

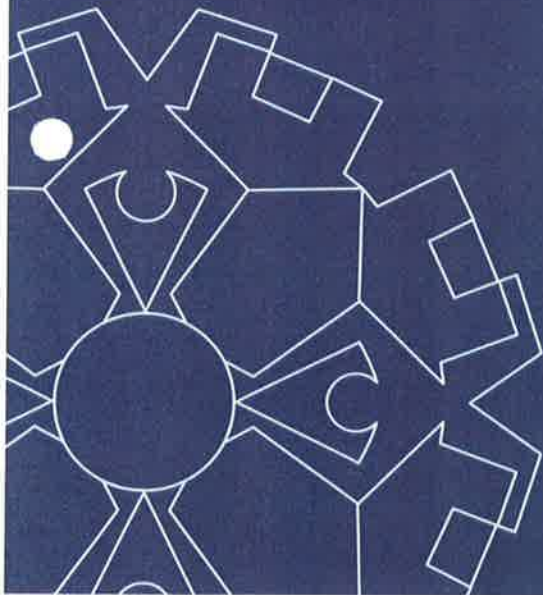


GEOLYSE

**PLANNING PROPOSAL
AMENDMENT TO WELLINGTON LOCAL ENVIRONMENTAL PLAN 2012**

PREPARED FOR
JOSCH HOLDINGS

FEBRUARY 2015



• Civil, Environmental & Structural Engineering • Surveying • Environmental • Planning • Architecture

PLANNING PROPOSAL

AMENDMENT TO WELLINGTON LOCAL ENVIRONMENTAL PLAN 2012

**PROPOSAL TO REZONE LAND AT LOT 1 DP819164, 4090 GOLDEN
HIGHWAY, ELONG ELONG FROM SP2 – INFRASTRUCTURE TO IN1 –
GENERAL INDUSTRIAL**

PREPARED FOR:

JOSCH HOLDINGS

FEBRUARY 2015



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The preparation of this report has been in accordance with the project brief provided by the client and has relied upon the information, data and results provided or collected from the sources and under the conditions outlined in the report.

All information contained within this report are/is prepared for the exclusive use of Josch Holdings to accompany this report for the land described herein and are not to be used for any other purpose or by any other person or entity. No reliance should be placed on the information contained in this report for any purposes apart from those stated therein.

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ABBREVIATIONS

Abbreviation	Full Name
PP	Planning Proposal
DP&E	NSW Department of Planning and Environment
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
SEPP	State Environmental Planning Policy
LEP	Local Environmental Plan
RMS	Roads and Maritime Services
AHD	Australian Height Datum
LGA	Local Government Area

Background

1.1 INTRODUCTION

Josch Holdings owns land and buildings in Elong Elong and seeks to use it for the purposes of machinery storage and mechanical servicing. The site has formerly been used by Graincorp for holding grain prior to loading to adjacent trains. Graincorp has disposed of the site as it is no longer required for storage purposes. Physical modifications to the site are required including constructing a gravel hardstand, installation of large access doors to the existing shed, construction of a security fence and minor works to an existing weighbridge.

The site is currently zoned SP2 –Infrastructure and permissible land uses identified via the *Wellington Local Environmental Plan 2012* (LEP) are limited to roads and railway activities, including works that are ordinary or incidental to these permitted uses. The proposed use is more closely aligned with the definition of a truck or transport depot and is therefore prohibited on the site. An amendment to the LEP is required to rezone the land to a suitable zone that would enable the proposed development to occur.

Clause 5.3 of the LEP enables development on sites near to zone boundaries for a permitted purpose in the adjacent zone. The adjacent zone is RU1 – Primary Production and therefore clause 5.3 would potentially enable the use of the land for a purpose that is permissible within the RU1 zone. A review of permitted land uses within the RU1 zone does not reveal a compatible land use that meets the needs of the applicant.

Initial discussions with Council's Director of Planning have revealed no in-principle objections to the proposal and therefore this Planning Proposal has been prepared to facilitate the amendment.

