

17.2 PLANNING PROPOSAL PP2019/0001 TO REZONE 3245-3275 BRUXNER HIGHWAY, CASINO FOR LIGHT INDUSTRIAL DEVELOPMENT**EXECUTIVE SUMMARY**

Council has received an application (PP2019/0001), supported by a Planning Proposal, to amend the *Richmond Valley Local Environmental Plan 2012* (the LEP) to enable 3245-3275 Bruxner Highway, Casino, being Lots 100 to 111 DP755627 (the Land), to be developed for light industry.

The proposed development is sited immediately to the south of existing industrial land (Zoned IN1), and is supported as future employment land within the *North Coast Regional Plan 2036*.

The Land currently has a Land Zone of RU1 Primary Production, and a minimum lot size for subdivision of 40ha. To facilitate the proposed light industrial development, the LEP requires amendment to change the:

- Land Zone Map—by applying IN1 General Industry to the land; and
- Lot Size Map—by applying a minimum lot size (MLS) of 750m² to the land.

Council's support for the planning proposal is required to commence the rezoning process. This will cause the planning proposal to be submitted to the Department of Planning and Environment (DoPE) for assessment and a Gateway Determination, which would normally incorporate conditional agency and community consultation.

A further report will be presented to Council at the conclusion of the consultation phase, where a decision to proceed with the LEP amendment will be required. If it is to proceed, Council may use Ministerial Plan Making delegations to prepare and make the final LEP amendment, but only where such delegations have been sought, and granted, through the gateway process. These delegations should be assigned to the General Manager.

RESOLUTION 190219/17

Moved: Cr Stephen Morrissey

Seconded: Cr Daniel Simpson

That:

1. Council support Planning Proposal PP2019/0001 which proposes to amend the *Richmond Valley LEP 2012*, as it applies to Lots 100 to 111 DP755627 3245-3275 Bruxner Highway Casino, by rezoning the land to facilitate its development for light industry (Zone IN1);
2. PP2019/0001 be directed to the DoPE for a Gateway Determination; and
3. EP&A Act Ministerial Plan Making delegations be requested for the General Manager.

CARRIED

17.2 PLANNING PROPOSAL PP2019/0002 TO REZONE 3245-3275 BRUXNER HIGHWAY, CASINO FOR LIGHT INDUSTRIAL DEVELOPMENT

Author: Andrew Hanna, Manager Development and Environment

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RECOMMENDATION

That:

1. Council support Planning Proposal PP2019/0001 which proposes to amend the *Richmond Valley LEP 2012*, as it applies to Lots 100 to 111 DP755627 3245-3275 Bruxner Highway Casino, by rezoning the land to facilitate its development for light industry (Zone IN1);
2. PP2019/0001 be directed to the DoPE for a Gateway Determination; and
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DELIVERY PROGRAM LINKS

Growing our Economy

EC1 Driving Economic Growth

EC1.7 Provide flexible and innovative planning controls

EC1.8 Provide sustainable Urban Development Opportunities

BUDGET IMPLICATIONS

Nil.

REPORT

Council is in receipt of planning proposal application (PP2019/0001) prepared by consultants, Newton Denny Chapelle and lodged on behalf of the Santin Family Trust, owner of Lots 100 to 111 DP755627, 3245-3275 Bruxner Highway Casino (figure 1). The planning proposal seeks to rezone the land so it can be developed for light industry purposes (figure 2).



Figure 1 – Locality Plan identifying the subject land (outlined in red with shading) to the west of Casino on the Bruxner Highway.

The property currently has a Land Zone of RU1 Primary Production under the *Richmond Valley LEP 2012*, with a minimum lot size of 40ha (figure 3). To facilitate light industrial development on the land, amendment of the LEP is required under Part 3 of the *Environmental Planning and Assessment Act 1979*. This process is known as the Gateway Planning process and involves assessment of proposed LEP amendments against a number of State, regional and local plans, policies and strategies, including Section 117 (s.9.1) Ministerial Plan Making Directions, as well as consultation with relevant Government Authorities and the community.



