

Bogan Local Environmental Plan 2011 - Proposed Highway Service Centre, Mitchell Highway, Nyngan

Proposal Title :	Bogan Local Environmental Plan 2011 - Proposed Highway Service Centre, Mitchell Highway, Nyngan		
Proposal Summary :	Rezone land forming part of the rail corridor, south of the Mitchell Highway, Nyngan from SP2 Rail Infrastructure Facilities to B6 Enterprise Corridor to allow development of a Highway Service Centre on the land.		
PP Number :	PP_2014_BOGAN_002_00	Dop File No :	14/16293-1

Proposal Details

Date Planning Proposal Received :	25-Sep-2014	LGA covered :	Bogan
Region :	Western	RPA :	Bogan Shire Council
State Electorate :	BARWON	Section of the Act :	55 - Planning Proposal
LEP Type :	Spot Rezoning		

Location Details

Street :	Mitchell Highway		
Suburb :	Nyngan	City :	Nyngan
		Postcode :	2825
Land Parcel :			

DoP Planning Officer Contact Details

Contact Name :	Jessica Holland
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RPA Contact Details

Contact Name :	Tim Riley
Contact Number :	0268359000
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DoP Project Manager Contact Details

Contact Name :	Wayne Garnsey
Contact Number :	0268402180
Contact Email :	wayne.garnsey@planning.nsw.gov.au

Land Release Data

Growth Centre :	Release Area Name :
Regional / Sub Regional Strategy :	Consistent with Strategy :

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MDP Number :

Date of Release :

Area of Release
(Ha) :

Type of Release (eg
Residential /
Employment land) :

No. of Lots : 0

No. of Dwellings : 0
(where relevant) :

Gross Floor Area : 0

No of Jobs Created : 20

The NSW Government Lobbyists Code of
Conduct has been
complied with : **Yes**

If No, comment :

Have there been meetings or
communications with
registered lobbyists? : **No**

If Yes, comment :

Supporting notes

Internal Supporting
Notes :

External Supporting
Notes :

Adequacy Assessment

Statement of the objectives - s55(2)(a)

Is a statement of the objectives provided? **Yes**

Comment : **The statement of objectives clearly states the purpose of the planning proposal is to rezone land in the town of Nyngan that currently forms part of the railway corridor to permit a highway service centre and associated ancillary highway business and rest-stop facilities.**

Explanation of provisions provided - s55(2)(b)

Is an explanation of provisions provided? **Yes**

Comment : **The explanation of provisions clearly states that the objective of the planning proposal will be achieved by amending the land use zone on Land Zoning Map LZN_008A for the subject land from SP2 Rail Infrastructure Facilities to B6 Enterprise Corridor.**

This is considered the most appropriate option to achieve the proposed outcome.

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **Yes**

b) S.117 directions identified by RPA :

* May need the Director General's agreement

1.1 Business and Industrial Zones

2.3 Heritage Conservation

3.4 Integrating Land Use and Transport

4.1 Acid Sulfate Soils

4.3 Flood Prone Land

4.4 Planning for Bushfire Protection

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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 32—Urban Consolidation (Redevelopment of Urban Land)
SEPP No 33—Hazardous and Offensive Development
SEPP No 55—Remediation of Land
SEPP No 64—Advertising and Signage
SEPP (Exempt and Complying Development Codes) 2008
SEPP (Infrastructure) 2007

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 :

1.1 Business and Industrial Zones - The Ministerial Direction is relevant as the Planning Proposal relates to a proposed business zone. The Proposal is consistent with the Direction and gives effect to the objectives of the Direction by providing additional opportunities for employment growth and supporting the viability of Nyngan within the regional hierarchy identified within the Western Councils Sub Regional Land Use Strategy.

2.3 Heritage Conservation - The Ministerial Direction requires the Planning Proposal to contain provisions that facilitate heritage conservation. The Planning Proposal identifies a heritage item located over 200 metres from the site, within Nyngan township. The proposal is consistent with the Direction, will not impact on the item and does not change local heritage provisions.

