

Planning Services

Gateway Determination Report

LGA	Cabonne Council
RPA	Cabonne Council
NAME	Cabonne LEP 2012 – allow an additional permitted use on Lot 30 DP 130510, corner of Market Street and Creosus Street, Molong, to permit a truck wash facility.
NUMBER	PP_2018_CABON_001_00
LEP TO BE AMENDED	Cabonne Local Environmental Plan 2012
ADDRESS	corner of Market Street and Creosus Street, Molong
DESCRIPTION	Lot 30 DP 130510
RECEIVED	6 March 2018
FILE NO.	IRF18/1012
QA NUMBER	
POLITICAL DONATION DISCLOSURE	N/A
LOBBYIST CODE OF CONDUCT DISCLOSURE	N/A
LAND RELEASE DATA	Type of release: N/A

INTRODUCTION

Description of Planning Proposal

To amend the Cabonne LEP 2012 to allow a truck wash facility as an additional permitted use on Lot 30 DP 130510, corner of Market Street and Creosus Street, Molong.

Site Description

The subject land is located 2.4km north of the Molong town centre. The lot is vacant farm land, situated on undulating grazing land, and is cleared of native vegetation. The site is owned by Cabonne Council. The land is zoned RU1 Primary Production under the Cabonne LEP 2012.

Surrounding Area

The site adjoins the Molong Sewerage Treatment Plant to the north, farm land to the east, the Mitchell Highway and generally undeveloped Large Lot Residential land to the south.

Site Plan



Summary of Recommendation

Proceed subject to conditions

It is recommended that the proposal should proceed subject to conditions.

PROPOSAL

Objectives or Intended Outcomes

The objective of this planning proposal is to allow a commercial truck wash facility as an additional permitted use on the subject site. The subject land is ideally located on the northern outskirts of the town of Molong, having frontage to the Mitchell Highway and being adjacent to the adjacent sewerage treatment plant enabling the environmental processing of the wastewater.

Explanation of Provisions

The proposed provisions in the planning proposal will achieve the intended outcomes by:

- Amending 'Schedule 1 – Additional permitted uses' of the Cabonne Local Environmental Plan 2012 to permit a truck wash upon Lot 30 DP 130510, Market Street, Molong subject to development consent.

The planning proposal will provide an accessible location for livestock transport vehicles, as part of a wider network of transport corridors, which will improve biosecurity and environmental safety to the State's agricultural activities.

Mapping

Adequate locality maps are included in the planning proposal to identify the subject land.

A condition will be imposed in the Gateway determination requiring the preparation of an additional permitted use map in accordance with the Departments Standard Technical Requirements for LEP Maps.

Council Report

Council resolved to support the planning proposal.

NEED FOR THE PLANNING PROPOSAL

The proposal identifies that the subject land is currently zoned RU1 Primary Production, and is situated adjacent to the Mitchell Highway (State Highway 7) and the Molong Sewerage Treatment Plant. Under the current zoning a commercial truck wash facility is not a permissible land use.

The planning proposal is required to amend the Cabonne LEP 2012 to allow a truck wash as an additional permitted use on the subject site. The proposal notes that Council has received grant funding from Transport for NSW under the Fixing Country Truck Washes program. Council has acquired the subject land due to its proximity adjacent to the existing Molong sewerage treatment plant, and the suitability of the site to contribute to the State's program to assist both local and long-haul transport operators maintain adequate bio security and waste management strategies.

STRATEGIC ASSESSMENT

State

N/A

Regional / District

The proposal has considered the Central West and Orana Regional Plan. The proposal is consistent with goal 1, the most diverse regional economy in NSW, direction 2 grow the agribusiness sector and supply chains. Although the outcome of the proposal will limit the use of RU1 Primary Production zone land for agriculture purposes, the proposal is considered minor in nature and will support the agriculture sector through providing associated transport infrastructure support.

Local

Blayney, Cabonne and Orange City Councils Sub-Regional Rural and Industrial Land Use Strategy 2008

As identified in the planning the sub strategy applies to rural, industrial and environmental zoned land. The strategy identifies the significance to the sub region of its agricultural and industrial sectors and the need to provide adequate infrastructure to support those industries and activities.