Figure 2 – Concept for proposed light industrial estate (extracted from Planning Proposal PP2019/0001). Hatched area represents location of an approved transport depot (DA2012/0139).

Planning Proposal PP2019/0001 proposes to amend the *Richmond Valley LEP 2012* by changing the following as they apply to the land, they being:

- amend the land zone on the Land Zone Map, for the 6.96ha property, from Zone RU1 Primary Production to Zone IN1 General Industry; and
- amend the minimum lot size (MLS) on the Lot Size Map from 40ha to 750m².

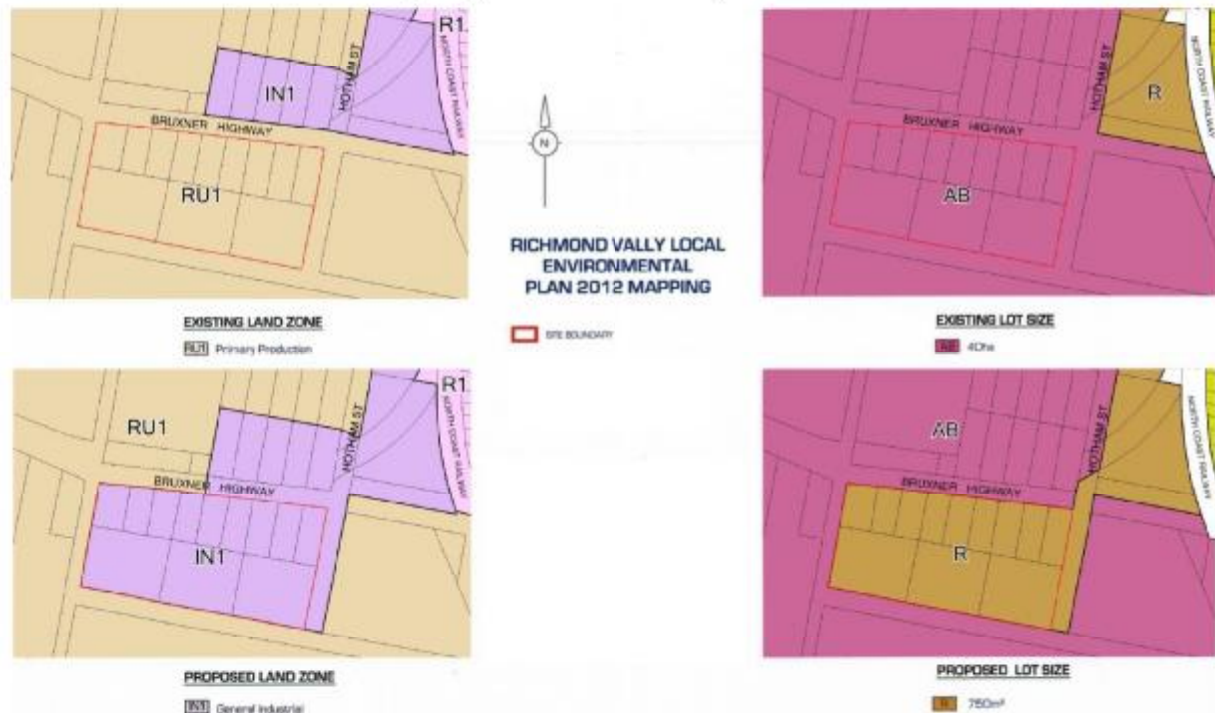


Figure 3 – Existing and proposed amendments to the Richmond Valley LEP 2012-Land Zone Map and Lot Size Map

