

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 area of this form.

Relevant Planning Authority Details

Name of Relevant Planning Authority: Berrigan Shire Council

Contact Person: Camillus O'Kane

Contact Phone and Email: (03) 5888 5100 & camilluso@berriganshire.nsw.gov.au

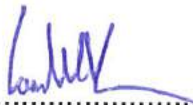
Planning Proposal Details - Attachments

1. **LAND INVOLVED**
Part 92 Strathvale Road, Berrigan NSW 2712 – being Part Lot 63 DP1127637
2. **MAPS**
See mapping in attached documentation
3. **PHOTOS and other visual material**
See photos in attached documentation
4. **COMPLETE PLANNING PROPOSAL**
See attached Planning Proposal
5. **PLANNING PROPOSAL HAS BEEN SUPPORTED BY COUNCIL**

Council has supported the planning proposal and resolved to send the written planning proposal to the Department of Planning & Environment.

See attached resolution

Signed for and on behalf of the Relevant Planning Authority


.....

DATE 16 February 2015

PLANNING PROPOSAL

Rezoning of part Lot 63 DP1127637 , being part 92 Strathvale Road, Berrigan from R5 Large Lot Residential Zone to IN1 General Industrial Zone under the *Berrigan Local Environmental Plan 2013*.

1. Objectives or intended outcomes

The objective of this Planning Proposal is to rezone the Land from R5 Large Lot Residential Zone to IN1 General Industrial Zone, with a 10 hectare minimum lot size.

The intended outcome is to facilitate the use of the Land for the expansion of an existing freight transport facility, namely the use of the Land for earth wall grain bunkers to store grain mainly on a seasonal basis.

2. Explanation of provisions

The proposed outcome will be achieved by:

- Amending the Land Zoning Map – Sheet LZN_006A
- Amending the Lot Size Map – Sheet LSZ_006A

3. Justification

The rezoning of the Land from R5 Large Lot Residential Zone to IN1 General Industrial Zone with a minimum lot size of 10 hectares is considered the best means of achieving the relevant objectives or intended outcomes of the Planning Proposal as opposed for example to listing a “freight transport facility” as a permitted use for the Land in Schedule 1 of the LEP and leaving the Land zoned R5 Large Lot Residential Zone.

4. Community Consultation

The planning proposal is considered to be low impact given the existing freight transport facility. However, future community consultation will be in accordance with the provisions of section 56(2)(c) of the *Environmental Planning & Assessment Act 1979*, *A Guide to Preparing Local Environmental Plans* (DPI, 2013) and pursuant to any conditions imposed by a gateway determination.

5. Project timeline

The anticipated timeline for processing the Planning Proposal is set out below:

- | | |
|---------------------------------------|---------|
| - Gateway determination | 4 weeks |
| - Consultation | 4 weeks |
| - Consideration of public submissions | 4 weeks |
| - Preparation of report | 2 weeks |
| - Parliamentary counsel opinion | 1 week |
| - Making of plan | 2 weeks |

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: Berrigan Shire

Name of draft LEP: Berrigan Local Environmental Plan 2013 (Amendment No. 3)

Address of Land (if applicable): 92 Strathvale Road, Berrigan NSW

Intent of draft LEP: Rezoning of part Lot 63 DP1127637, 92 Strathvale Road, Berrigan from R5 Large Lot Residential Zone to IN1 General Industrial Zone under the Berrigan Local Environmental Plan 2013.

Additional Supporting Points/Information: See attached documentation

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 Environmental Planning Policies (SEPPs)?	Y			
Minor Mapping Error Amendments	Y/N			
Does the planning proposal seek to address a minor mapping error and contain all appropriate maps that clearly identify the error and the manner in which the error will be addressed?		X		
Heritage LEPs	Y/N			
Does the planning proposal seek to add or remove a local heritage item and is it supported by a strategy/study endorsed by the Heritage Office?		X		
Does the planning proposal include another form of endorsement or support from the Heritage Office if there is no supporting strategy/study?		X		
Does the planning proposal potentially impact on an item of State Heritage Significance and if so, have the views of the Heritage Office been obtained?		X		