The subject site is described as Lot 1 DP819164, 4090 Golden Highway, Elong Elong – refer **Figure 1**. The site has an area of 1.9 hectares and a frontage to Golden Highway of 310 metres. The site is bounded to the north by the Dubbo Merrygoen Railway Line which is managed on behalf of Transport for New South Wales (TfNSW) by the Australian Rail Track Corporation (ARTC). The site is understood to have commenced use for grain storage in around the 1950's after which it was used by Graincorp for general storage. It is understood to have been largely unused for at least the last 10 years.

It is proposed to amend the LEP via a change to the Land Use Zoning Map that would change the zoning from SP2 - Infrastructure to IN1 – General Industrial.

Access to the site is via an existing gravel formed driveway linking to the Golden Highway. In this location the Golden Highway has a posted speed limit of 100 kilometres per hour. The access has good sight distances in each direction, in excess of 300 metres to the east and 800 metres to the west.

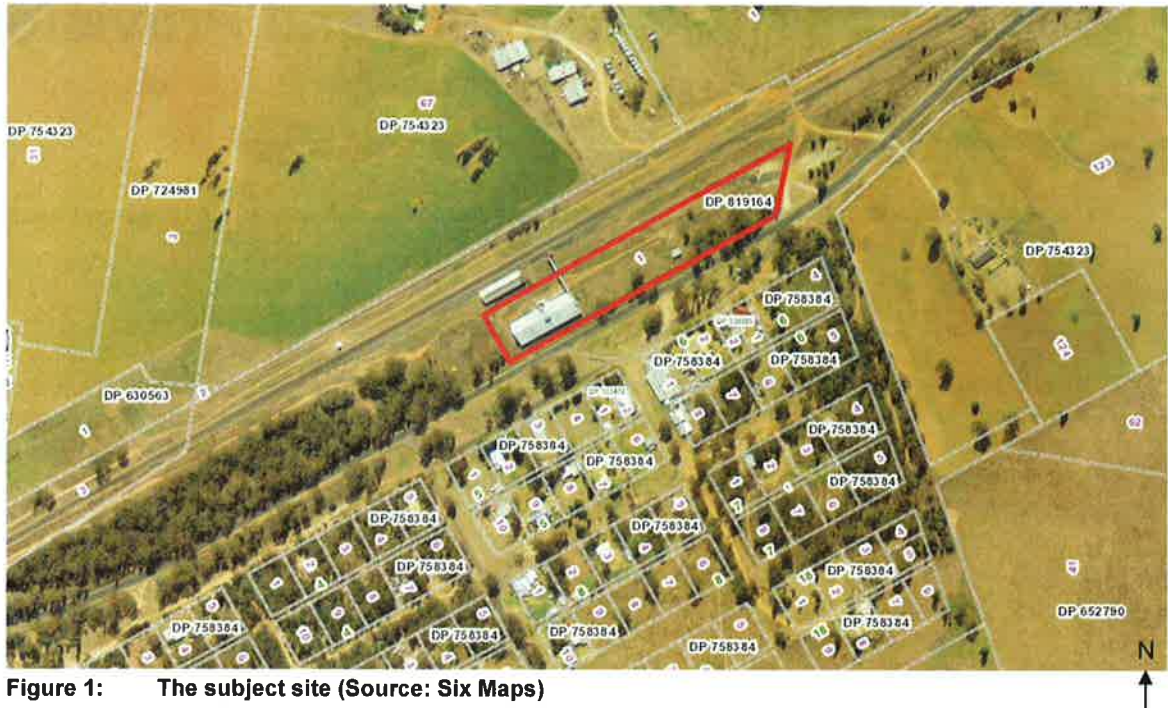


Figure 1: The subject site (Source: Six Maps)

Intent and Provisions

2.1 OBJECTIVE

To enable use and development of the land for the purposes of machinery storage and mechanical servicing.

2.2 EXPLANATION OF PROVISIONS

This is simple planning proposal to amend the LEP to change the zoning of the subject site from SP2 – Infrastructure (Railway) to IN1 – General Industrial. A future development application or complying development certificate would be required to change the approved use of the land and enable proposed physical modifications to the site and buildings.

