

Planning Services

Gateway Determination Report

LGA	Moree Plains
RPA	Moree Plains Shire Council
NAME	Planning Proposal to rezone Council owned land Public Recreation Land to Residential land (27 houses, 0 jobs).
NUMBER	PP_2018_Moree_001_00
LEP TO BE AMENDED	Moree Plains Shire Council
ADDRESS	Elizabeth St, Lorna Rae St, Alice St, Wattle Cr, Cummins Ave, and Maple Ave Moree.
DESCRIPTION	36/30028, 81/226321, 1/807499, 25/32245, 13/259878 and 29/261058
RECEIVED	23/2/18
FILE NO.	IRF18/757; EF18/2678
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

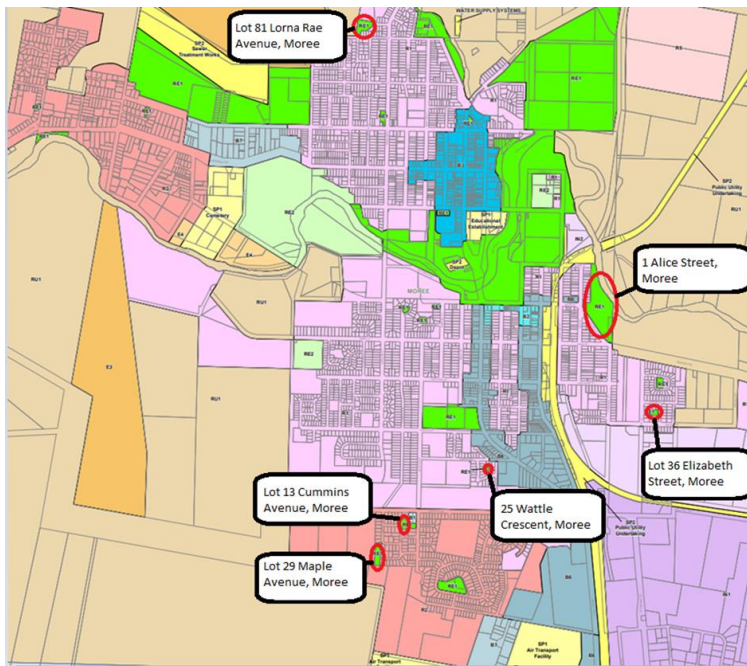
INTRODUCTION

Description of Planning Proposal

The planning proposal seeks to rezone Council owned RE1 Public Recreation zoned land to R1 General Residential with a 650m² Minimum Lot Size (MLS) and R2 Low Density Residential with an 800m² MLS under the Moree Plains Local Environmental Plan 2011 (MPLEP).

Site Description and Surrounding Areas

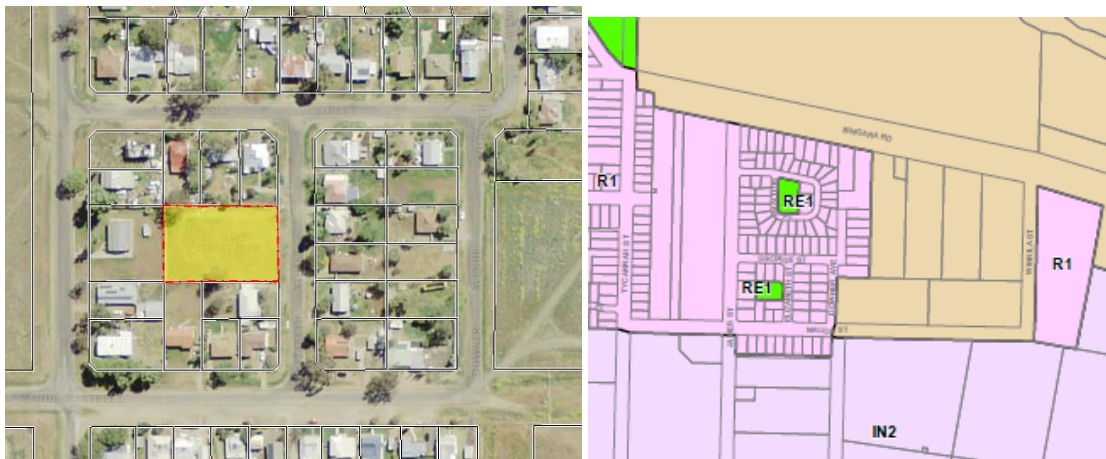
The land to be rezoned, the subject of the planning proposal, is contained within the township of Moree (see map below).



