

PLANNING PROPOSAL - REZONING OF LAND - MOREE PLAINS SHIRE

20 February 2018

INTRODUCTION

This Planning Proposal addresses the rezoning of Council-owned land.

Most of the subject allotments were reclassified from Community to Operational land under a previous Planning Proposal. Each allotment is currently zoned for public recreation purposes under Moree Plains Local Environmental Plan 2011 (LEP).

The Moree township is well catered for with respect to public open space. The subject allotments, however, are not maintained as 'parks' and provide no benefit to the local community. These allotments are predominately 'pocket parks' and residue open space areas which are not currently utilised. Each of the parcels identified below is currently zoned RE1 Public Recreation.

It is intended to rezone the following properties to R1 General Residential:

- Lot 36 in Deposited Plan 30028, known as Lot 36 Elizabeth Street, Moree NSW;
- Lot 81 in Deposited Plan 226321, known as Lot 81 Lorna Rae Avenue, Moree NSW;
- Lot 1 in Deposited Plan 807499, known as 1 Alice Street, Moree NSW;
- Lot 25 in Deposited Plan 32245 known as Lot 25 Wattle Crescent, Moree NSW.

It is intended to rezone the following properties to R2 Low Density Residential:

- Lot 13 in Deposited Plan 259878, known as Lot 13 Cummins Avenue, Moree NSW;
- Lot 29 in Deposited Plan 261058, known as Lot 29 Maple Avenue, Moree NSW;

The subject allotments would have a minimum lot size that is consistent with adjacent residential lands. It is intended that the proposed R1 allotments would have a minimum lot size of 650m². The proposed R2 allotments in Cummins Avenue and Maple Avenue would have a minimum lot size of 800m².

Maps showing the lands affected by this Planning Proposal are included at Appendix C. Current and proposed LEP maps for land zoning and lot size are also included at Appendix C.

PART 1 - OBJECTIVES OR INTENDED OUTCOMES

The objective of the proposal is to rezone a number of allotments which are currently zoned for public open space purposes but which are not conducive for such purposes. In addition Council is unable to fully fund the maintenance of all zoned public open space in Moree due to the large amount of this land. The Planning Proposal intends to rationalise Council's open space land ownership.

PART 2 - EXPLANATION OF PROVISIONS

The proposal would amend Land Zoning Map LZN_004BA in the LEP by rezoning the identified allotments to the R1 and R2 residential zones. The proposal would also amend Lot Size Map LSZ_004BA to include minimum lot sizes which are consistent with adjacent residential areas.

PART 3 - JUSTIFICATION

Section A. Need for the Planning Proposal

Q1. Is the Planning Proposal a result of any strategic study or report?

The origin of the majority of the Planning Proposal was in the comprehensive LEP Moree Plains LEP 2011. As part of investigations into the comprehensive LEP, Council gave consideration to all land within its ownership with a view to rationalising landholdings.

This Planning Proposal follows a previous LEP amendment which reclassified various Council-owned parcels from Community to Operational and removed superfluous restrictions on title. The current Planning Proposal is the next step in providing appropriate uses for this land.

Q2. Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

A Planning Proposal is required for statutory reasons.

Section B. Relationship to Strategic Planning Framework

Q3. 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 is consistent with the objectives and actions of the applicable regional strategy. In particular, the proposal has been considered against the provisions of the Regional Plan for New England North West.

The proposal is considered to be consistent with the following identified relevant areas for the reasons as stated:

Direction 16: Coordinate infrastructure delivery

The proposal would indirectly benefit the primary public open spaces in Moree through better utilisation of public funds.

Direction 18: Provide great places to live

The proposal would allow residential consolidation of under-utilised lands within residential areas.

Q4. Is the Planning Proposal consistent with a council's local strategy or other local strategic plan?

The proposal is consistent with the Moree Growth Management Strategy which identifies the need to facilitate the redevelopment of infill land within Moree.

Q5. Is the Planning Proposal consistent with applicable State Environmental Planning Policies?

The Planning Proposal is consistent with applicable State Environmental Planning Policies (refer to Appendix A).

Q6. Is the Planning Proposal consistent with applicable Ministerial Directions (s. 117 directions)?

Refer to Appendix B.

Section C. Environmental, Social and Economic Impact

Q7. 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?

No.

Q8. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

The property at 1 Alice Street, Moree, is occupied by a caravan park and is flood-labile. Lot 36 Elizabeth Street and Lot 81 Lorna Rae Avenue, Moree, are vacant properties and are also flood-labile. According to Council's Draft Floodplain Management Plan 2017 the properties 1 Alice Street and Lot 81 Lorna Rae Avenue are predominately classified as 'Flood storage'. 'Flood storage' is defined as 'those parts of the floodplain that are important for the temporary storage of floodwaters during the passage of a flood'. Lot 36 Elizabeth Street is classified as 'Flood fringe' which is defined as 'the remaining area of flood prone land after floodway and flood storage areas have been defined'. These categories indicate a relatively low level of flood risk.