Justification

3.1 NEED FOR THE PLANNING PROPOSAL

A planning proposal is required as land is proposed to be rezoned. Wellington does not yet have a land use strategy to identify the level of demand for industrial land within the Shire. In the absence of this, it is difficult to determine whether adequate supply exists in the market to satisfy demand.

The proponents of the scheme have been unable to find an alternative site within the locality that offers the same area of land, quality of existing infrastructure, access to transport and value for money as the subject site. This suggests that demand is not currently meeting supply and provides a rational basis for the proposal.

3.2 RELATIONSHIP TO STRATEGIC PLANNING FRAMEWORK

As noted, there is no overarching planning framework for the provision of industrial land within the Wellington Shire.

Discussions with Council have not revealed any in principle objections to the planning proposal. Not proceeding with the planning proposal would result in the land continuing to lie vacant (as it has done for at least the last 10 years) until such time as a railway use is found to make use of the land; this is considered unlikely.

A review of environmental planning instruments (EPI) applying to the site confirms that the planning proposal does not conflict with the principles of any EPI.

As the size or capacity of the site is less than 5,000 square metres the development would not constitute traffic generating development pursuant to clause 104 and Schedule 3 of the *State Environmental Planning Policy (Infrastructure) 2007* (ISEPP), would not affect the safe operation of the adjacent classified road as per ISEPP clause 101 and would not result in any adverse effects on rail safety as per ISEPP clause 85.

A review of the Section 117 Ministerial Directives identifies that the planning proposal has the potential to be affected by two directions; these are:

- Directive 1.1 - Business and Industrial zones
- Directive 6.1 Approval and referral requirements

3.2.1 DIRECTIVE 1.1 – BUSINESS AND INDUSTRIAL ZONES

The objectives of this direction are:

The objectives of this direction are to:

- (a) encourage employment growth in suitable locations,*
- (b) protect employment land in business and industrial zones, and*
- (c) support the viability of identified strategic centres.*

This direction applies where:

This direction applies when a relevant planning authority prepares a planning proposal that will affect land within an existing or proposed business or industrial zone (including the alteration of any existing business or industrial zone boundary).

The planning proposal affects land that would be within a proposed industrial zone and therefore the directive is applicable.

To be compliant with the directive a planning proposal must:

- (a) give effect to the objectives of this direction,*
- (b) retain the areas and locations of existing business and industrial zones,*
- (c) not reduce the total potential floor space area for employment uses and related public services in business zones,*
- (d) not reduce the total potential floor space area for industrial uses in industrial zones, and*
- (e) ensure that proposed new employment areas are in accordance with a strategy that is approved by the Director-General of the Department of Planning.*

The planning proposal is compliant with points a – d and is inconsistent with point e, as no strategy has been prepared as applying to the area. A planning proposal may be inconsistent with a direction for a number of reasons, including that it is of minor significance. The amendment relates to one parcel of land that is currently surplus to needs and unlikely to return to a railway related use. An amendment to the LEP would enable its use and is consistent with the objectives of the directive and compliant with the majority of the provisions of the directive.

3.2.2 DIRECTION 6.1 – APPROVAL AND REFERRAL REQUIREMENTS

The objective of this direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development and the direction applies to all relevant planning authorities when a planning proposal is prepared.

A planning proposal must be substantially consistent with the following terms of the direction:

- (a) minimise the inclusion of provisions that require the concurrence, consultation or referral of development applications to a Minister or public authority, and*
- (b) not contain provisions requiring concurrence, consultation or referral of a Minister or public authority unless the relevant planning authority has obtained the approval of:*
 - (i) the appropriate Minister or public authority, and*
 - (ii) the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General), prior to undertaking community consultation in satisfaction of section 57 of the Act, and*
- (c) not identify development as designated development unless the relevant planning authority:*
 - (i) can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the class of development is likely to have a significant impact on the environment, and*
 - (ii) has obtained the approval of the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) prior to undertaking community consultation in satisfaction of section 57 of the Act.*

The planning proposal is consistent with the above terms.

