

**JOINT REGIONAL PLANNING PANEL  
(Northern Region)**

<b>JRPP No</b>	<b>2013NTH002 and 2013NTH003</b>
<b>DA Number</b>	<b>DA2013-2 and DA2013-3</b>
<b>Local Government Area</b>	<b>Moree Plains Shire Council</b>
<b>Proposed Development</b>	<b>11 lot subdivision with associated infrastructure works and 25 lot subdivision with associated infrastructure works.</b>
<b>Street Address</b>	<b>South-west corner of Newell Highway and Blueberry Road, Moree NSW 2400 Lot 1 DP 111137 and North-west corner of Newell Highway and Blueberry Road, Moree NSW 2400 Lot 5 DP 817286 and Lot 11 DP 848790</b>
<b>Applicant/Owner</b>	<b>Ms Jessica Hirst, Planning &amp; Infrastructure, Level 1, 51 Macquarie Street, Sydney NSW 2000</b>
<b>Number of Submissions</b>	<b>Six (6) submissions were received during the exhibition period, one (1) of these by way of objection.</b>
<b>Recommendation</b>	<b>Deferred Approval with Conditions</b>
<b>Report by</b>	<b>Mr Angus Witherby, Wakefield Planning</b>
<b>Report Date</b>	<b>29<sup>th</sup> April 2013</b>

## **Assessment Report and Recommendation**

REPORT TITLE:	2013NTH003 - Moree Plains Shire Council - DA2013-2 - 11 lot subdivision and associated infrastructure works, Lot 1 DP 111137, Newell Highway, Moree (Site A) and 2013NTH002 - Moree Plains Shire Council - DA2013-3 - 25 lot subdivision and associated infrastructure works, Lot 5 DP 817286 & Lot 11 DP 848790, Newell Highway, Moree (Site B)
REPORT FROM:	DIRECTOR, WAKEFIELD PLANNING
FILE NUMBER:	LETTER NO:

## SUMMARY:

The purpose of this report is to seek the JRPP's decision on two proposed subdivisions, adjacent to the Moree Airport, on land described as Lot 5 DP 817286, Lot 11 DP 848790, and Lot 1 DP 111137, Newell Highway, Moree.

The land is zoned B6 Enterprise Corridor under Moree Plains LEP 2011. The proposals are permissible with consent.

A locality plan is attached as **Attachment 'A'**, and the proposed subdivision layout plans as **Attachment 'B'**.

The owner of the land is Moree Plains Shire Council, and the applications were lodged by P + I Group Pty Ltd of Level 1, 151 Macquarie St Sydney on behalf of the Council. As the applications are adjacent, and common issues apply, they have been assessed together, to ensure that the cumulative impacts of the applications are fully assessed.

As the application covers land owned by the Council, the proposal was assessed by an external consultant, Angus Witherby of Wakefield Planning.

Key issues with the proposal are:

- Relationship to adjoining land uses,
- Road access, and
- Public Submissions.

The proposals are recommended for conditional approval. Common conditions that are recommended for both applications are followed by specific conditions that would apply to one application only. Note that recommended conditions have been drafted to cover the potential sale of the land to another party, other than the Council, who may act on the consent.

## RECOMMENDATION:

**That the Joint Regional Planning Panel resolve to approve DA 2012/02 for a twenty-five (25) lot subdivision and DA 2012/03 for an eleven (11) lot subdivision subject to the following conditions:**

## CONDITIONS APPLYING TO BOTH SUBDIVISIONS

### DEFERRED COMMENCEMENT CONDITION

1. Commencement of the development shall not occur until the written consent of NSW RMS is obtained for the proposal.

### GENERAL CONDITIONS

1. This consent will be void if not physically commenced within five (5) years from the date of approval.  
Reason: To ensure that the development is commenced within a satisfactory time frame.
2. The development is to be undertaken to the satisfaction of Council and in conformity with the Environmental Planning and Assessment Act, the Local Government Act, appropriate Australian Standards, Environmental Planning Instruments where applicable, the application made, and specification attached, except as modified by the conditions of this consent.  
Reason: To confirm and clarify the terms of Council's approval.
3. Before lodgement of a Construction Certificate, amended plans and documents and a schedule of plans and documents to the satisfaction of Council must be submitted to be approved by Council. When approved, the plans and documents and schedule of plans and documents will be endorsed with Council's stamp and will then form part of the consent. The plans must be drawn to scale with dimensions and three copies must be provided. The plans and documents must be generally in accordance with the plans and documents submitted with the application, but modified to comply with the conditions of this consent.  
Reason: To ensure that endorsed plans and documents reflect the approval as issued.
4. Power supplies and telecommunication facilities within the subdivision shall be by way of underground cable, to the requirements of the relevant authority.
5. The construction of the subdivision may be staged. If this occurs, each approved construction stage is to be fully self-contained. Reconstruction of the Blueberry Road intersection shall be included within the first stage. All conditions relevant to a stage are to be complied with as part of the construction of that stage and prior to the release of the Subdivision Certificate for that stage. Any construction of roads which would create a dead end shall include the provision of a temporary turning head, with the design and construction methods shown on the relevant Construction Certificate. Council will require a bond to be paid, equivalent to the contract cost of constructing a permanent turning head, plus 20%, prior to the release of a Construction Certificate including a temporary turning head. This bond would be returned by Council on the construction of an adjoining future stage of the subdivision or a permanent turning head. If an adjoining future stage of the subdivision or a permanent turning head is not constructed within five (5) years of the approval of the relevant temporary head, Council may construct a permanent turning head, at its discretion, utilising the bond funds.  
Reason: To permit staging of the proposal, while ensuring that the proposal, if partially completed, can function properly.

6. All conditions and recommendations (including the need for specific approvals) provided by the NSW RMS shall be incorporated into the project, including the plans prepared for the Construction Certificate. In the event of a conflict between the specific RMS requirements as part of any approval, and the other conditions of this consent, the RMS requirements shall prevail.

Reason: To ensure that the design of and access to the proposal are consistent with RMS requirements.

7. The site is affected by height restrictions associated with Moree Airport and the metrological radar facility. No works, the subject of this consent, shall penetrate the Obstacle Limitation Surface or exceed 16m in height (whichever is the lesser), including landscaping at maturity. Satisfactory confirmation is to be provided to the Bureau of Meteorology and Council (as relevant) of compliance with this requirement prior to issue of the Construction Certificate.

Reason: to ensure that no operational constraints are imposed on the adjoining Moree Airport or weather radar facility.

*Note: The use of cranes during construction may penetrate the Obstacle Limitation Surface. Should cranes be proposed to be used that would penetrate this Surface approval is to be requested from the Airport Manager, Moree Airport to ensure that safe aircraft operations are maintained.*

#### CONSTRUCTION CERTIFICATE CONDITIONS

8. Prior to construction of the approved development, it is necessary to obtain a Construction Certificate. A Construction Certificate may be issued by Council or an Accredited Certifier. Plans and documents submitted with the Construction Certificate are to incorporate all the conditions of the development consent.

Reason: Statutory requirement.

9. A Construction Certificate issued by a Private Accredited Certifier is to be deposited with Council at least 48 hours prior to the commencement of any earthworks, engineering or building work on the site.

Reason: To confirm and clarify the terms of Council's approval.

10. A weed management plan shall be prepared for the site and approved by Council prior to issue of a Construction Certificate. The plan shall give specific consideration to recommendations of the report "Targeted Ecology Assessment, Search and Mapping *Desmodium campylocaulon* in a Proposed Subdivision in Moree Shire Plains" April 2013, Oz Ark Environmental and Heritage Management Pty Ltd.

Reason: To ensure noxious weeds on the site are appropriately managed.

11. A Wildlife Hazard Management Plan is to be prepared and approved by Council prior to the issue of a Construction Certificate. This Plan which is to be endorsed by Council's Airport Manager, is to address wildlife hazards to aircraft associated with the development, in particular potential bird strike risk associated with the drainage and detention basin system. In this regard, detention basins are not to be designed as permanent water features. Provision is to be made for control of birds through netting or other appropriate method should birds be attracted to the drainage facilities. Vegetation included in the landscaping plan should not include species that are particularly attractive to birds.

Reason: To minimise the impacts of the development on operations at Moree Airport.

12. The applicant must ensure that the peak storm water discharge rate in a 1 in 20 year event from the proposed development will be no greater than was previously produced by the site in its natural state. Overland flow paths are to be identified in the Construction Certificate and overland flows from the site must not impact on adjoining or adjacent land including the Newell Highway. All excess storm water must be discharged to the storm water system or to appropriate receiving waters. In addition:
- a. A comprehensive assessment and report certifying that the on-site storm water detention system complies with this condition shall be submitted to and approved of by Council's Engineering Department prior to the issue of a Construction Certificate.
  - b. Storm water detention areas and overland flow paths must be identified on plans submitted to Council. These areas are to be protected by an appropriate section 88B instrument prior to the issue of a Subdivision Certificate.

Reason: To ensure appropriate disposal of storm water from the site.

*Note: The design of the pump-out system pits in the detention basins are to raise the inlet pit above the floor of the basin allowing grit and sediment to settle in the basin prior to discharge. Open swale drains are not to include a concrete lined base. A more suitable arrangement is a natural grass-lined channel that can be mowed regularly and re-graded as required.*

13. Street lighting shall be provided to the proposed subdivision in accordance with the Australian Standard 1158 series – Road lighting. A detailed plan of the proposed street lighting is to be submitted to and approved by Council's Engineering Department, Council's Airport Manager, CASA and the local energy authority prior to the issue of a Construction Certificate for Civil Engineering Works.

Reason: To ensure suitable street lighting is provided to the proposed development.

*Note: because of proximity to Moree Airport, the proposed street lighting would be referred to the Civil Aviation Safety Authority for their comments. Lighting would be required to comply with the Authority's best practice as may be promulgated from time to time to reduce upwards glare and glare that would potentially affect aircraft operations. This would involve the use of fixtures specifically designed to minimise horizontal and upwards glare. It should also be noted that a 16 m height limit applies to street lighting fixtures.*

14. The proposed roadwork shall be done in accordance with the Austroads Guide to Road Design or RTA Road Design Guide. Engineering design plans and specifications are include details of geometric design, existing and proposed levels and gradients on the longitudinal sections, cross sections, kerb returns, existing services and structures, cut and fill, intersection design and any other relevant details. Laybacks shall be provided to service existing development, if required, in accordance with Council's standard driveway access provisions. Details of works connecting to or affecting the Newell Highway (SH17) must also be lodged with and be to the satisfaction of the NSW RMS, and be in compliance with their advice and recommended conditions. Individual lot laybacks are not required to be provided with the subdivision but would be assessed at the time of individual lot development. Details of the proposed construction works must be submitted to and approved of by Council and/or the RMS prior to the issue of a Construction Certificate.

Reason: To ensure roadworks are designed and constructed to a satisfactory standard.

