

Planning proposal – Moree Airport Land

Introduction

This planning proposal explains the intended effect of a proposed amendment to the Moree Plains Local Environmental Plan 2011 and sets out the justification for making the plan. The proposed amendment would rezone an area of land to the B6 Enterprise Corridor zone under Moree Plains LEP 2011. A locality plan identifying the proposed rezoning site is provided in **Attachment 1** with the existing land use zones in **Attachment 2**. The property is owned by Moree Plains Shire Council.

Part 1 - Statement of Objectives and Intended Outcomes

The concept for the development of the site includes the creation of a mixed use development with a focus to providing services to the local community, the road transport industry and the travelling public. The development of the site would create a southern gateway to the Moree township. The proposed development provides a variety of service uses, highway retail and public information uses within the site area.

Part 2 - Explanation of Provisions

The proposed amendment of the Moree Plains LEP 2011 would be in accordance with the proposed zoning map shown at **Attachment 3**.

The proposed amendment would rezone the subject site from SP1 Air Transport Facilities to B6 Enterprise Corridor.

Part 3 - Justification

Section A - Need for the planning proposal

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

No specific strategic study or report is being implemented by the planning proposal. It is, however, consistent with the Moree Plains Growth Management Strategy (the Strategy) which was endorsed by Council on 6th November 2008 and subsequently by the Director General of the Department of Planning and Infrastructure on 20 April 2009.

The Growth Management Strategy was prepared by Council to guide growth within the Moree Plains Local Government Area. Recommendations of the Strategy have been included in this Planning Proposal with the following points being relevant:

- The Strategy provides for a new enterprise corridor for commercial development with large floor space requirements. This is recognised within the draft LEP which provides for B6 zoning along the Newell Highway on the southern entrance to Moree and includes the parts of the site north of Blueberry Road.

- Prior to the recent completion of the Moree Plains LEP 2011 an area of land to the south of the airport was zoned for industrial purposes with the aim of providing an opportunity to develop a large 'truck stop' facility on the site. The Strategy recommended this to be

rezoned for Special Uses. The Strategy recommended this change so that industrial development is consolidated to the eastern side of the highway and so that the town entry does not present as industrial on both sides of the highway. The Strategy recommends the zoning would permit a range of business uses that are associated with or requiring airside access and could present more acceptably than industrial uses. The proposed development of this site will be consistent with this approach in terms of treatment of the town entry.

As a result of significant delays in the implementation of the Moree Plains LEP 2011, the LEP does not provide a sufficiently current strategic planning framework to cater for large scale developments such as the one proposed for the site. As a result of the zoning changes in the Moree Plains LEP 2011 and historical land ownership patterns land that is zoned for commercial purposes has been generally tied up by developers. The recently zoned B6 area located immediately north of Blueberry Road (and adjacent to the subject land) has been substantially allocated to new occupiers and owners with official letters of intent having been submitted to Council. This has led to further demand for commercial space in the airport locality.

In relation to road use, the Newell and Gwydir Highways produce substantial levels of traffic, including a high level of heavy vehicle movements. Figures gathered by the Roads & Maritime Services (RMS) during April 2011 provide that a daily average of 1208 heavy vehicles travel through Moree on the Newell Highway, being 45% of total traffic numbers. At this time Moree does not adequately provide services and facilities for highway users.

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

The land is currently in a special uses zoning as shown in **Attachment 2**.

Potential uses of the area of land zoned SP1 that are not ordinarily incidental or ancillary to the air transport facility cannot be approved under the provisions of the Moree Plains LEP 2011. To enable such development to progress it will be necessary to prepare a planning proposal for a change to the land zoning map of the Moree Plains LEP 2011.

3. Is there a net community benefit?

Yes. The Newell Highway is a major interstate route that forms part of the Melbourne to Brisbane national highway. It carries around 1.5 million vehicles per year including high volumes of truck traffic, long haul interstate travellers, business travellers and regional and local traffic. The Gwydir and Carnarvon Highways also facilitate notable levels of traffic in Moree.