Reclassifications	Y/N			
Is there an associated spot rezoning with the reclassification?		X		
If yes to the above, is the rezoning consistent with an endorsed Plan of Management (POM) or strategy?		X		
Is the planning proposal proposed to rectify an anomaly in a classification?		X		
Will the planning proposal be consistent with an adopted POM or other strategy related to the site?		X		
Will the draft LEP discharge any interests in public land under section 30 of the Local Government Act, 1993?		X		
If so, has council identified all interests; whether any rights or interests will be extinguished; any trusts and covenants relevant to the site; and, included a copy of the title with the planning proposal?		X		
Has the council identified that it will exhibit the planning proposal in accordance with the department's Practice Note (PN 09-003) Classification and reclassification of public land through a local environmental plan and Best Practice Guideline for LEPs and Council Land?		X		
Has council acknowledged in its planning proposal that a Public Hearing will be required and agreed to hold one as part of its documentation?		X		
Spot Rezonings	Y/N			
Will the proposal result in a loss of development potential for the site (ie reduced FSR or building height) that is not supported by an endorsed strategy?	N			
Is the rezoning intended to address an anomaly that has been identified following the conversion of a principal LEP into a Standard Instrument LEP format?	N			
Will the planning proposal deal with a previously deferred matter in an existing LEP and if so, does it provide enough information to explain how the issue that lead to the deferral has been addressed?	N			
If yes, does the planning proposal contain sufficient documented justification to enable the matter to proceed?		X		

Does the planning proposal create an exception to a mapped development standard?	N			
Section 73A matters				
Does the proposed instrument a. correct an obvious error in the principal instrument consisting of a misdescription, the inconsistent numbering of provisions, a wrong cross-reference, a spelling error, a grammatical mistake, the insertion of obviously missing words, the removal of obviously unnecessary words or a formatting error?; b. address matters in the principal instrument that are of a consequential, transitional, machinery or other minor nature?; or c. deal with matters that do not warrant compliance with the conditions precedent for the making of the instrument because they will not have any significant adverse impact on the environment or adjoining land? (NOTE – the Minister (or Delegate) will need to form an Opinion under section 73(A(1)(c) of the Act in order for a matter in this category to proceed).		X		

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.

Items requiring Council Resolution

5.22 PLANNING PROPOSAL – (PART) LOT 63 DP1127637 - 92 STRATHVALE ROAD, BERRIGAN

AUTHOR: TOWN PLANNER

STRATEGIC OUTCOME: Diverse and resilient business

STRATEGIC OBJECTIVE: 4.1 Invest in local job creation, retention and innovation

FILE NO:

RECOMMENDATION:

- that a site specific planning proposal be prepared for a rezoning from R5 Large Lot Residential to IN1 General Industrial to part Lot 63 DP1127637 - 92 Strathvale Road, Berrigan
- that this planning proposal be submitted to the Minister for Planning for gateway determination in accordance with Section 56 of the *Environmental Planning and Assessment Act 1979 (NSW)*.

REPORT:

The subject property is located just inside the village boundary on the north-eastern entry to the township of Berrigan. The part property is shown on the aerial photo below:



Items requiring Council Resolution

McNaughts Storage Business has advised that in preparation for the upcoming harvest, they require an extension to their existing grain storage facility.

Under the R5 Large Lot Residential Zone, within current land use table in Berrigan Local Environmental Plan 2013 (LEP), ***Rural industries & Heavy industrial storage establishments*** are prohibited uses. Initial enquiries to the NSW Department of Planning & Environment have also revealed that the Department does not believe that the development is permissible within the R5 Large Lot Residential Zone.

The applicant has provided a supporting statement Appendix "O" justifying why a grain storage facility should be able to be developed on this land. From a Council officer perspective, it is considered that this proposal could be supported given the close proximity to the already existing & operational grain storage facility at 14 Strathvale Road, Berrigan. Thus, it is recommended that further investigation and correspondence be undertaken with the NSW Department of Planning & Environment, and if necessary, the process of a rezoning be undertaken to allow the proposed development to occur.

Should Council vote in favor of the recommendation, a planning proposal will be prepared and submitted to the Department of Planning for gateway determination if the development is not permissible with the R5 Large Lot Residential Zone. This determination will provide an indication as to whether or not the proposal is likely to be supported and any further studies which may be required in support of it. It would be highly recommended that the applicant agree to undertake any necessary works to ensure that the creation of dust and noise from the development will not cause any adverse impacts to the neighbouring residential properties. The applicant will be responsible for all fees associated with the preparation of environmental studies and reports in support of this proposal.

Following the determination, Communication Consultation will be undertaken by the Berrigan Shire Council in accordance with Section 57 of the *Environmental Planning and Assessment Act 1979* (NSW) as part of the rezoning process.

RESOLUTION

Min. No.

Quarterly Budget Review at the October, 2015 Council meeting and include the following works for further consideration:

- Reconstruction of 2 eastern causeways on Lower River Road, Tocumwal
- Sealing of the southern end of Howe Street to Plumptions Road, Finley
- Reconstruction of western end of Tongs Street, Finley

5.21 FINANCIAL REVIEW

AUTHOR: Director Corporate Services

STRATEGIC OUTCOME: Good government

STRATEGIC OBJECTIVE: 2.2 Ensure effective governance by Council of Council operations and reporting

FILE NO:

193 RESOLVED Crs: Hannan and Jones that the Council delete the carried forward items and street lighting at a cost of \$55,000.