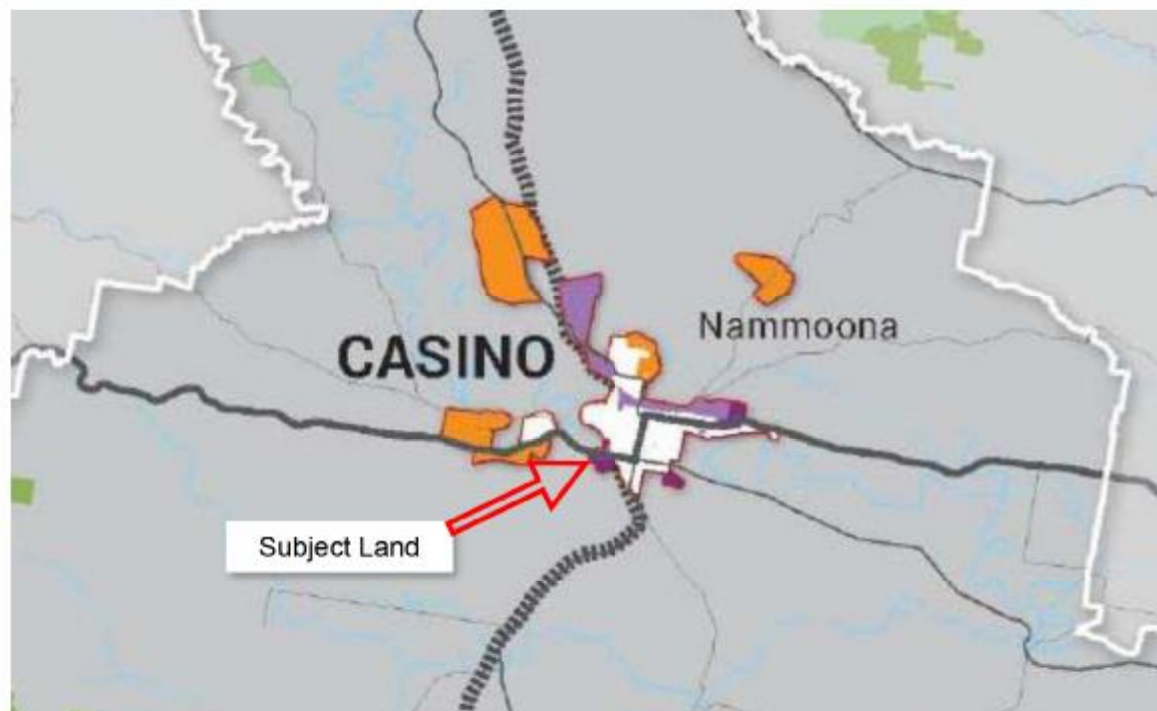


Figure 4 – Extract from North Coast Regional Plan 2036 Urban Growth Area Map for Richmond Valley Council – Dark purple area represents Investigation Area – Employment Lands.