Each of the allotments are described below:

- Lot 36 in Deposited Plan 30028, known as Lot 36 Elizabeth Street, Moree NSW;

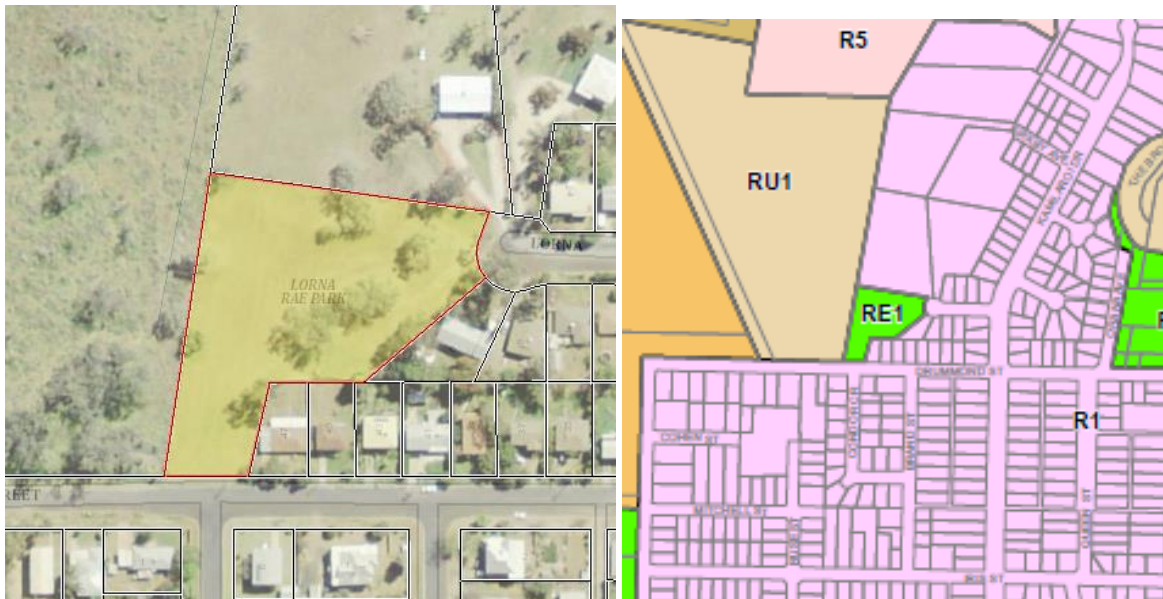
Vacant lot of approximately 0.24ha, surrounded by dwellings and having frontage to a formed bitumen road. This lot is proposed to be zoned R1 General Residential, with a 650m² MLS. It is indicated in Councils flood planning documents as being on the flood fringe. This change will facilitate a potential for 3 residential allotments.



- Lot 81 in Deposited Plan 226321, known as Lot 81 Lorna Rae Avenue, Moree NSW;