The Review of Moree and Environs Flood Study/Floodplain Risk Management Study and Plan 2017 by WRM Water & Environment was undertaken in accordance with the NSW Government's Floodplain Development Manual 2005, which has been prepared to support the NSW Government's Flood Prone Land Policy. The Manual recognises three separate flood problems: the existing problem, the future problem and the residual problem.

1) The existing problem refers to existing properties that are liable to flooding and flood damage.

Council staff comment: The nature of flooding in Moree Plains Shire is such that long warning times are generally available in the order of 48 hours prior to inundation. Flood water flows are typically low-velocity as they are able to spread across the flood plain. Evacuation centres in Moree are readily accessible, particularly with the available high warning times. As such the risk to life from flood events in this area is relatively low.

As noted above, a flood-risk profile already exists for the caravan park located at 1 Alice Street, Moree. The fixed accommodation at this site consists of several rows of cabins which have been installed with a minimum floor level at the 1% Annual Exceedance Probability (AEP) flood level plus 500mm freeboard. This is in accordance with the requirements of Council's Development Control Plan 2013 (DCP), Chapter 4 Moree and Environs Floodplain Development and Management. Lot 36 Elizabeth Street and Lot 81 Lorna Rae Avenue, Moree, are vacant properties and currently carry minimal risk.

2) The future problem refers to those properties, which upon development or redevelopment, become flood-labile and susceptible to significantly higher levels of flood damage.

Council staff comment: Flood risk and compatibility of new developments is required to be assessed under clause 7.6 of Moree Plains Local Environmental Plan 2011 and Chapter 4 of the Moree Plains DCP 2013. These documents provide assessment requirements which a development proposal must comply with in order to be approved. This includes limitations on maximum flood heights, maximum velocities, requirements for construction materials, access to evacuation centres etc.

The caravan park at 1 Alice Street, Moree, is considered to have a flood risk profile that is equivalent to or greater than the potential use of the land for residential accommodation. This is based on the capacity of the caravan park and the fact that most guests are visitors to the area who are unfamiliar with local flooding and evacuation. As a result it is considered that the potential use of the land for residential accommodation would not

increase the development / flood risk of the land.

Lot 36 Elizabeth Street and Lot 81 Lorna Rae Avenue, Moree, are vacant properties and should be considered as infill land within the residential area.

Should the properties discussed in this section be rezoned to the R1 zone they would have the potential for residential accommodation as defined under the LEP. In addition they would have a minimum allotment size of 650m². Any Development Application on these properties would be subject to a detailed assessment of flooding risk under the LEP, DCP and with the benefit of the Floodplain Risk Management Study. Given the nature of existing uses of these properties and potential future residential use under stringent land use planning controls it is considered that the Planning Proposal would not permit a substantial increase in the development of the land.

- 3) **The residual problem refers to the risk of flooding and flood damage that remains when all adopted floodplain management measures have been implemented. The residual flood risk and associated damage can only be eliminated by designing for the PMF. In general, design for the PMF is either economically or practically infeasible.**

Council staff comment: Council continues to implement a range of flood management options as outlined in the Floodplain Risk Management Study. The options include structural measures (such as Council's house raising scheme 2015 and levee feasibility study), planning measures (such as ongoing reviews of zoning and building controls) and emergency response measures (such as flood warning, evacuation and recovery). The current residual risk at the subject properties would not be substantially increased as a result of this Planning Proposal. The rezoning would not act to alter the nature or severity of flooding, nor is it likely to increase flood risk. While designing for the PMF is not generally feasible, Council is looking to introduce development controls to require PMF refuges for development on certain flood-labile properties. Note that the PMF in Moree is approximately one metre above the 1% AEP flood level.

Q9. How has the planning proposal adequately addressed any social and economic effects?

The proposal would result in enhanced community safety by abolishing underutilised and poorly maintained blocks of land. It would also facilitate economic development through the potential for new residential development.

Q10. Is there adequate public infrastructure for the planning proposal?

There are no significant infrastructure implications from the proposal.

Q11. What are the views of State and Commonwealth Public Authorities consulted in accordance with the gateway determination?

No specific consultations have been undertaken other than the consultations undertaken with previous reclassifications LEP amendment. No additional consultations are considered necessary for this Proposal.

PART 4 - MAPPING

Mapping amendments would be necessary to the specified land use zone and lot size maps in the LEP.