15. Regulatory signposting and line marking is to be provided in accordance with the "RTA Guide to Signs and Marking Reference Lists (April 2010), AS1742 - Manual of Uniform Traffic Control Devices or Austroads Guide to Traffic Management-Part 10 (Traffic Control and Communication Devices). A signposting and line marking plan is to be submitted to and approved of by Council and/or the RMS prior to the issue of a Construction Certificate. This plan shall address (among other requirements) constraints on access for articulated vehicles with appropriate signposting.  
Reason: To ensure appropriate signposting and line marking is provided in accordance with relevant standards.
16. A landscaping plan prepared by a qualified and experienced person shall be provided and approved by Council prior to issue of the Construction Certificate. This plan shall be in accordance with Moree Plains DCP 2013 – Gateway Precinct Chapter (as modified by various conditions of this consent) and shall incorporate a minimum of two rows of tree planting along the Newell Highway on each side of the Highway. Species selected and spacing of vegetation shall be such as to provide assistance in mitigation of dust generated by adjoining land uses to the east of the Newell Highway. Landscaping shall not include any permanent water feature that would attract birdlife.  
Reason: To enhance the public realm, in particular the southern entry to Moree, to provide initial landscaping for public areas of the subdivision and buffers to adjoining land uses including dust generating uses to the east, and to minimise the likelihood of birds utilising water features for nesting.
17. A Traffic Control Plan (TCP)/Traffic Management Plan (TMP) relating to construction works in the road reserve shall be submitted to and approved of by Council and/or the RMS as relevant prior to issuance of a Construction Certificate. The requirements of the approved TCP/TMP shall be implemented at all times during construction work in the road reserve.  
Reason: To provide a safe environment during construction.
18. A cut and fill management plan is to be submitted to and approved by Council prior to issue of a Construction Certificate. The Plan shall indicate the proposed sources of fill (including both on and off site) together with the proposed approach to achieving adequate compaction for building purposes of affected allotments. The Plan shall address likely volumes of fill import and address the implications of the associated traffic movements during the construction phase.  
Reason: To ensure that of fill to the site is appropriately managed and that proper compaction of fill materials takes place.
19. Prior to the commencement of any earthworks on site and during any earthworks the applicant is to ensure that appropriate erosion and sedimentation controls are in place in accordance with Landcom - Managing Urban Stormwater Soils and Construction Guidelines, 4<sup>th</sup> Edition, March 2004. All earthworks are to be stabilised on completion through effective methods to minimise erosion. Particular attention is to be given to minimising dust generation, in particular dust that might impede the operations of the adjoining Moree Airport. An Erosion and Sediment Control Plan consistent with this condition shall be submitted to and approved by Council prior to the issue of a Construction Certificate.  
Reason: To protect the environment from possible erosion.

20. Pursuant to section 94A(1) of the Environmental Planning and Assessment Act 1979, and the Moree Plains Development Contributions Plan 2006, a levy of \$55,000 shall be paid to Council in respect of the development being 1% of the indicated cost of carrying out the development as determined by the Council in accordance with Act and Regulations.
- a. The amount to be paid is to be adjusted at the time of payment, in accordance with the provisions of the Moree Plains Development Contributions Plan 2006 and the Regulation.
  - b. The contribution is to be paid prior to the issue of a Construction Certificate.
  - c. When construction is staged, the contribution shall cover the percentage of the total site area that is the subject of that stage.
- Reason: To ensure the provision of community facilities and services pursuant to Section 94A of the Environmental Planning and Assessment Act 1979.

#### CONSTRUCTION CONDITIONS

21. The site has recorded a threatened species, *Desmodium campylocaulon*. Stripped soils are to be spread on the Moree Airport Precinct in accordance with the recommendations of the report "Targeted Ecology Assessment, Search and Mapping *Desmodium campylocaulon* in a Proposed Subdivision in Moree Shire Plains" April 2013, Oz Ark Environmental and Heritage Management Pty Ltd.  
Reason: To minimise impacts on a threatened species.
22. Site clearing shall take place in accordance with the recommendations of the report "Targeted Ecology Assessment, Search and Mapping *Desmodium campylocaulon* in a Proposed Subdivision in Moree Shire Plains" April 2013, Oz Ark Environmental and Heritage Management Pty Ltd.  
Reason: To minimise impacts on potential fauna habitat.
23. Construction contractors sheds, waste containers and building materials must be stored wholly within the site during the construction phase and must be at least 20m from any existing dwelling or caravan. All waste must be appropriately disposed of to Moree's waste management facility and temporary building structures removed before the issuing of a Subdivision Certificate.  
Reason: To ensure that public places and road reserves are not obstructed.
24. Should Aboriginal relics be discovered work shall cease immediately and application be made for consent for Destroy and Care and Control Permits under the provisions of the NSW National Parks and Wildlife Act 1974. Any applications for permits shall be supported by written documentation from the Local Aboriginal Land Council demonstrating appropriate consultation.  
Reason: To ensure compliance with the NSW National Parks and Wildlife Act 1974 and protection of Aboriginal relics.
25. A copy of all stamped approved plans, specifications and documents (including the Construction Certificate if required for the work incorporating certification of conditions of approval) must be kept on site at all times so as to be readily available for perusal by any officer of Council or the Principal Certifying Authority.  
Reason: To ensure that the form of the development undertaken is in accordance with the determination of Council.
26. Any necessary alterations to, or relocations of, utility services must be carried out at no cost to the Council or a relevant public authority. In the event that the Council acts on the consent, any necessary alterations to, or relocations of, utility services must be carried out at no cost to any other public authority



**Reason:** To ensure costs associated with the development are not transferred to the public.

27. Toilet facilities must be provided on the work site at the rate of one toilet for every 20 persons or part of 20 persons employed at the work site. Each toilet provided must:
- Be a standard flushing toilet, connected to a public sewer, or
  - If connection to a public sewer is not available, to an on-site effluent disposal system approved by the council, or
  - A portable toilet.
  - The provision of toilet facilities must be completed before any other work is commenced.

**Reason:** To ensure the health and safety of the community and workers on the site.

28. All construction works are to be carried out during the following hours:
- Between Monday to Friday (inclusive) – 7.00am to 6.00pm,
  - On a Saturday – 8.00am to 1.00pm.

Construction must not be carried out on a Sunday or a public holiday.

**Reason:** To ensure that works do not interfere with reasonable amenity expectations of residents and the community.

29. All fill proposed to allotments shall be compacted to an adequate standard for future building works. A notation shall be placed on the Section 88B Instrument covering all filled lots in particular to indicate any special footing requirements as a result of the filling of the land. Soil compaction tests in accordance with AS 1289 are to be provided to Council prior to the release of a Subdivision Certificate.

**Reason:** To ensure that filled lots are suitable for their intended purpose.

*Note: The relevant standard is AS 1289 which identifies a 95% standard compaction. It is noted that some soil types in the Moree area may not permit compaction to the Australian Standard.*

30. No clearing of existing vegetation (other than the removal of exotic species or weed species) shall occur other than may be necessary for the construction of the subdivision and the provision of infrastructure.

**Reason:** To minimise land disturbance and erosion.

#### SUBDIVISION CERTIFICATE CONDITIONS

31. A plan of survey and three (3) copies, prepared by a Registered Surveyor, are to be submitted for endorsement by Council with the application for a Subdivision Certificate.

**Reason:** To enable the plan to be legally registered.

32. Adequate protection must be provided for public infrastructure prior to work commencing and during construction operations and any such damage made good to the satisfaction of the Council or the relevant public authority. Council must be notified of any damage to the public infrastructure such as road pavement, kerb and gutter, concrete footpaths, drainage structures, utilities and landscaping fronting the development. In this regard:

- Prior to the commencement of construction a public infrastructure existing condition report (dilapidation report) prepared by a competent and experienced person shall be prepared, submitted to and verified by the Council.

- d. Prior to the issue of a Subdivision Certificate an updated public infrastructure condition report shall be supplied identifying to the Council any damage to such and means of rectification for the approval of Council. Any damage to public infrastructure caused during construction shall be made good prior to the issue of a Subdivision Certificate.

*Note: The person acting on the consent shall be held responsible for and may be required to pay the full reinstatement costs for damage caused to Council or RMS property (such as road pavement, kerb and guttering, footway, stormwater drainage etc). If in the opinion of Council, works associated with the development have worsened any existing damage, Council may also require full reinstatement. If damage does occur during construction, prior to reinstating any damage to public property, person acting on this consent shall supply design specifications of all proposed restoration works to the relevant authority. Restoration/construction works within the road reserve shall be carried out by a licensed construction contractor at the expense of the person acting on this consent and shall be inspected by Council and/or the RMS prior to placement of concrete and/or asphalt.*

**Reason:** To protect public infrastructure.

33. Prior to the issue of a Subdivision Certificate, the person acting on this consent must apply to Council and receive written confirmation of the allocated street/road address(s) and house number(s) for the completed project. These are the numbers that will be recorded in Council records and must be displayed at the property in accordance with the provisions of AS/NZS 4819:2003 - Geographic information - Rural and urban addressing.  
**Reason:** To ensure that Council records are accurate, and that house numbering complies with the requirements of Council's House Numbering Policy. Proper house numbering also assists emergency services in readily locating properties.
34. Work-as-Executed Drawings shall be submitted to Council and the RMS as relevant on completion of the roadwork and drainage works and prior to the issue of a Subdivision Certificate. The detailed design drawings may form the basis of this information however any changes must be noted on these drawings.  
**Reason:** To ensure that the roadwork complies with the approved drawings and Council/RMS specifications.
35. A letter from the relevant power authority shall be provided to Council stating that satisfactory arrangements have been made for the supply of electricity to the boundary of each lot in the subdivision (other than a lot created for drainage purposes only) at the developer's expense. The letter is to be submitted to Council prior to issue of a subdivision certificate. Electricity supply is to be underground.  
**Reason:** To ensure that the required infrastructure is provided in accordance with community expectations.
36. A letter from the relevant telecommunications authority shall be provided to Council stating that satisfactory arrangements have been made for the supply of telecommunications to the boundary of each lot in the subdivision (other than a lot created for drainage purposes only) at the developer's expense. The letter is to be submitted to Council prior to issue of a Subdivision Certificate. Telecommunications facilities are to be underground.  
**Reason:** To ensure that the required infrastructure is provided in accordance with community expectations.
37. Easements are to be created over all services including sewerage, water supply and stormwater drainage where these cross individual allotments. Restrictions as to use

must be created to protect storm water detention areas and swales. These restricted areas are to be shown on the stormwater design provided by the engineer.

Reason: To ensure appropriate easements are provided to facilitate ongoing maintenance of services and facilities.

38. The Section 88B/E instrument will be submitted to Council prior to endorsement of a plan of subdivision. Alternatively, Council will accept, at the discretion of the Director of Planning and Development, a copy of the Section 88B/E instrument with an accompanying letter from the acting Solicitor giving a binding undertaking that the Section 88B instrument will be signed and submitted as presented to Council, unaltered, to the Land Titles Office for registration with the plan of subdivision.

Reason: To ensure the Section 88B/E Instrument is submitted to the Land Titles Office in the same form as it is submitted to Council.

