



Edward
River
COUNCIL

Planning Proposal No 10

This planning proposal has been prepared to make general industry permissible with development consent (as an additional permitted use) on Lot 114 DP756310, 227 Augustus Street, Deniliquin under Deniliquin Local Environmental Plan 2013.

1 INTRODUCTION

Council has received a request to amend the Deniliquin Local Environmental Plan 2013 (LEP 2013) to allow general industry permissible as with development consent as an additional permitted use on Lot 114 DP756310, 227 Augustus Street, Deniliquin.

2 SUBJECT SITE

The subject site is located on the corner of Augustus Street and Wanderer Street (also known as Conargo Road). Figure 1 shows the location of the subject site.



Figure 1 Location of subject site

The site has an area of 2.3ha and is bounded by the North Deniliquin flood levee on the eastern and southern boundaries. The flood levee effectively provides a buffer between this use and the surrounding land. Levels taken across the site have the flood levee at a height of approximately 93.46m AHD and the subject site at approximately 91.6m AHD. The site is developed with buildings and construction materials on site which is consistent with the approved use of the site being a depot. There is minimal vegetation. Access to and from the site is via Augustus Street. Figure 2 is an aerial view of the subject site. It should be noted that the aerial view of the site is dated 2013 and does not show the site as is has been developed.



Figure 2 Aerial view of subject site

Appendix 1 is photos of the site showing how it has been developed and is currently occupied.

The subject site is zoned RU1 Primary Production under the DLEP 2013 but it has a history of being used for industrial type uses. The following approvals have been issued for the use of the site:

Number	Approved Use	Details
BA6021	Workshop alterations	Approval granted 20 August 1997 to extend an existing workshop on the site
DA/CC 948	Workshop addition	Development consent granted 20 July 2005 to extend an existing workshop on the site. It appears that BA6021 lapsed and this consent essentially allowed for the workshop alterations that were initially proposed.
DA37/14	Change of use to rural industry and installation of a shed and weighbridge	Rural industry associated with fertiliser.
DA 66/17	Change of use to depot	Change of use from rural industry to depot.

The owner of the site is currently using it as a depot for their civil construction business in conjunction with other land in North Deniliquin that is owned by business. They are proposing

to use this site to construct precast concrete products. Production would be done undercover in sheds. It is expected that the business would expand to create an additional 6 jobs.

3 SURROUNDING LAND USES

The subject site is surrounded by a number land use zones and land uses. Figure 3 shows the zone of the subject site and land within its vicinity. As can be seen in figure 3 the site is surrounded by land zoned RU1 Primary Production and R5 Large Lot Residential. There is IN1 General Industrial land to the north and north west of the subject site.



Figure 3 Zoning of the subject site and surrounding land

Figure 4 is an aerial view of land within the vicinity of the site showing the various land uses. Appendix 2 is photos of the surrounding land uses.