3.3 ENVIRONMENTAL, SOCIAL AND ECONOMIC IMPACTS

The land is not identified as containing any known sensitive environmental features that would preclude the use of the site as proposed. There is a small stand of trees in the eastern extent of the site however these are not mapped as sensitive biodiversity and they would be retained via the proposed future use. Given the longstanding historical storage use and level of existing disturbance, the site is not known or anticipated to contain any critical habitat or threatened species, populations or ecological communities, or their habitats.

The site is not known to contain bush fire or flood prone land. The site is not known to contain any sites or examples of Aboriginal or non-Aboriginal heritage significance.

A review of available information confirms that historical use of the site has been for grain storage while more recent use (over the last few decades) has been for ad hoc storage by Graincorp. It is unlikely that either of this land use would give rise to any contamination issues.

Upgrade and modification of the site would be carried out in accordance with the relevant provisions of the Building Code of Australia, thereby ensuring no detrimental impacts to future users.

It would appear that the proposed use is broadly compatible with storage use of the site over the last few decades. Overall, bringing the site back into formal use has positive flow on benefits for the economy of the village of Elong Elong.

3.4 STATE AND COMMONWEALTH INTERESTS

The site is currently serviced by electricity and telecommunications services. Potable water is via on site harvesting of roof water and storage on site. Effluent disposal is via an existing on site management system. The nature of the proposed use is of a low scale depot style development that would be not result in any significant demand on the above services. It is considered that, subject to inspection and confirmation of the adequacy of the effluent system, that the existing services would be sufficient to serve the future industrial use of the site.

The site has an area of approximately 1.9 hectares and features a former grain storage building with a gross floor area of approximately 1,800 square metres. On the basis that the size or capacity of the building is less than 5,000 square metres it is understood that a future DA would not be considered traffic generating development. However given the access to the site is directly from a classified road, and in discussion with Council, it was deemed prudent to liaise with Roads and Maritime Services to seek any comments on the proposal. Full details of the proposal have been sent to Roads and Maritime Western Region and they have provided a response confirming no in principle objections, subject to several recommendations – refer **Appendix A**. The proponent has no objections to these recommendations.

The proponent anticipates that traffic generation associated with the future use of the site would be in the order of 1 light and 2 heavy vehicles visiting the site per day, equating to 2 light movements and 4 heavy movements. Considering the historical use of the site for grain storage, it is considered that the proposed use would have a significantly lower impact than the historical use.

It is not considered that the minor change proposed via this planning proposal would conflict with any State or Commonwealth interests. The views of State and commonwealth public authorities would be ascertained via the Gateway Determination.

Community Consultation

4.1 TYPE OF COMMUNITY CONSULTATION REQUIRED

Given the minor nature of the proposal, and the relative localised nature of any impacts, it is considered that the planning proposal is a low impact proposal and that a public exhibition period of 14 days is required. It is recommended that the planning proposal be publically exhibited for 14 days via the local newspaper and the Council's website.

References

NSW Department of Planning (DP&E). 2009a, A Guide to Preparing Local Environmental Plans, DP&E, Sydney.

NSW Department of Planning (DP&E). 2009a, A Guide to Preparing Planning Proposals, DP&E, Sydney.