194 RESOLVED Crs: Morris and Jones that the Council note the fourth quarterly review of the 2014/15 budget and vote the funds contained therein as shown in Appendix "J".

5.22 PLANNING PROPOSAL – (PART) LOT 63 DP1127637 - 92 STRATHVALE ROAD, BERRIGAN

AUTHOR: TOWN PLANNER

STRATEGIC OUTCOME: Diverse and resilient business

STRATEGIC OBJECTIVE: 4.1 Invest in local job creation, retention and innovation

FILE NO:

195 RESOLVED Crs: O'Neill and Bruce:

- that a site specific planning proposal be prepared for a rezoning from R5 Large Lot Residential to IN1 General Industrial to part Lot 63 DP1127637 - 92 Strathvale Road, Berrigan
- that this planning proposal be submitted to the Minister for Planning for gateway determination in accordance with Section 56 of the *Environmental Planning and Assessment Act 1979* (NSW).

ITEMS FOR NOTING

7.1 ELECTION OF MAYOR, DEPUTY MAYOR AND APPOINTMENT OF DELEGATES



PLANNING PROPOSAL

Rezoning of part Lot 63 DP1127637 adjoining 14 Strathvale Road, Berrigan from R5 Large Lot Residential Zone to IN1 General Industrial Zone under the *Berrigan Local Environmental Plan 2013*

14 Strathvale Road, Berrigan (part Lot 63 DP1127637)

October 2015

Prepared by:

Blueprint Planning

For:

McNaught's Transport Pty Ltd

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& DEVELOPMENT

STATEMENT

This Planning Proposal relates to:

The rezoning of part Lot 63 DP1127637 adjoining 14 Strathvale Road, Berrigan from R5 Large Lot Residential Zone to IN1 General Industrial Zone under the *Berrigan Local Environmental Plan 2013*.

This Planning Proposal has been prepared in accordance with:

- section 55 of the *Environmental Planning and Assessment Act 1979*;
 - *A guide to preparing planning proposals* (Department of Planning & Infrastructure, 2012); and
 - *A guide to preparing local environmental plans* (Department of Planning & Infrastructure, 2013).
-

This Planning Proposal has been prepared by:

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Document Control



Ref	Version No.	Date	Revision Details	Author
1384	1	16/10/2015	Draft for BSC comment	JL
	2	22/10/2015	Draft for BSC approval for gateway	JL

EXECUTIVE SUMMARY

This report has been prepared by Blueprint Planning on behalf of McNaught's Transport Pty Ltd in support of the rezoning of part Lot 63 DP1127637 adjoining 14 Strathvale Road, Berrigan from R5 Large Lot Residential Zone to IN1 General Industrial Zone under the *Berrigan Local Environmental Plan 2013*.

This Planning Proposal is required (as a first step) to allow the eastern expansion of the existing freight transport facility at 14 Strathvale Road, Berrigan for grain bunker storage purposes. The objective or intended outcome of this change is to enable grain bunkers to be constructed on the subject land via a separate development application process.

This report has been prepared in accordance with the resolution of Berrigan Shire Council at the Ordinary Council Meeting on 19 August 2015 and in accordance with:

- section 55 of the *Environmental Planning and Assessment Act 1979*;
- *A guide to preparing planning proposals* (Department of Planning & Infrastructure, 2012); and
- *A guide to preparing local environmental plans* (Department of Planning & Infrastructure, 2013).

Consideration of the Planning Proposal against the above requirements and guidelines demonstrates that the land is suitable 'in principle' for the proposed expansion of the existing freight transport facility at 14 Strathvale Road, Berrigan because:

- all road and stormwater drainage infrastructure required for the expansion of the existing freight transport facility is in place and has adequate capacity to service the expansion;
- there is strong anecdotal market demand for additional grain bunker storage in Berrigan; and
- the location, size, area, and shape of the land proposed for grain bunker storage represents a considered and orderly development on face value, subject to the prior consent of Berrigan Shire Council via a separate development application process.