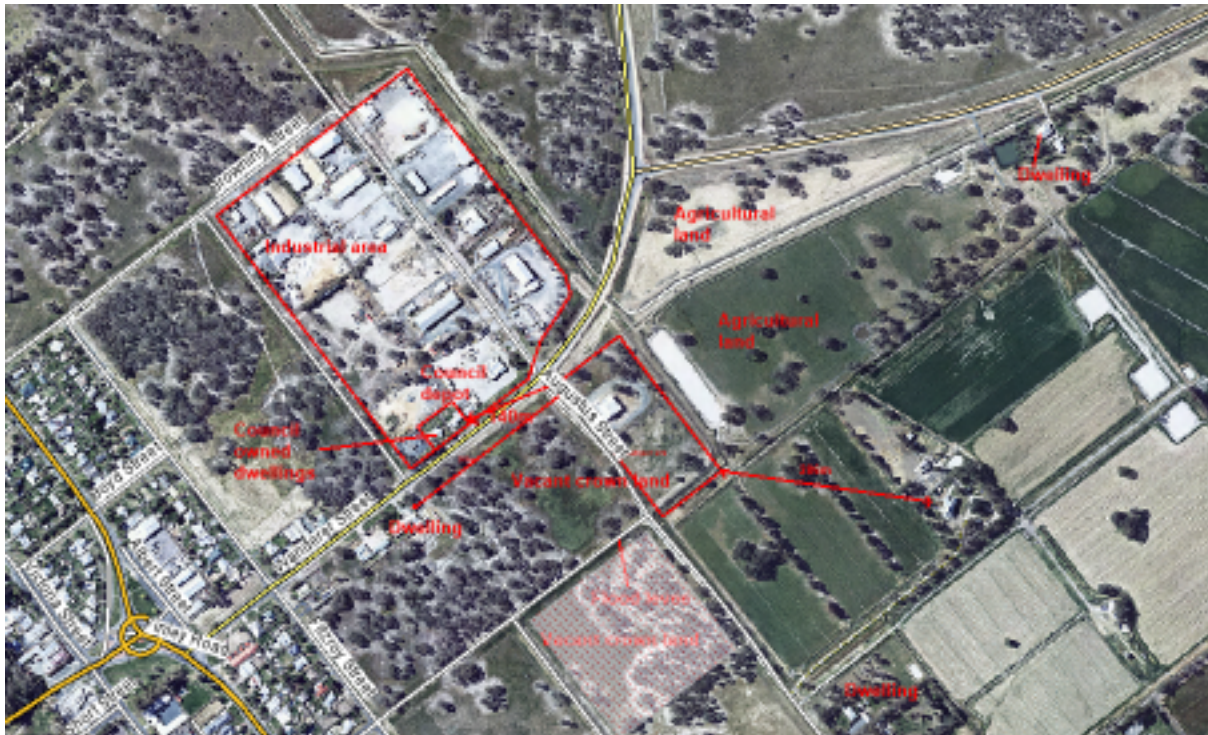


Figure 4 Surrounding land uses

4 OBJECTIVES OR INTENDED OUTCOMES

The objective of the planning proposal is make 'general industry' permissible with development consent under the DLEP 2013 as an additional permitted use on the subject site to enable development of the site for the manufacture of pre cast concrete products.

5 EXPLANATION OF PROVISIONS

The intended outcome will be achieved by inserting in Schedule 1 of DLEP 2013 the land use term 'general industry' as an additional permitted use for Lot 114 DP756310, 227 Augustus Street, Deniliquin.

PART 3 JUSTIFICATION

Is the planning proposal a result of any strategic study or report?

The planning proposal is not the result of any strategic study or report. However, the planning proposal is justified as the site has had an association with industrial type uses for a considerable time. The planning proposal does not require the rezoning of the subject site rather allowing 'general industry' as an additional permitted use.

Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The planning proposal is the most appropriate means of achieving the objectives and intended outcomes.

Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy?

The planning proposal is not consistent with the Riverina Murray Regional Plan 2036 as the planning proposal will enable the establishment of a general industry on land that is zoned RU1 Primary Production rather than consolidating the use of the existing industrial land stock.

This inconsistency is of minor significance given the historical industrial use of the land and it will not significantly increase impacts on infrastructure (which would be considered at the development application stage). The site will not reduce connectivity to the existing freight network given its location with frontage to a regional road (Wanderer Street/Conargo Road).

Appendix 3 considers the Riverina Murray Regional Plan 2036.

Is the planning proposal consistent with a council local strategy or other local strategic plan?

Edward River Council does not have a local strategy or other local strategic plan that applies to its local government area.

Is the planning proposal consistent with the applicable State Environmental Planning Policies (SEPPs)?

The planning proposal will not impact on the operation of any SEPPs. The SEPPs are considered in Appendix 4.

Is the planning proposal consistent with applicable Ministerial Directions (s117 directions)?

The planning proposal is inconsistent with the following section 117 directions:

- 1.5 Rural Lands;
- 5.10 Implementation of Regional Plans; and
- 6.3 Site Specific Provisions.

These directions are discussed in Appendix 5.

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?

No.

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

It is considered that no adverse environmental impacts are likely to arise from the planning proposal. The site is developed and currently being used as a depot.

Has the planning proposal adequately addressed any social and economic effects?

The proponent has advised that the expansion of the precast business will create six additional permanent jobs for the business. The development of this site will allow the business to produce the products in a quality controlled environment (undercover).

Is there adequate public infrastructure for the planning proposal?

Public infrastructure will be considered in the assessment of a future development application.