Figures

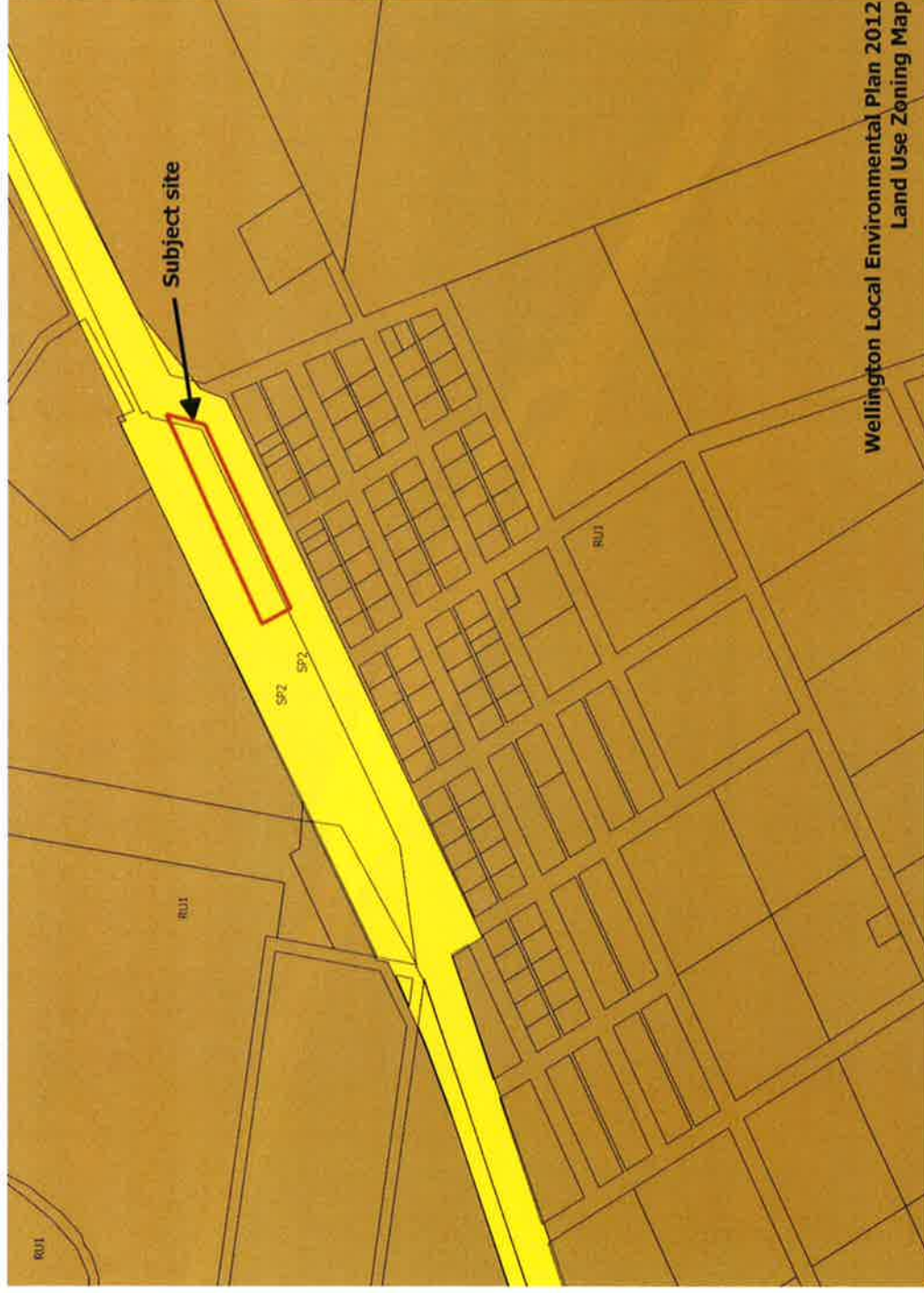


Figure 2: Existing land use zoning

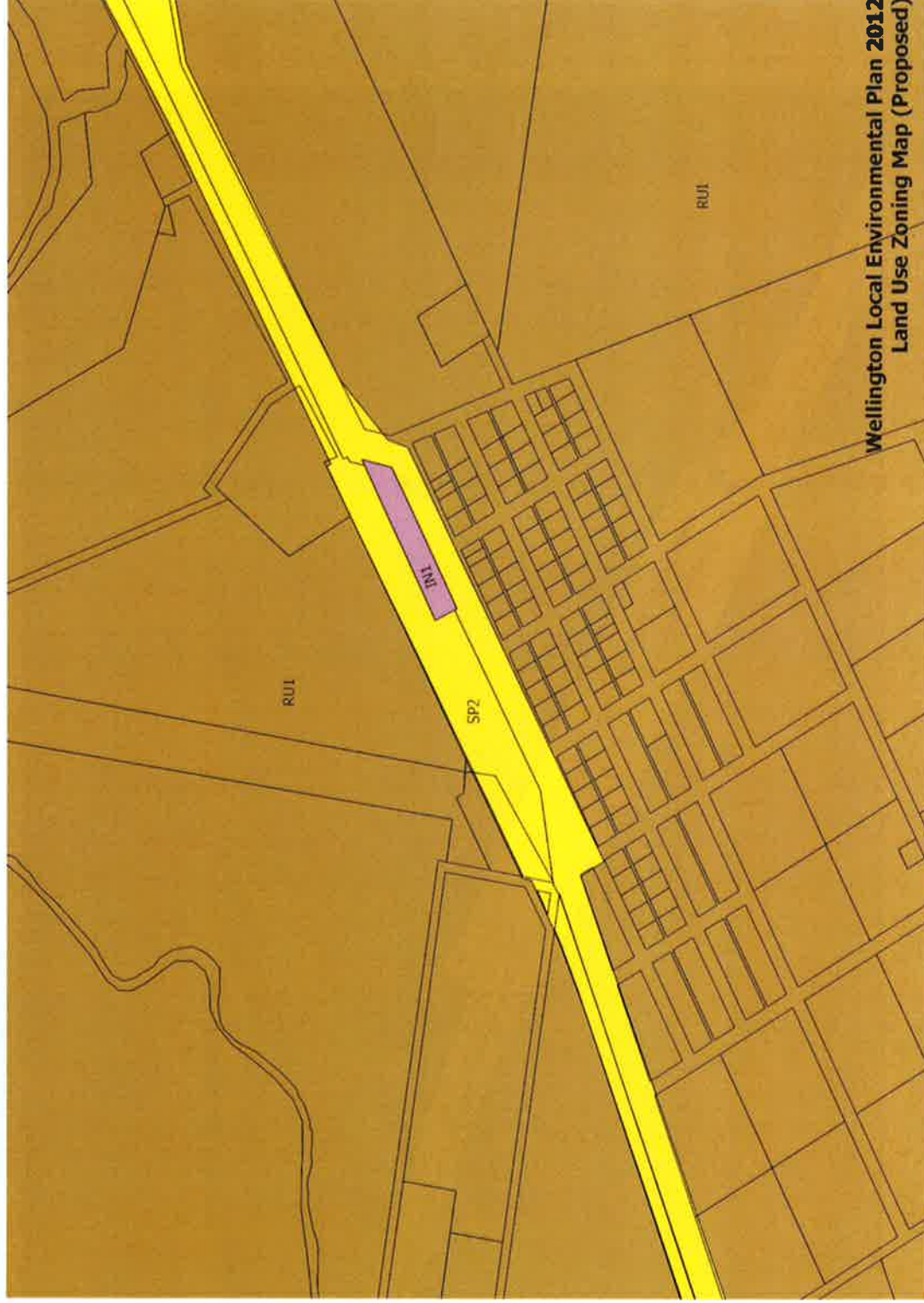


Figure 3: Proposed land use zoning

Appendix A

ROADS AND MARITIME SERVICES CORRESPONDENCE



SF2015/011691; WST15/00020

David Walker
Geolyse
PO Box 1963
ORANGE NSW 2800

Dear Mr Walker

**Planning Proposal: Lot 1 DP 819164; 4090 Golden Highway (HW27), Elong Elong;
Proposed amendment to Wellington Local Environmental Plan 2012**

Thank you for your email on 5 February 2015 seeking Roads and Maritime comments in relation to a proposed amendment to the Wellington Local Environmental Plan 2012 (LEP).

It is noted the proposal involves rezoning land from SP2 Infrastructure (Railways) to IN1 (General Industrial). The site was formerly used as a grain storage facility. The site has recently been sold and the new owner wishes to operate a machinery service and storage business. To enable this land use activity, the zoning of the land needs to change.

Roads and Maritime raises no objection to the proposed amendment to the LEP.