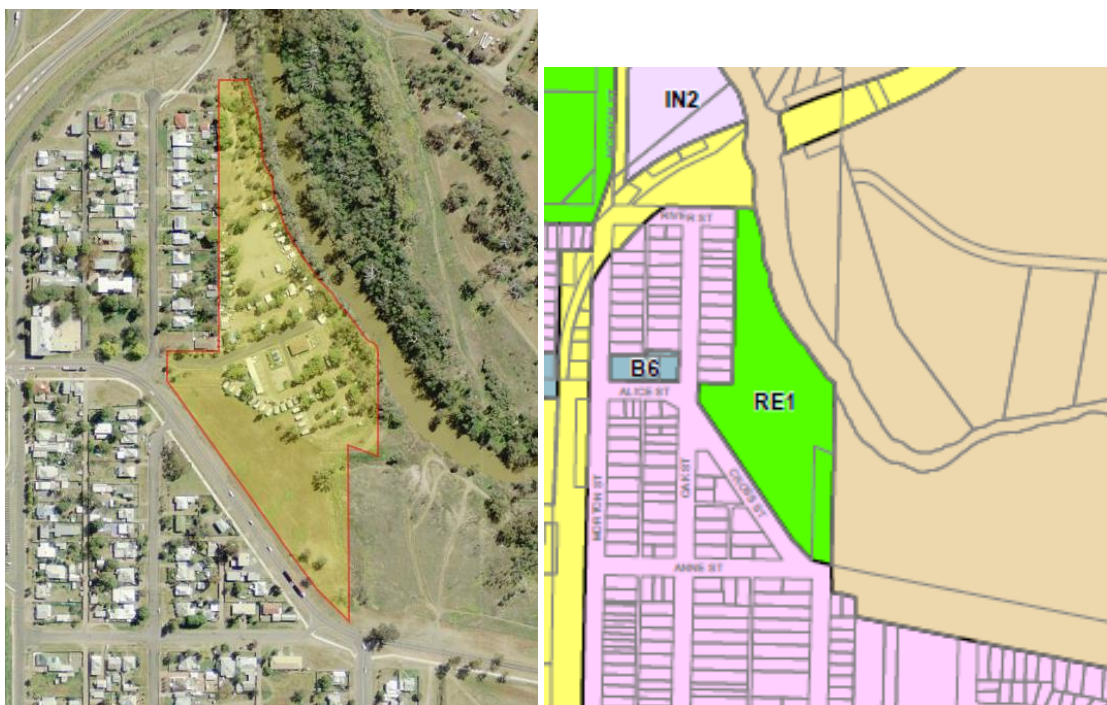
A vacant lot known as Lorna Rae Park, comprising about 0.84ha. It adjoins RU1 Primary Production zoned land, developed residential land and generally undeveloped R5 Large Lot Residential zoned land. This lot is proposed to be zoned R1 General Residential, with a 650m² MLS. It is indicated in Councils flood planning

documents as being for flood storage. This change will facilitate a potential for 12 residential allotments.

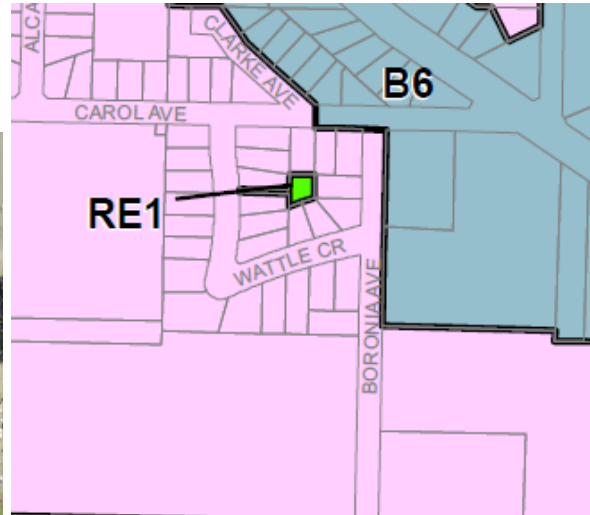


- Lot 1 in Deposited Plan 807499, known as 1 Alice Street, Moree NSW;

Established caravan park with frontage to the Mehi River of about 5.13ha. An internal access road serves the caravan park's facilities (powered and unpowered sites, swimming pool and office). This lot is proposed to be zoned R1 General Residential, with a 650m² MLS. It is indicated in Council's flood planning documents as being for flood storage. A theoretical potential of 78 allotments exist, however, this density is unlikely given the current use as an established caravan park with associated infrastructure.

