**PLANNING PROPOSAL – MOREE PLAINS LOCAL ENVIRONMENTAL PLAN 2011 DRAFT AMENDMENT**

**TO PERMIT AN ADDITIONAL USE OF LAND WITHIN THE IN2 ZONE BEING CONCRETE WORKS ON LOT 319 751780 74 DRIVE IN ROAD MOREE**

22 February 2019

**BACKGROUND**

Council is in receipt of a proposal for concrete works for the production of railway sleepers and other moulded concrete products. The proposal is designated development and Form A has been lodged with the Department of Planning and Environment to facilitate the issue of SEARS for the development application. The site also requires rezoning by way of an additional use of land as the site is currently within the IN2 Light Industrial Zone under Moree Plains Local Environmental Plan (LEP) 2011.

With the re-opening of the Inverell rail line it is appropriate to consider the proposal noting that the facility requires direct rail loading access and this is the only feasible and available site for the project with siding access separate to the Inland Rail proposal.

The use is an industrial activity however in terms of impacts does not fit the definition of light industry. The proposal is considered to be heavy industry but not hazardous or offensive industry. The proposal is, however, potentially offensive industry due to noise generation noting that this can be mitigated by the application of appropriate techniques.

The project is under an extremely tight timeframe to meet supply requirements for the Inland Rail project and would need construction completed by 1 September 2019.

**PART 1 – OBJECTIVES OR INTENDED OUTCOMES**

The objective of the Planning Proposal is to permit the use of “concrete works” as an additional use of land on Lot 319 DP 751780.

**PART 2 – EXPLANATION OF PROVISIONS**

The Planning Proposal would amend Schedule 1 to Moree Plains Local Environmental Plan 2011 (LEP) by including a third clause specifying an additional use of land being “Concrete Works” on Lot 319, DP 751780 so that this use becomes permissible on the land with consent.

The proposed schedule amendments are in Appendix A.

**PART 3 – JUSTIFICATION**

**Section A. Need for the Planning Proposal**

1. **Is the Planning Proposal a result of any strategic study or report?**

The Planning Proposal is not the result of a strategic study or report but has arisen out of a specific proposal lodged with Council. This proposal includes the rezoning of the subject land to permit “concrete works” together with an accompanying designated development application which is in preparation.

The Planning Proposal represents an additional use of land in a precinct which already has a number of heavy industries including a concrete batching plant and fertiliser manufacturing facility. The proposed site would be at a further distance from the nearest residential receiver than the existing heavy industrial uses and provides direct access to the recently refurbished Inverell rail line which is critical for the shipping of finished product.

The site is, however, consistent with Council’s recently adopted boundaries for a Special Activation Precinct which is currently under consideration by the NSW State Government.

1. **Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?**

While the proposal for a Special Activation Precinct may ultimately assist in terms of development applications of this type, if supported by the NSW State Government, this is unlikely to be resolved within an acceptable timeframe to meet supply requirements for the Inland Rail project. While consideration was given to the Infrastructure SEPP 2007 in terms of facilitating the proposal, the proponents have indicated that they are seeking broader flexibility than merely the supply of sleepers to the adjoining section of the Inland Rail. Accordingly they need to proceed down the path of a development application together with rezoning to achieve an additional use of land as being permissible with consent.

Council is pursuing this amendment as an ‘additional use’ rather than allowing permissibility across the land use zone. This is due to the proposed development being potentially unsuitable for some portions of IN2-zoned land. On this basis it is preferred to permit the proposed development on a specific site which is assessed as being suitable and compatible.

Given the above, a Planning Proposal represents the best means of achieving the objectives and intended outcomes.

**Section B. Relationship to Strategic Planning Framework**

1. **Is the Planning Proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?**

The proposal has been considered under the objectives and actions of the applicable regional strategy which is the New England North West Regional Plan 2036.

The proposal is considered to be consistent with the following Directions in the adopted Plan:

DIRECTION 6: Deliver new industries of the future

The proposal represents a critical industrial development for Moree in that it is not dependent on agriculture and is therefore drought independent. It represents a much-needed diversification of the industrial base of the Moree while providing a maintenance and service function to the New England/North West as well as further afield. It would take advantage of key enabling infrastructure being the refurbished Inverell rail line.

DIRECTION 7: Build strong economic centres

The proposal would deliver up to 40 jobs which would contribute to the industrial base of Moree as well as providing an activity which is complimentary to other developments including local quarry industries, existing cement works and the like.