Moree is the third most visited LGA in the New England/North-West Region, ranking behind Tamworth and Armidale and the second most popular overnight stop on the Newell Highway, ranking behind Dubbo. Moree attracts in the order of 134,000 domestic overnight visitors per year, with these visitors staying 495,000 nights (Tourism Australia; Moree Tourism Profile 2007).

At present Moree has a serious shortage of service stations which are suitable for heavy vehicle use. This is considered to be a major shortfall for one of the Newell Highways primary centres. The proposal would allow Moree to better provide services and facilities for highway users and locals alike.

Section B - Relationship to strategic planning framework

4. Is the planning proposal consistent with the objectives and actions contained within the applicable regional sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

No Regional Strategic Plan applies to the Moree Plains Shire.

5. Is the planning proposal consistent with the local Council's Community Strategic Plan or other local strategic plan?

The Moree Plains Growth Management Strategy underpins the Moree Plains LEP 2011. The Growth Management Strategy identifies potential growth in the visitors market for Moree particularly given the "drawcard" of the artesian spa industry. This is in addition to high levels of trucks and other interstate travellers. Facilitating the proposal through an appropriate zoning is therefore fully consistent with the Growth Management Strategy.

6. Is the planning proposal consistent with applicable state environmental planning policies?

Consideration was given to applicable State Environmental Planning Policies. The Planning Proposal is considered to be consistent with all SEPPs that apply to the subject site. The following SEPPs are considered relevant.

SEPP (Infrastructure) 2007

This SEPP was gazetted in 2007 and provides special planning controls for infrastructure projects and for development that may impact upon relevant infrastructure. The following parts of the SEPP are relevant to the concept presented:

-Clause 23 provides that certain development is permissible on land which is used for an airport, where that development is ancillary to the air transport facility. The possible ancillary uses include retail and business uses. As per the previous discussion on the local planning controls, only some of the proposed uses are considered ancillary to the air transport facility.

-Clause 101 deals with development that has frontage to a classified road (Newell Highway) and provides considerations for development of that land. The Clause requires that, where practicable, access should be provided from a secondary road rather than from the classified road. In this instance, the development serves traffic on the highway and some direct access from the highway is the only practicable way to access the site. Where possible, the Clause would encourage access from the secondary road (Blueberry Road) to be maximised. The Clause also requires the development and access to be appropriately designed to maintain the safety, efficiency and ongoing operation of the classified road. In this regard, the support of the Roads & Maritime Services (RMS) is required. The RMS has been involved in discussions on the proposed development to date. Finally, the Clause requires the consent authority to consider if development adjoining the classified road corridor is sensitive to

noise or emissions and be located and designed accordingly. This consideration may apply to uses within the development, such as the motel, and these buildings should be appropriately designed to deal with highway noise (in addition to airport noise).

-Clause 104 of the SEPP provides controls for certain developments as listed in Schedule 3 of the SEPP. The concept proposal would meet the criteria within Schedule 3 and any development application would need to be referred to the RMS and their comments would need to be considered in the assessment of the application. It is also noted that the proposal would require approvals from the RMS under Section 138 of the Roads Act 1993 for access to the highway.

SEPP (State and Regional Development) 2011

This SEPP was made in September 2011 and contains provisions relating to state significant and regional development. The SEPP identifies the forms of development that are State Significant. 'Regional Development' is identified in Schedule 4A of the Environmental Planning and Assessment Act 1979. It is likely that the proposal would be regional development as it would involve either:

3 General development over \$20 million

Development that has a capital investment value of more than \$20 million.

4 Council related development over \$5 million

Development that has a capital investment value of more than \$5 million if:

(a) a council for the area in which the development is to be carried out is the applicant for development consent, or

(b) the council is the owner of any land on which the development is to be carried out,

or

(c) the development is to be carried out by the council, or

(d) the council is a party to any agreement or arrangement relating to the development (other than any agreement or arrangement entered into under the Act or for the purposes of the payment of contributions by a person other than the Council).

As such, it is likely that a development application (for the entire development at least) would be regional development and determined by the Joint Regional Planning Panel.

