

Tweed LEP - Chinderah Highway Service Centre

Proposal Title : **Tweed LEP - Chinderah Highway Service Centre**

Proposal Summary : **The proposal seeks to amend the Tweed Local Environmental Plan (LEP) 2000 or Tweed Draft LEP 2013 (whichever is in force at the time of publication) to permit a Highway Service Centre at the intersection of Pacific Highway and Tweed Valley Way, Chinderah.**

PP Number : **PP_2014_TWEED_001_00** Dop File No : **14/02449**

Proposal Details

Date Planning Proposal Received :	03-Feb-2014	LGA covered :	Tweed
Region :	Northern	RPA :	Tweed Shire Council
State Electorate :	TWEED	Section of the Act :	55 - Planning Proposal
LEP Type :	Spot Rezoning		

Location Details

Street : **Pacific Highway**

Suburb : **Chinderah** City : **NSW** Postcode : **2487**

Land Parcel : **Lot 11 DP 1134229, Lot 11 DP 1165676 and Lot 1 DP 210674**

DoP Planning Officer Contact Details

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RPA Contact Details

Contact Name : **Matthew Zenkteler**

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DoP Project Manager Contact Details

Contact Name :

Contact Number :

Contact Email :

Land Release Data

Growth Centre :	N/A	Release Area Name :	N/A
Regional / Sub Regional Strategy :	Far North Coast Regional Strategy	Consistent with Strategy :	Yes

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MDP Number :		Date of Release :	
Area of Release (Ha) :	3.90	Type of Release (eg Residential / Employment land) :	N/A
No. of Lots :	0	No. of Dwellings (where relevant) :	0
Gross Floor Area :	0	No of Jobs Created :	300

The NSW Government Lobbyists Code of Conduct has been complied with : **Yes**

If No, comment :

Have there been meetings or communications with registered lobbyists? : **No**

If Yes, comment :

Supporting notes

Internal Supporting Notes :

The planning proposal was the subject of a 'pre-Gateway review' request (Reference Number. PGR_2013_TWEED_014).

- The request was made on 27 November 2013, as Council had not made a decision to prepare a planning proposal after 90 days from the date of receipt of the proponent's original request.
- On 12 December 2013, Tweed Council resolved to prepare and submit a planning proposal to permit a Highway Service Centre on the subject land.
- Given Council's resolution, the proponent advised the department on 20 December 2013 to not progress the pre-Gateway review request.

It should be noted that Tweed Shire Council has not formally accepted plan making delegation.

External Supporting Notes :

The planning proposal was submitted to Tweed Council in conjunction with a Development Application (DA) that seeks construction of the proposed Highway Service Centre. The DA is currently being reviewed by Council. It is envisaged that the planning proposal and DA will be publicly exhibited concurrently, should the matter proceed to this stage.

The land is zoned 1(b2) Agricultural Production under Tweed LEP 2000 and RU1 Primary Production under Tweed Draft LEP 2013. The draft LEP has been submitted by the Council for making. A Highway Service Centre is prohibited under the 1(b2) and RU1 zones. An amendment to whichever LEP is in force at the time is therefore required to permit a Highway Service Centre on the site.

Adequacy Assessment

Statement of the objectives - s55(2)(a)

Is a statement of the objectives provided? **Yes**

Comment :

The objectives and intended outcomes of the proposal are provided and adequately expressed. The proposal seeks to allow an amendment to the Draft Tweed LEP 2013 or the Tweed Shire Council LEP 2000 (whichever is prevailing at the time of notification) to enable the land to be developed and used for the purposes of a Highway Service Centre.

Explanation of provisions provided - s55(2)(b)

Is an explanation of provisions provided? **Yes**

Comment : **The planning proposal provides a clear explanation of the intended provisions to achieve the objectives and intended outcomes.**

The proposal seeks amendment to the Draft Tweed LEP 2013 by including a provision under 'Schedule 1 – Additional Permitted Uses' to permit a Highway Service Centre on the site. An amendment to the minimum lot size map would also be required to enable a subdivision to occur to consolidate the land containing the proposed development and separate it from the existing allotments.

Council has confirmed that should this proposed instrument progress prior to the Draft Tweed LEP 2013 being notified, that a provision under 'Schedule 3 – Development of Specific Sites' of the Tweed LEP 2000 would be included to permit the intended land use and subdivision.

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **No**

b) S.117 directions identified by RPA :

* May need the Director General's agreement

1.2 Rural Zones

1.3 Mining, Petroleum Production and Extractive Industries

1.5 Rural Lands

2.1 Environment Protection Zones

2.2 Coastal Protection

2.3 Heritage Conservation

3.1 Residential Zones

3.4 Integrating Land Use and Transport

4.1 Acid Sulfate Soils

4.3 Flood Prone Land

5.1 Implementation of Regional Strategies

5.3 Farmland of State and Regional Significance on the NSW Far North Coast

5.4 Commercial and Retail Development along the Pacific Highway, North Coast

6.3 Site Specific Provisions

Is the Director General's agreement required? **Yes**

c) Consistent with Standard Instrument (LEPs) Order 2006 : **Yes**

d) Which SEPPs have the RPA identified?