*Note: The Section 88B/E Instrument will need to make provision for the proposed rights of way. Rights of way should generally not overlap lot boundaries. The right-of-way servicing proposed Lot 25 should be across proposed Lot 21 unless alternative arrangements satisfactory to Council are proposed. All rights of way should provide for appropriate reciprocal access to ensure that all affected lots are appropriately benefited.*

39. All work required by the conditions of this consent must be completed prior to issue of a Subdivision Certificate, as relevant to the specific stage(s) included in the Subdivision Certificate.

Reason: To ensure the requirements of the Environmental Planning & Assessment Act 1979 are satisfied.

40. All proposed Lots (with the exception of lots created solely for drainage purposes) shall be provided with an independent water service from Council's main prior to the issue of the Subdivision Certificate.

Reason: To provide each lot with an independent water service.

*Note: The design of water infrastructure is to be in accordance with Aus-spec and/or Council's standard requirements. A compliance certificate under Section 307 of the Water Management Act 2000 must be obtained from Council as the local water supply authority. All water service crossings must be in conduits to aid future access. The minimum service connections size of the main line is to be 32 mm diameter pipe.*

41. All proposed Lots shall be provided with a sewerage junction and associated infrastructure prior to the issue of the Subdivision Certificate. Unless direct connection is provided to Council's existing sewerage system by conventional gravity mains and in accordance with Councils standards, sewerage within the estate is to be provided by an E-One pumping station system or equivalent. Full details of the proposed system are to be submitted with the Construction Certificate. Maintenance of sewage infrastructure on private property including grinder pumps, tanks and sewerage lines shall be the responsibility of the landholder. This shall be noted on the 88E instrument which shall include a requirement for landholders to maintain their infrastructure in accordance with the manufacturer's recommendations, including such regular servicing as may be required.

Reason: To provide each lot with an independent sewerage service and to ensure the ongoing maintenance of the system without community cross-subsidy.

*Note: The design of the sewerage infrastructure is to be in accordance with Aus-spec and/or Councils standard requirements.*

42. An inspection of the on-site detention ponds, drainage works, roadway works and driveway crossings (as relevant) is required to be carried out by Council's Engineer prior to the issue of a Subdivision Certificate.  
Reason: To ensure compliance with the approval.

43. All landscaping, roadworks and drainage infrastructure provided as part of the development shall be subject to a 12 month maintenance period following release of the Subdivision Certificate. A bond equivalent to 10% of the value of these works shall be provided to Council prior to the release of the Subdivision Certificate. At the conclusion of the maintenance period written application may be made to Council for release of the bond. Council will only release the bond if it is satisfied that the works subject to this condition are in good condition. Any defects if not rectified by the developer may be rectified by Council out of the bond moneys following the conclusion of the 12 month maintenance period and a 6 month period for rectification.  
Reason: To ensure that works are in a satisfactory condition prior to acceptance by the Council.

44. Any surplus bond moneys once conditions of this consent have been complied with shall be returned to the person lodging the bond unless they provide alternative written instructions.  
Reason: To ensure that unexpended bond moneys are returned.

#### CONDITIONS APPLYING TO DA 2013/02 ONLY (SITE A)

1. This approval does not authorise any construction works over land identified as SITE C (proposed lot 35) other than the construction of a temporary turning head.
2. A compliance certificate under section 305 of the Water Management Act 2000 must be obtained from the Council (as the local water supply authority) prior to issue of the Subdivision Certificate. Council requires the following payments prior to issuing a compliance certificate to allow continued funding of water and sewer facilities.
  - a. Water headworks contribution is \$77,616 (the water head works charge will be based on 1 (one) ET per created lot (not including the drainage reserve lot, and with two ET credits for the existing lots, a total of 22 lots). Value of 1ET=\$3,528.00.
  - b. Sewer headworks contribution is \$99,660 (the sewer headworks charge will be based on 1 (one) ET per created lot (not including the drainage reserve lot, and with two ET credits for the existing lots, a total of 22 lots). Value of 1ET=\$4,530.00.

Reason: To ensure contributions are collected for water and sewer headworks.

*Note: The above contributions have been adopted under the appropriate Council Management Plan. Revised rates adopted in subsequent Management Plans will apply to lots released in later financial years.*

*Council will assess the need for additional contributions at the time of development of the land for a specific use, based on the demands of that use. One ET credit will be given at that time.*

#### CONDITIONS APPLYING TO DA 2013/03 ONLY (SITE B)

#### DEFERRED COMMENCEMENT CONDITION

1. Issue of a subdivision certificate over Lot 11 DP 848790 for the creation of proposed lots 18, 19, 20, 21 and 25 shall not occur (with the exception of dedication of the existing right of way over Blueberry Road as public road) until the Public Reserve classification of Lot 11 DP 848790 has been lifted.

*Note: This condition does not affect the construction of any works associated with the subdivision including drainage works within the current Lot 11, DP 848790 and the creation of lot 17 which is for drainage purposes only.*

#### ADDITIONAL GENERAL CONDITIONS

2. A Landscape Buffer Zone of 15m shall be implemented in all lots adjoining the existing caravan park except where an acoustic wall is required. This zone shall be identified on the 88B Instrument and shall be landscaped as part of the construction of the subdivision. The landscape plan submitted to Council shall address this buffer, in particular the use of species that are low maintenance and which provide good visual shielding.
3. Legal and physical access shall be provided to the proposed lot 25 either by a right of way or by direct road frontage. Such access shall be constructed to a trafficable standard for a two-wheel drive vehicle, including a gravel surface of minimum width of 3.5m.  
Reason: To ensure legal and physical access to proposed lot 25.
4. A noise barrier, minimum height of 2.5m and minimum density of 12 kg/m<sup>2</sup> shall be erected against the Caravan Park boundary, against the two sides of Lot 4, DP 817786 which directly abut the proposed development.
5. A compliance certificate under section 305 of the Water Management Act 2000 must be obtained from the Council (as the local water supply authority) prior to issue of the Subdivision Certificate. Council requires the following payments prior to issuing a compliance certificate to allow continued funding of water and sewer facilities.
  - a. Water headworks contribution is \$28,224 (the water head works charge will be based on 1 (one) ET per created lot (not including drainage reserve lots, and with one ET credit for the existing lot, a total of 8 lots). Value of 1ET=\$3,528.00.
  - b. Sewer headworks contribution is \$36,240 (the sewer head works charge will be based on 1 (one) ET per created lot (not including drainage reserve lots, and with one ET credit for the existing lot, a total of 8 lots). Value of 1ET=\$4,530.00.

Reason: To ensure contributions are collected for water and sewer headworks.

*Note: The above contributions have been adopted under the appropriate Council Management Plan. Revised rates adopted in subsequent Management Plans will apply to lots released in later financial years.*

*Council will assess the need for additional contributions at the time of development of the land for a specific use, based on the demands of that use. One ET credit will be given at that time.*

#### ADVICES (Both applications)

1. **This approval is for subdivision and associated works only. Potential land uses of individual allotments are not authorised by this consent and are subject to separate consent requirements.**

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# REPORT

## BACKGROUND:

### Description of the Proposal

The proposal involves two development applications for the subdivision of three existing larger allotments into eleven (11) allotments (Site A, DA 02/2013) and twenty-five (25) allotments (Site B, DA 03/2013) respectively, adjacent to the Newell Highway and Moree Airport and located either side of Blueberry Road. Although documentation submitted with the application indicates a potential future use of Site C as a highway service centre, this, and associated physical construction works for access and drainage are not part of this application. Site C would be a residue lot under the proposals as submitted.

The intention of the subdivision is to provide for the long term development of the area in accordance with a Masterplan and site specific DCP Chapter (currently an exhibited draft) that has been prepared for the site.

The details of the subdivisions are on the plans attached to this report. The proposal represents the staged development of a recently re-zoned area of Business Enterprise Corridor Zone (B6).

The proposal is adjoined by the following uses:

- A classified road (the Newell Highway)
- A metrological station which places constraints on building heights,
- A Caravan Park which includes some permanent residents,
- Moree airport and associated uses, which raises issues of noise, management of light, and risk, and
- A grain handling facility (opposite the site on the other side of the Newell Highway)

Each of these adjoining uses raises issues which are addressed in the body of the report.

The land is above the Flood Planning Level which is 500 mm above the 1% AEP flood.

The proposed lots would be serviced with town water and also sewer and roads would be constructed with kerb and gutter. Sewer would be a combination of gravity mains and E-One or similar pressurised system. Drainage infrastructure would be provided consisting of a piped system for the 5yr event and a swale/detention basin system for the 20 yr event. Consideration was also given to the 100 yr event in considering basin and swale design. Extension of telecommunications and electricity would be required to service the proposal.

Access to the site would be gained by Blueberry Road, a new road connection to the Newell Highway and a slip-lane (left in only) from the Newell Highway (Site A, DA 02/2013) and Blueberry Road and an upgrade of the existing airport access road (Site B, DA 03/2013).

The land has minimal existing vegetation (apart from a few scattered trees, grasses and planting of trees along the Newell Highway). Historical use of the land has included cultivation together with grazing.

The value of each of the applications is advised to be \$5.5 million each. As the land is owned by Council the applications therefore need to be considered by the Joint Regional Planning Panel as "Regional Development" under SEPP (State and Regional Development) 2011.

## **History of the Applications**

Following an initial assessment of the application a request for further information was issued requesting additional information on road engineering, traffic generation and environmental matters. This included advice from the initial review of the traffic study by the RMS.

A revised traffic study was provided and forwarded to the RMS for further assessment. Additional environmental information was also received.

## **ASSESSMENT OF THE APPLICATIONS**

The assessment of the applications has been undertaken in accordance with Section 79C(1) of the Environmental Planning and Assessment Act 1979, as amended. Under Section 79C(1), a Consent Authority is required to take into consideration various matters that are of relevance when assessing any Development Application, as discussed in turn below:

### **State Environmental Planning Policies (SEPPs);**

#### State Environmental Planning Policy (State and Regional Development):

State Environmental Planning Policy (State and Regional Development) applies to the proposed development as it is Council related development with a capital investment value of over \$5 million per application. Accordingly the proposal is being reported to the JRPP for determination.

#### State Environmental Planning Policy (Infrastructure):

The development has frontage to a classified road, being the Newell Highway, and is also traffic generating development. With respect to the SEPP:

#### **101 Development with frontage to classified road**

(1) *The objectives of this clause are:*

- (a) *to ensure that new development does not compromise the effective and ongoing operation and function of classified roads, and*
- (b) *to prevent or reduce the potential impact of traffic noise and vehicle emission on development adjacent to classified roads.*

(2) *The consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that:*

- (a) *where practicable, vehicular access to the land is provided by a road other than the classified road, and*
- (b) *the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of:*
  - (i) *the design of the vehicular access to the land, or*
  - (ii) *the emission of smoke or dust from the development, or*
  - (iii) *the nature, volume or frequency of vehicles using the classified road to gain access to the land, and*
- (c) *the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.*



The portion of the development covered by DA 02/2013 proposes to gain access from an upgrade of the existing airport access road and from an upgrade to Blueberry Road. Intersection upgrades have been proposed which respond to RMS requirements for the development, and which would also meet the requirements of vehicles accessing the site. Accordingly, this section of the proposal meets the requirements. The revised traffic report provided to Council and the RMS is appended.