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Appendix C: Plan of subdivision under Development Consent No. 40/16/DA/D9 showing the Land (proposed Lot 1)
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WORD ABBREVIATIONS/TERMS

Land	part Lot 63 DP1127637 adjoining 14 Strathvale Road, Berrigan
Planning Proposal	rezoning of part Lot 63 DP1127637 adjoining 14 Strathvale Road, Berrigan from R5 Large Lot Residential Zone to IN1 General Industrial Zone under the <i>Berrigan Local Environmental Plan 2013</i>
Council; BSC	Berrigan Shire Council
DPE	Department of Planning and Environment
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
LEP	<i>Berrigan Local Environmental Plan 2013</i>
LGA	local government area
Proponent	McNaught's Family Trust (ABN 45 682 007 591) trading as McNaught's Transport Pty Ltd
SEPP	State Environmental Planning Policy
freight transport facility	a facility used principally for the bulk handling of goods for transport by road, rail, air or sea, including any facility for the loading and unloading of vehicles, aircraft, vessels or containers used to transport those goods and for the parking, holding, servicing or repair of those vehicles, aircraft or vessels or for the engines or carriages involved

1.0 INTRODUCTION

1.1 Preliminary

This report contains word abbreviations and terms listed in the **Table of Contents** section above.

This report has been prepared in support of a request by the Proponent to Council to rezone the Land from R5 Large Lot Residential Zone to IN1 General Industrial Zone under the LEP.

The Planning Proposal facilitates the use of the Land for the expansion of an existing freight transport facility, namely the use of the Land for earth wall grain bunkers to store grain mainly on a seasonal basis.

It is proposed that the Planning Proposal would be determined by Council under delegation from the NSW Minister for Planning.

1.2 Background

1.2.1 Current Council Resolution

Following submissions to Council by the Proponent during July and August 2015 the Council passed the following resolution on 19 August 2015 at its Ordinary Meeting (with reference to Appendix O of the relevant Minutes):

Minute No. 195:

- *that a site specific planning proposal be prepared for a rezoning from R5 Large Lot Residential to IN1 General Industrial to part Lot 63 DP1127637 - 92 Strathvale Road, Berrigan; and*
- *that this planning proposal be submitted to the Minister for Planning for gateway determination in accordance with Section 56 of the Environmental Planning and Assessment Act 1979 (NSW).*

1.2.2 Current Development Consent applying to the Land

To facilitate part use of the Land for the 2015 grain harvest, a 50 metre wide portion of the Land was approved for use as a freight transport facility by Council under clause 5.3 of the LEP on 21 October 2015 via Development Consent No.

32/16/DA/D2. A copy of the Planning Report and Statement of Environmental Effects relating to this development consent is provided at **Appendix B**.

The parent lot comprising the Land was also the subject of a development application for a three (3) lot subdivision approved by Council via Development Consent No. 40/16/DA/D9 on * October 2015 as shown in **Appendix C** where the Land is shown as proposed Lot 1 comprising 10.81 hectares.

Given that a “freight transport facility” is prohibited in the R5 Large Lot Residential Zone under the LEP, the preparation and implementation of this Planning Proposal is therefore the only legal planning way for the existing freight transport facility to expand on the Land any further.

1.3 Scope

This Planning Proposal has been prepared in accordance with the legislative and guideline requirements listed in the **Statement** at the beginning of this report, and have been prepared by Blueprint Planning on behalf of the Proponent pursuant to *A guide to preparing planning proposals* (DPI, 2012, pp. 4-5).

1.4 Site and context description

The Land is located in southern NSW in the township of Berrigan, situated on the northern side of town approximately 800 metres north of the town's centre.

The location of the Land is shown regionally in **Figure 1**, locally in **Figure 2**, and an aerial photograph of the Land is shown in **Figure 3**. Title and survey diagrams of the Land are shown respectively in **Appendix A** and **Appendix C**.

The Land is situated on level ground, is 10.81 hectares in area (**Appendix C**), and comprises vacant land currently used for agricultural purposes with road access from Strathvale Road as shown in **Figure 3**. Photographs of the Land and surrounding area are shown in Appendix B of the Planning Report and Statement of Environmental Effects lodged with the development application for the 50 metre wide portion of the Land provided at **Appendix B**.