DIRECTION 13: Expand emerging industries through freight and logistics connectivity

By taking advantage of the recently refurbished section of the Inverell Rail Line the proposal is consistent with this direction. In particular, it would ensure that finished product is shipped by rail minimising impacts on the local road network.

DIRECTION 22: Increase the economic self – determination of Aboriginal communities

The proposal would likely source product from an Aboriginal owned quarry and is also within close proximity to Aboriginal housing which would facilitate access to employment for Aboriginal peoples within the town.

1. **Is the Planning Proposal consistent with a council’s local strategy or other local strategic plan?**

Council has prepared a draft Economic Development Strategy. The proposal is consistent with the strategy in that it looks to industrial diversification to produce economic stability not entirely dependent on agriculture.

The Moree Plains Shire Growth Management Plan 2009 (GMS) was completed as part of the review of the Moree Plains Local Environmental Plan 1995. This was a key document in the development of the Moree Plains Local Environmental Plan 2011 (LEP). The GMS suggested that the town of Moree has an oversupply of industrial-zoned land. It recommended that some of this land, including the subject site, should be back-zoned. However, the LEP 2011 retained the industrial zoning for the subject land and adjacent properties.

The GMS was made during the early development stages of the Inland Rail project. As such some of the considerations in the GMS are outdated in the context of the established, present-day Inland Rail proposal and associated industry requirements. The subject site is located adjacent to a rail spur line and several heavy industries including a concrete batching plant and fertiliser manufacturing facility. On this basis the proposed LEP amendment is considered to be justified.

1. **Is the Planning Proposal consistent with applicable State Environmental Planning Policies?**

It is considered that the Planning Proposal is consistent with the applicable State Environmental Planning Policies. In particular, it is noted that consideration has been given to SEPP 55, Remediation of Land, and SEPP (Infrastructure) 2007. The land has not been identified as contaminated and the use of SEPP (Infrastructure) 2007 is not considered an appropriate vehicle for facilitating the development.

1. **Is the Planning Proposal consistent with applicable Ministerial Directions (Section 9.1(2) directions)?**

An assessment of the Planning Proposal has been completed against Ministerial Directions

(see Table 1) with no inconsistencies being identified.