PART 5 - COMMUNITY CONSULTATION

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

- a) In the Council's news page of the Moree Champion; and
- b) On Council's web-site at www.mpssc.nsw.gov.au; and

Public exhibition of the Planning Proposal would be for 14 days.

The written notice would provide:

- a) A description of the objectives or intended outcomes of the planning proposal;
- b) The land affected by the planning proposal;
- c) Advise and when the planning proposal can be inspected;
- d) Give the name and address of the Council for the receipt of submissions; and
- e) Indicate the last date for submissions.

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

- a) The planning proposal, in the form approved for community consultation by the Secretary of the Department of Planning and Environment;
- b) The gateway determination; and
- c) Any studies relied upon by the planning proposal (such as the Growth Management Strategy and the Report to Council on reclassification).

Public exhibition of the Planning Proposal would be carried out in accordance with the requirements of the *Environmental Planning and Assessment Act, 1979*, EPA Regulations and the Gateway Determination.

Following Public exhibition, the proposal may be subject to a Public Hearing to be chaired by an independent chair.

Notification of the hearing would occur simultaneously with notification of the LEP exhibition, however the hearing itself would not be held until at least 14 days following the close of the Public Exhibition.

Procedures would be in accordance with PLN 09-003

PART 6 - PROJECT TIMELINE

The anticipated project timeline for completion of the Planning Proposal is outlined in Table 4.

Table 1 - Project Timeline

Task	Anticipated timeframe
Date of Gateway Determination	Late February 2018
Completion of required technical information, studies	Not required
Government agency consultation	No additional consultation required
Any changes made to Planning Proposal resulting from technical studies and government agency consultations.	No specific changes
Commencement and completion dates for public exhibition.	March 2018
Dates for public hearing	April 2018

Consideration of submissions, report from public hearing and Planning Proposal post exhibition	April 2018
Date of submission of proposal to Department to finalise the LEP.	May 2018

Appendix A

SEPPs apply to the Moree Plains local government area, as at January 2018. These are as set out in Table 5, below:

Table 2 – SEPPS applying to Moree Plains LGA

SEPP	Relevant	Consistent	Comment
No. 21 Caravan Parks	Yes	Yes	Land affected includes a Caravan Park. The proposal would not affect items addressed by the SEPP
No. 30 Intensive Agriculture	No	n/a	No areas of intensive agricultural development would be affected
No. 33 Hazardous and Offensive Development	No	n/a	No areas involving hazardous or offensive development would be affected
No. 36 Manufactured Home Estates	Yes	Yes	Land affected includes a Caravan Park. The proposal would not affect items addressed by the SEPP
No. 44 Koala Habitat Protection	No	n/a	None of the land is identified as koala habitat.
No. 50 Canal Estate Development	No	n/a	Proposal would not affect canal estates.
No. 55 Remediation of Land	No	n/a	None of the land is identified as requiring remediation.
No. 62 Sustainable Aquaculture	No	n/a	Proposal does not affect any relevant land.
No. 64 Advertising and Signage	No	n/a	Proposal would not affect items addressed by the SEPP
No. 65 Design Quality of Residential Flat Development	No	n/a	Proposal would not affect items addressed by the SEPP
Housing for Seniors or People with a Disability 2004	Yes	Yes	Proposal would facilitate ongoing operation of the caravan Park which includes permanent dwellings.
Building Sustainability Index: BASIX 2004	No	n/a	Proposal would not affect items addressed by the SEPP
State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017	No	n/a	Proposal would not affect items addressed by the SEPP
Mining, Petroleum Production and Extractive Industries 2007	No	n/a	Proposal would not affect items addressed by the SEPP
Infrastructure 2007	No	n/a	Proposal would not affect items addressed by the SEPP
Rural Lands 2008	No	n/a	Proposal would not affect items addressed by the SEPP
Exempt and Complying Development Codes 2008	No	n/a	Proposal would not affect items addressed by the SEPP
Affordable Rental Housing 2009	Yes	Yes	Proposal would facilitate ongoing operation of the caravan park which includes permanent dwellings.

SEPP	Relevant	Consistent	Comment
SEPP (State and Regional Development) 2011	No	n/a	Proposal would not affect items addressed by the SEPP
State Environmental Planning Policy (Educational Establishments and Child Care Facilities)	No	n/a	Proposal would not affect items addressed by the SEPP

Appendix B

The planning proposal is consistent with the applicable Section 117 directions. Refer to the Checklist against the Section 117 Directions set out in Table 3, below.