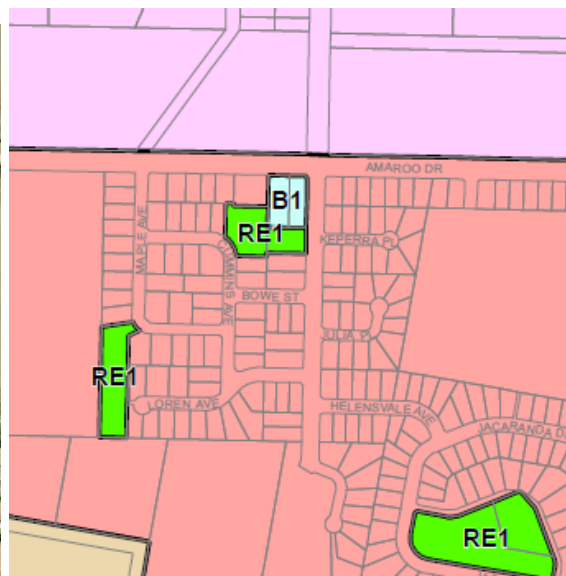


- Lot 25 in Deposited Plan 32245 known as Lot 25 Wattle Crescent, Moree NSW. A 510m² vacant battle-axe lot, surrounded by dwellings. This lot is proposed to be zoned R1 General Residential, with a 650m² MLS. No additional subdivision potential will be created by the rezoning of this allotment.



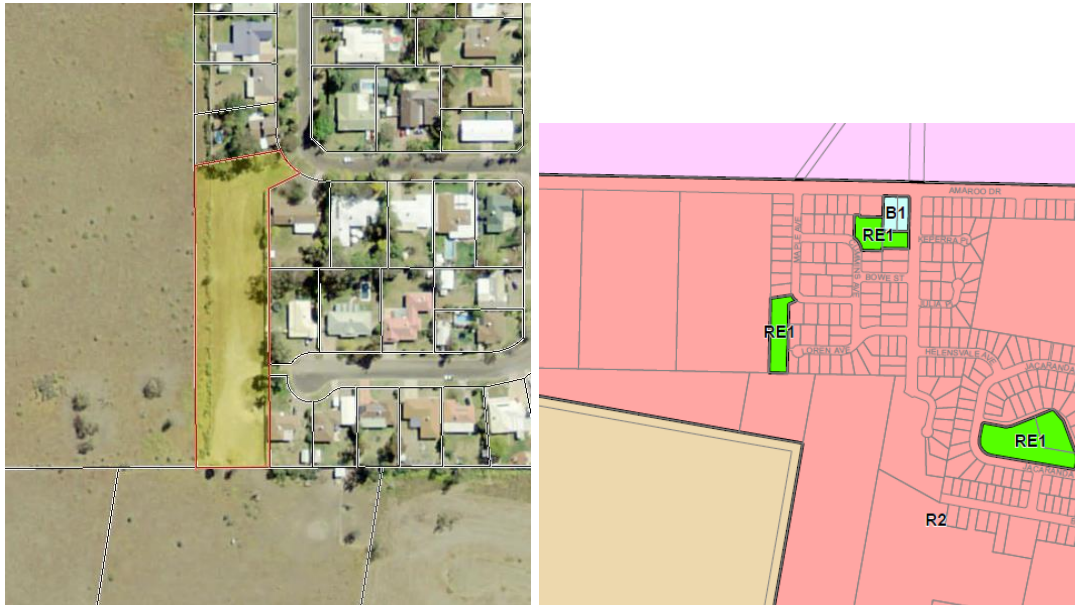
- Lot 13 in Deposited Plan 259878, known as Lot 13 Cummins Avenue, Moree NSW.

The allotment is known as Rotary Peace Park and is approximately 0.388ha and surrounded by residential development, other than two isolated allotments of B1 Business Zone and an allotment of RE1 Public Recreation zone directly adjoining it to the East. This lot is proposed to be zoned R2 Low Density Residential, with a 800m² MLS. The allotment would potentially yield 4 low density residential allotments.