**Table 1: Consistency with applicable Section 9.1 Ministerial Directions**

|  |  |  |
| --- | --- | --- |
| **Ministerial Direction** | **Objective/s** | **Consistency / Comment** |
| 1.1 Business and  Industrial Zones | (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. | The Planning proposal would facilitate a development providing employment growth in a suitable location. Being located within an existing industrial zone it would not compromise the protection of employment lands. It would support the viability of the Moree industrial precinct. |
| 1.2 Rural Zones | Protect the agricultural  production value of rural  land. | The Planning proposal does not propose to  rezone agricultural land and is not affected by the provisions  relating to this Direction. |
| 1.3 Mining, Petroleum  Production and  Extractive Industries | Ensure that the future  extraction of State or  regionally significant  reserves of coal, other  minerals, petroleum and  extractive materials are not  compromised by  inappropriate development. | The Planning proposal is not affected by the provisions relating to this Direction. |
| 1.5 Rural Lands | (a) To protect the agricultural production value of rural land,  (b) To facilitate the orderly and economic development of rural lands for rural and related purposes. | The Planning proposal is not affected by the provisions relating to this Direction as it does not affect rural lands. |
| 2.1 Environment  Protection Zones | Protect and conserve  environmentally sensitive  areas. | The Planning proposal does is not affected by the provisions relating to this Direction as it only affects industrial lands. |
| 2.2 Coastal Protection | Implement the principles in  the NSW Coastal Policy. | The Planning Proposal would not affect land within the coastal zone. |
| 2.3 Heritage  Conservation | Conserve items, areas, objects and places of  environmental heritage  significance and indigenous  heritage significance. | The Planning Proposal does not affect heritage provisions as there are no known items of environmental heritage on the subject land. |
| 2.4 Recreation Vehicle  Areas | Protect sensitive land or land  with significant conservation  values from adverse impacts  from recreation vehicles. | The proposal would not affect current provisions relating to recreation vehicle areas. |
| 3.1 Residential Zones | (a) Encourage a variety and  choice of housing types to  provide for existing and  future housing needs,  (b) Make efficient use of  existing infrastructure and  services and ensure that  new housing has appropriate  access to infrastructure and  services, and  (c) Minimise the impact of  residential development on  the environment and  resource lands. | The Planning proposal is not affected by the provisions relating to this Direction as it does not affect the provision of residential land. |
| 3.2 Caravan Parks and  Manufactured Home  Estates | (a) Provide for a variety of  housing types, and  (b) Provide opportunities for  caravan parks and  manufactured home estates. | The Planning proposal is not affected by the provisions relating to this Direction as caravan parks and manufactured home estates are already prohibited on the land. |
| 3.3 Home Occupations | Encourage the carrying out  of low-impact small  businesses in dwelling  houses. | The Planning Proposal would retain the provisions of the principal LEP which provides for this use without consent in most circumstances. |
| 3.4 Integrating Land Use and Transport | Ensure that urban  structures, building forms,  land use locations,  development designs,  subdivision and street  layouts achieve the following  planning objectives:  (a) improving access to  housing, jobs and services  by walking, cycling and  public transport, and  (b) increasing the choice of  available transport and  reducing dependence on  cars, and  (c) reducing travel demand  including the number of trips  generated by development  and the distances travelled,  especially by car, and  (d) supporting the efficient  and viable operation of  public transport services,  and  (e) providing for the efficient  movement of freight. | The Planning proposal is consistent with this direction in that  its location improves access to jobs by walking, cycling and public transport. In addition, it  provides for the efficient movement of freight by the effective utilisation of both a state highway network and a recently refurbished rail line. This will minimise the impacts of the proposal on the overall road network. |
| 3.5 Development Near  Licensed Aerodromes | (a) Ensure the effective and  safe operation of  aerodromes, and  (b) Ensure that their  operation is not  compromised by  development that constitutes  an obstruction, hazard or  potential hazard to aircraft  flying in the vicinity, and  (c) Ensure development for  residential purposes or  human occupation, if  situated on land within the  Australian Noise Exposure  Forecast (ANEF) contours of  between 20 and 25,  incorporates appropriate  mitigation measures so that  the development is not  adversely affected by aircraft  noise. | The Planning proposal is not affected by provisions relating to this Direction. Proposals for the site are well below the height triggers of the Obstacle Limitation Surface. |
| 3.6 Shooting Ranges | (a) Maintain appropriate  levels of public safety and  amenity when rezoning land  adjacent to an existing  shooting range,  (b) Reduce land use conflict  arising between existing  shooting ranges and  rezoning of adjacent land,  (c) Identify issues that must  be addressed when giving  consideration to rezoning  land adjacent to an existing  shooting range. | The Planning proposal is not affected by provisions relating to shooting ranges. |
| 4.1 Acid Sulfate Soils | Avoid significant adverse  environmental impacts from  the use of land that has a  probability of containing acid  sulfate soils. | The Planning Proposal is not affected by provisions relating to Acid Sulfate Soils as these are not present on the site. |
| 4.2 Mine Subsidence  and Unstable Land | Prevent damage to life,  property and the  environment on land  identified as unstable or  potentially subject to mine  subsidence. | The Planning Proposal is not affected by provisions relating to mine subsidence or unstable land as these do not affect the subject land. |
| 4.3 Flood Prone Land | (a) Ensure that development  of flood prone land is  consistent with the NSW  Government’s Flood Prone  Land Policy and the  principles of the *Floodplain*  *Development Manual 2005*,  and  (b) Ensure that the  provisions of an LEP on  flood prone land is  commensurate with flood  hazard and includes  consideration of the potential  flood impacts both on and off  the subject land. | The land is not identified as on or below the Flood Planning Level adopted for Moree Township. Accordingly, the Planning Proposal is not affected by provisions relating to flood prone land. |
| 4.4 Planning for Bushfire Protection | (a) Protect life, property and  the environment from bush  fire hazards, by discouraging  the establishment of  incompatible land uses in  bush fire prone areas, and  (b) Encourage sound  management of bush fire  prone areas. | The Planning Proposal consists of bushfire prone land, being grasslands with scattered vegetation. Routine measures including a parameter Fire Trail and appropriate development consent conditions would address the fire hazard which is considered to be very low. |
| 5.1 Implementation of  Regional Strategies | Does not apply |  |
| 5.2 Sydney Drinking Water Catchment | Does not apply |  |
| 5.3 Farmland of State and Regional significance of the NSW Far North Coast | Does not apply |  |
| 5.4 Commercial and Retail Development along the Pacific Highway, North Coast | Does not apply |  |
| 5.5 | Revoked |  |
| 5.6 | Revoked |  |
| 5.7 | Revoked |  |
| 5.8 | Revoked |  |
| 5.9 North West Rail Link Corridor Strategy | Does not apply |  |
| 5.10 Implementation of Regional Plans | To give legal effect to the vision, land use strategy, goals, directions and actions contained in Regional Plans. | The Planning Proposal would support the implementation of the regional plan and would support the aims relating to economic development. |
| 6.1 Approval and  Referral Requirements | Ensure that LEP provisions  encourage the efficient and  appropriate assessment of  development. | The proposal would be consistent with this  Direction in that no changes to referral provisions are made. |
| 6.2 Reserving Land for  Public Purposes | (a) Facilitate the provision of  public services and facilities  by reserving land for public  purposes, and  (b) Facilitate the removal of  reservations of land for  public purposes where the  land is no longer required for  acquisition. | The proposal would not alter any land reserved for public use. |
| 6.3 Site Specific  Provisions | Discourage unnecessarily  restrictive site specific  planning controls. | The Planning Proposal does propose a site-specific provision. This is, however, considered necessary in the circumstances of the case to facilitate the rapid consideration of a specific proposal. Wider consideration of industrial zonings would take place as part of considerations of a possible Special or Local Activation Precinct. |
| 7. Metropolitan Planning | Does not apply |  |

