

Edward River Council - Rezone Land from RU1 to IN1, Barham Road, Deniliquin

Proposal Title : **Edward River Council - Rezone Land from RU1 to IN1, Barham Road, Deniliquin**

Proposal Summary : **Planning proposal seeking to rezone land at Lots 3 & 4 DP 286006, Barham Road, Deniliquin, from RU1 Primary Production to IN1 General Industrial.**

PP Number : **PP_2016_ERIVE_002_00** Dop File No : **16/14309**

Proposal Details

Date Planning Proposal Received : **28-Mar-2017** LGA covered : **Edward River**

Region : **Western** RPA : **Edward River Council**

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

LEP Type : **Spot Rezoning**

Location Details

Street : **Barham Road**

Suburb : **Deniliquin** City : **Deniliquin** Postcode : **2710**

Land Parcel : **Lots 3 & 4 DP 286006**

DoP Planning Officer Contact Details

Contact Name : **Megan Jones**

Contact Number : **0268412180**

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RPA Contact Details

Contact Name : **Julie Rogers**

Contact Number : **0358983111**

Contact Email : **julie.rogers@edwardriver.nsw.gov.au**

DoP Project Manager Contact Details

Contact Name : **Wayne Garnsey**

Contact Number : **0268412180**

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

Land Release Data

Growth Centre : **N/A** Release Area Name :

Regional / Sub Regional Strategy : Consistent with Strategy :

Edward River Council - Rezone Land from RU1 to IN1, Barham Road, Deniliquin

MDP Number :

Date of Release :

Area of Release (Ha) **39.00**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 : **20**The NSW Government
Lobbyists Code of
Conduct has been
complied with :If No, comment : **There have been no known meetings with registered lobbyists.**Have there been
meetings or
communications with
registered lobbyists? :**No**If Yes, comment : **There have been no known meetings with registered lobbyists.****Supporting notes**Internal Supporting
Notes : **16/11/16 - Extra information requested regarding servicing, strategic land use plan,
surrounding land uses and industrial land supply/demand.****19/12/16 - Spoke with Council planner regarding extra information. Council to send
response by end 2016 or early in 2017.****11/1/17 - Email sent to Council confirming Council's position with the planning proposal
and whether to proceed or if the PP will be amended.****28/3/17 - Email confirmation from Council to remove Lot 2 from the PP. The proposal only
applies to Lots 3 & 4 DP 286006**External Supporting
Notes :**Adequacy Assessment****Statement of the objectives - s55(2)(a)**Is a statement of the objectives provided? **Yes**Comment : **Adequate. The PP seeks to rezone the identified land from RU1 to IN1.****Explanation of provisions provided - s55(2)(b)**Is an explanation of provisions provided? **Yes**Comment : **Adequate. The PP seeks to amend the Deniliquin LEP by rezoning the identified land from
RU1 to IN1.****Justification - s55 (2)(c)**a) Has Council's strategy been agreed to by the Director General? **No**

b) S.117 directions identified by RPA :

1.1 Business and Industrial Zones

* May need the Director General's agreement

1.2 Rural Zones**1.3 Mining, Petroleum Production and Extractive Industries****1.5 Rural Lands**

**3.4 Integrating Land Use and Transport
3.5 Development Near Licensed Aerodromes**

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

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

d) Which SEPPs have the RPA identified? **SEPP No 55—Remediation of Land
SEPP (Rural Lands) 2008**

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

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

If No, explain : **The planning proposal is considered to be consistent with all relevant SEPPs and section 117 Directions, except for SEPP 55 - Remediation of Land and Directions 1.2 Rural Zones and 1.5 Rural Lands.**

SEPP 55 - REMEDIATION OF LAND

Council has not provided any information regarding the current contamination status of the land. As the land has formerly been used for agricultural purposes and the rezoning will permit development of the land for urban uses (albeit not more particularly sensitive residential uses) it is recommended that Council/proponent undertake a preliminary land contamination assessment of the land and include this report as part of the community consultation materials in order to satisfy the requirements of SEPP 55.

SECTION 117 DIRECTIONS

***1.2 Rural Zones and 1.5 Rural Zones**

The planning proposal is inconsistent with these Directions as it seeks to rezone rural land to an industrial zone. As Council does not yet have a local Strategy to support the inconsistency, the proposal has been assessed on the individual merit of the proposal. The subject land is located directly adjacent to existing industrial zoned land and land that is used for industrial purposes or has had development approvals issued for significant industrial development (such as the ethanol plant). The land is located on a major road entering town (Barham Road) and can readily be serviced. In this instance, an industrial use for this land is in keeping with the general use of surrounding land and an easily achieved/logical extension of existing services. The loss of 39ha of rural land for industrial purposes is considered acceptable having regards to the overall rural land supply. Given these circumstances, it is considered that the Director Regions, Western can be satisfied that the planning proposal's inconsistency with Directions 1.2 and 1.5 is of minor significance. Therefore the planning proposal may proceed to Gateway determination.

***5.10 Implementation of Regional Plans**

The Riverina Murray Regional Plan was launched on the 3 March 2017 and the planning proposal is consistent with the intent and aims of the plan.

