land is minor given the site would potentially yield a maximum of 4 residential lots. There is currently an adequate supply of land zoned R5 Large Lot Residential with potential to yield 32 lots. The current uptake of Large Lot Residential lots is 0.5 lots per year.

Signature:



Printed Name:

Tim Collins

Date:

23/3/16

Endorsed

Wgamsay TLWR

23/3/16