**Section C. Environmental, Social and Economic Impact**

1. **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?**

A preliminary desktop review in terms of identifying any critical habitat, threatened species, populations or ecological communities has been undertaken. This has identified that there are a number of potential native species on the land. It will be necessary for a formal due diligence to be undertaken and it is anticipated that this would be completed prior to consideration for exhibition. If the due diligence identifies any species of significance, a test of significance would be undertaken, noting that if a significant impact is identified this would require either on or off site offsets.

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

The key environmental effects relate to noise and dust.

Noise

The distance from the nearest sensitive receivers indicates that noise can be readily controlled. Information from a reference facility utilising identical equipment has identified that standard noise management measures would be sufficient to achieve EPA requirements.

The development would include the use of a steam generator, diamond saw, casting machine and batch plant. The diamond saw generates the most noise of the equipment to be installed. As most of the noise from the saw is in the higher frequencies and it is constrained to move in a small area, it is amenable to treatment by enclosure and the use of sound absorptive material. Earth mounds and screen tree plantings on the north side of the factory building will provide more attenuation if necessary.

Dust

Dust is readily controlled by way of an appropriate Construction and Site Operations Management plan which includes proven dust suppression measures. These can be routinely addressed through conditions of development consent.

The major potential source of dust would be from raw materials, principally sand, cement and aggregate. These materials will be delivered in bulk and transferred from the delivery vehicle onto ground storage fitted with sprinklers and then transferred into hoppers. Sand and aggregate will be purchased damp to minimise dust emissions.

Cement will be delivered in pressurised bulk tankers and pushed into the silo using air. The air exhaust from the silo will be vented to atmosphere through a self-cleaning bag filtration unit. The unloading operation will be supervised at all times and will be stopped immediately in the event of failure of the bag filter.

There is also a possibility of dust releases during transfer of raw materials from their respective storage silos via a conveyor to the concrete batching unit. These conveyors will not be covered but will be fitted with high sides and, as noted earlier, the materials will still be slightly damp. The likelihood of dust emissions is insignificant and, because of the high specific gravity of the

materials, the chances of off-site impacts are negligible.

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

The Planning Proposal provides social and economic benefits through facilitating and employment generating development which is not dependent on agriculture or affected by drought. The proposal would therefore provide much-needed economic diversity for the Shire as well as an important addition to regional jobs including entry-level positions.

1. **Is there adequate public infrastructure for the planning proposal?**

There may be a need to upgrade Drive In Road which services the development site together with its intersection to the Gwydir Highway. This is an operational issue which would be addressed as part of any development assessment process. It is noted that the Road and intersection are currently already utilised by heavy vehicles serving existing developments.

Water supply can be provided from the Moree town water supply system and any fire fighting requirements can be managed through on-site storage and pumping.

Electricity services can be extended to provide the required electricity capacity to the site.

Sewer can be addressed either by way of reticulated system (low-pressure) or alternatively through on-site disposal subject to the appropriate approvals.

In summary, there are no significant obstacles associated with public infrastructure.

1. **What are the views of State and Commonwealth Public Authorities consulted in accordance with the gateway determination?**

Preliminary consultations were undertaken with the Department of Planning and Environment, Premiers and Cabinet, Crown Lands, Roads and Maritime Services and the Environmental Protection Authority. No significant concerns were raised by state agencies noting that any such issues would be addressed thoroughly through the Environmental Impact Statement process.