The portion of the development covered by DA 03/2013 proposes to gain access from an upgrade to Blueberry Road, a left-in "slip-lane" and one additional new internal access road towards the northern end of the site. The slip lane and additional access road would have the effect of creating a service road which would facilitate development fronting the Newell Highway but without requiring direct property access.

It is considered that both DAs are compliant with Clause 101 (subject to relevant conditions) as no direct property access is proposed from the Newell Highway and the intersection and slip lane designs have taken into account the traffic volumes on the existing highway, and the type and volume of vehicles likely to use of the proposed development.

Clause 104, traffic generating development, is triggered by the proposal.

#### **104 Traffic-generating development**

- (1) *This clause applies to development specified in Column 1 of the Table to Schedule 3 that involves:*
  - (a) *new premises of the relevant size or capacity, or*
  - (b) *an enlargement or extension of existing premises, being an alteration or addition of the relevant size or capacity.*
- (2) *In this clause, **relevant size or capacity** means:*
  - (a) *in relation to development on a site that has direct vehicular or pedestrian access to any road – the size or capacity specified opposite that development in Column 2 of the Table to Schedule 3, or*
  - (b) *in relation to development on a site that has direct vehicular or pedestrian access to a classified road or to a road that connects to a classified road where the access (measured along the alignment of the connecting road) is within 90m of the connection – the size or capacity specified opposite that development in Column 3 of the Table to Schedule 3.*
- (3) *Before determining a development application for development to which this clause applies, the consent authority must:*
  - (a) *give written notice of the application to the RTA within 7 days after the application is made, and*
  - (b) *take into consideration:*
    - (i) *any submission that the RTA provides in response to that notice within 21 days after the notice was given (unless, before the 21 days have passed, the RTA advises that it will not be making a submission), and*
    - (ii) *the accessibility of the site concerned, including:*
      - (A) *the efficiency of movement of people and freight to and from the site and the extent of multi-purpose trips, and*
      - (B) *the potential to minimise the need for travel by car and to maximise movement of freight in containers or bulk freight by rail, and*
    - (iii) *any potential traffic safety, road congestion or parking implications of the development.*
- (4) *The consent authority must give the RTA a copy of the determination of the application within 7 days after the determination is made.*

A referral trigger was identified under this Clause. The matter was therefore referred to the RMS for comment. Their comments are addressed in the section of this report dealing with

submissions and also with the section of the report addressing impacts on the built environment. Recommended conditions have been incorporated.

### State Environmental Planning Policy No. 55 - Remediation of Land:

State Environmental Planning Policy No. 55 - Remediation of Land aims to ensure that land that has been in the use that would potentially cause contamination is assessed and, if necessary, remediated prior to development. The previous use of the land for agriculture (including grazing and cultivation) is a use that specifically requires assessment.

A review was carried out by the proponents which assessed the history of use of the site and the results of a preliminary review under the Policy determined that minimal risks would be associated with the proposed use. The review did recommend spot tests where any buildings were demolished, however such demolition would not be required to implement the proposed subdivision.

No constraints are seen under SEPP 55 to the proposed development, noting that individual uses of land may require further assessment at development application stage.

This issue is further discussed under environmental impacts of the proposal.

No other state environmental planning policies are considered to apply specifically to the subdivision, noting that other policies may be relevant to specific use applications that may come forward for lots created by the subdivision.

### **Other State or Federal Policies**

#### Endangered Ecological Communities

The land was reviewed by the proponents against the referral criteria under the EPBC Act. No matters were identified such as to trigger referral to the Federal Minister.

A detailed review of the site was undertaken for the proponents by OzArk Environmental and Heritage Management who have extensive experience in the Moree area including South Moree. The review identified remnants of an endangered ecological community, Weeping Myall Woodlands. The review noted this identification as a precautionary measure as the area is not a quality EEC but is a remnant.

An assessment of significance was undertaken and it was concluded that the proposal would not have an adverse effect on the population within the locality, although it would reduce the extent of the community and fragment the community. In particular, although the proposal would modify and destroy the EEC in the project site, it would not modify or destroy factors necessary for survival of the EEC in the locality.

#### Significant species, communities or populations

In addition to the weeping Myall Woodlands EEC, one endangered plant was identified, *Desmodium campylocaulon*. The assessment indicated the proposal would result in an impact on the local population. It concludes however that it is unlikely the local population would be placed at risk of extinction however notes that loss of area of occupancy increases the risk to long-term survival. It recommends mitigation by spreading soil within a managed adjoining area.

An appropriate condition is recommended.

## Strategic Regional Land Use Plan

The land is affected by the New England North West Strategic Regional Land Use Plan. This is a high level policy document which contains a number of principles with respect to different development types and potential land use conflicts. The land is identified in the Plan as having coal and coal seam gas resource exploration potential as well as containing biophysical Strategic Agricultural Land.

The identification of potential resources under the land is not considered to be a factor in the proposed use, nor is it identification as strategic agricultural land, given the land has been zoned for urban purposes.

The proposal would also enhance economic diversity through providing land for new businesses and activities and would also contribute to the provision of additional employment lands. In this respect the proposal is consistent with the Strategic Regional Land Use Plan.

### Draft SEPP (Mining)

An amendment to this SEPP has been exhibited. If adopted, it would implement a 2km buffer around residential zones which would limit the extraction of coal and coal seam gas. This buffer would fully encompass the proposed development site.

## **Local Environmental Plans**

### Moree Local Environmental Plan 2011

#### Clause 2.6 Subdivision-consent requirements

Consent is required for subdivision under the provisions of this clause. The subdivision is local development rather than complying development under the Exempt and Complying Development Codes 2008.

#### Land Use Table

The land is zoned B6 (Enterprise Corridor) under Moree Plains LEP 2011. The zone has the following objectives:

*To promote businesses along main roads and to encourage a mix of compatible uses.*

- *To provide a range of employment uses (including business, office, retail and light industrial uses).*
- *To maintain the economic strength of centres by limiting retailing activity.*
- *To provide for residential uses, but only as part of a mixed use development.*
- *To improve the presentation of the major access corridors into Moree.*

The proposal is considered to be consistent with all these objectives. In particular the proposal would provide land suitable for a range of employment uses along a main road, and (through operation of the Masterplan and associated DCP Chapter) limit retailing activity. Permanent residential uses are not proposed. The proposed landscaping would improve the presentation on approaching Moree from the south.

#### Clause 4.1 Minimum subdivision lot size

Under the Lot Size Map there is no minimum subdivision area.

## Clause 5.9 Preservation of trees or vegetation

This clause does not apply as no DCP applies to the land which restricts the removal of vegetation.

## Clause 7.1 Earthworks

- (1) *The objectives of this clause are as follows:*
  - (a) *to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land,*
  - (b) *to allow earthworks of a minor nature without requiring separate development consent.*
- (2) *Development consent is required for earthworks unless:*
  - (a) *the work is exempt development under this Plan or another applicable environmental planning instrument, or*
  - (b) *the work is ancillary to other development for which development consent has been given.*
- (3) *Before granting development consent for earthworks, the consent authority must consider the following matters:*
  - (a) *the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality,*
  - (b) *the effect of the proposed development on the likely future use or redevelopment of the land,*
  - (c) *the quality of the fill or the soil to be excavated, or both,*
  - (d) *the effect of the proposed development on the existing and likely amenity of adjoining properties,*
  - (e) *the source of any fill material and the destination of any excavated material,*
  - (f) *the likelihood of disturbing relics,*
  - (g) *the proximity to and potential for adverse impacts on any watercourse, drinking water catchment or environmentally sensitive area.*

The proposal requires earthworks for road construction purposes and also for the construction of drainage swales and detention basins. Separate development consent for these works is not required as the work is ancillary to subdivision development. Nevertheless, it is appropriate to give consideration to the matters that a consent authority must consider with respect to earthworks:

### *Disruption or detrimental effect on drainage patterns and soil stability*

The proponent has proposed on-site detention ponds. Drainage flows would be potentially impacted by the proposed roads. In this regard a detailed stormwater drainage design would need to be provided as part of any construction certificate. This would need to show the detail of the proposed detention basins, and the proposed drainage swales and overland flow paths. A condition has been recommended.

### *Effect on the likely future use or redevelopment of the land*

The earthworks would facilitate the proposed subdivision development.

### *The source of any fill material and the destination of any excavated material*

Although fill would partially be obtained from the site itself, the proposal would involve the importation of significant quantities of fill. In this regard a more specific cut/fill plan would need to be provided as part of any construction certificate. In addition, the source of any additional fill would need to be outlined. A condition has been recommended.

*The quality of the fill or the soil to be excavated, or both*

Information on fill from both on-site and off-site would need to be provided together with details of proposed compaction as part of a cut and fill management plan. A condition has been recommended.

*The effect of the proposed development on the existing and likely amenity of adjoining properties*

The fill would not affect the amenity of adjoining properties. Drainage design at construction certificate stage would need to demonstrate that exacerbation of drainage onto adjoining lands did not occur. A condition has been recommended.

*The source of any fill materials and the destination of any excavated material*

See above.

*The likelihood of disturbing relics*

The land has not been identified as containing archaeological relics or as being culturally significant to local Aboriginal communities. Nevertheless, relics may be identified and/or disturbed during the construction process. The NPWS Act provides specific provisions relating to the discovery of relics and a suitable condition to reinforce these provisions is recommended.

*The proximity to and potential for adverse impacts on any watercourse, drinking water catchment or environmentally sensitive area.*

The land has environmental sensitivity and this is addressed in the appropriate section of the report. In brief, the construction of roads and drainage would have some impact on the existing vegetation. This, however, has been significantly degraded through past uses of the land. Construction methods would need to fully address silt and sedimentation in run-off and a comprehensive erosion management plan would be required as part of any construction certificate.

In summary, although significant earthworks would be required to facilitate the development, there impacts are considered acceptable subject to suitable conditions being applied to construction.

Clause 7.3 - Airspace operations.

This clause provides:

- (1) *The objectives of this clause are as follows:*
  - (a) *to provide for the effective and ongoing operation of the Moree Airport by ensuring that such operation is not compromised by proposed development that penetrates the Limitation or Operations Surface for that airport,*
  - (b) *to protect the community from undue risk from that operation.*
- (2) *If a development application is received and the consent authority is satisfied that the proposed development will penetrate the Limitation or Operations Surface, the consent authority must not grant development consent unless it has consulted with the relevant Commonwealth body about the application.*

- (3) *The consent authority may grant development consent for the development if the relevant Commonwealth body advises that:*
  - (a) *the development will penetrate the Limitation or Operations Surface but it has no objection to its construction, or*
  - (b) *the development will not penetrate the Limitation or Operations Surface.*
- (4) *The consent authority must not grant development consent for the development if the relevant Commonwealth body advises that the development will penetrate the Limitation or Operations Surface and should not be constructed.*

The proposal is for subdivision and no works are proposed which would penetrate the OLS. A suitable condition has been recommended which would ensure that if, during construction works, any cranes or similar would penetrate the OLS that approval is sought from the Airport Manager. Further, a condition has been recommended which would ensure that landscaping heights, at maturity, complied with the OLS requirements.

