

Planning Services

Gateway determination report

LGA	Moree Plains
PPA	Moree Plains Shire Council
NAME	Additional permitted use for a concrete works at 74 Drive In Road, Moree (0 homes, 40 jobs)
NUMBER	PP_2019_Moree_001_00
LEP TO BE AMENDED	Moree Plains LEP 2011
ADDRESS	74 Drive In Road, Moree
DESCRIPTION	Lot 319 DP 751780
RECEIVED	28 February 2019
FILE NO.	EF19/4522
POLITICAL DONATIONS	There are no donations or gifts to disclose and a political donation disclosure is not required
LOBBYIST CODE OF CONDUCT	There have been no meetings or communications with registered lobbyists with respect to this proposal

INTRODUCTION

Description of planning proposal

The proposal seeks to identify a concrete works as an additional permitted use under Schedule 1 of Moree Plains LEP 2011 at 74 Drive In Road, Moree. The concrete works is intended to produce railway sleepers for the Melbourne to Brisbane Inland Rail project along with other general moulded concrete products.

Site description

The site is approximately 5.5 hectares of undeveloped light industrial land, generally cleared with only minor and scattered vegetation, is relatively flat and currently contains a single dwelling. The site adjoins the Moree general industrial area and the Inverell rail corridor to the south, the Moree light industrial area to the west, a fertiliser manufacturing plant and concrete batching facility to the west and vacant light industrial land to the north. Further to the north (approximately 270m) is a small residential area (Figure 1).

Existing planning controls

The site is currently zoned IN2 Light Industrial under Moree LEP 2011 (Figure 2). The LEP applies no lot size, height or floor space ratio controls to the land. It is noted that land is within the obstacle limitation surface (OLS) area for Moree airport identified under the LEP. The OLS for the site is 250m AHD and it is understood that no change to the OLS controls will be necessary to facilitate the proposal.