Figure 1: Regional location plan

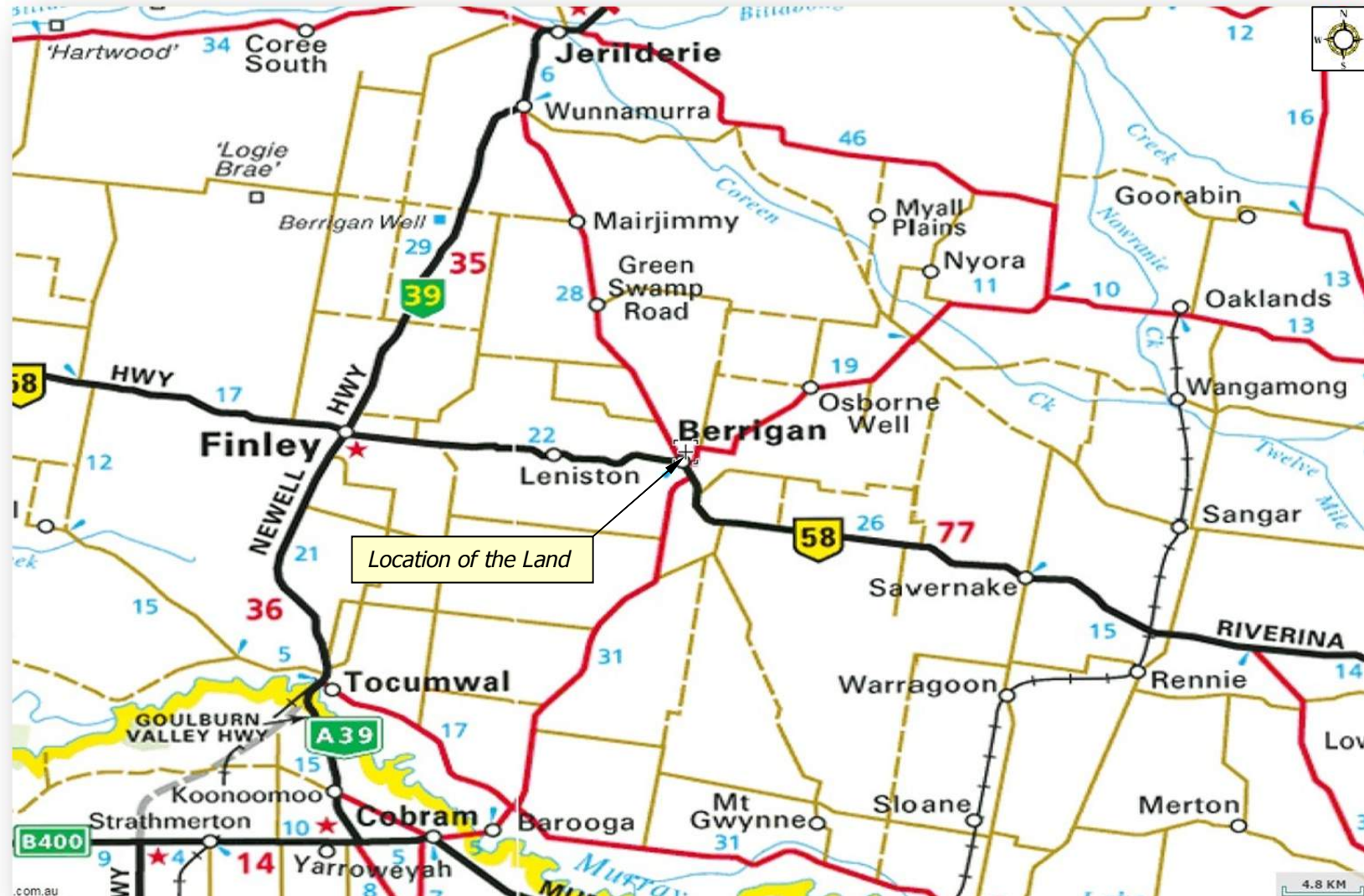


Figure 3: Aerial photograph of the Land



Source: Council.

Rezoning from R5 zone to IN1 zone:
Part Lot 63 DP1127637 adjoining
14 Strathvale Road, Berrigan

2.0 OBJECTIVES OR INTENDED OUTCOMES

The objective or intended outcome of this Planning Proposal is to rezone the Land from R5 Large Lot Residential Zone to IN1 General Industrial Zone, with a 10 hectare minimum lot size.

Further explanation of the Planning Proposal is provided in **Section 3.0** and the reasons why the Planning Proposal is required at **Section 4.0**.

3.0 EXPLANATION OF PROVISIONS

The objectives or intended outcomes mentioned in **Section 2.0** are to be achieved by amending the LEP as shown in **Table 1**.

Table 1: Summary of LEP amendment

<i>LEP map proposed to be amended</i>	<i>The Land</i>		
	<i>Current situation</i>	<i>Proposed situation</i>	<i>Effect of proposed amendment</i>
<i>Land Zoning Map - Sheet LZN_006A</i>	R5 Large Lot Residential Zone	IN1 General Industrial Zone	Rezoning from R5 Large Lot Residential Zone to IN1 General Industrial Zone – refer to Section 4.0 below where the effects of the Planning Proposal are discussed.
<i>Lot Size Map - Sheet LSZ_006A</i>	2 hectare minimum lot size	10 hectare minimum lot size	An increase in minimum lot size from 2 hectares to 10 hectares – refer to Section 4.0 below where the effects of the Planning Proposal are discussed.