The application was referred to CASA and their comments are addressed in the section of this report dealing with submissions.

Clause 7.4 - Development in areas subject to aircraft noise.

The relevant provisions are reproduced below:

- (1) *The objectives of this clause are as follows:*
  - (a) *to prevent certain noise sensitive developments from being located near the Moree Airport and its flight paths,*
  - (b) *to assist in minimising the impact of aircraft noise from that airport and its flight paths by requiring appropriate noise attenuation measures in noise sensitive buildings,*
  - (c) *to ensure that land use and development in the vicinity of that airport do not hinder or have any other adverse impacts on the ongoing, safe and efficient operation of that airport.*
- (2) *This clause applies to development that:*
  - (a) *is on land that:*
    - (i) *is near the Moree Airport, and*
    - (ii) *is in an ANEF contour of 20 or greater, and*
  - (b) *the consent authority considers is likely to be adversely affected by aircraft noise.*
- (3) *Before determining a development application for development to which this clause applies, the consent authority:*
  - (a) *must consider whether the development will result in an increase in the number of dwellings or people affected by aircraft noise, and*
  - (b) *must consider the location of the development in relation to the criteria set out in Table 2.1 (Building Site Acceptability Based on ANEF Zones) in AS 2021 – 2000, and*
  - (c) *must be satisfied the development will meet the indoor design sound levels shown in Table 3.3 (Indoor Design Sound Levels for Determination of Aircraft Noise Reduction) in AS 2021 – 2000.*

The proposal does not include any buildings, being for subdivision only. Nevertheless, the proposal would facilitate the erection of buildings and the proposed development is affected by the ANEF 20 contour. It would also provide for the specific erection of buildings in a location beyond the end of the main runway.

In a circumstance such as this, it should be noted that the use made of Moree airport consists of a limited number of scheduled route services (RTP services) together with some general aviation activity. A research report commissioned by the Research and Development Directorate of

Department of Transport carried out by National Air Traffic Services Ltd in the UK (R&D Report 9636) has given detailed consideration to crash likelihoods around airports including overall risks and methodologies for calculating risk contours. Although the airports modelled predominantly utilised jet aircraft, a common pattern was highest risk at the immediate ends of runways. That being stated, a run-off area of approximately 100 m does exist between the end of the runway and Blueberry Road. Although there would be some increased risks associated with the proposed development in the context of the usage patterns of Moree airport is considered that these are minimal and acceptable. In this regard, it is noted that the State Government supported the rezoning of the land.

The proposal would result in an increase in the number of people affected by aircraft noise. At the time of specific development proposals for the allotments the issue of aircraft noise (as well as highway noise and noise from adjoining development) would need to be given consideration.

Specific consideration was given to Table 2.1 (building acceptability) of AS 2021 based on the likely future uses as outlined in the Masterplan. All proposed uses under the Masterplan would be either acceptable or conditionally acceptable within the ANEF zonings of the site. It is noted that a caretaker's dwelling or similar may be borderline on some sites. This would require detailed assessment at the time of any development application for use of an allotment, noting that the Standard makes specific provision for dwellings in this circumstance (as an ancillary use).

The subdivision is intended for uses which generally have relatively low noise sensitivity with the exception of uses such as potential caretakers dwellings. Suitable conditions could be imposed on any subsequent development application for use which would ensure that appropriate noise attenuation was provided.

In summary it is considered that the uses likely to occur as result of the subdivision are of relatively low sensitivity and that such uses would be acceptable from a crash risk perspective.

#### Clause 7.5 - Development in the vicinity of Moree Metrological Station

The relevant provisions are set out below:

- (1) *The objectives of this clause are as follows:*
  - (a) *to provide for the effective and ongoing operation of the Moree Meteorological Station,*
  - (b) *to ensure that any such operation is not compromised by proposed development in the radar vectors of the facility.*
- (2) *This clause applies to the land identified as "Meteorological Station Height Limit" on the Meteorological Station Height Limit Map.*
- (3) *The height of a building on land to which this clause applies is not to exceed the maximum height shown for the land on the Meteorological Station Height Limit Map.*
- (4) *Before granting development consent for the erection of a building in a radar vector of Moree Meteorological Station, the consent authority must:*
  - (a) *give notice of the proposed development to the relevant Commonwealth body, and*
  - (b) *consider any comment made by the relevant Commonwealth body within 28 days of its having been given notice of the proposed development.*
- (5) *For the purposes of this clause, land is in the radar vector of the Moree Meteorological Station if the relevant Commonwealth body has notified the consent authority that the land is in a radar vector.*

The proposal was referred to the Bureau of Meteorology (BoM) in accordance with this clause. The BoM did not oppose the proposal but drew attention to the need to protect radar vectors. Suitable conditions are recommended. This is further addressed in the section of this report covering submissions.

## **Draft Local Environmental Plans**

No draft local environmental plans apply to the land.

## **Development control plans**

### Moree Development Control Plan (DCP) 2008

This DCP was in place at the time of lodgement of the applications, although it was superseded by DCP 2013 which was adopted by Council on 31 January 2013.

No clauses of DCP 2008 apply with the exception of notification policy. The applications were notified in accordance with DCP 2008 noting that an extended notification period was provided at the request of several submitters.

All submissions have been considered in the assessment of the applications, whether received during or after the formal notification period. Details of issues raised in submissions are outlined later in this report.

### Moree DCP 2013 and Draft Moree DCP 2013

It is noted that draft DCPs are of no statutory weight, however consideration of them is considered to be in the public interest as (in this case) imminent and certain documents.

Moree DCP 2013 was not in force at the time of lodgement of the applications. Nevertheless, as an exhibited and considered document (at that time) the DCP provides a useful guide to a number of issues associated with this application. Accordingly, therefore, a review is undertaken against the provisions of the DCP.

An amendment to Moree DCP 2013 has been exhibited which includes specific proposals for a chapter covering the Gateway Precinct). Because of the specific relevance of this draft chapter it has also been given consideration in the assessment of the proposal. It is anticipated that this Chapter would be adopted by Council prior to the JRPP consideration of this report, so the chapter is both imminent and certain.

### Moree DCP 2013

#### **Chapter 8, Industrial subdivision and development**

The aims of this chapter are:

- *To support Moree Plains Local Environmental Plan 2011 by providing additional detail and guidance on the subdivision and development of industrial land; and*
- *To ensure that industrial allotments function effectively for industrial purposes; and*
- *To improve the appearance of industrial areas when viewed from a public place.*

Although the land is not within an industrial zoning, a number of the lots proposed to be created have been identified for future light industrial purposes. These include, specifically, lots 10-16 and lots 18-24, which are part of Site B.



The performance outcomes under the clause are:

- *To achieve width/depth ratios for new industrial allotments that respond to typical industrial building forms and which ensure heavy vehicles can adequately manoeuvre on site;*
- *To ensure that industrial buildings present acceptably to the public realm; and*
- *To ensure that roads, allotment access and parking areas are constructed to a standard that is durable and suitable for the proposed use.*

Which has the following acceptable solutions:

- *Industrial allotments:*
  - *Have a minimum frontage and square width of 24 m, and a minimum area of 1000 m<sup>2</sup>.*
  - *Are of regular size and shape with a depth to width ratio not exceeding 3:1.*
  - *Are serviced by underground electricity, water, sewer and telecommunications in accordance with the relevant authorities' requirements.*
- *Roadways created to serve an industrial subdivision:*
  - *Have a minimum road reserve width of 25m (for roads with dual frontage) or 19m (for roads with single frontage).*
  - *Have a minimum carriageway width of 13m.*
  - *Avoid, where practicable dead-end roads; however if these are provided, a minimum turning head of 25m is to be provided.*
  - *Are constructed in accordance with Council's engineering requirements for industrial subdivision.*

All allotments are well in excess of 1000 m<sup>2</sup> and with one exception have a minimum frontage in excess of 24 m. The exception is proposed lot 22. At 7494 m<sup>2</sup>, it is considered that this allotment is of sufficient size to accommodate vehicle entry and exit and manoeuvring on-site notwithstanding the smaller road frontage. In the circumstances of the case the width of 13.25 m is considered adequate. The lots proposed are of a generally regular shape excepting, again, proposed lot 22. Nevertheless, the overall ratio of width to depth of this allotment is considered satisfactory, given the size of the allotment.

The proposed internal road network serving the proposed light industrial allotments is slightly below the recommended standard of 25 m, being proposed at 20.5 m noting that the internal roads to the industrial allotments are dual frontage. The roads do, however, achieve a minimum carriageway width of 13.5 m, which is in excess of the acceptable solution. In the circumstances of the case, narrower road verges are considered acceptable as evidence has been provided of the ability to implement servicing and landscaping within the proposed verge widths. In addition, the size of the allotments facilitates the vehicle swept areas utilising a narrower verge while still gaining acceptable access to sites.

Servicing is proposed to be underground and an appropriate condition has been recommended.

No dead-end roads are proposed, with the exception of the southern extension to the road adjoining existing airport facilities, which would ultimately serve proposed Lot 35. A turning head condition has been recommended.

Suitable conditions are recommended to ensure that roadworks are constructed to an appropriate standard.

Summary: The proposal is consistent with the performance outcomes of Moree plains DCP 2013. The modification to the overall road reserve width is considered acceptable in the circumstances

of the case, in particular as the carriageway is slightly wider than the acceptable solution and given the size of the proposed allotments.

#### Draft Moree Plains DCP 2013 (Gateway Chapter)

The subdivision proposals as received responded to a draft of this DCP chapter. The Chapter has undergone minor refinements as a result of public exhibition and submissions made (including submissions made on these development applications) and the version that is being given consideration in this report is the version as recommended to Council for final adoption. As noted, it is anticipated that final adoption would have occurred prior to consideration of this matter by the JRPP.

The draft DCP chapter has the following aims and objectives:

- *To outline a coherent vision for the development of the precinct;*
- *To implement a master plan to guide overall development within the precinct;*
- *To provide visual coherence to the precinct that responds to appropriate design references, including airport and water theme references;*
- *To manage potential land use conflicts;*
- *To detail specific controls in relation to the public and private domains, to achieve the above aims and objectives.*

The DCP documentation includes a Masterplan which has been proposed for the site and which has been incorporated into the draft DCP chapter. The subdivisions put forward are consistent in layout with this masterplan.

With respect to landscaping, a landscaping Masterplan has been put forward which aims to provide visual coherence for the subdivisions overall. In particular it identifies key street tree plantings and visual improvements to the Newell Highway. While the landscaping plan submitted is considered to be generally consistent with the aims and objectives of the draft DCP chapter, a revised landscaping plan, taking into account the recommendations of this report has been included as a recommended condition.

Potential land use conflicts have been identified, notwithstanding that specific uses for specific allotments have not yet been applied for. In summary, the following potential land use conflicts have been identified:

- Noise impacts from existing airport operations and the Newell Highway,
- Risks associated with proximity to active areas of the airport (noise, wildlife, light, aircraft crashes),
- Impacts from the adjoining grain handling facility,
- Potential impacts on the adjoining Caravan Park.