Summary of recommendation

Proceed with conditions

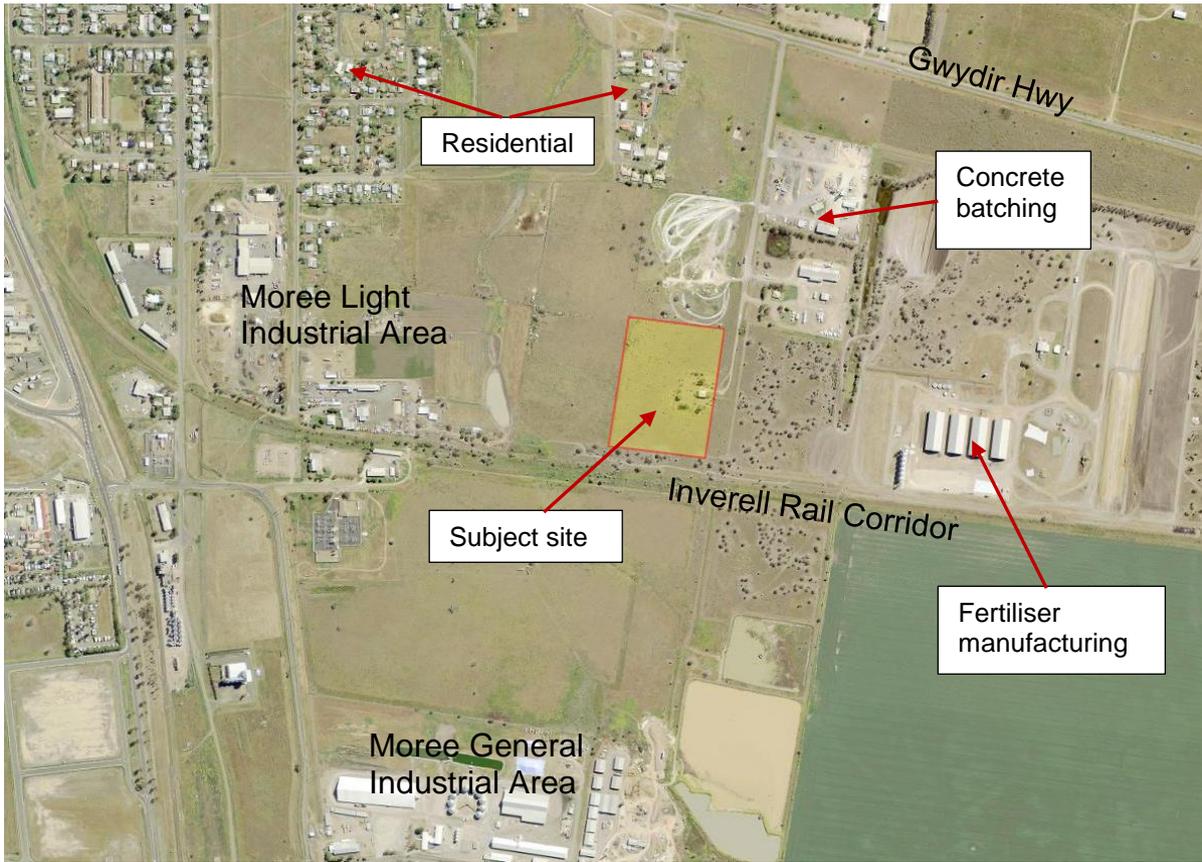


Figure 1 – Locality Plan



Figure 2 - Zoning

PROPOSAL

Objectives or intended outcomes

The planning proposal satisfactorily outlines the objective to permit 'concrete works' as an additional permitted use on the subject land.

Explanation of provisions

The planning proposal satisfactorily outlines the LEP amendments required to facilitate the additional permitted use, including the changes necessary to Schedule 1 of Moree LEP 2011.

Mapping

No LEP map changes are required to facilitate the proposal. The planning proposal includes a zoning / locality map that is considered satisfactory for agency and community consultation.

NEED FOR THE PLANNING PROPOSAL

The proposal is not the result of a strategic study or report and has arisen due to increased development opportunities associated with the proposed Melbourne-Brisbane inland rail project.

The proposal is needed to facilitate the development of the site for a concrete works that will produce railway sleepers for the inland rail project along with other general moulded products. The site has been selected by the proponent as the concrete works requires direct access to the rail network for shipment of their products, which can be provided by the recently refurbished spur line in the Inverell railway corridor along the southern boundary of the site. It was also noted in the site selection process that the facility would be similar in nature to other heavy industries such as an existing concrete batching plant and fertiliser manufactory facility that are directly adjacent to the land.

Concrete works are defined as 'heavy industry' under Moree Plains LEP 2012. Heavy industries are prohibited in the IN2 Light Industrial Zone applying to the land and the proposal is needed to facilitate the proposal. The proposal is considered to be necessary and the best means for achieving the intended outcomes.

STRATEGIC ASSESSMENT

State

The proposal is considered to be consistent with the State planning framework.

Regional / District

The proposal is considered to be consistent with the NENW Regional Plan 2036 except in regard to Action 3.2 and Action 11.2 as the site is identified as containing biophysical strategic agricultural land (Figure 3) and potential high environmental value (Figure 4). These inconsistencies are considered to be of minor significance due to:

- the small area of land (5.5ha) involved;
- the relatively cleared nature of the site;
- the land is not used at present for any meaningful agricultural activity; and
- as the land is already zoned for light industrial purposes.