4.0 JUSTIFICATION

4.1 Need for the Planning Proposal

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

The preparation of a strategic study or report has not been prepared for the Planning Proposal, which is proportional to the impact that the Planning Proposal will have, which is considered acceptable under *A guide to preparing planning proposals* (DPI, 2012, p. 10). Specifically, whilst the Planning Proposal would reduce the area of R5 Large Lot Residential Zone land in Berrigan by 10.81 hectares and increase IN1 General Industrial Zone land by the same amount, these changes would only affect zone objective development outcomes for Berrigan in minor ways given:

- the minimum lot size of the subject R5 Large Lot Residential Zone land is currently 2.0 hectares and therefore a loss of development lot potential is only 4 lots¹;
- vacant land supply for existing R5 Large Lot Residential Zone land in Berrigan is currently approximately 32 lots² whilst demand is only approximately 0.5 lots per annum or 1 lot every 2 years³; and
- the proposed minimum lot size for the new IN1 General Industrial Zone land is proposed to be 10 hectares and so therefore, with the Land being 10.81 hectares in area, would not be able to be further subdivided without further strategic planning analysis via a separate planning proposal process.

It is noted that should this Planning Proposal proceed and before the existing freight transport facility could expand over the Land⁴ that a fresh development application would need to be lodged with and approved by Council including the consideration of any public submissions.

¹ Assuming 10.81 hectares of land would allow for a maximum of 4 lots, with road reserves and/or stormwater detention facilities comprising approximately 10-15% of original land area.

² Based on current vacant lots zoned R5 Large Lot Residential Zone in Berrigan regardless of their lot area or contiguous lot ownership i.e. vacant lots able to be sold 'as is' for residential development (however assuming willing sellers and buyers).

³ Mr Laurie Stevens, Berrigan Shire Council, 2015, pers. comm., 22 October.

⁴ Beyond that the 50 metre wide area approved via Development Consent No. 32/16/DA/D2.

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

The rezoning of the Land from R5 Large Lot Residential Zone to IN1 General Industrial Zone with a minimum lot size of 10 hectares as detailed in **Table 1** above is considered the best means of achieving the relevant objectives or intended outcomes of the Planning Proposal mentioned in **Section 2.0**, as opposed for example to listing a “freight transport facility” as a permitted use for the Land in Schedule 1 of the LEP and leaving the Land zoned R5 Large Lot Residential Zone.

4.2 Relationship to strategic planning framework

4.2.1 Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

The Planning Proposal is consistent with the aims of *Draft Murray Regional Strategy 2009*, which was publicly exhibited in 2009 but not yet finalised, as set out in **Appendix D**.

(The *Draft Metropolitan Strategy for Sydney to 2031* (NSW Government, 2013) does not apply to the Berrigan Shire LGA.)

4.2.2 Is the Planning Proposal consistent with the Council’s local strategy or other local strategic plan?

This Planning Proposal is consistent with Council’s *Berrigan Shire 2023 Community Strategic Plan* (BSC, 2013) as set out in **Appendix E**.

4.2.3 Is the Planning Proposal consistent with applicable state environmental planning policies?

The Planning Proposal is consistent with applicable state environmental planning policies as set out in **Appendix F**.

4.2.4 Is the Planning Proposal consistent with applicable ministerial directions (section 117 directions)?

The Planning Proposal is consistent with applicable directions as set out in **Appendix G**.

4.3 Environmental, social and economic impact

4.3.1 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 Planning Proposal?

Use of the Land as a freight transport facility in accordance with the Planning Proposal is not likely to significantly affect any threatened species, population or ecological community or its habitat noting that the Land will not/does not contain any native vegetation⁵ and is not known to contain any biodiversity areas⁶.

Nonetheless any future development of the Land must be carried out in accordance with existing LEP clauses 5.9: *Preservation of trees or vegetation* and 5.9AA: *Trees or vegetation not prescribed by development control plan*.

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

Before the Land could be used for expansion of the existing freight transport facility, or any other permissible use, a development application would need to be prepared, lodged with and approved by Council. As a part of this process possible environmental effects would need to be investigated and documented, including, for example, possible amenity impacts associated with proposed days and hours of operation, traffic generation, dust generation, noise generation, and stormwater drainage and detention etc. These environmental effects would need to be investigated and documented in accordance with Part 1 of Schedule 1 of the EP&A Regs. Council must also notify any such development application to adjoining landowners in accordance with Council's Notification Policy in Section 12 of the *Berrigan Development Control Plan 2014* and any public submissions must be considered.