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

A vacant allotment of about 0.625ha, with frontage to two formed bitumen roads. The allotment is bordered by residential dwellings to the north and along its long eastern boundary. This lot is proposed to be zoned R2 Low Density Residential, with a 800m² MLS. There is a potential for 7 allotments.



Summary of Recommendation

It is recommended that the planning proposal proceed to a Gateway determination subject to appropriate conditions.

PROPOSAL

Objectives or Intended Outcomes

The objective of the proposal is to rezone disused allotments, zoned for public open space purposes, to residential zones consistent with the surrounding zones. Due to the large amount of public open space zoned land, Council is unable to appropriately fund and maintain the subject allotments.

Explanation of Provisions

The proposal seeks to 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.

The explanation of the planning proposal provisions is clear and sufficient to convey to the community the function of the amendment. The planning proposal involves mapping changes only with no amendment to the text of the LEP.

Mapping

The mapping is sufficient for the purposes of community consultation, and readily allows the community to identify the subject allotments and the existing and proposed zoning changes.

NEED FOR THE PLANNING PROPOSAL

The planning proposal as submitted is the most appropriate way of achieving the objective of removing surplus public recreation zoned land from the Moree Plains LEP. The rezoning of the land to a zone consistent with adjoining land is appropriate, where it shares similar characteristics.

A previous planning proposal and subsequent LEP amendment reclassified the allotments, from community to operational lands, to prepare the way for this planning proposal. As such, it forms part of a rationalisation strategy of Council owned land supported by Council.

Council has satisfactorily justified the need for the planning proposal such that it is appropriate for it to proceed to Gateway determination for community consultation.

STRATEGIC ASSESSMENT

State

The planning proposal assists in delivering one of the 30 Premier's Priorities; to improve government services. This Priority is met by creating the opportunity for Moree Plains Council to direct financial resources to identified parks with the town and manage/improve facilities and maintain those public recreation areas to a higher standard.

The consistency of the planning proposal with applicable State Environmental Planning Policies is discussed below.

Regional / District

The planning proposal is consistent with New England North West Regional Plan 2036 Direction 16: Coordinate infrastructure delivery, and Direction 18: Provide great places to live. The rezoning of the vacant RE2 zoned allotments will meet these Directions by:

Direction 16 - Creating opportunity for infill residential development to occur, allowing for cost-effective and efficient use of infrastructure by focussing development on existing infrastructure. This will minimise expenditure and duplication of services.

Direction 18 – Removing pockets of unused public recreation zoned land will allow for their appropriate development for residential purposes. This will foster liveability and a stronger sense of community within the town. The ability for Council to reallocate financial resources to better situated and utilised parks will provide for great places to play.

Local

Moree Plains Shire Council does not have a specific open space strategy. However the planning proposal is consistent with Council's long-term plan of rationalising an excess of public recreation zoned land and consistent with the Moree Growth Management Strategy. The Alice Street property has been developed as a caravan park and the Moree Growth Management Strategy recommends that;

“Existing motels and caravan parks should generally be zoned to reflect the surrounding zone. It is noted that they are currently mostly zoned as business, although this is not consistent. There is no justification for using a business zoning for these uses (when they are located in a residential area), because they are fundamentally residential development, albeit short-term, and can be a permissible use in a residential zone. It is also considered that when properly designed they would not have an unacceptable impact on the amenity of the surrounding areas.”

Although the Alice Street caravan park is not zoned business, it is adjacent to residential zoned land. A site inspection conducted on 23 February 2018, indicated that it was similar in urban and topographical characteristics as the adjacent residential zoned land. The Moree Growth Urban Management Strategy, developed under the Moree Plains LEP 1995 proposed that this caravan park be possibly zoned as Private Open Space, but was subsequently zoned RE1 Public Recreation under the 2011 LEP. It is considered that the proposed R2 Low Density Residential zoning is more appropriate than the alternate RE2 Private Recreation zone, as it consistent with the zoning in the locality.

Section 117(2) Ministerial Directions

2.1 Environmental Protection Zones

The planning proposal does not amend the text of the MPLEP 2011, which already includes provisions that protect and preserve environmentally sensitive areas. It is considered that this inconsistency with the terms of the Direction are of minor significance.