As outlined elsewhere in the report, the proposal is for subdivision only. Applications for use would need to give consideration to noise impacts. Risk issues with the airport in terms of noise, light and wildlife can be addressed through appropriate conditions, given the sensitivity of the likely uses of the land, and as discussed the overall risk associated with proximity to active areas is considered acceptable.

Impacts from the adjoining grain handling facility consist of dust, noise, and to a lesser degree light. Given the absence of permanent residential uses, the issues of these nuisances are seen as less significant than if the land were proposed for permanent residential uses. Nevertheless, and as outlined elsewhere in this report, it has been considered appropriate to enhance landscape buffering between the grain handling facility and the proposed development to assist to mitigate

dust issues, in particular. Should a future use such as a motel be proposed, the obligation would be on such a use to demonstrate that appropriate internal sound levels could be achieved, given the environment of the airport and the grain handling facility.

The Caravan Park is an existing use. Buffer vegetation is proposed in the landscape management plan approximately 15 m in width to the main Caravan Park interfaces where a noise control wall is not proposed. The imposition of a Section 88B restriction has also been recommended as a condition to ensure that this buffer area continues into the future. At the time of development of lots 22-24, in particular, it would be necessary to ensure that the use made of these lands was compatible with a residential interface. In this regard, there are a range of light industrial uses which could occur on the land which would be consistent with this interface.

Precinct design and layout.

The following performance outcomes are identified:

- *The layout of roads and buildings provides for integration within the precinct, without relying on the Newell Highway for connectivity between sites;*
- *Access points to the Newell Highway are minimised, and effective use is made of Blueberry Road as the core access to the site;*
- *A boulevard treatment is provided to Blueberry Road where the precinct extends across both sides of the road;*
- *Street design provides for excellent traffic flow and connectivity to the different parts of each Precinct and provide for adequate servicing to the rear of properties;*
- *Road widths ensure that vehicles are able to manoeuvre on and off sites;*
- *Car parking is functional, and located appropriately for the purpose of the building;*
- *Where feasible and appropriate, conjunctive use of car parking areas is facilitated;*
- *Development respects neighbouring development by arranging sites and uses of areas so as to minimise amenity impacts on adjoining sites, and to ensure visual compatibility between sites;*
- *Development considers the impacts of adjoining existing uses and provides appropriate mitigation against any impacts;*
- *Provision is made, where possible, for future expansion of individual developments within sites;*
- *Uses are grouped according to function within appropriate sub-precincts, taking into account adjoining and nearby landuses;*
- *Appropriate provision is made for an integrated approach to drainage and water management within each sub-precinct;*

With the following acceptable solutions:

- *Roads and allotments are located consistent with the Site Masterplan, as shown in Appendix 1;*
- *Road sizes (road reserve, carriageway and foot paths) are consistent with Appendix 5 and Appendix 6;*
- *Uses are consistent with the preferred uses as outlined on the Site Masterplan;*
- *Future potential development areas are shown on the plans for individual developments;*
- *Uses are consistent with the identified uses in the Site Masterplan for each precinct and site;*

The proposals are consistent with the acceptable solutions. This report has given specific consideration to existing adjoining uses and potential mitigation measures. In this regard it is again noted that the proposal is for subdivision only and not specific uses.

Precinct landscaping

The following aims apply:

- *To implement professionally designed Precinct landscaping in the public realm as part of precinct development.*
- *To provide a lush landscape backbone and framework for individual site landscaping.*

The landscaping Masterplan provided with the development applications has been produced by landscaping professionals and has given consideration to a strong landscape "backbone" to the development. A refined landscaping plan would be required as a result of recommended conditions.

The following performance outcomes apply:

- *To develop precinct landscaping in the public realm which establishes an informal character to the Precinct, and which is of low maintenance and is drought tolerant while projecting an image of lush vegetation and which assists to mitigate offsite impacts;*
- *To implement as part of precinct development consistent hard landscaping elements and street furniture which complement the overall theme and vision;*
- *To ensure that the landscape elements are in scale with the intended scale of buildings and development for the Precinct;*
- *To ensure that drainage design, in particular detention basins, is integrated into the overall public realm landscaping treatment.*

In terms of an informal character, elements of the proposed landscaping masterplan have a degree of formality to them. This issue can be addressed on consideration of a detailed landscaping plan. At the present time no specific detail has been provided regarding the detention basins and swales and again this would be the subject of a more detailed landscape plan which has been included as a recommended condition.

The following acceptable solutions apply:

- *Landscaping is constructed in accordance with the Landscape Masterplan for each sub-precinct;*
- *Landscaping utilises species from the species list in the Appendix to this Chapter, or other suitable native species; Landscaping utilises suitable non-native species where they are in accordance with the Performance Outcomes;*
- *Street furniture including streetlights etc. are visually consistent with the existing airport streetlights and street furniture is of robust simple design utilising materials such as hardwood and galvanised steel.*

These matters would be the subject of a more detailed landscaping plan. Such plan has been recommended to incorporate the performance outcomes and acceptable solutions of this draft DCP chapter.

In summary, it is considered that the proposals are consistent with the draft DCP chapter.

## **Planning agreements or draft planning agreements**

No planning agreements or draft planning agreements apply to the land

## **Any matters prescribed by the regulations**

Provisions relevant to Section 79(C)(1)(a)(iv) specified in the Environmental Planning and Assessment Regulation 2000 relate to Government Coastal Policy and Building Demolition. Neither of these is applicable to this Application.

## **The likely impacts of the development including environmental impacts on both the natural and built environments, and social and economic impacts in the locality**

### **Impacts on the natural environment**

#### ***Endangered Ecological Communities and Threatened Species***

The proponent has identified that the site contains a degraded endangered ecological community, Weeping Myall Woodland EEC and a threatened species (*Desmodium spp*) in the ecological review lodged with the application. The review was undertaken by OzArk Environmental and Heritage Management who have extensive experience in the Moree area including South Moree in particular.

The property has had a history of grazing and farming with most of the property cleared of trees. A seven part test was undertaken on the land which concluded that the development would be unlikely to have an impact on threatened or endangered species.

The land was considered to meet the technical requirements of inclusion within the EEC due to the presence of the dominant tree species. Previous use of the land, including cultivation, means that the remnant could not be considered as a "high-quality remnant" and would constitute a highly modified remnant.

Given the generally degraded nature of the remnant and the fact that the proposal would not significantly affect threatened or endangered species, the presence of the EEC and *Desmodium spp* is not considered to be a sufficient constraint that the land should not be developed.

Specific conditions have been recommended to address the recommendations of the ecological report.

### **Impacts on the built environment**

The key impacts include increased traffic and potential impacts on the adjoining Caravan Park.

#### ***Increased traffic***

The proposal would result in additional intersections with the Newell Highway and an increase in traffic along Blueberry Road and the airport access road. An assessment of traffic impacts was undertaken by Robert Wagg for and on behalf of the project manager. The report reviews the existing conditions, the proposed development (including a review of potential traffic generation and access arrangements), and development impact including road safety issues, the impact on the adjacent road operations, connection to the existing adjacent road hierarchy and appropriate intersection arrangements.

The report has been prepared consistent with the recommended format in the RTA Guide to Traffic Generating Development (Issue 2.2).

Traffic conditions along the Newell Highway were reviewed, including volume figures and speed compliance, noting the area is signposted at 80 km/hr. Some 14% of vehicles were observed to be exceeding this speed. Crash history recorded one accident in April 2006 which occurred in daylight hours in wet conditions.

Potential traffic generation was based on the uses and potential building envelopes outlined in the Masterplan. Specific consideration was given to road trains. In this regard it was noted that

the airport access road would have restrictions in terms of the size of vehicles and that access for larger vehicles would be required from Blueberry Road.

The report identified the proposed upgrading of Blueberry Road, in particular, which would meet the collector road functional class. Vehicles per day for this class of road are a range of 2000-10,000 vehicles per day. Lane widths have been recommended to accommodate the presence of large numbers of heavy articulated vehicles, including road trains.

The primary findings are that the proposed intersection designs would meet conditions expected to be experienced at the design year, 30 years hence. In this regard the relevant level of service "C" is considered satisfactory with surplus capacity.

Matters raised by the RMS in their submission on the study have been incorporated as recommended conditions.

### ***Outlook from existing Caravan Park***

There would be some change in outlook from the existing Caravan Park. In particular, once the subdivision is developed buildings would be visible although generally screened by proposed landscaping.

### ***Drainage***

Drainage has been given specific consideration and an integrated drainage approach has been proposed for the site. Full details would be required at Construction Certificate stage by way of an appropriate recommended condition.

### **Social and economic impacts**

Overall the development is considered to have positive economic impacts. These include employment generation associated with construction works of the subdivision and subsequent development (noting these benefits are short-term). Overall the development would contribute to employment diversity within Moree which would assist the local economy and increase Moree's attractiveness as a place to live.

The land is contiguous with the existing urban area and is considered to provide a location which would integrate with the existing Moree township. The proposal would make effective use of existing services and facilities, and additional demand on infrastructure services would be addressed through the usual headworks charges.

### **The suitability of the site for the development**

The site does represent some challenges specifically in terms of adjoining land uses. State government support for the rezoning of the land indicates, however, that in principle the land is, however, considered acceptable for the Business Enterprise Corridor Zone and the associated range of uses.

It should be noted that the Masterplan prepared for the site and the range of uses envisaged is more restrictive than the range of uses permissible within the zone. While it is noted that a DCP or masterplan cannot override permissibility established within the zone, nevertheless they clearly indicate the intent of the proposed subdivisions and provide a framework of assessment for any uses that might be proposed which are permissible within the zone.

The site provides an opportunity for business enterprise corridor uses directly adjoining the urban area of Moree.

The following issues regarding adjoining land uses have been outlined previously in this report.

#### *Noise*

In this respect it is noted that noise impacts are provided by the existing airport, the Newell Highway, and the nearby grain handling terminal. In this regard it is recognised that noise would provide a constraint on the suitability of various lots within the development for specific uses. The Masterplan for the site had regard, in particular, to the ANEF contours and appropriate uses. This would limit the ability to place more sensitive uses further back in the site away from the Highway and grain handling terminal. Noise would need to be assessed in detail as part of any subsequent development applications.

An acoustic assessment was provided with the proposals, included as an Appendix. It placed specific attention on the existing caravan park interface. The assessment noted that noise was readily audible from nearby industrial uses, the Newell Highway and the Moree Airport although noting that the monitoring site screened by the existing caravan park did not show prominent noise from existing industrial sources.

The study provided baseline conditions against which the impacts of specific uses could be considered, once development applications for those specific uses occur. Typical light industrial uses were modelled to gain an impression of likely noise impacts on the caravan park. The report recommended a 2.5m acoustic screen, of minimum mass density of 12kg/m<sup>2</sup> be erected adjoining part of the caravan park. A suitable condition has been recommended. It is noted that once use applications are made on lots not subject to the acoustic screen condition that additional acoustic screening may be necessary.