Table 3 – Section 117 Directions Consistency

1. Employment and Resources

Direction	Relevant	Consistent	Reason
1.1 Business and Industrial Zones	No	n/a	No business or industrial zones are affected
1.2 Rural Zones	No	n/a	No rural zones are affected
1.3 Mining, Petroleum Production and Extractive Industries	No	n/a	No changes to these industries are proposed.
1.4 Oyster Aquaculture	No	n/a	Does not apply to any of the land within the proposal
1.5 Rural Lands	No	n/a	Direction does not apply to this proposal.

2. Environment and Heritage

Direction	Relevant	Consistent	Reason
2.1 Environment Protection Zones	No	n/a	Proposal would not alter provisions relating to protection and conservation of environmentally sensitive areas.
2.2 Coastal Protection	No	n/a	Land is not within the Coastal Zone.
2.3 Heritage Conservation	No	n/a	The proposal would not alter existing provisions related to the conservation of heritage items.
2.4 Recreation Vehicle Areas	No	n/a	The Proposal would not affect existing restrictions on development of land for recreational vehicles.
2.5 Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs	No	n/a	Moree Plains is not within the Far North Coast of NSW.

3. Housing, Infrastructure and Urban Development

Direction	Relevant	Consistent	Reason
3.1 Residential Zones	Yes	Yes	The proposal would ensure more efficient use of land in Moree, make better use of existing infrastructure, and reduce the need for new land for housing. Existing provisions ensure satisfactory servicing arrangements.
3.2 Caravan Parks and Manufactured Home Estates	Yes	Yes	Provisions relating to an existing Caravan Park and its permissibility would not be changed.
3.3 Home Occupations	No	n/a	Provisions relating to home occupations would not be affected
3.4 Integrating Land Use and Transport	No	n/a	Provisions relating to integrating land use and transport would not be affected.
3.5 Development Near Licensed Aerodromes	Yes	Yes	The land zonings in Moree have given consideration to airport impacts as part of MPLEP 2011. No additional impacts are envisaged.

4. Hazard and Risk

Direction	Relevant	Consistent	Reason
4.1 Acid Sulfate Soils	No	n/a	Land is unaffected by acid sulfate soils
4.2 Mine Subsidence and Unstable Land	No	n/a	Land is unaffected by mine subsidence
4.3 Flood Prone Land	Yes	No	Relevant provisions are included within MPLEP 2011. Note that 1 Alice Street, Lot 36 Elizabeth Street, and Lot 81 Lorna Rae Avenue, Moree, are flood-labile. See discussion in Part 3 Q8 of this document.

Direction	Relevant	Consistent	Reason
4.4 Planning for Bushfire Protection	Yes	n/a	The property at 1 Alice Street is partially classified as Vegetation Category 3 bushfire-prone lands. This is able to be managed for current and future land uses in accordance with <i>Planning for Bushfire Protection</i> 2006.

5. Regional Planning

Direction	Relevant	Consistent	Reason
5.2 Sydney Drinking Water Catchments	No	n/a	Land is not within a water catchment
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	No	n/a	Land is not on the NSW Far North Coast
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	No	n/a	Land is not on the NSW Far North Coast
5.8 Second Sydney Airport: Badgerys Creek	No	n/a	Land is not within the relevant area
5.9 North West Rail Link Corridor Strategy	No	n/a	Land is not in Sydney
5.10 Implementation of Regional Plans	No	n/a	The proposal is consistent with the relevant Directions within the Regional Plan for New England North West.

6. Local Plan Making

Direction	Relevant	Consistent	Reason
6.1 Approval and Referral Requirements	Yes	Yes	No additional concurrence, consultation or referral procedures are included
6.2 Reserving Land for Public Purposes	Yes	Yes	The subject lands are superfluous to public needs and currently receive minimal maintenance.
6.3 Site Specific Provisions	Yes	Yes	The proposal affects specific sites, but does require site specific provisions.