2.3 Heritage Conservation

The planning proposal does not amend the text of the MPLEP 2011 and therefore does not include provision to heritage conservation provisions. Heritage conservation of items, areas, objects and places of environmental heritage significance or indigenous heritage significance are covered by the compulsory clause in the Standard Instrument (LEP) Order 2006, which was adopted by the MPLEP 2011. For this reason, it is considered that the inconsistency with the terms of the Direction are of minor significance.

3.1 Residential zones

The planning proposal proposes residential zones in place of the RE1 Public Recreation Zones increasing the diversity of housing types able to be built on the land. The allotments, the subject of this planning proposal, adjoin existing residential zoned and developed land. Infrastructure exists to service the land. Any need for augmentation or additional services and facilities can be assessed during the development application stage. It is considered that this inconsistency with the terms of the Direction are of minor significance.

3.2 Caravan Parks and Manufactured Home Estates

The Alice Street allotment is the site of an established caravan park. The planning proposal seeks to rezone it from RE1 Public Recreation with no minimum lot size, to R2 Residential low density zone with an 800m² minimum lot size. The Direction requires that either the existing zone be retained or a new zone proposed that is appropriate under the SI(LEP) Order 2006 that facilitates the existing caravan parks

retention. The proposed zone of R2 General Residential permits caravan parks with consent and does not impede its ability to develop or expand if desired, as such the planning proposal is consistent with the Direction as it facilitates the retention of the existing caravan park.

3.5 Development Near Licensed Aerodromes

The closest proposed site for rezoning is 1.1km from the Moree airport runway. This site is separated from the airport by established residential development. As the allotments subject to this planning proposal constitute minor infill development, and have large buffer distances of established residential development from the runway any inconsistency is justified as being of minor significance.



4.3 Flood Prone Land

The Alice Street (Caravan Park site), Lorna Rae Avenue and Elizabeth Street properties are flood prone. Under Council's Draft Floodplain Management Plan 2017 both Alice Street and Lorna Rae Avenue properties are predominantly classified as "flood storage" and the Elizabeth Street lot is "flood fringe". The Draft Plan has been prepared in accordance with the NSW Government's Floodplain Development Manual 2005, with reference the NSW Government Flood Prone Land Policy. In the assessment and preparation of the planning proposal Council has also had the benefit of reference to the more recent 2017 document. Whilst both were prepared in accordance with the NSW Government's Floodplain Development Manual (the Manual) 2005, the 2017 document has the benefit of improved accuracy and data modelling of flooding characteristics.

The Manual (2005) separates flood problems into three areas of risk; existing; future; and residual.

The existing development at the Alice Street location (caravan park) is constructed with a minimum floor level at the 1% Annual Exceedance Probability (AEP) flood level plus a 500mm freeboard, which accords with Council's Development Control

Plan 2013 (DCP) and Chapter 4 of the Moree and Environs Flood Risk Management Plan 2008. The two vacant lots on Lorna Rae Avenue and Elizabeth Street carry minimal risk.

The future problem discussed in the Manual refers to the development or redevelopment of sites where there is the potential for significantly higher risk. The Alice Street caravan park 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 character of caravan parks having guests or visitors that are not familiar with flood warnings, floodwater behaviour or evacuation procedures/routes. On the balance, the rezoning of the RE2 zoned caravan park and the introduction of a minimum lot size has the potential to reduce this risk by encouraging permanency of residential accommodation types and landownership in the event of future subdivision. The Elizabeth and Lorna Mae allotments are typical infill residential development and would assume the same potential risk as the adjoining residences. These risks are well managed and acceptable.

The existing provisions within the MPLEP 2011 and within the DCP would be used to assess future development within the rezoned area. Both these documents comply with the provisions of the Manual (2005).

The residual problem refers to the flood risk left over after all possible mitigation measures have been applied to the development/land. Ultimately, this requires planning for the Probably Maximum Flood (PMF) level, which in this instance is economically unfeasible and involves major structure solutions such as levies etc. Whilst these measures are being explored as part of the Draft Floodplain Management Plan 2017, they are outside the timeframe of this planning proposal.