What are the views of state and Commonwealth public authorities consulted in accordance with the Gateway determination?

Council has not consulted any state or Commonwealth public authorities in relation to this planning proposal.

PART 4 MAPPING

There is no mapping required for this planning proposal.

PART 5 COMMUNITY CONSULTATION

In accordance with schedule 1 clause 4 of the Environmental Planning and Assessment Act, it is proposed to exhibit the planning proposal for 28 days in the local media and on Council's website.

PART 6 PROJECT TIMELINE

Given the nature of the amendment, Council proposes to complete the amendment in 9 months.

APPENDIX 1

PHOTOS OF SUBJECT SITE



Photo 1 Subject site from Wanderer Street/Conargo Road looking towards the south east



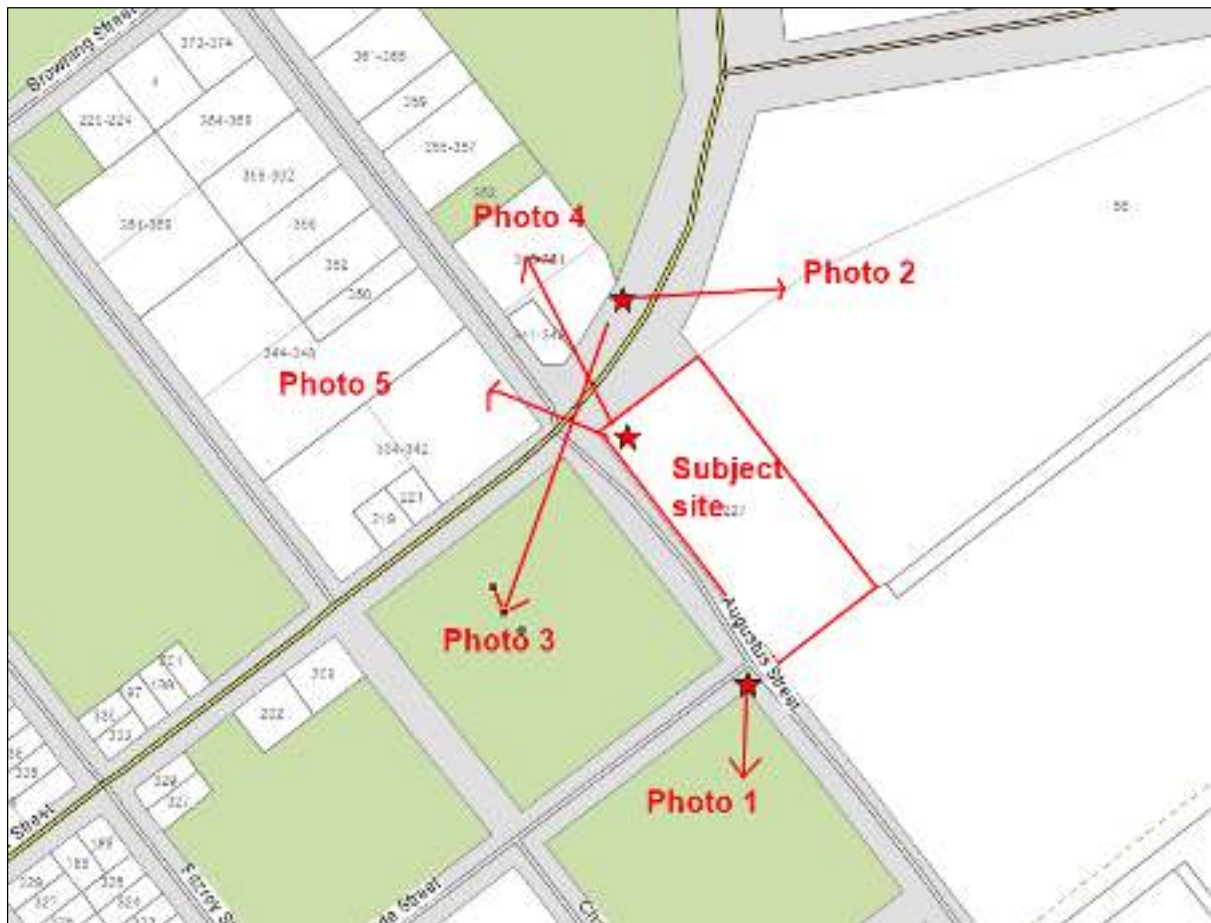
Photo 2 Subject site viewed from Augustus Street looking north