⁵ Development Consent No. 32/16/DA/D2 for the 50 metre wide part use of the Land for a freight transport facility provides for the removal of two existing native trees within the Land.

⁶ The Land does not contain any areas of "biodiversity" within the meaning of clause 6.3 of the LEP.

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

The Proponent advised Council at its Ordinary Meeting on 19 August 2015 that the proposed use of the Land for an expanded freight transport facility would:

- allow three additional 40,000 tonne earth wall grain bunkers (120,000 tonne total), which could be divided if necessary to segregate grain grades and quality;
- create 3 local full-time jobs;
- create up to 12 regional part-time jobs on a seasonal harvest basis;
- facilitate the investment of \$2.4M in additional working capital infrastructure and equipment;
- save local grain growers a minimum of \$12 per tonne grain transport cost when compared to other regional transport cost options; and
- create additional unspecified economic multiplier benefits for Berrigan LGA in general through gaining additional economic exposure to multi-national grain companies and marketers, such as Cargill/AWB, Glencore, CBH, Murray Goulburn, Rivalea, Peter Cremer Australia etc).

The Planning Proposal would not significantly impact upon the Berrigan retail shopping precinct or any nearby social infrastructure such as public open space or public sporting facilities.

Other social and economic effects would be investigated and documented in a development application to the Council for the future use of the Land, including, for example, possible amenity impacts to adjoining and nearby private and public property.

The Land is not known to be affected by any Aboriginal or European cultural heritage.

4.4 State and Commonwealth interests

4.4.1 Is there adequate public infrastructure for the Planning Proposal?

The Land is currently supplied with adequate public infrastructure including road access, and no extension or augmentation of existing services is required.

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

Consultation will be carried out with the following public authorities/agencies to be confirmed by the gateway determination issued by the DPE in accordance with section 56(2)(d) of the EP&A Act:

- Roads and Maritime Services.

5.0 MAPPING

LEP Land Zoning Map - Sheet LZN_006A and Lot Size Map - Sheet LSZ_006A would be amended as described in **Table 1**. These changes are shown **attached**.

6.0 COMMUNITY CONSULTATION

Community consultation is required under section 56(2)(c) of the EP&A Act and in accordance with *A guide to preparing local environmental plans* (DPI, 2013) as follows:

- 28 day public exhibition period;
- notification provided to adjoining and surrounding landowners who may be directly or indirectly impacted;
- consultation with relevant government departments and agencies, service providers and other key stakeholders;
- public notices provided in local media i.e. Southern Riverina News newspaper;
- static displays and supporting material in Council public buildings, nominally: Council Chambers, 56 Chanter Street, Berrigan;
- electronically available via Council's website including provision for electronic submissions;
- hard copies of all documentation being made available to the community free-of-charge; and
- electronic copies of all documentation being made available to the community free-of-charge.

7.0 PROJECT TIMELINE

The anticipated timeframe for processing the Planning Proposal is set out in **Table 2**.

Table 2: Project timeline

<i>Project milestone</i>	<i>Estimated commencement date</i>	<i>Estimated completion date</i>
<i>Anticipated commencement date (date of gateway determination)</i>	4 weeks	TBD
<i>Anticipated timeframe for the completion of required technical information</i>	1 week	TBD
<i>Timeframe for government department and agency consultation (pre and post exhibition as required by gateway determination)</i>	3 weeks	TBD
<i>Commencement and completion dates of public exhibition period</i>	4 weeks	TBD
<i>Dates for public hearing (if required)</i>	Not anticipated to be required.	Not applicable.
<i>Timeframe for consideration of public submissions</i>	2 weeks	TBD
<i>Timeframe for consideration of the Planning Proposal post exhibition</i>	2 weeks	TBD
<i>Date of submission of Planning Proposal to DPE for parliamentary counsel opinion</i>	1 week	TBD
<i>Anticipated date Council will make the plan (if delegated)</i>	TBD	TBD
<i>Anticipated date Council will forward the Planning Proposal to DPE for publication in the Government Gazette</i>	TBD	TBD

APPENDIX A:

Title and survey diagrams

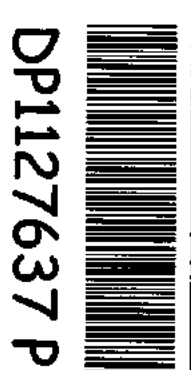


X - Y = S.S.M. 15847 - P.M. 22288
83°36'33" 299.230 SURVEY
299.230 M.G.A. GND.