In summation, when considering the existing, future and residual flood risk to the properties, the subject of the planning proposal, that two of the properties are considered flood storage and one flood fringe areas, and that the MPLEP 2011 and the DCP contain adequate provisions to mitigate this risk to an acceptable level, it is recommended that these allotments be supported at Gateway, with a referral to OEH to be undertaken prior to finalisation for consistency with section 9.1 Direction 4.3 being resolved.

State Environmental Planning Policies

The provisions of SEPP 21 Caravan Parks are aimed at Part 4 development within the *Environmental Planning and Assessment Act 1979* rather than Part 3 Strategic Planning level. There is no inconsistency between the planning proposal and the SEPP.

The proposal is consistent with all other State Environmental Planning Policies.

SITE-SPECIFIC ASSESSMENT

Social

The rezoning of the pockets of unused RE1 zoned park land to residential will not have an adverse social impact on the localities in which they are located, as other public recreation areas exist within easy walking distance. The removal of vacant allotments and their subsequent development for residential dwellings will have a positive social impact on the community.

There is unlikely to be a social impact resulting from the rezoning from RE1 to R2 Low Density Residential for the Alice Street (caravan park) site. However, the new zoning may make the sale of the caravan park more attractive to potential buyers should Council wish to further pursue rationalisation of land in their ownership. This could result in future subdivisions of the caravan park into residential allotments and reduction in accommodation available to lower socio-economic groups within the community. If Council were to consider the sale of the caravan park it is at that time that the social impact of their actions would be considered as part of a Council report and is outside the scope of consideration of this Gateway determination.

Environmental

The planning proposal is mainly infill residential development and any environmental impact will be assessed and addressed via the 4.15 Evaluation of a development application. No unmitigable environmental impact is likely because of the planning proposal.

Economic

The reduction of vacant and unused Council land will allow financial resources to be directed to the maintenance and improvement of other public recreation areas within the locality.

CONSULTATION

Community

The Council proposes to consult with the community for a period of 14 days via the Council's news page of the Moree Champion and on its web-site at www.mpsc.nsw.gov.au. It is considered that the proposal is a low impact proposal in accordance with the Guide to Preparing Local Environmental Plans and as such the proposed 14 day exhibition period is acceptable.

In addition to the above, it is recommended that the planning proposal be exhibited at the Caravan Park office to allow for residents that may have limited internet or transport access to view and comment on the planning proposal.

Agencies

Consultation with the Office of Environment and Heritage will be required prior to finalisation of the plan.

TIME FRAME

A six-month time frame is proposed by Council and is considered appropriate for a spot rezoning of this type.

DELEGATION

Council has requested that the Department issue a written authority to exercise plan making delegations and this request is supported.

CONCLUSION

It is recommended that the planning proposal proceed and a Gateway determination be approved subject to conditions. This support is based on the demonstrated need for Council to remove a surplus of isolated, unmaintained RE1 zoned land within its

ownership and the Moree township. Further, rezoning the allotments to be consistent with that of adjoining lands with similar characteristics, is good planning practice. The planning proposal should proceed to community consultation and feedback from the community considered in the final making of the plan.

RECOMMENDATION

It is recommended that the delegate of the Secretary:

1. Agree any inconsistencies with Section 9.1 Directions: 2.1 Environmental Protection Zones, 2.3 Heritage Conservation, 3.1 Residential Zones and 3.5 Development Near Licensed Aerodromes, are minor or justified; and
2. Note that the consistency with Section 9.1 Direction 4.3 Flood Prone Land is unresolved and will require justification.

It is recommended that the delegate of the Minister for Planning 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
3. The timeframe for completing the LEP is to be 6 months from the date of the Gateway determination. Given the nature of the planning proposal, Council should be authorised to exercise delegation to make this plan.
4. The planning proposal should be made available at the Caravan Park Office for a minimum of 14 days.



13/3/18

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14-3-2018

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