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : **The map clearly identifies the subject land that is proposed to be rezoned.**

On 28/3/17 Council confirmed by email that it wishes to remove Lot 2 from the planning proposal. Council meeting minute supporting this provided. This is supported by the Department.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : **14 days has been proposed by Council.**

28 days is recommended as the proposal is not supported by any strategic planning framework as required by the 'Guide to preparing LEPs'.

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 proposal is adequate and suitable to progress.**

Proposal Assessment

Principal LEP:

Due Date :

Comments in relation to Principal LEP : **Deniliquin LEP was notified on 23 December 2013.**

Assessment Criteria

Need for planning proposal :

Council is seeking to rezone land from RU1 to IN1.

A planning proposal is the mechanism through which land may be considered for rezoning.

Consistency with strategic planning framework :

There is no local strategic plan in relation to this land. The planning proposal is consistent with the aims and intent of the Riverina Murray Regional Plan.

The newly amalgamated Edward River Council has set aside funds in the 2017/2018 financial year for an industrial land strategy for the new Edward River LGA.

Surrounding land uses directly opposite the subject land include an effluent treatment pond (corner of Barham Road and Leetham Road), the site of a newly approved ethanol plant (on Leetham Road), railway line, industrial land and agricultural land.

Rezoning the land for industrial uses would be generally consistent and compatible with other surrounding land uses.

Council provided information on 28 March 2017 that it wishes to remove Lot 2 DP 286006 from the land identified to be rezoned to IN1 General Industrial. Council has consulted with the land owner and has determined that only Lots 3 and 4 (total area of approx 39ha) are to proceed as part of this planning proposal for rezoning.

The reasons for removing Lot 2 is due to it not having frontage to Barham Road and the other 2 lots are more easily serviced which makes them more market ready than Lot 2. This is supported.

Environmental social economic impacts :

Potential environmental impacts relating to land contamination from historic agricultural uses of the land will be addressed through council/proponent undertaking a preliminary

Edward River Council - Rezone Land from RU1 to IN1, Barham Road, Deniliquin

site investigation in accordance with SEPP 55 and through consultation with OEH.

Rezoning the land will provide extra industrial land that is more suitable and 'ready' to be developed/serviced for industrial use than some of the currently zoned industrial land in Deniliquin. Council has stated it will prepare an industrial land use strategy in the coming 17/18 financial year.

Assessment Process

Proposal type :	Consistent	Community Consultation Period :	28 Days
Timeframe to make LEP :	12 months	Delegation :	RPA
Public Authority Consultation - 56(2)(d) :	Office of Environment and Heritage Transport for NSW - Roads and Maritime Services		

Is Public Hearing by the PAC required? **No**

(2)(a) Should the matter proceed ? **Yes**

If no, provide reasons : **It is recommended Council consult with RMS regarding the traffic impacts on Barham Road, OEH regarding any potential environmental impacts from potential land contamination and John Holland as the land adjoins the Echuca Railway.**

Resubmission - s56(2)(b) : **No**

If Yes, reasons :

Identify any additional studies, if required. :

If Other, provide reasons :

Not applicable.

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.docx	Proposal	No
Request for Gateway Determination.pdf	Proposal	No
Council report October 2016.docx	Proposal	No
Servicing Map.pdf	Proposal	No
Uses Map.pdf	Proposal	No

Planning Team Recommendation

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

S.117 directions: **1.1 Business and Industrial Zones
1.2 Rural Zones
1.3 Mining, Petroleum Production and Extractive Industries
1.5 Rural Lands**

3.4 Integrating Land Use and Transport
3.5 Development Near Licensed Aerodromes

Additional Information : It is recommended that the planning proposal PROCEED subject to the following conditions:

1. A preliminary review of the subject land and initial site contamination investigation report are to be prepared to satisfy requirements of State Environmental Planning Policy (SEPP) 55 – Remediation of Land. Results of the preliminary review and report are to be placed on public exhibition with the planning proposal.
 2. Prior to community consultation the planning proposal documentation is to be amended to only refer to Lots 3 and 4 DP 286006, Barham Road, Deniliquin.
 3. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 as follows:
 - (a) the planning proposal must be made publicly available for a minimum of 28 days; and
 - (b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of A Guide to Preparing LEPs (Department of Planning & Infrastructure 2013).
 4. Consultation is required with the following public authorities under section 56(2)(d) of the Environmental Planning and Assessment Act, 1979:
 - Road and Maritime Services (RMS)
 - Office of Environment and Heritage (OEH)
 - John Holland Country Regional Network
- Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal.
5. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the Environmental Planning and Assessment Act, 1979. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).
 6. Prior to submission of the planning proposal under Section 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 Spatial Datasets and maps' 2015.
 7. The timeframe for completing the LEP is to be 12 months from the week following the date of the Gateway determination.
 8. Edward River Council be authorised to exercise plan making delegations in this instance.

Supporting Reasons : See previous discussion regarding Assessment.

Signature: _____

Printed Name: _____ Date: _____

Endorsed
W. Gansler
TLWR 7/4/2017.