#### *Dust*

Dust is an issue both in terms of the adjoining grain handling terminal and the potential for dust generation from site development. Dust is an issue both for potential uses within the land and also for the operations of Moree Airport. Conditions have been recommended which would assist to ameliorate dust nuisance both from adjoining uses and from site development.

#### *Airport operations*

In addition to dust, airport operations require consideration to be given to light, vegetation and structure height, as well as crash risk. These issues have been addressed elsewhere within this report.

Provided the measures outlined in this report to address impacts and environmental issues are adopted, it is considered that the site is suitable for the development.

### **Any submissions made in accordance with the Act or Regulations**

The application was advertised between the dates of 15<sup>th</sup> January and 13<sup>th</sup> February 2013, but was subsequently extended until 20<sup>th</sup> February to consider a submission from GrainCorp. A final submission from Gadens Lawyers on behalf of GrainCorp was received on 27<sup>th</sup> March 2013.

A total of 6 submissions by way of objection were received, noting that several of these supported the principle of the development provided issues could be addressed. A copy of the area notified is provided at **Attachment 'C'**. All submissions made to Council are included at **Attachment 'D'**.

Outlined below is a summary of the issues raised in submissions, and a response to each of those issues.

Issue	Response
<b>Public Submissions</b>	
Concern over potential waterbodies in proximity of the Airport	Advice from the proponent is that the proposed detention basins would not have permanent water. This issue has been addressed through a requirement for a wildlife risk management plan to be provided as part of the Construction Certificate. In addition, any water features would need to ensure that they do not provide an attraction for birdlife.
Potential for heavy traffic to occur adjacent to the airport manager's residence in particular associated with the truck stop area and the mixing of local and heavy traffic.	The subdivision does not propose specific uses, and the truck stop area is identified as a residual lot. Should an application come forward for a truck stop in the future, it is anticipated that additional access arrangements would be required directly from the Newell Highway. Traffic impacts would be assessed at that time.
Potential conflict with adjoining large-scale industrial development including potential Restrictions on existing operations.	It is acknowledged that large-scale industrial development exists in the vicinity, including a grain handling terminal which operates 24 hours during harvesting period. The application is for subdivision only, however it is noted that the uses proposed are not of high sensitivity. Specific consideration to issues such as noise would need to be given at the time of application for individual uses. Tree planting to assist to ameliorate existing dust nuisance has been recommended. There is no indication that the proposal would create traffic issues with respect to the operation of existing industry. The Newell Highway is both a highway and a public road and there is no constraint that could be placed on the use of this road by traffic at any time.
Concern over implications for the obstacle limitation surface of Moree Airport.	Conditions have been recommended to address this issue including during construction and addressing landscaping.
Safety risk with development north of the existing runway.	It is acknowledged that the proposal would introduce development to an area of land that is currently vacant north of the main runway. As outlined in the report, a "run off" area of approximately 100 m exists prior to the fences either side of Blueberry Road. Risk factors associated with general aviation and route services in Australia are low, in relative terms, as compared to many other societal risks. In the circumstances of the case, the increase in risk is considered acceptable. For general aviation in



Issue	Response
	Australia accident rates are reported at 66.1 per million departures. The majority of incidents are related to (in order) airspace incursions, failure to comply with instructions, wildlife aircraft separation and runway events. (Aviation Occurrence Statistics 2002-20011, Australian Air Transport Safety Bureau).
Restriction on access to existing airport uses	Road access and parking would be provided to existing uses. Details of parking quantum and layout would be the subject of future development applications, which would need to ensure adequate provision for existing uses.
Inappropriate location of uses in the Masterplan	The subdivision is for creation of allotments and not for uses. This issue is relevant to the draft DCP Chapter which is being considered by the Council. Council has the opportunity at that time to give consideration to the issues raised.
Fragmentation of ownership and ability to manage land use conflict.	It is noted that the draft DCP Chapter contains provisions relating to land use conflict including suggested changes as a result of submissions made. The draft DCP Chapter provides a framework for the management of specific uses in the future, noting that this has strengthened provisions relating to acknowledgement of land use conflict with existing uses. The draft DCP Chapter would ensure a consistent approach is brought to these issues in the consideration of any subsequent applications for use.
Need for landscaping to operate as dust filtering.	There is no research in Australia specifically relevant to the use of landscaping for this purpose, although it is suggested for this use by a number of authorities (e.g Victorian Primary Industries). A number of research studies in the USA, predominantly associated with the poultry industry, identify that landscaping buffers can achieve a reduction in particulates in the range of 30-50% noting the specific circumstances of those studies. Although not scientifically proven in the Australian context using Australian species, it is recommended that as part of an overall landscaping approach associated with the proposal, consideration be given to enhanced landscaping on both sides of the Newell Highway. This would provide for a vegetated buffer which may have some mitigation effects on dust production as well as enhancing the gateway to Moree from the south. It is further noted that uses such as the grain handling facility have operational conditions relating to environmental effects imposed by the EPA.

Issue	Response
Introduction of incompatible and conflicting land uses.	As outlined, the subdivision does not include uses. Nevertheless consideration has been given to the likely uses, given the Masterplan and the draft DCP Chapter. The previous zoning of the land provided for a range of similar uses, including tourist uses, motel accommodation and the like. In this respect, the rezoning to the B6 Zone of itself has not created a substantial additional potential for incompatible uses. The uses proposed for the site are of a commercial and industrial nature and are not highly sensitive to the types of impacts generated by adjoining development. There is no statutory mechanism whereby constraints could be placed on that adjoining development as a result of development on the airport site other than to ensure compliance with existing EPA licence conditions and similar. In this regard, the uses to be made of the land are not considered to be incompatible and conflicting provided that appropriate measures are applied at use application stage to ameliorate impacts, in particular noise.
Impact of aircraft noise	The report addresses the likely uses that may be made of developed land and indicates that the uses would be consistent with the ANEF contours applying to the site. This is a matter for detailed consideration at the time of consideration of specific uses noting the Masterplan has identified less sensitive uses in the higher ANEF contour areas. The relevant Australian Standard AS 2021 makes specific reference to caretaker's dwellings and the like and how these would be managed in accordance with the Standard. This issue is not considered to be a constraint to the subdivision of the site.
Development applications are premature	It is agreed that for preference a specific DCP framework should be in place (where warranted) prior to consideration of specific applications. It is noted that the proposals have been developed giving consideration to the draft DCP Chapter that would apply to the site, and that the assessment in this report has given consideration to the draft DCP Chapter recommended for adoption by the Council, following exhibition, and including consideration of the specific submissions made on both the DCP and the development applications.
<b>State and Federal Agency Submissions</b>	
RMS	The RMS requested a revised traffic study which was provided. Following further

Issue	Response
	<p>assessment by the RMS (attached) further concerns were expressed. These are of a technical nature regarding access by B-Double and larger vehicles and would only affect intersection and, potentially, roundabout design. In order to cover RMS requirements, general requirements have been incorporated in several conditions, however a deferred commencement condition has been recommended for both applications regarding approval from the RMS and a general condition has been included regarding compliance with RTA recommendations and requirements. Although this matter has not been fully resolved, it is not considered to be a matter affecting the issue of an approval. Although in most cases this issue would be addressed at the Construction Certificate stage, the RMS have requested that a deferred commencement condition be applied.</p>
<p>Bureau of Meteorology</p> <ul style="list-style-type: none"> <li>• Heights must not exceed 16 m</li> <li>• Confirmation of the as built height is to be provided prior to construction.</li> </ul>	<p>An appropriate condition has been recommended. It is noted that subsequent applications for building construction would also need to comply with these requirements.</p>
<p>Civil Aviation Safety Authority</p> <ul style="list-style-type: none"> <li>• Consultation to be undertaken with the Airport Manager with respect to the following issues: <ul style="list-style-type: none"> <li>○ Airport master planning</li> <li>○ OLS impacts</li> <li>○ Procedures for air navigation services</li> <li>○ Public safety areas</li> <li>○ Wildlife Hazard Management Plan</li> <li>○ Lighting in the vicinity of aerodromes</li> <li>○ Gaseous plumes</li> <li>○ Control of dust</li> </ul> </li> </ul>	<p>Consultation was undertaken and the Airport Manager confirmed that attention needed to be given to each of these issues.</p> <p>An assessment of these issues, based on the comments provided, is outlined below:</p> <p>The proposal would provide for an ongoing expansion of uses (landside and airside) associated with the operation of Moree Airport. In particular, a southward extension of the road parallel to the existing facilities would facilitate additional uses. The proposal is not considered to constrain the future growth and operation of the airport.</p> <p>OLS impacts are not anticipated and an appropriate condition has been recommended.</p> <p>The Airport Manager has not indicated that the proposal would affect procedures for air navigation services.</p> <p>There is no requirement by the NSW State Government for specific public safety areas within the subdivision area. The issue of increased risk has been addressed in this report.</p>

Issue	Response
	<p>A Wildlife Hazard Management Plan has been recommended as a condition.</p> <p>Lighting (specifically street lighting) has been recommended to be in accordance with best practice regarding proximity to aircraft operations.</p> <p>No gaseous plumes would occur as a result of this subdivision. Uses of the land in the future would need to give consideration to this issue.</p> <p>Appropriate conditions have been recommended that would address control of dust from construction of the subdivision.</p> <p>It is noted that buildings would be required to utilise non-glary materials. The draft DCP addresses colours and does not support Zinalume. This issue would need to be given specific attention at the time of specific development applications.</p>
<p>Councils Engineering Department</p> <p>Identified standard conditions for subdivision and engineering requirements.</p>	<p>These have all been included as either recommended conditions, notes or advice.</p>

## The public interest

The public interest includes broader community costs and benefits as well as site specific impacts and the impacts on nearby development. Appropriate development is generally considered to be in the public interest where the benefits of that development outweigh costs.

On balance, it is concluded that the development is in the public interest provided it is appropriately managed by way of conditions.

## COMMUNITY IMPLICATIONS:

This proposal will have a neutral impact on the following Community Strategic Plan and Delivery Program/Operational Plan outcome(s):

- S1. A sustainable and inclusive community where all people feel they belong**
- S2. Our Indigenous cultural identity and values associated with country maintained**
- S3. Sustainable services and facilities provided to residents, businesses, community groups and visitors**
- S4. Moree Plains as a centre for learning and research**
- S5. Diverse sports, recreation, activities, entertainment and events instilling excitement and pride in the lives of our community**

S1 - Not relevant

S2 - The site has not been identified as containing any archaeological materials and has not been identified in Moree Plains LEP 2011 as being of cultural sensitivity to local Aboriginal people. In this respect it would not interfere with the maintenance of cultural identity and values.

S3 - The development would enhance economic development and provide an opportunity for economic diversity. This would assist the sustainability of current services and facilities.