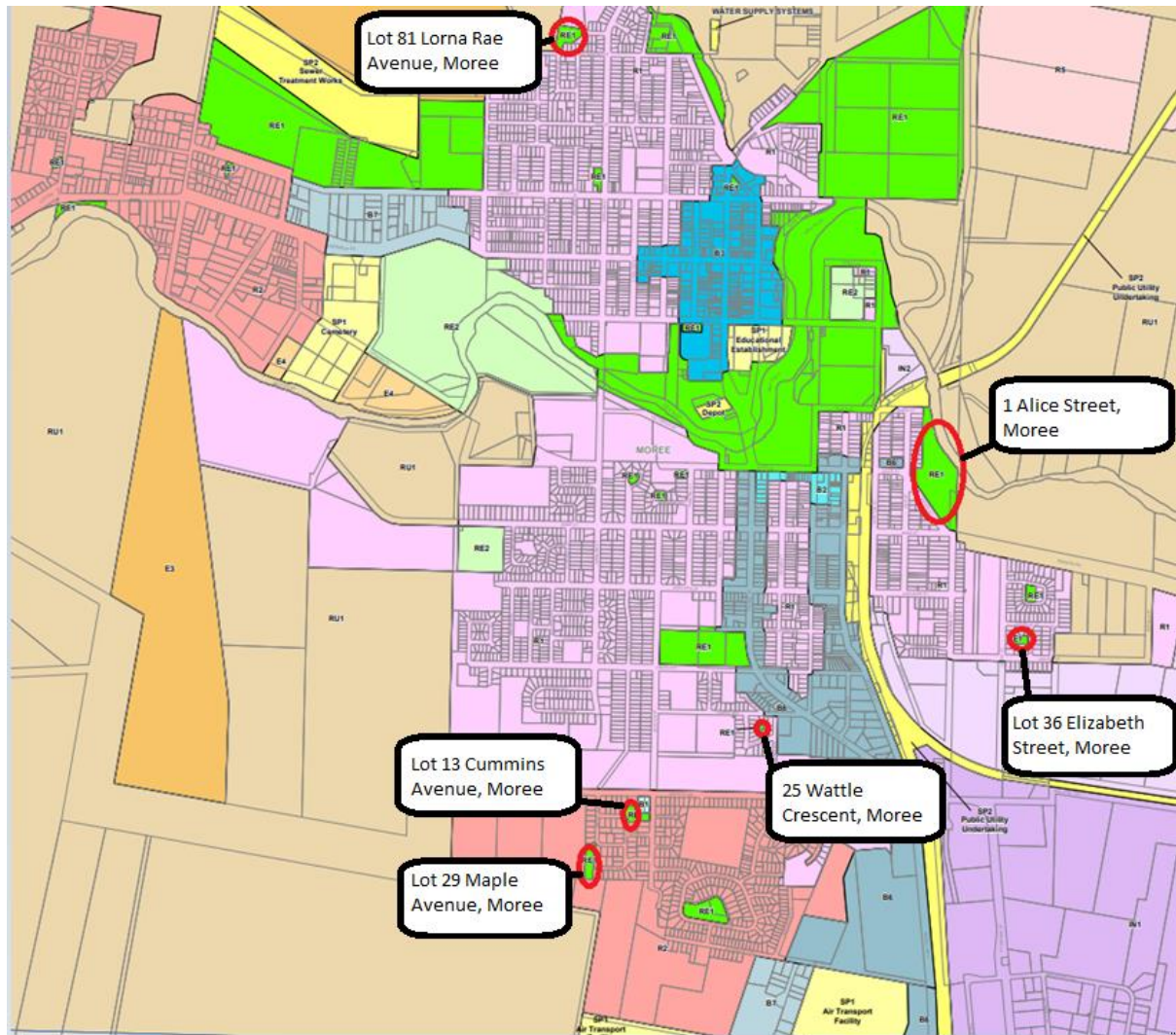
7. Metropolitan Planning

Direction	Relevant	Consistent	Reason
7.1 Implementation of the Metropolitan Strategy	No	n/a	Land is not within the Metropolitan area
7.2 Implementation of Greater Macarthur Land Release Investigation	No	n/a	Land is not within the area