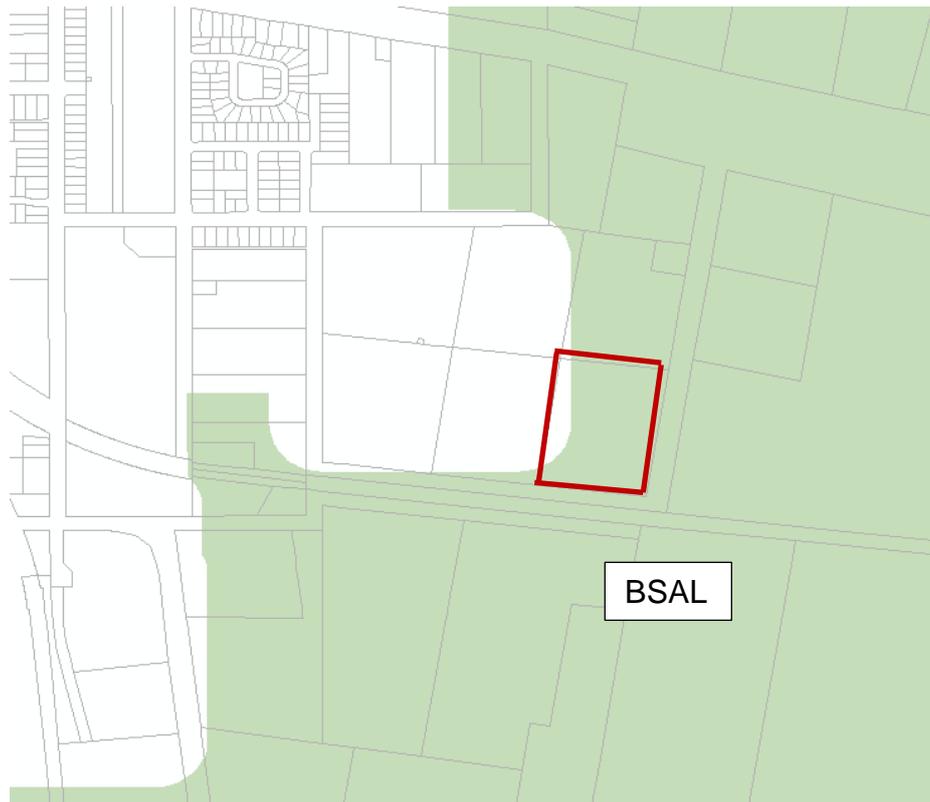


Figure 3 – Biophysical Strategic Agricultural Land (BSAL)

Local

Council's Department approved Local Growth Management Strategy 2009 currently identifies the land as being potentially rezoned in the future for rural purposes due to a perceived oversupply of industrial land. The land north of the Inverell Rail corridor was also recommended as light industrial to act as a transition area between industrial and residential areas and to better reflect the existing nature of industrial uses in the James Street area of East Moree. The Strategy however highlights that should the Inland Rail project come to fruition, further detailed study and work would be required in relation to industrial lands in Moree.

The inconsistency of the proposal with Council's local strategy is considered to be of minor significance as:

- a number of heavy industries already exist and operate in the immediate vicinity of the site;
- the railway spur line within the Inverell railway corridor has recently been refurbished and provides new development opportunities for industrial development adjoining the line and it is important this key infrastructure is not underutilised;
- the Inland Rail project has commenced; and
- the proposal only seeks to permit an additional permitted use on the land consistent with other directly adjacent uses before the more detailed and larger industrial land studies are undertaken to accommodate the future Melbourne-Brisbane inland rail line.

Section 9.1 Ministerial Directions

The proposal is considered to be consistent with all relevant Section 9.1 Directions except for the following:

Direction 1.1 Business and Industrial Zones

The proposal is inconsistent with the Direction as it seeks to facilitate a new employment area that is not in accordance with a strategy approved by the Secretary of the Department of Planning and Environment. This inconsistency is considered to be of minor significance for the reasons outlined above in relation to Council's local strategy.

2.1 Environment Protection

The proposal is potentially inconsistent with the Direction as the land is identified in the NENW Regional Plan 2036 as containing potential high environmental value (Figure 4) and contains no provisions to facilitate the protection and conservation of the environmentally sensitive area. Until consultation has been undertaken with the Office of Environment and Heritage to confirm the suitability of the land for future development, the consistency of the proposal with this Direction remains undetermined.