S4 - Not relevant

S5 -Not relevant

## **ECONOMIC IMPLICATIONS:**

This proposal will have a positive or neutral impact on the following Community Strategic Plan and Delivery Program/Operational Plan outcome(s):

**VE1. A resilient and diverse economy, with job availability for all resident requirements**

**VE2. An improved image visitors have of our Shire**

**VE3. Adequate infrastructure provided to support our economy**

V1 - The proposal, through its construction and operation would assist to improve diversity within the local economy including, potentially, significant additional employment up to 400-500 jobs

V2 -The proposal would address a key "gateway" to Moree township and would include landscaping on both sides of the Newell Highway. Subsequent building development would be controlled by a site-specific DCP chapter.

V3 - The proposal would be positive with respect to this outcome as additional infrastructure would be provided by the development, to support economic growth and development.

## **ENVIRONMENT IMPLICATIONS:**

This proposal will have a positive or neutral impact on the following Community Strategic Plan and Delivery Program/Operational Plan outcome(s):

**E1. A well-secured water supply**

**E2. Improved and sustainable environmental management practices within the Shire**

**E3. Our towns and villages are adapted to sustained drought**

E1 - The proposal would utilise additional town water supplies. The overall quantum of the development would have negligible impact on the overall availability of water for Moree township.

E2 - The proposal, if implemented in accordance with the recommended conditions, would address noxious weeds and also potential loss of habitat for an endangered species.

E3 -Landscaping is to be drought resistant, as outlined in the landscape masterplan.

## **LEADERSHIP/LEGAL IMPLICATIONS:**

This proposal will have a neutral or positive impact on the following Community Strategic Plan and Delivery Program/Operational Plan outcome(s):

- L1. Increased respect and pride in our town and villages**
- L2. A more collaborative, decisive and empowered approach to resolving our complex challenges**
- L3. Improved lifestyle for our outlying villages and suburbs**
- L4. Provision of efficient and cost-effective services by Council to the Moree Plains Shire community**

L1 - The proposal represents development activity, which would assist to increase respect and pride within Moree.

L2 - The proposal is neutral with respect to this outcome.

L3 -Not relevant

L4 - The proposal involves the efficient and logical extension of existing services and would contribute to associated headworks charges.

### **FINANCIAL/OPERATIONAL PLAN IMPLICATIONS:**

The development is an activity of the Council that is covered by specific budget allocations.

# APPENDIX A

LOCALITY PLAN

Site A

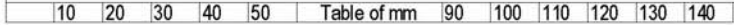
Site B

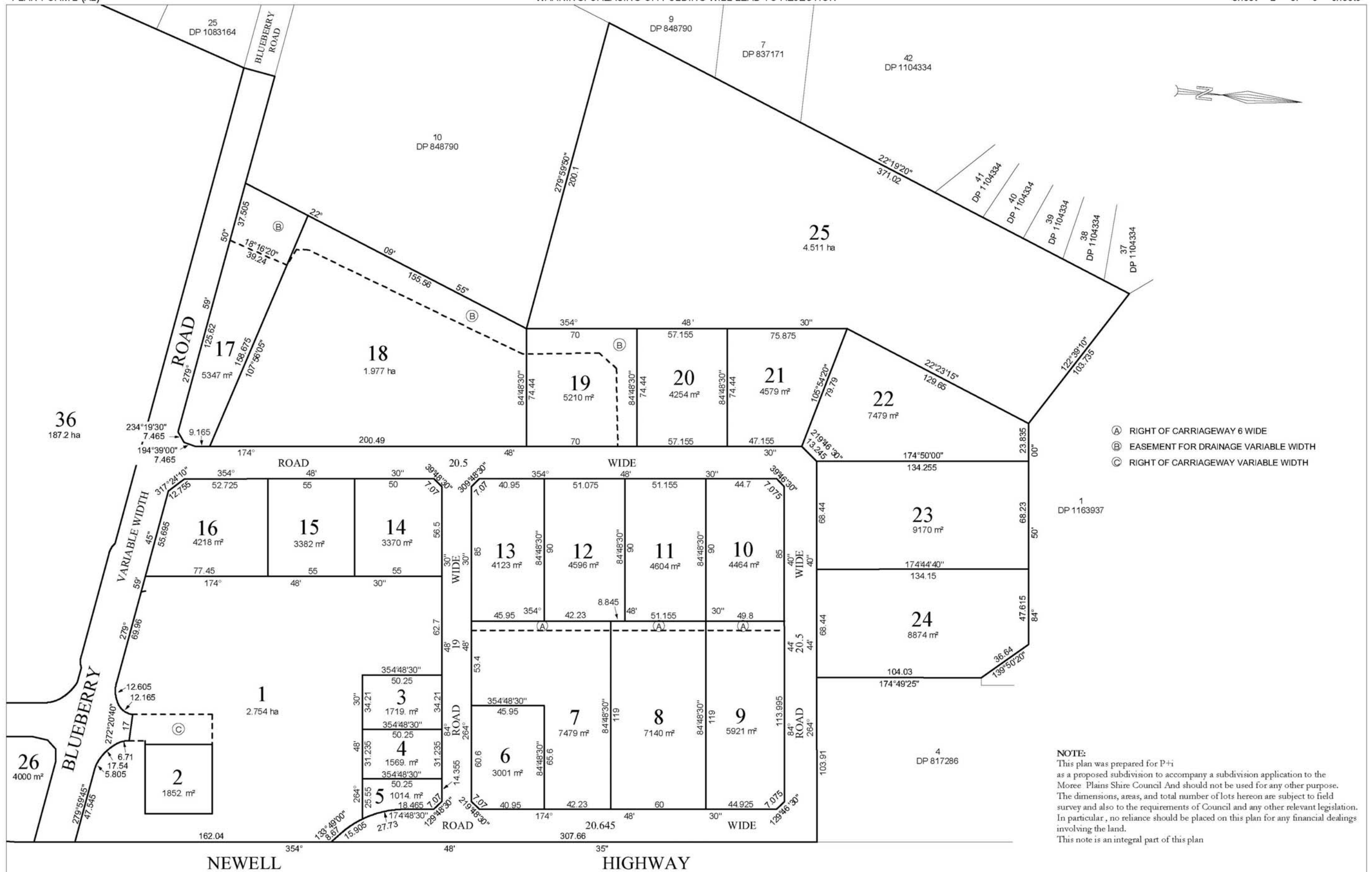




# **APPENDIX B**

PROPOSED SUBDIVISION PLANS





Surveyor: Paul Covell  
Date of Survey: 28/11/2012  
Surveyor's Ref: 12/111

PLAN OF

SUBDIVISION OF LOT 5 DP 817286,  
LOT 11 DP 848790 AND LOT 1 DP 111137

LGA: Moree Plains

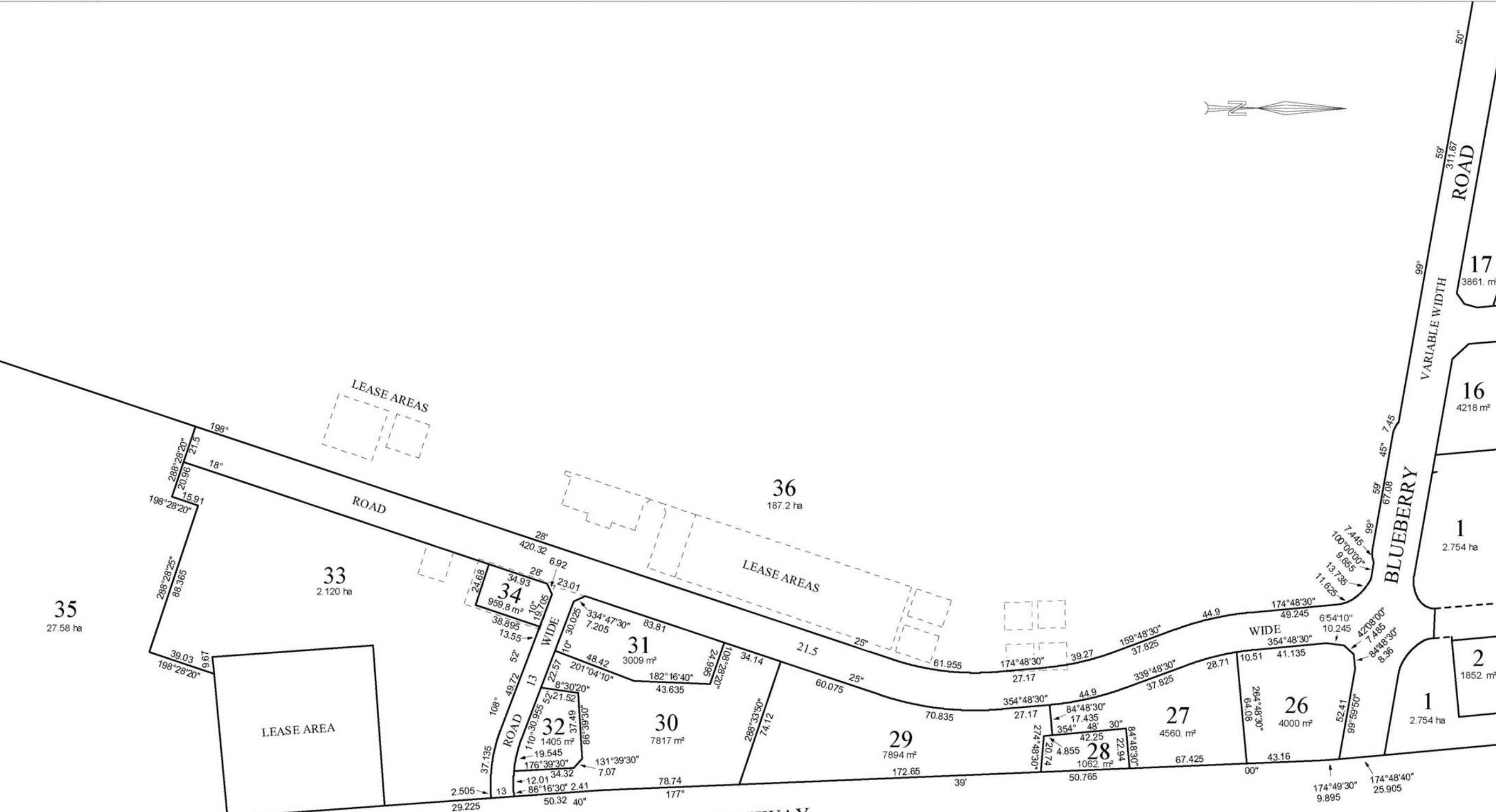
Locality: Moree

Subdivision No:

Lengths are in metres. Reduction Ratio 1:1500

Registered

DP



NOTE:  
This plan was prepared for P+i  
as a proposed subdivision to accompany a subdivision application to the  
Moree Plains Shire Council And should not be used for any other purpose.  
The dimensions, areas, and total number of lots hereon are subject to field  
survey and also to the requirements of Council and any other relevant legislation.  
In particular , no reliance should be placed on this plan for any financial dealings  
involving the land.  
This note is an integral part of this plan

Surveyor: Paul Covell Date of Survey: 28/11/2012 Surveyor's Ref: 12/111	PLAN OF SUBDIVISION OF LOT 5 DP 817286, LOT 11 DP 848790 AND LOT 1 DP 111137	LGA: Moree Plains Locality: Moree Subdivision No: Lengths are in metres. Reduction Ratio 1:1500	Registered	DP
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