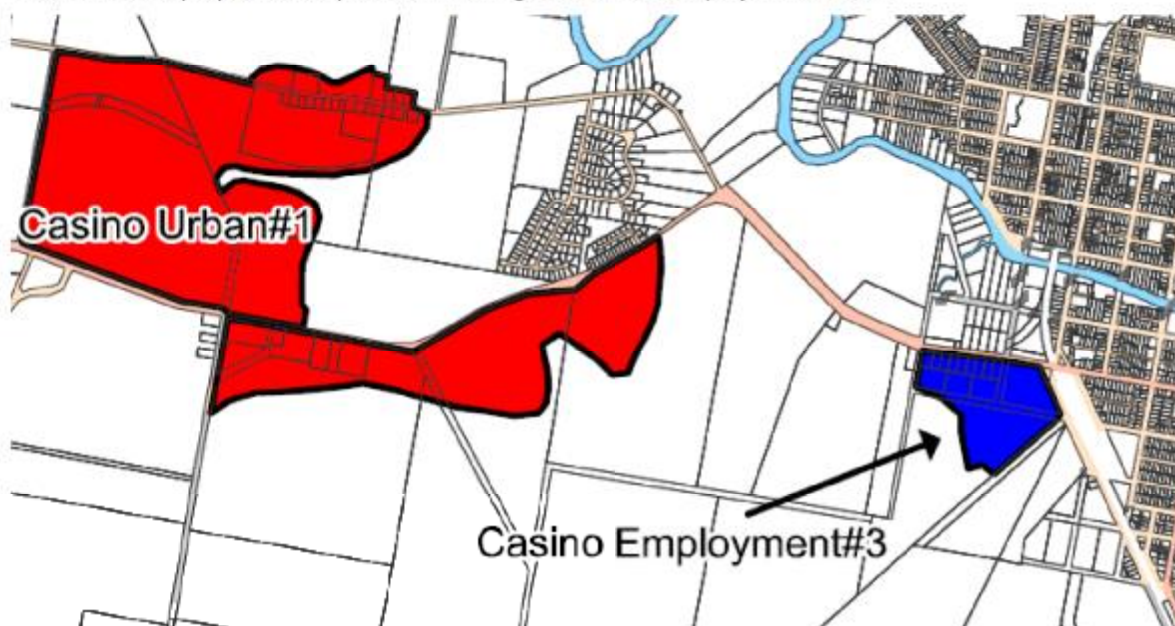


Figure 5 – Extract from Richmond Valley Council submission to Draft North Coast Regional Plan seeking the inclusion of additional Urban Growth Areas including the Casino Employment #3 area as future employment land.

Consideration of Strategic Policies and Land Suitability

The Planning Proposal has been prepared in accordance with the DoPE *Guide to Preparing Planning Proposals* (2016). In preparing the planning proposal, consideration was given to the land's suitability against State, regional and local plans, policies and strategies, and Section 117 (s.9.1) Ministerial Plan Making Directions. No inconsistencies were found in this regard.

North Coast Regional Plan 2036

The *North Coast Regional Plan 2036* was endorsed by the Minister for Planning in March 2017. The Plan provides for the sustainable and managed future growth of urban settlements in the North Coast region, extending from Tweed to Port Macquarie.

During the preparation of the Draft North Coast Regional Plan submissions from Local Government were sought to incorporate amended future urban growth boundary mapping into the Plan. Richmond Valley Council submitted a compiled inventory of existing and new future urban growth areas that had been through community consultation. This submission, which incorporated both future residential and employment land areas, added the Casino Employment #3 area to the south-western entry of Casino, on the Bruxner Highway, which is location opposite an existing Zone IN1 General Industrial area.

Figure 5 shows the location and extent of the Casino Employment #3 area that was included within the *North Coast Regional Plan* (see Figure 4).

Relevant Directions and Actions from the North Coast Regional Plan have been addressed below:

<ul style="list-style-type: none"> Direction 1: Deliver environmentally sustainable growth 	<p>This Planning Proposal delivers on Action 1 by focusing future urban development to mapped urban growth areas.</p> <p>The subject land is identified as 'under investigation' for employment land. It does not have potentially high environmental values.</p>
<ul style="list-style-type: none"> Direction 2: Enhance Biodiversity, Coastal and Aquatic Habitats, and 	<p>The subject land has no biodiversity values, and is neither within the coastal zone nor within a drinking</p>

Water Catchments	<p>water catchment.</p> <p>Future design and development of the site will require strategies to prevent stormwater runoff impacting on key fish habitats and water quality.</p>
<ul style="list-style-type: none"> Direction 3: Manage Natural Hazards and Climate Change 	<p>The land is not within a coastal environment.</p> <p>The preliminary flood assessment of this land has consulted flood modelling, with the 1 in 100 year ARI flood event calculated to have a level of 25.9m AHD over this site. Natural ground levels obtained from LIDAR imagery identify the site ranges in elevation between 24.25m to 25.25m AHD.</p> <p>In accordance with the Casino Floodplain Risk Management Plan, the finished floor level for commercial/industrial developments should be above the 1 in 100 year level. This will be achievable over the majority of the land.</p> <p>The land and its immediate surrounds are not bushfire prone land and comprise managed grassland.</p>
<ul style="list-style-type: none"> Direction 6: Develop successful centres of employment 	<p>The proposal aims to deliver an adequate supply of employment land to support jobs growth.</p>
<ul style="list-style-type: none"> Direction 11: Protect and enhance productive agricultural land 	<p>The land has been mapped as significant farmland however, Section 117 (s.9.1) Ministerial Direction 5.3 justifies an inconsistency with the policy because the land is identified as an urban growth area in the North Coast Regional Plan.</p> <p>Notwithstanding, it is more than likely that industries established within this site will service and support the farming and rural sectors.</p>
<ul style="list-style-type: none"> Direction 18: Respect and Protect the North Coast's Aboriginal Heritage 	<p>An AHIMS search found no registered Aboriginal sites within 1 km of the proposal.</p>
<ul style="list-style-type: none"> Direction 19: Protect Historic Heritage 	<p>There are no historic sites within the vicinity of this land.</p>