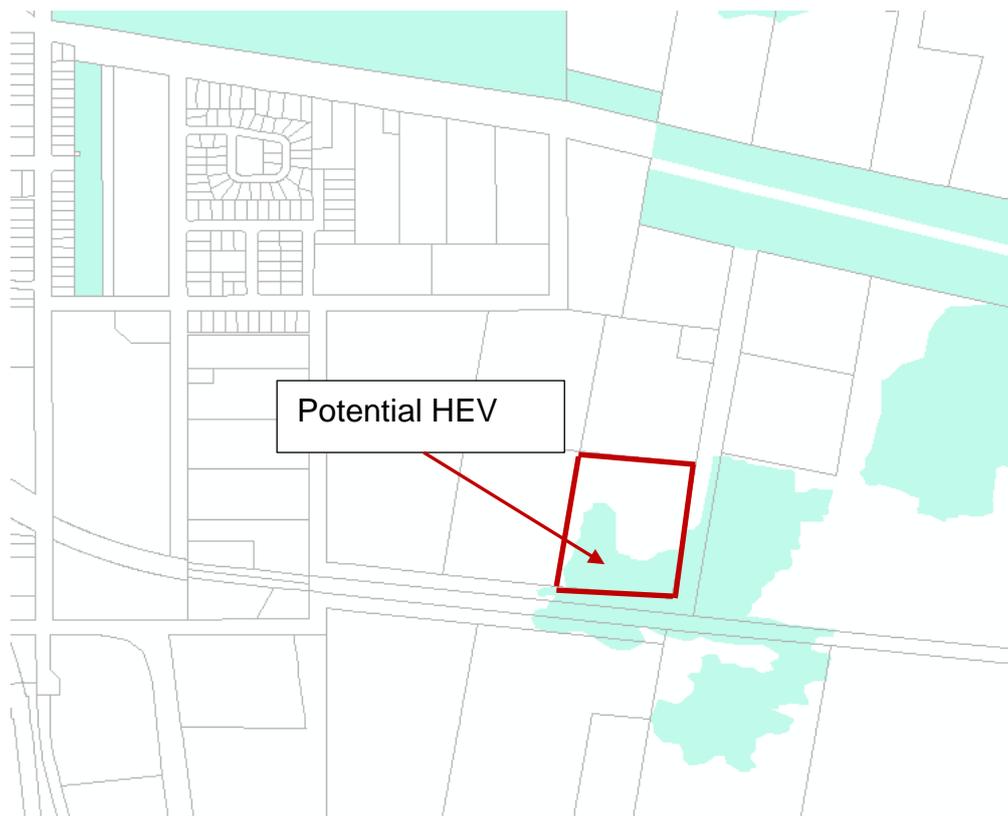


Figure 4 – Potential High Environmental Land

Direction 3.5 Development Near Regulated Airports and Defence Fields

The proposal is within the Obstacle Limitation Surface area of Moree Airport (Figure 5). In the preparation of a planning proposal the Direction requires the relevant planning authority consult with the lessee / operator of the airport. Until this consultation is undertaken, the potential consistency of the proposal with this Direction remains undetermined.

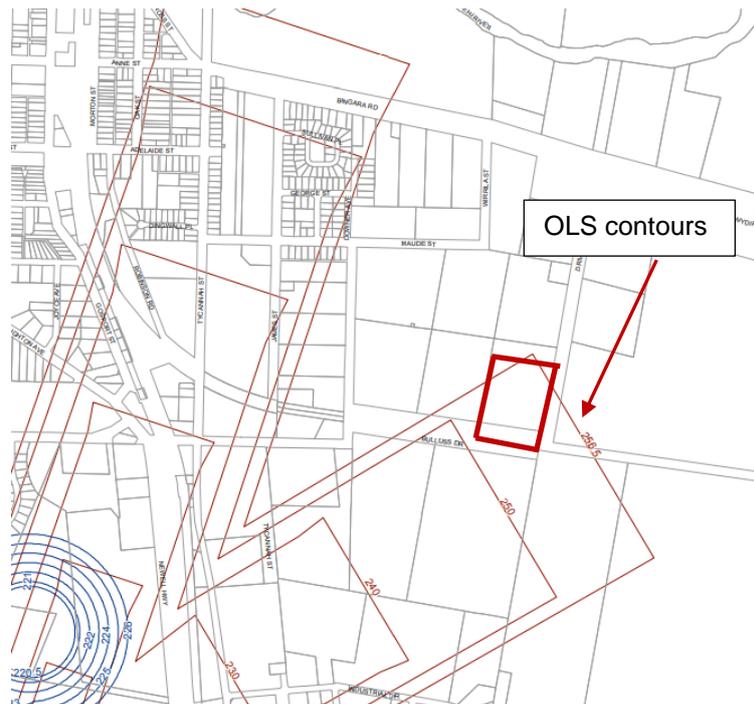


Figure 5 – Moree Airport Obstacle Limitation Surface Map

4.4 Planning for Bushfire Protection

The proposal identifies the land as being bushfire prone. In the preparation of a planning proposal the Direction requires the relevant planning authority consult with the NSW Rural Fire Service. Until this consultation is undertaken, the potential consistency of the proposal with this Direction remains undetermined.