SEPP 33 – Hazardous and Offensive Development

This SEPP provides requirements for development that is hazardous or offensive development. The fuel and gas storage for the fuel facilities may need to be examined against the guidelines to determine if the proposed is potentially hazardous. The volumes of material stored have not been specified at this stage, however, it would appear that appropriate separation distances could be applied. Some consideration would also need to be made for the combined hazards of the fuel facilities in combination with the airport fuel storages.

SEPP 55 – Remediation of Land

This SEPP provides controls in relation to land contamination and remediation requirements. Relevant to the proposal, it is likely that some investigation would be required of the sites to determine if the land is contaminated, and if so, if the site is suitable for the proposed development or if remediation is required for the proposed uses.

7. Is the planning proposal consistent with applicable Ministerial Directions (Section 117 directions)?

The following assessment is provided regarding the consistency of the Planning Proposal with relevant Section 117 Directions. S117 Directions are only discussed where applicable. The Planning Proposal is consistent with all other S117 Directions or they do not apply.

1.1 Business and Industrial Zones

The Planning Proposal is consistent with the objectives of the Direction to encourage employment growth in suitable locations and to support the viability of identified strategic centres.

2.1 Environmental Protection Zones

The Planning Proposal is inconsistent with this Direction as it does not include provisions to facilitate the protection and conservation of environmentally sensitive areas. However, the inconsistency is considered to be of minor significance as the Moree Plains LEP 2011 already includes such provisions and this Planning Proposal is not affecting these existing provisions.

2.3 Heritage Conservation

The Planning Proposal is inconsistent with this Direction as it does not include provisions to facilitate the conservation of heritage items. However, the inconsistency is considered to be of minor significance as the Moree Plains LEP 2011 already includes such provisions and this Planning Proposal is not affecting these existing provisions.

3.4 Integrating Land Use and Transport

The Planning Proposal is consistent with this Direction as it is consistent with the aims, objectives and principles of the policy documents Improving Transport Choice – Guidelines for planning and development (DUAP 2001) and The Right Place for Business and Services – Planning Policy (DUAP 2001).

3.5 Development near Licensed Aerodromes

The land is in the vicinity of Moree airport. An appropriate obstacle limitation surface is included in Council's principal LEP. Further to this, additional provisions have been implemented in the principal LEP which address ANEF contours. Consultation will be undertaken with the Department of the Commonwealth responsible for aerodromes in accordance with this Direction.

6.1 Approval and Referral Requirements

The Planning Proposal is consistent with this Direction as it does not contain provisions requiring concurrence, consultation or referral.

Section C - Environmental, social and economic impact

8. 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 land has been developed for urban and airport-related purposes. Although it contains small amounts of native vegetation, these are in the nature of site landscaping, rather than habitat areas. Accordingly, it is not considered an assessment of significance is required or that there would be any adverse effects as a result of the proposal.

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

The subject site is not prone to flooding or bushfire. The proposal would generate some demands on existing urban services including water, waste, sewer and power. Also there would be increased traffic generation although this increase would be primarily from local traffic. The development would be strategically located to attract existing highway traffic. These matters would be managed through the development application process, as part of the normal processes of development assessment.

10. How has the planning proposal adequately addressed any social and economic effects?

The Planning Proposal will enable the subject land to be put to an alternative economic use in a manner consistent with local planning strategies and resulting in social and economic benefits to the community. The development would produce a net social benefit associated with broadening the range of commercial business in Moree. The development would have no impact on Aboriginal or European heritage areas.

Section D - State and Commonwealth interests

11. Is there adequate public infrastructure for the planning proposal?

Water, sewer, electricity, telecommunications and gas utilities are available to the land to service redevelopment under the proposed zoning. The site is readily accessible from the existing road network although some upgrades may be necessary.

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

Consultations will be undertaken upon the advice of the Gateway determination. It is anticipated that this will include the Roads and Maritime Service (formerly the RTA) and the Department of the Commonwealth responsible for aerodromes.

Part 4 - Community Consultation

Subject to Gateway support community consultation will involve an exhibition period of 14 days including written notification to adjoining landowners. The proposal would be publicly exhibited in the local newspaper and on Council's website.