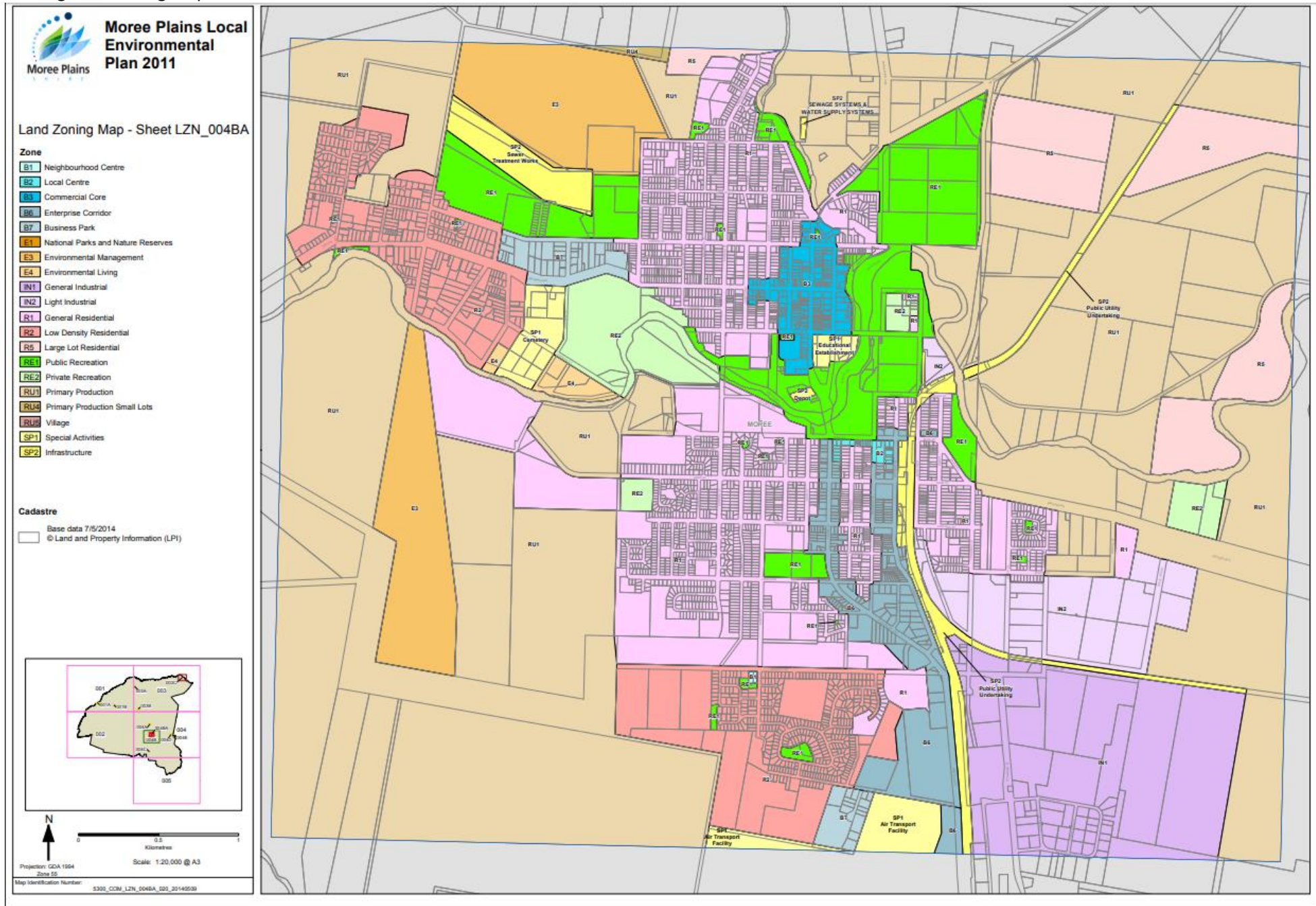
Direction	Relevant	Consistent	Reason
7.3 Parramatta Road Corridor Urban Transformation Strategy	No	n/a	Land is not within the area
7.4 Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan	No	n/a	Land is not within the area
7.5 Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	No	n/a	Land is not within the area
7.6 Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	No	n/a	Not relevant