PLAN OF SUBDIVISION OF LOTS 3
AND 6, D.P. 248677

LGA: BERRIGAN
Locality: BERRIGAN
Subdivision No:
Lengths are in metres. Reduction Rat

Registered



DEPOSITED PLAN ADMINISTRATION SHEET : Sheet 1 of 2 sheets

SIGNATURES, SEALS and STATEMENTS of intention to dedicate public roads, to create public reserves, drainage reserves, easements, restrictions on the use of land or positive covenants.

PURSUANT TO SECTION 88B OF THE
CONVEYANCING ACT 1919 IT IS
INTENDED:

TO CREATE:

1. EASEMENT FOR WATER SUPPLY
PURPOSES VARIABLE WIDTH

TO RELEASE:

1. EASEMENT FOR WATER SUPPLY
VARIABLE WIDTH CREATED BY
D.P. 649602



DP1127637 S

Registered: 18.6.2008

Title System: TORRENS

Purpose: SUBDIVISION

PLAN OF SUBDIVISION OF LOTS 3
AND 6, D.P. 248677

LGA: BERRIGAN

Locality: BERRIGAN

Parish: GERELDERY

County: DENISON

Surveying Regulation, 2006

I, **BRIAN LESLIE MITSCH**.....
of **319 VICTORIA ST, DENILIKUIN 2710**....
a surveyor registered under the *Surveying Act, 2002*, certify that the
survey represented in this plan is accurate, has been made in
accordance with the *Surveying Regulation, 2006* and was completed
on: **02/10/2007**.....

The survey relates to **LOT 64**.....

(specify the land actually surveyed or specify any land shown in the
plan that is not the subject of the survey)

Signature *B.L. Mitsch* Dated: **24.10.07**
Surveyor registered under the *Surveying Act, 2002*

Datum Line: **M.G.A.** X-7
Type: Urban/Rural

Plans used in the preparation of survey/compilation

D.P. 248677
D.P. 510414
D.P. 629883
D.P. 649602
D.P. 1053665

(if insufficient space use Plan Form 6A annexure sheet)

SURVEYOR'S REFERENCE: **10063/07-08/3023**

Use PLAN FORM 6A
for additional certificates, signatures, seals and statements

Crown Lands NSW/Western Lands Office Approval

I.....in approving this plan certify
(Authorised Officer)

that all necessary approvals in regard to the allocation of the land
shown herein have been given

Signature:.....

Date:.....

File Number:.....

Office:.....

Subdivision Certificate

I certify that the provisions of s.109J of the Environmental Planning and
Assessment Act 1979 have been satisfied in relation to:

the proposed **Subdivision**..... set out herein
(insert 'subdivision' or 'new road')

* Authorised Person/General Manager/Accredited Certifier

Consent Authority: **Berrigan Shire Council**

Date of Endorsement: **6.11.07**

Accreditation no:.....

Subdivision Certificate no: **6/2008**

File no: **30/08/DA/09**

* Delete whichever is inapplicable.

* OFFICE USE ONLY

DEPOSITED PLAN ADMINISTRATION SHEET Sheet 2 of 2 sheets

PLAN OF OF SUBDIVISION OF LOTS 3
AND 6, D.P. 248677

DP1127637

Registered: 18.6.2008



8

Subdivision Certificate No: 6/2008

Date of Endorsement: 6.11.07

* OFFICE USE ONLY

Paul Dickens

Paul Dickens

John Stewart

John Stewart

Merrill Boyd

Merrill Boyd

Westpac

~~Power of Attorney registered at Land
and Property Information NSW
Book 4299 No. 332
I certify that the applicant, with whom I
am personally acquainted or as to whose
identity I am otherwise satisfied, signed
this application in my presence.
Signature of Witness:
Name of Witness:
Address of Witness:
Daytime telephone number of Witness:~~

Signed for and on behalf of
WESTPAC BANKING CORPORATION
ABN 33 007 457 141
by its Attorney:

Elizabeth Ann
Barnes

Power of Attorney registered at Land
and Property Information NSW
Book 4299 No. 332

I certify that the applicant, with whom I
am personally acquainted or as to whose
identity I am otherwise satisfied, signed
this application in my presence.

Signature of Witness: Angela Maria Daw
Name of Witness: Angela Maria Daw
Address of Witness: 25 Pierson Street
Daytime telephone number of Witness: HICKLEYS SA 5032

~~National Australia Bank Limited
ABN 12 004 044 037
Dentist in
Agriculture
Centre
Kenneth John Barnes
Manager
National Australia Bank Ltd
35 Napier St
Dennington NSW 2710~~

APPENDIX B:

Planning Report and Statement of Environmental Effects for Development Consent No. 32/16/DA/D2 for 50m extension of existing freight transport facility (grain bunker)