Plan Making Process and Functions

Preparation of an amending LEP normally goes through the following phases:

1. prepare a Planning Proposal (includes endorsement by Council resolution)
2. issuing of a Gateway Determination (usually conditional)
3. Agency consultation followed by community consultation (as required)
4. finalisation of the Planning Proposal (which may involve adopting the whole proposal, or a part, or to reject the proposal)
5. draft the amending LEP (this is the legal instrument prepared by the Parliamentary Counsel's Office (PC))
6. make the Plan (signed by the Minister for Planning)
7. notify the LEP on the NSW Government Legislation website.

This Planning Proposal is currently at Step 1.

The Minister's Plan Making functions (Step 6) can be requested through the Gateway. Delegation of these functions enables Council to request Parliamentary Counsel preparation of the Plan; signing (making) of the Plan; and cause it to be published on the Legislation website, without further reference to the Department of Planning and Environment. Such delegations are routinely issued for spot rezoning that is consistent with the **Regional Plan**.

The Minister's Plan Making functions should be sought for this Planning Proposal and be granted to the General Manager.

Infrastructure

The subject property is currently not serviced by reticulated water or sewer.

A review shows that sufficient sewer services can be provided to service potential light industrial development. This can be done by a traditional gravity sewer network; or a low pressure sewer scheme, the latter being particularly suitable for lower ET's; connected to a new centralised sewer pump station that discharges into Casino's sewer scheme by:

- direct injection into the Gays Hill rising main, currently running within the Bruxner Highway adjacent to the site;
- discharge into the existing gravity sewer manhole adjacent to the Hare Street/Diary Street intersection; or
- discharge into the existing gravity sewer manhole within Colches Street.

Water services can be provided to the development via a new water network, connected to the bulk service main located within the Bruxner Highway.

Electricity and telecommunications may require upgrades and consultation with the relevant supply authorities should be undertaken.

DA2012/0139 has been granted consent to establish a truck depot on part of the land. A condition of consent requires an intersection to be constructed at the Bruxner Highway to handle long/heavy vehicles. This intersection is currently being designed, in consultation with NSW Roads and Maritime Services, to service a larger industrial estate.

CONSULTATION

Gateway Determinations are customised for each Planning Proposal, however normal consultation requirements for a rezoning are agency consultation followed by a minimum 28 day public exhibition.

At the conclusion of the consultation phase, a further report to Council will be required if the amendment is to proceed with or without amendment.

CONCLUSION

Planning Proposal PP2019/0001 has been lodged with Council seeking to rezone 3245-3275 Bruxner Highway Casino, being Lots 100 to 111 DP755627, to facilitate development of the land for light industry. Development Consent DA2012/0139 was granted for a depot on part of the land which will be consistent with this amendment. This consent has commenced and includes construction of sheds to comply with the Flood Risk Management Plan, and an intersection with the Bruxner Highway to cater for long heavy vehicles.

The Planning Proposal is consistent with the *North Coast Regional Plan* by actioning Direction 1 to delivery future urban development within mapped future Urban Growth Areas. Assessment of the proposal also shows it is consistent with State, regional and local plans policies and strategies, as well as Section 117 (s.9.1) Ministerial Plan Making Directions.

It is recommended Council support the planning proposal to commence the Gateway Planning process. Furthermore, Council should also seek the Minister's Plan Making functions for this

planning proposal and granted these to the General Manager to enable making of the final LEP amendment under delegation.

ATTACHMENT(S)

Nil