5.10 Implementation of Regional Plans

The proposal is inconsistent with this Direction as it does not direct development away from biophysical strategic agricultural land or land having potential high environment value. The inconsistency is considered to be of minor significance for the reasons discussed above in relation to the NENW Regional Plan 2036.

State environmental planning policies (SEPPs)

The proposal is considered to be consistent with all relevant SEPPs.

SITE-SPECIFIC ASSESSMENT

Economic / Social

The proposal is considered likely to have a number of positive economic and social impacts by helping to diversify the local economy (which is currently heavily dependent on the agricultural sector) and through the creation of approximately 40 additional jobs.

The land is not identified on Council's Aboriginal Cultural Sensitivity Map. It is understood that the residential land to the north of the site is owned by the local aboriginal land council. It is therefore considered appropriate that the land council be consulted in relation to the proposal.

Environmental

The land is relatively cleared, has no known potential contamination, is bushfire prone, generally flood free and partly potential high environmental value.

While it is likely that any flora and fauna issues (and any required offsets) could be addressed at the development stage, it is considered appropriate that Council consult with the Office of Environment and Heritage to confirm the suitability of the site for the development.

Noise and dust associated with the concrete work operations has the potential to impact negatively upon adjoining landowners. It is noted that:

- a number of heavy industries already exist in the area and appear to operate with little interference or impact to other landowners;
- that the closest sensitive receiver (residential land to the north) is a significant distance (approximately 270m) from the northern boundary of the site;
- a number of measures such as landscaping, screening and other management practices are available to help address the issue of noise and dust and can be fully addressed and implemented through the development application process.

No adverse impact is therefore anticipated subject to consultation with the NSW Environment Protection Authority.

Infrastructure

The proposal confirms that adequate water, sewer and electricity infrastructure is available for the proposal. Upgrades to Drive In Road the intersection with the Gwydir Highway may be required due to truck deliveries of raw materials to the concrete works. These upgrades may be required to ensure an appropriate road standard and to minimise noise and dust issues for other landowners in the area. While it is likely that any necessary upgrading can adequately addressed at the development application stage, it is considered appropriate that the NSW Roads and Maritime Services be consulted to ensure no adverse impacts on the Gwydir Highway.

CONSULTATION

Community

As the subject land is already zoned for light industrial purposes and the additional permitted use for a concrete works is consistent with a number of the other heavy industries already located on adjacent land, a 14 day community consultation period is considered appropriate.

Agencies

As discussed above, it is considered appropriate that the following agencies / organisations be consulted:

- Office of Environment and Heritage
- Environment Protection Authority
- Roads and Maritime Services
- NSW Rural Fire Service
- Lessee / operator of Moree Airport
- Local aboriginal land council

TIME FRAME

Council has proposed completing the proposal by May 2019. To ensure an adequate period to complete the proposal, it is recommended that Council be provided a 6 month period to finalise the proposal.

LOCAL PLAN-MAKING AUTHORITY

As the proposal is consistent, or justifiably inconsistent with the State and regional planning framework, and is primarily a local matter, it is recommended that Council be provided an authorisation to be the local plan-making authority.

CONCLUSION

The proposal seeks to facilitate a concrete works as an additional permitted use on the subject land to help diversify the local economy and maximise the opportunities associated with the Melbourne-Brisbane Inland Rail project. The proposal is considered to have strategic merit and is supported subject to conditions, including consultation with key agencies and organisations to confirm the site suitability of the proposal.

RECOMMENDATION

It is recommended that the delegate of the Secretary:

1. agree that any inconsistencies with section 9.1 Directions 1.1 Business and Industrial Zones and 5.10 Implementation of Regional Plans are minor; and
2. note that the consistency with section 9.1 Directions 2.1 Environment Protection Zones, 3.5 Development Near Regulated Airports and Defence Fields and 4.4 Planning for Bushfire Protection is unresolved and will require justification.

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

1. The planning proposal should be made available for community consultation for a minimum of 14 days.
2. Consultation is required with the following public authorities:
 - Office of Environment and Heritage
 - Environment Protection Authority
 - Roads and Maritime Services
 - NSW Rural Fire Service
 - Lessee / operator of Moree Airport
 - Local aboriginal land council
3. The time frame for completing the LEP is to be 6 months from the date of the Gateway determination.

4. Given the nature of the planning proposal, Council should be the local plan-making authority.



5-3-2019

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