Cabonne 2025 Community Strategic Plan and the Cabonne 2012 Settlement Strategy

The proposal notes that the Cabonne Settlement Strategy adopted in 2012 identifies Molong as a rural service centre meeting the needs of a larger catchment that extends throughout the northern part of Cabonne.

The strategy also indicates the need for a potential buffer zone from the Molong Sewerage Treatment Plant (STP) and large lot residential development. Utilising the subject land for a truck wash provides for transport associated infrastructure with benefit of proximity to the STP.

The strategy identified land to the north of the Molong township in the vicinity of the subject site as future investigation as a Highway Related Service area. It was also noted that the area was a key entrance to Molong and requires improved design outcome to define the locality. The strategy supported in principle further investigation of the north Molong area to determine the potential for highway and light industrial land uses incorporating sound urban design and landscaping elements to protect the highway amenity on the approaches to the town.

Section 9.1 Ministerial Directions

1.2 Rural Zones

This Section 9.1 Direction applies to the subject lot as the planning proposal intends to allow an additional permitted use on RU1 Primary Production zoned land. The proposal will not allow the zoning of the land to change, it will however allow an additional permitted use that is currently not permitted in the zone. It is considered an appropriate additional permitted use in this context as it will allow for associated transport infrastructure to be developed to support the agriculture industry. There is an identified shortage (Transport for NSW) of truck wash facilities across NSW. This proposal is the result of a successful grant application from Transport for NSW to develop a truck wash in Molong. The proposal is minor in nature and compliments the

intended use of RU1 Primary Production zoned land. The Director Regions, Western can be satisfied that the proposal is consistent with this direction and no further work is required.

1.5 Rural Lands

This Section 9.1 Direction applies to the subject lot as the planning proposal intends to allow an additional permitted use on RU1 Primary Production zoned land. The outcome of the proposal will not result in the fragmentation of agricultural land. It is considered that the proposed additional permitted use of a truck wash facility is a compatible land use. There is an identified shortage (Transport for NSW) of truck wash facilities across NSW. This proposal is the result of a successful grant application from Transport for NSW to develop a truck wash in Molong. The proposal is minor in nature and compliments the intended use of RU1 Primary Production zoned land. The Director Regions, Western can be satisfied that the proposal is consistent with this direction and no further work is required.

3.4 Integrating Land Use and Transport

The planning proposal is consistent with this direction as it seeks to improve access to truck wash facilities in NSW. The proposal will support the intended future outcome of North Molong to be a Highway Related Service area. The proposal notes that Council has received grant funding from Transport for NSW under the Fixing Country Truck Washes program. The proposal will contribute to the State's program to assist both local and long-haul transport operators maintain adequate bio security and waste management strategies. Director Regions Western can be satisfied that the proposal is consistent with this Direction and no further work is required.

State Environmental Planning Policies

Rural Lands SEPP (2008)

The Rural Lands SEPP (2008) applies to the subject lot as the planning proposal intends to allow an additional permitted use on RU1 Primary Production zoned land. The proposal will not allow the zoning or minimum lot size of the land to change, it will however allow an additional permitted use that is currently not permitted in the zone. It is considered an appropriate additional permitted use in this context as it will allow for associated transport infrastructure to be developed to support the agriculture industry. Council have identified the subject lot as an opportunity to contribute to the State's program to assist both local and long-haul transport operators to maintain adequate bio security and waste management strategies. The proposal notes that Council has received grant funding from Transport for NSW under the Fixing Country Truck Washes program. Director Regions Western can be satisfied that the proposal is consistent with the objectives of the Rural lands SEPP (2008) and no further work is required.

SITE SPECIFIC ASSESSMENT

Social

Council has received grant funding from Transport for NSW under the Fixing Country Truck Washes program. The proposal will contribute to the State's program to assist both local and long-haul transport operators maintain adequate bio security and waste management strategies.