Photo 3 Subject site from Conargo Road/Wanderer Street looking north east

APPENDIX 2

PHOTOS OF SURROUNDING LAND USES



Map showing the location where each photo was taken and the subject of the photo



Photo 1



Photo 2



Photo 3



Photo 4



Photo 5

Appendix 3 – Section 117 Direction 5.10 Implementation of Regional Plans Checklist

Direction 1: Protect the regions diverse and productive agricultural land

No	Action	Consistent			Comments
		Yes	No	N/A	
1.1	Develop a regional agricultural development strategy that: <ul style="list-style-type: none"> • Maps important agricultural land; • Identifies emerging opportunities for agriculture; and • Sets direction for local planning of agricultural development. 			n/a	
1.2	Protect important agricultural land identified in the regional agricultural development strategy from land use conflict and fragmentation, and manage the interface between important agricultural lands and other land uses			n/a	
1.3	Minimise biosecurity risks by undertaking risk assessments, taking into account biosecurity plans and applying appropriate buffer areas.			n/a	

Additional Supporting Notes

Relevant planning proposals are encouraged to detail:

- How the proposal responds to the Agricultural Development Strategy, once completed; and
- How the proposal has considered land use conflict and management of the interface between land uses to support agriculture.

Note:

- If the proposal seeks to alter a provision that relates to Important Agricultural Land please consult with Department of Primary Industries – Agriculture in the preparation of your planning proposal.

- To establish whether the proposal is affected by a control order in force under the Biosecurity Act 2015 visit: <http://www.dpi.nsw.gov.au/biosecurity>

Direction 2: Promote and grow the agribusiness sector

No	Action	Consistent			Comments
		Yes	No	N/A	
2.1	Encourage agribusiness diversification by reviewing local plans and removing restrictive land use zonings and outdated land use definitions.			n/a	The planning proposal will not impact agricultural opportunities for the land as it will retain its RU1 zoning.
2.2	Provide opportunities to improve support to agriculture through better guidance on protecting agricultural land and managing the interface with other land uses.			n/a	
2.3	Facilitate investment in the agricultural supply chain by protecting assets, including freight and logistics facilities, from land use conflict arising from the encroachment of incompatible land uses.			n/a	

Additional Supporting Notes

Relevant planning proposals are encouraged to detail:

- nearby freight and logistics facilities and freight routes;
- any nearby or adjoining buffers which relate to freight and logistics facilities;
- how the proposal impacts on nearby or adjoining agricultural land uses and how the interface between the uses is managed; and
- any potential land use conflict arising from the encroachment of incompatible land uses.

Direction 3: Expand advanced and value-added manufacturing

No	Action	Consistent			Comments
		Yes	No	N/A	
3.1	Promote investment in advanced and value-added manufacturing by removing restrictive land use zonings and outdated land use definitions in local plans	Yes			The planning proposal will permit with consent 'general industry' and

3.2	Protect advanced value-added manufacturing industries and associated infrastructure from land use conflict arising from the encroachment of inappropriate and incompatible land uses.	Yes	the use of the site is manufacturing of pre cast concrete items.
3.3	Encourage co-location of related advanced and value-added manufacturing industries to maximise efficiency and infrastructure use, decrease supply chain costs, increase economies of scale and attract further investment.	Yes	

Additional Supporting Notes

Relevant planning proposals are encouraged to detail:

- any potential land use conflict arising from the encroachment of incompatible land uses; and
- identify any existing manufacturing industries and consider the potential for co-location of related industries.