Appendix C

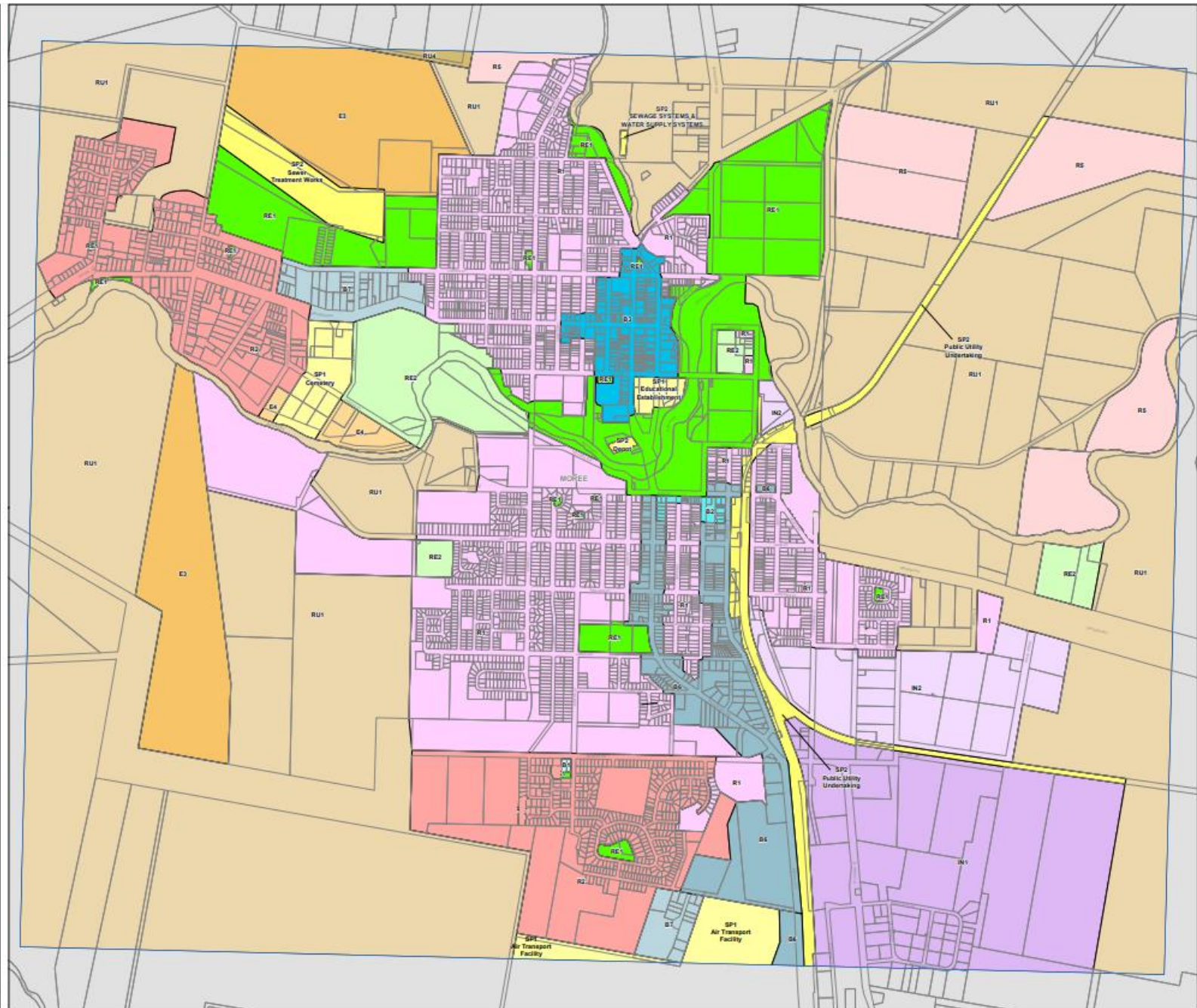
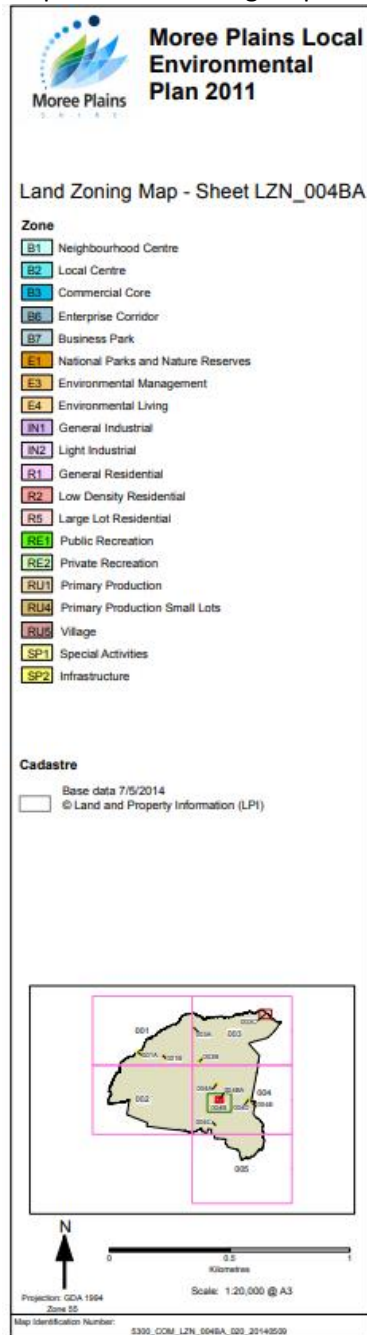
Allotments to be rezoned