It is understood that when a development application is lodged for the use of the land as a machinery service and storage business, a referral to Roads and Maritime under Clause 104 of *State Environmental Planning Policy (Infrastructure) 2007* may not be warranted. The subject land gains vehicular access from the Golden Highway (HW27) via at least two possibly three access points. In the interests of road safety and traffic efficiency, the following is recommended:

- Access from the Golden Highway to the subject land and to a rural property to the north of the site is consolidated into one single access point.
- Safe Intersection Sight Distance (SISD) is provided in both directions at the combined access point. For a 100km/h speed zone SISD is 250 metres.
- The access point is constructed and maintained in accordance with Part 4A *Austrroads Guide to Road Design 2010*.

Roads & Maritime welcomes the opportunity to comment on the proposed amendment and looks forward to providing final comments upon completion of the Planning Proposal.

Should you require any further information please contact Andrew McIntyre on
(02) 6861 1453

Yours faithfully



12 FEB 2015

Susie Mackay
Network & Safety Manager
Western

cc General Manager
Wellington Council
PO Box 62
WELLINGTON NSW 2820

ATTACHMENT 1 - INFORMATION CHECKLIST

▶ STEP 1: REQUIRED FOR ALL PROPOSALS

(under s55(a) - (e) of the EP&A Act)

- | | |
|--|--|
| <ul style="list-style-type: none"> Objectives and intended outcome Mapping (including current and proposed zones) Community consultation (agencies to be consulted) | <ul style="list-style-type: none"> Explanation of provisions Justification and process for implementation (including compliance assessment against relevant section 117 direction/s) |
|--|--|

STEP 2: MATTERS – CONSIDERED ON A CASE BY CASE BASIS

(Depending on complexity of planning proposal and nature of issues)

PLANNING MATTERS OR ISSUES	To be considered	N/A	PLANNING MATTERS OR ISSUES	To be considered	N/A
Strategic Planning Context			- Resources (including drinking water, minerals, oysters, agricultural lands, fisheries, mining) - Sea level rise	☐ ☐	☒ ☒
- Demonstrated consistency with relevant Regional Strategy - Demonstrated consistency with relevant Sub-Regional strategy - Demonstrated consistency with or support for the outcomes and actions of relevant DG endorsed local strategy - Demonstrated consistency with Threshold Sustainability Criteria	☐ ☐ ☐ ☐	☒ ☒ ☒ ☒	Urban Design Considerations		
Site Description/Context			- Existing site plan (buildings vegetation, roads, etc) - Building mass/block diagram study (changes in building height and FSR) - Lighting impact - Development yield analysis (potential yield of lots, houses, employment generation)	☐ ☐ ☐ ☐	☒ ☒ ☒ ☒
- Aerial photographs - Site photos/photomontage	☒ ☐	☐ ☒	Economic Considerations		
Traffic and Transport Considerations			- Economic impact assessment - Retail centres hierarchy - Employment land	☐ ☐ ☒	☒ ☒ ☐
- Local traffic and transport - TMAP - Public transport - Cycle and pedestrian movement	☒ ☐ ☐ ☐	☐ ☒ ☒ ☒	Social and Cultural Considerations		
Environmental Considerations			- Heritage impact - Aboriginal archaeology - Open space management - European archaeology - Social & cultural impacts - Stakeholder engagement	☐ ☐ ☐ ☐ ☐ ☐	☒ ☒ ☒ ☒ ☒ ☒
- Bushfire hazard - Acid Sulphate Soil - Noise impact - Flora and/or fauna - Soil stability, erosion, sediment, landslip assessment, and subsidence - Water quality - Stormwater management - Flooding - Land/site contamination (SEPP55)	☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐	☒ ☒ ☒ ☒ ☒ ☒ ☒ ☒ ☒ ☐	Infrastructure Considerations		
			Infrastructure servicing and potential funding arrangements	☐	☒
			Miscellaneous/Additional Considerations		
			<i>List any additional studies</i>		



Notes



Notes

A series of horizontal lines for taking notes, alternating between solid and dashed lines.