Direction 4: Promote business activities in industrial and commercial areas

No	Action	Consistent			Comments
		Yes	No	N/A	
4.1	Encourage the sustainable development of industrial land to maximise the use of infrastructure and connectivity to the existing freight network.		No		The planning proposal will permit with consent 'general industry' on land zoned RU1 Primary Production. It is considered acceptable given the association that the site has had with industrial uses over several years.
4.2	Promote specialised employment clusters and co-location of related employment generators in local plans.			N/A	
4.3	Protect industrial land, including in the regional cities (Bomen, Nexus and Tharbogang) from potential land use conflicts arising from inappropriate and incompatible surrounding land uses.			N/A	

4.4	Encourage the consolidation of isolated, unused or underused pockets of industrial zoned land to create new development opportunities over the long-term.	N/A
4.5	Monitor the supply and demand of employment and industrial land in regional cities to inform the planning and coordination of utility infrastructure to support new development.	N/A
4.6	Accommodate future commercial and retail activity in existing commercial centres, unless there is a demonstrated need and positive social and economic benefits for the community.	N/A
4.7	Require proposals for new retail development to demonstrate how they: <ul style="list-style-type: none"> • Respond to retail supply and demand needs; • Respond to innovations in the retail sector; • Maximise the use of existing infrastructure (including public transport and community facilities) commensurate with the scale of the proposal; and • Enhance the value of the public realm. 	N/A

Additional Supporting Notes

Relevant planning proposals are encouraged to detail:

- the capacity of existing industrial zoned land and whether the subject land is identified in an endorsed local strategy;
- consideration of the infrastructure needs associated with the proposal;
- the potential for the proposal to take advantage of existing industry clusters and co-location; and
- potential land use conflict arising from the encroachment of incompatible land uses.

Where the proposal seeks to zone land for commercial and retail purposes, the proposal should be supported by a study that:

- considers the capacity of existing commercial centres;
- demand for additional zoned land;
- the impact of additional zoned land on existing centres; and
- provide evidence of positive social and economic benefits for the community.

APPENDIX 4

STATE ENVIRONMENTAL PLANNING POLICIES

SEPPs	Consistent	Comments
SEPP 1 Development Standards (LEP 1997 only)	N/A	The planning proposal will not impact on the operation of this SEPP.
SEPP 21 Caravan Parks	N/A	The planning proposal will not impact on the operation of this SEPP.
SEPP 30 Intensive Agriculture	N/A	The planning proposal will not impact on the operation of this SEPP.
SEPP 33 Hazardous and Offensive Development	N/A	The planning proposal will not impact on the operation of this SEPP.
SEPP 36 Manufactured Home Estates	N/A	The planning proposal will not impact on the operation of this SEPP.
SEPP 50 Canal Estate Development	N/A	The planning proposal will not impact on the operation of this SEPP.
SEPP 52 Farm Dams and Other Works in Land and Water Management Plan Areas	N/A	The planning proposal will not impact on the operation of this SEPP.
SEPP 55 Remediation of Land	N/A	The planning proposal will not impact on the operation of this SEPP.
SEPP 62 Sustainable Aquaculture	N/A	The planning proposal will not impact on the operation of this SEPP.
SEPP 64 Advertising and Signage	N/A	The planning proposal will not impact on the operation of this SEPP.
SEPP 65 Design Quality of Residential Flat Development	N/A	The planning proposal will not impact on the operation of this SEPP.
SEPP (Affordable Rental Housing) 2009	N/A	The planning proposal will not impact on the operation of this SEPP.
SEPP (Building Sustainability Index: BASIX) 2004	N/A	The planning proposal will not impact on the operation of this SEPP.
SEPP (Educational Establishments and Child Care Facilities)	N/A	The planning proposal will not impact on the operation of this SEPP.
SEPP (Exempt and Complying Development Codes) 2008	N/A	The planning proposal will not impact on the operation of this SEPP.
SEPP (Housing for Seniors or People with a Disability) 2004	N/A	The planning proposal will not impact on the operation of this SEPP.
SEPP (Infrastructure) 2007	N/A	The planning proposal will not impact on the operation of this SEPP.
SEPP (Integration and Repeals) 2016	N/A	The planning proposal will not impact on the operation of this SEPP.

SEPP (Mining, Petroleum Production and Extractive Industries) 2007	N/A	The planning proposal will not impact on the operation of this SEPP.
SEPP (Miscellaneous Consent Provisions) 2007	N/A	The planning proposal will not impact on the operation of this SEPP.
SEPP (Rural Lands) 2008	N/A	The planning proposal will not impact on the operation of this SEPP.
SEPP (State and Regional Development) 2011	N/A	The planning proposal will not impact on the operation of this SEPP.
SEPP Vegetation in Non-Rural Areas	N/A	The planning proposal will not impact on the operation of this SEPP.
Deemed SEPP Murray Regional Environmental Plan	N/A	The planning proposal will not impact on the operation of the Murray Regional Environmental Plan. In addition to this, the subject site is not located within the riverine environment and future development of the site is unlikely to impact on the riverine environment.