3.4 Integrating Land Use and Transport - The Ministerial Direction is relevant as the Planning Proposal affects land in the urban area of Nyngan currently zoned SP2 Rail Infrastructure Facilities. The Planning Proposal is consistent with the Direction and provides for the efficient movement of freight through the provision of services which support transport operations.

4.3 Flood Prone Land - The Ministerial Direction is relevant where a Planning Proposal creates, removes or alters a zone or a provision that affects flood prone land. The subject land is situated within the levee in the Nyngan urban area and is not identified as flood prone land. The Direction does not apply to the Planning Proposal.

4.4 Planning for Bushfire Protection - The Ministerial Direction is relevant where a Planning Proposal affects or is in proximity to land mapped as bushfire prone land. The subject land is situated within the urban area of Nyngan and is not identified as bush fire prone land on a map prepared under section 146 of the Act. The Direction does not apply to the Planning Proposal.

6.3 Site Specific Provisions - The Ministerial Direction is relevant because the Planning Proposal seeks to amend the Bogan LEP 2011 to permit the development of a Highway Service Centre on the land. The Planning Proposal is consistent with the Direction as it seeks to zone the site B6 Enterprise Corridor which allows the land use to be carried out with consent. No additional development standards or requirements in addition to those already contained within the Bogan LEP 2011 are proposed.

SEPP 33 Hazardous and Offensive Development - The SEPP requires the preparation of a preliminary hazard analysis where a development application is prepared for a potentially hazardous industry. A highway service centre is considered to be a potentially hazardous industry as it may contain a service station (source of hazard liquid/fuel leaks). There are no further requirements to address as part of the Planning Proposal to rezone the land and this issue will be considered at Development Application stage.

SEPP 55 Remediation of Land - The SEPP requires the potential for land to be contaminated as a consideration in the preparation of an EPI. The Planning Proposal identifies the historic use of the land for a liquid fuel depot, accordingly the land is likely to be identified for the purpose of SEPP 55. A copy of the report detailing the findings of the preliminary site investigation will be made publicly available during the public exhibition of the planning proposal.

SEPP 64 Advertising and Signage - The SEPP provides a range of objectives relating to the appropriate display of advertising and signage. The Planning Proposal identifies the SEPP as relevant to future development on the subject land. There are no matters for consideration as part of the Planning Proposal.

SEPP (Exempt and Complying Development Codes) 2008 - The SEPP aims to streamline development assessment process for development that complies with particular standards. The Planning Proposal identified the SEPP as relevant to future development on the subject land. There are no matters for consideration as part of the Planning Proposal and are matters for consideration by Council at Development Application stage.

SEPP (Infrastructure) 2007 - The SEPP aims to facilitate the effective delivery of infrastructure across the State. The Planning Proposal states that there are no conflicts identified with the use of adjoining land for road and rail uses resulting from the proposed rezoning. There are no considerations required under the provisions of the SEPP, though referral to relevant agencies will be a condition of the Gateway Determination in respect of the adjoining rail and road infrastructure.

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : **Adequate locality maps are provided. A condition will be imposed on the Gateway Determination requiring the preparation of an amending Land Zoning Map LZN_008A in accordance with the standard technical requirements for LEP maps.**

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : **Council's proposed community consultation is acceptable. Council intends to publicly exhibit the Planning Proposal for a period of 28 days.**

Council proposes community consultation that will include notification on Council's website and within the local newspaper in addition to written notification to the adjacent landowners.

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 :

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Proposal Assessment

Principal LEP:

Due Date : **December 2011**

Comments in
relation to Principal
LEP :

Bogan Local Environmental Plan 2011 was notified on 9 December 2011.