No consultations have been undertaken with Commonwealth agencies.

If further consultations are required in accordance with a gateway determination these would be undertaken.

**PART 4 – MAPPING**

The subject amendments would not involve changes to existing mapping.

**PART 5 – COMMUNITY CONSULTATION**

Community consultation would commence by giving notice of the public exhibition of the planning proposal:

in the Council’s news page of the Moree Champion; and on Council’s web-site at www.mpsc.nsw.gov.au;

Public exhibition of the Planning Proposal would be undertaken in accordance with the Gateway determination.

The written notice would provide:

a description of the objectives or intended outcomes of the planning proposal; the land affected by the planning proposal; advise and when the planning proposal can be inspected; give the name and address of the Council for the receipt of submissions; and indicate the last date for submissions.

During the exhibition period, the following material will be made available for inspection:

the planning proposal, in the form approved for community consultation by the Director General of Planning; the gateway determination; a summary description of the proposal prepared by the proponent, and any studies or reports required as part of the Gateway process.

Public exhibition of the Planning Proposal would be carried out in accordance with the requirements of the EPA Act, EPA Regulations and the Gateway determination.

**PART 6 – PROJECT TIMELINE**

The anticipated project timeline for completion of the Planning Proposal is outlined in Table 1.

**Table 1 - Project Timeline**

|  |  |
| --- | --- |
| **Task** | **Anticipated timeframe** |
| Date of Gateway Determination | February/March 2019 |
| Completion of required technical information, studies | Subject to Gateway Determination. Initial traffic modelling expected March 2019. |
| Government agency consultation (pre exhibition as required by Gateway Determination) | March 2019 if required by the Gateway determination |
| Any changes made to Planning Proposal resulting from technical studies and government agency consultations. Resubmit altered Planning Proposal to Gateway panel. Revised Gateway determination issued, if required. | No specific changes are anticipated. |
| Commencement and completion dates for public exhibition. | 12 March 2019 to 2 April 2019 |
| Dates for public hearing | Not required |
| Consideration of submissions, report from public hearing and Planning Proposal post exhibition | April, 2019 |
| Date of submission of proposal to Parliamentary Counsel to draft the LEP. | Late April, 2019 |
| Date LEP made by GM (or other) under delegation | Early May 2019 |
| Date sent to DPE requesting notification | Early May 2019 |

**Appendix A**

**Proposed Additional Clause Schedule 1**

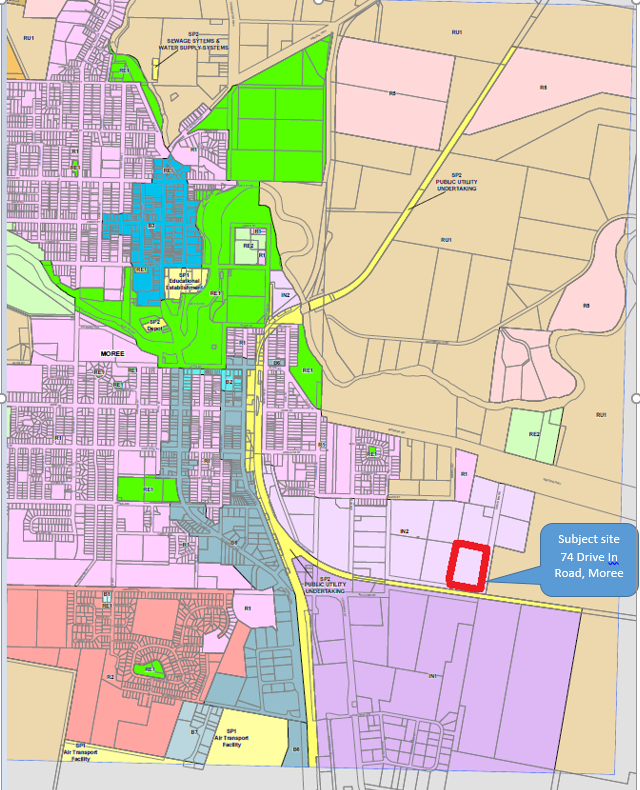
**3**   **Use of certain land at 74 Drive In Road, Moree**

(1)  This clause applies to land at 74 Drive In Road, Moree, being Lot 319, DP 751780.

(2)  Development for the purposes of concrete works is permitted with consent.

**Appendix B**

Location Plan



**Appendix C**

**Land Use Matrix**

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