APPENDIX 5
SECTION 117 DIRECTIONS

Section 117 Direction	Consistent	Comments
1.1 Business and Industrial Zones	N/A	This direction does not apply to this planning proposal as it does not affect land within an existing or proposed business or industrial zone (including the alteration of any existing business or industrial zone boundary).
1.2 Rural Zones	N/A	This direction does not apply to this planning proposal as it does not rezone land from a rural zone to an industrial zone and does not contain provisions that will increase the permissible density of land within a rural zone.
1.3 Mining, Petroleum Production and Extractive Industries	N/A	This direction does not apply to this planning proposal as it will not prohibit the mining of coal or other minerals, production of petroleum or winning or obtaining of extractive materials or restrict the potential development of resources of coal, other minerals, petroleum or extractive materials which are of State or regional significance by permitting a land use that is likely to be incompatible with such development.
1.4 Oyster Aquaculture	N/A	
1.5 Rural Lands	No	<p>This direction applies to this planning proposal as it will affect land within an existing rural zone and therefore must consider the rural planning principles in State Environmental Planning Policy (Rural Lands) 2008.</p> <p>In response to the rural planning principles, the land will retain its RU1 zoning and as such rural land uses will be permissible on the land. It is acknowledged that the land has historically been used for industrial type uses and it is unlikely given its location that it would be used for agricultural pursuits (other than, for example, rural industries) given the infrastructure that exists on site.</p> <p>Any inconsistency with this direction is of minor significance given the retention of the RU1 zone and the historical industrial use of the land.</p>
2.1 Environment Protection Zones	N/A	-
2.2 Coastal Protection	N/A	-
2.3 Heritage Conservation	N/A	-

2.4 Recreation Vehicle Areas	N/A	-
2.5 Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs	N/A	-
3.1 Residential Zones	N/A	-
3.2 Caravan Parks and Manufactured Home Estates	N/A	-
3.3 Home Occupations	N/A	-
3.4 Integrating Land Use and Transport	N/A	-
3.5 Development Near Licensed Aerodromes	Yes	This planning proposal applies to land that is within the vicinity of a licensed aerodrome. However, this direction does not apply to this planning proposal as it only proposes to permit an additional use.
4.1 Acid Sulfate Soils	N/A	-
4.2 Mine Subsidence and Unstable Land	N/A	-
4.3 Flood Prone Land	N/A	-
4.4 Planning for Bushfire Protection	N/A	-
5.1 Implementation of Regional Strategies	N/A	-
5.2 Sydney Drinking Water Catchment	N/A	-
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	N/A	-
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	N/A	-
5.8 Second Sydney Airport: Badgerys Creek	N/A	-
5.9 North West Rail Link Corridor Strategy	N/A	-

5.10 Implementation of Regional Plans	No	Refer to previous comments in the planning proposal.
6.1 Approval and Referral Requirements	N/A	-
6.2 Reserving Land for Public Purposes	N/A	-
6.3 Site Specific Provisions	No	This direction does apply to this planning proposal as it will allow a particular development to be carried out. The inconsistency with this direction is of minor significance as the site has historically been used for industrial uses. It would not be appropriate to include 'general industries' as a permissible use in the RU 1 zone due to the wider implications for this zone which would undermine the existing IN1 zoned land. It would not be appropriate to rezone the site IN1 as the existing IN1 zoned land is on the north/north west side of Conargo Road and Council is not considering an extension of this zone onto the south/south eastern side of Conargo Road.
7.1 Metropolitan Planning	N/A	-
7.2 Implementation of Greater Macarthur Land Release Investigation	N/A	-
7.3 Parramatta Road Corridor Urban Transformation Strategy	N/A	-
7.4 Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan	N/A	-
7.5 Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	N/A	-
7.6 Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	N/A	-
7.7 Implementation of Glenfield to Macarthur Urban Renewal Corridor	N/A	-