Environmental

The proposal does not involve clearing of any land or critical habitat. The objective of allowing a truck wash on the subject land to service both local and long-haul livestock trucking firms with a truck wash down facility, and the associated disposal of waste water and livestock effluent in an environmentally acceptable way (by waste water being treated at the adjacent sewerage treatment plant). The proposal will achieve environmental outcomes for the State by ensuring transport can be cleaned in an appropriate facility.

Economic

The proposal notes that the provision of a livestock truck wash will have economic benefit to local livestock transport businesses and the farms they service, as there will be cost savings resulting from accessing a local truck wash facility as an alternative to taking empty trucks to existing wash bay facilities currently associated with saleyard centres at Carocar, Forbes and Dubbo.

The land is Council owned.

Infrastructure

As identified in the proposal the site is serviced by road, water, sewer, electricity and telecommunications infrastructure. The site is located 230m west of Molong Creek and is located on a rise. The site is not subject to flooding and can be managed to address stormwater drainage. The site has vehicular access to Market Street and then to the Mitchell Highway. Access to the proposed truck wash is to be from the existing street access being Market Street. Consultation with RMS is to be undertaken to determine that authority's requirements for provision of safe intersection design.

CONSULTATION

Community

The planning proposal is considered to be a 'low impact proposal' for the purposes of public exhibition and it is considered appropriate that the proposal be exhibited for a minimum period of 28 days as an additional use is being proposed.

Written notification of the community consultation will be provided in a local newspaper and on Councils' website. In addition to this, any affected landowner/s will be notified in writing, as well as any Public Authorities, Government Agencies and other key stakeholders as determined by the Gateway Determination.

This is considered satisfactory.

Agencies

Additional consultation is also proposed with key government agencies and stakeholders during the public exhibition period. Specific government agencies and stakeholders include:

- Office of Environment & Heritage (OEH);
- Roads & Maritime Services;

TIMEFRAME

The proposed timeframe to complete the amendment is 12 months.

DELEGATION

It is considered inappropriate that Council be issued delegation to exercise plan making functions for this proposal as Council is the landowner.

CONCLUSION

The proposal notes that Council has received grant funding from Transport for NSW under the Fixing Country Truck Washes program. Council has acquired the subject land due to its proximity adjacent to the existing Molong sewerage treatment plant, and the suitability of the site to contribute to the State's program to assist both local and long-haul transport operators maintain adequate bio security and waste management strategies.

There is an identified truck wash shortage in NSW. The outcome of the proposal will have economic benefit to local livestock transport businesses and the farms they service, as there will be cost savings resulting from accessing a local truck wash facility as an alternative to taking empty trucks to existing wash bay facilities currently associated with saleyard centres at Carocar, Forbes and Dubbo. The proposal will assist in achieving environmental objectives to enable trucks to be washed in an approved facility.

The proposal will not allow the zoning of the land to change, it will however allow an additional permitted use that is currently not permitted in the zone. It is considered an appropriate additional permitted use in this context as it will allow for associated transport infrastructure to be developed to support the agriculture industry.

For these reasons, it is recommended that the proposal proceed subject to conditions.

ADDITIONAL INFORMATION

N/A

RECOMMENDATION

It is recommended that the delegate of the Minister for Planning, determine that the planning proposal should proceed subject to the following conditions:

1. Community consultation is required under sections 2.22 and 3.34(2)(c) 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 & Environment August 2016)*.
2. Consultation is required with the following public authorities under section 3.34(2)(d) of the Environmental Planning and Assessment Act, 1979:

- Office of Environment & Heritage (OEH)
- Roads & Maritime Services

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.

Prior to submission of the planning proposal under Section 3.36 of the *Environmental Planning and Assessment Act 1979* the final LEP maps must be prepared compliant with the Department's 'Standard Technical Requirements for Spatial Datasets and Maps 2015'.

3. A public hearing is not required to be held into the matter by any person or body under section 3.34(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).
4. The timeframe for completing the LEP is to be **12 months** from the week following the date of the Gateway determination.



29.3.18

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29.3.18

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