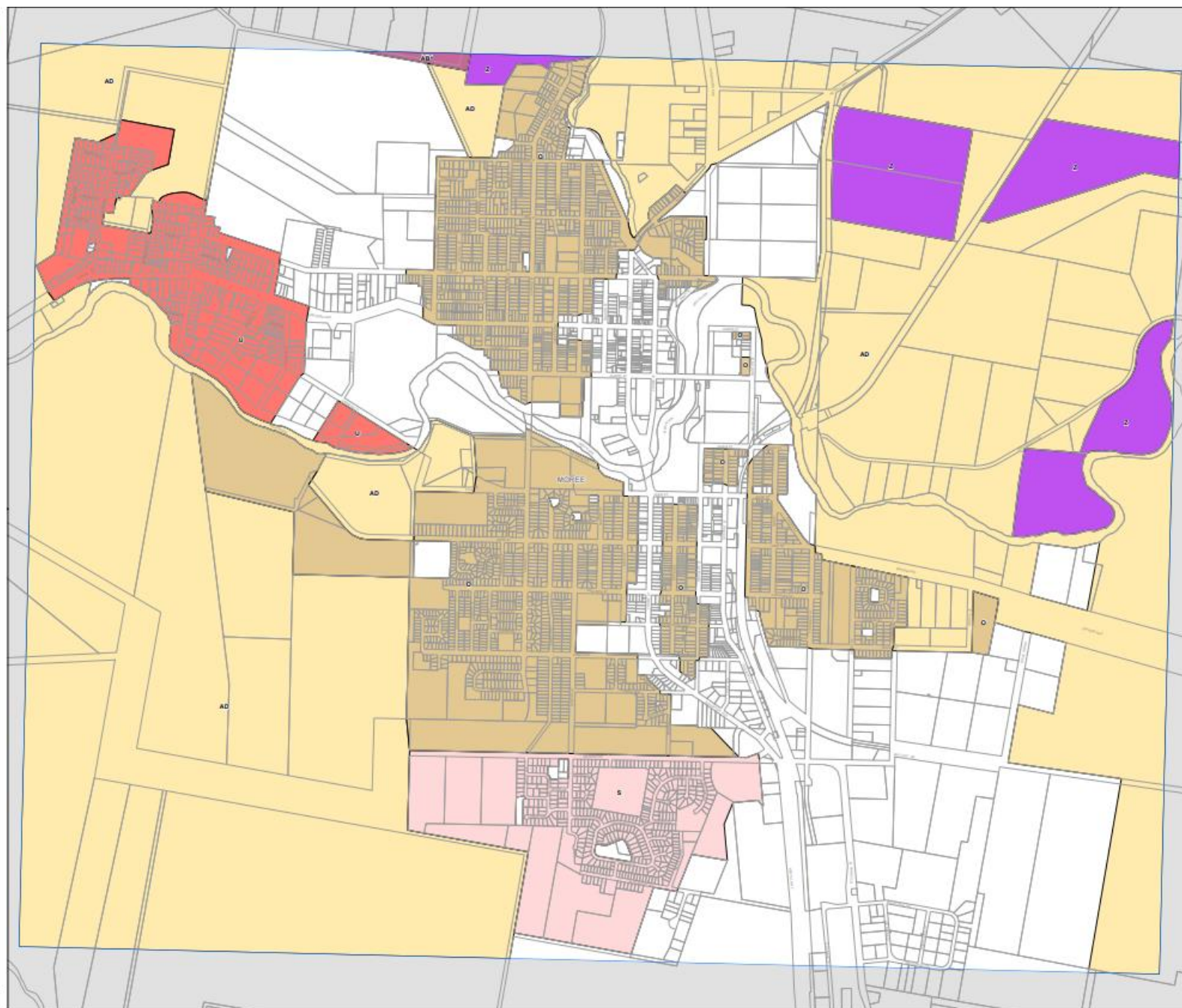
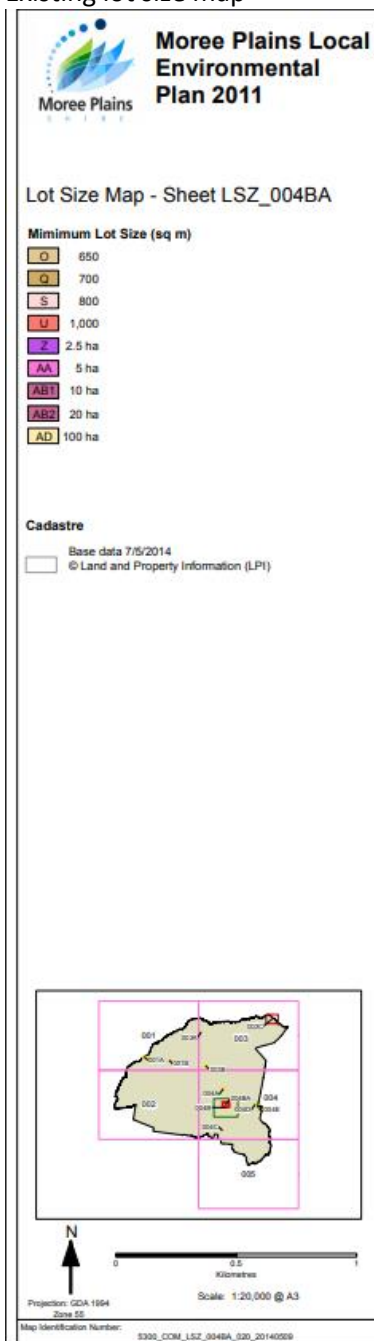
Existing Land zoning map



Proposed land zoning map



Existing lot size map



Proposed lot size map