Assessment Criteria

Need for planning
proposal :

The Planning Proposal is required to permit the development of a Highway Service Centre on the subject land. The land is currently zoned SP2 Rail Infrastructure Facilities, the proposed development is prohibited in this zone. The Planning Proposal seeks to rezone land zone B6 Enterprise Corridor, the proposed land use is permissible with consent within this zone.

Consistency with
strategic planning
framework :

The Planning Proposal is consistent with the endorsed Western Council's Land Use Strategy. Section 10.6 addresses commerce within the Bogan Shire and states that the northern side of the rail line on Nymagee Street has the potential to supply Nyngan an enterprise corridor type development. The Planning Proposal relates to this direction and seeks to rezone of the subject land from zone SP2 Rail Infrastructure Facilities to zone B6 Enterprise Corridor.

The proposal would provide additional opportunities for appropriate commercial development within close proximity to existing business zones. It will create employment opportunities and encourage investment, reinforcing Nyngan's role in the Sub-Regional hierarchy.

Environmental social
economic impacts :

The subject site is an undeveloped area of land within the rail corridor adjoining the Mitchell Highway. The Planning Proposal and Council considers that there is no likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats would be adversely affected as a result of the proposal.

The site is not affected by Bush Fire, Flooding, Biodiversity or identified as being of heritage significance under the Bogan LEP 2011.

Land adjacent to the subject site to the north is zone IN1 General Industrial and zone B6 Enterprise Corridor. Accordingly, the Planning Proposal does not impact on residential land uses and does not detract from residential amenity.

The proposed business zone is consistent with the surrounding land uses and will provide opportunities for appropriate commercial development within the locality.

Assessment Process

Proposal type :	Consistent	Community Consultation Period :	28 Days
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Timeframe to make LEP :	12 months	Delegation :	RPA
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Public Authority Consultation - 56(2) (d) :	Transport for NSW - Roads and Maritime Services Other
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Is Public Hearing by the PAC required? **No**

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

If no, provide reasons :

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

If Yes, reasons :

Identify any additional studies, if required. :

Other - provide details below

If Other, provide reasons :

Additional studies to be completed as necessary to comply with SEPP 55 Remediation of Land.

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 Team Recommendation

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

S.117 directions:

- 1.1 Business and Industrial Zones**
- 2.3 Heritage Conservation**
- 3.4 Integrating Land Use and Transport**
- 4.1 Acid Sulfate Soils**
- 4.3 Flood Prone Land**
- 4.4 Planning for Bushfire Protection**

Additional Information : **1.Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 (EP&A Act) 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).**

2. Consultation is required with the following public authority under section 56(2)(d) of the EP&A Act and/or to comply with the requirements of relevant S117 Directions:
- NSW Roads and Maritime Services
- John Holland Pty Ltd, on behalf of the NSW Country Rail Infrastructure Authority

3. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&A Act. 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. Prior to submission of the Planning Proposal under section 59 of the EP&A Act a Land Zoning Map that applies to the subject land is to be prepared compliant with the

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Department's "Standard technical requirements for LEP Maps".

5. The timeframe for completing the LEP is to be 12 months from the week following the date of the Gateway determination.

Supporting Reasons :

The Planning Proposal seeks to facilitate business/commercial development by rezoning the subject land from zone SP2 Rail Infrastructure Facilities to zone B6 Enterprise Corridor. This application is supported by the Western Council's Sub-regional Land Use Strategy endorsed by the Department on 26 February 2010.

The approval of this Planning proposal would result in an amendment to the Bogan LEP 2011 by amending Land Zoning Map LZN_008A.

The Planning Proposal has been prepared in accordance with 'A guide to preparing planning proposals (July 2012)' and is consistent with the ongoing assessment and advice of the Bogan Shire planning staff to ensure that all necessary research has been undertaken, documented and addressed for the purposes of demonstrating suitability of the site for the proposed land use(s).

Signature:



Printed Name:

Jessica Holland

Date:

16.10.14