SEPP No 55—Remediation of Land

SEPP No 71—Coastal Protection

SEPP (Infrastructure) 2007

SEPP (Mining, Petroleum Production and Extractive Industries) 2007

SEPP (Rural Lands) 2008

North Coast REP 1988

e) List any other matters that need to be considered :

In addition to the 117 directions and SEPPs identified by the Council, additional s117 directions and SEPP's have been assessed under the 'Assessment' tab of this report.

Have inconsistencies with items a), b) and d) being adequately justified? **Yes**

If No, explain :

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : **A map showing the proposed subdivision layout would be required prior to public**

exhibition, the text of the proposal gives a description however it will be far clearer for the public and the Department to have record of a spatial representation. Revised maps which comply with the department's 'Standard Technical Requirements for LEP Maps' would need to be prepared for the making of the LEP. This would include preparation of an 'additional permitted uses map' which identifies the extent of the Highway Service Centre site.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : The RPA has proposed a 28 day community consultation period due to the public profile of this development if approved. 28 days is an appropriate level of consultation considering the surrounding land use pattern, and minor inconsistencies with some adopted strategies.

Additional Director General's requirements

Are there any additional Director General's requirements? **No**

If Yes, reasons : The gateway determination, if approved, will include a requirement for the public exhibition of this proposal. Details of this public exhibition methodology and results will then be required to be submitted to the Department prior to making of this amendment.

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **Yes**

If No, comment : **Time Line**
The planning proposal includes a project timeline which estimates the completion of the planning proposal in September 2014. To ensure the RPA has adequate time to complete exhibition, reporting, map preparation and legal drafting it is recommended that a time frame of 9 months is appropriate.

Delegation
To date Tweed Shire Council has not accepted the delegation of plan making functions.

The planning proposal satisfies the adequacy criteria by:

- Providing appropriate objectives and intended outcomes.
- Providing a suitable explanation of the provisions proposed for the LEP to achieve the outcomes.
- Providing an adequate justification for the proposal.
- Outlining a proposed community consultation timeframe.
- Providing a project time line.

Proposal Assessment

Principal LEP:

Due Date : **March 2014**

Comments in relation to Principal LEP : The Draft Tweed SI LEP has been exhibited and submitted to the department by Council with a request that it be made. The Draft SI LEP is currently with Parliamentary Counsel for legal drafting. It is anticipated that the SIP LEP will be made by March 2014.

The planning proposal confirms that under the Draft SI LEP, the intended land uses for the site would be facilitated by including provisions under Schedule 1 – Additional Permitted Land Uses, and amending the minimum lot size map to enable the excision of the service station from surrounding rural land.

Assessment Criteria

Need for planning proposal : The need for a major northbound truck stop/Highway Service Centre at Chinderah to significantly contribute to travel safety and efficiency within the highway corridor has long

been acknowledged by Council and the NSW State Government.

The actual location of this service station has been subject to ongoing review, and the subject land has been identified as the preferred site. No feasible alternative has been identified based on access and traffic requirements, road safety and efficiency, availability of land and site constraints.

A combined development application and planning proposal request was submitted to Council by the proponent to enable the construction of a Highway Service Centre on the site. The environmental, economic and net community benefit of the proposal have been addressed in supporting reports including issues related to demand, impact on adjoining centres, employment and site suitability. These are discussed in more detail below.

The current zoning does not permit a Highway Service Centre on the land. The use of Schedule 1 is the best means of enabling the intended use on the site.

Consistency with strategic planning framework :

NSW 2021: A Plan To Make NSW Number One

NSW 2021 is the NSW Government's number one strategic business plan. 'Goal 10' of this strategic business plan confirms the priority of upgrading the Pacific Highway corridor to improve road safety and freight efficiency.

On 27 March 2013, Transport for NSW released the NSW Road Safety Strategy. The development and implementation of this Strategy was a priority action under NSW 2021. It provides initiatives for improving the safety and usability of NSW roads to reduce death and serious injury, including the provision of well-located rest areas to meet heavy vehicle needs. This is also a key action under the NSW Long Term Transport Master Plan.

The proposal is consistent with the goals and actions of NSW Government's number one strategic business plan, contributing to the usability and safety of the Pacific Highway.

Far North Coast Regional Strategy (FNCRS)

The FNCRS was released in 2007 and identifies the Government's key strategic directions for the Far North Coast.

The Pacific Highway is identified under the FNCRS as the primary inter/intra-region road corridor for the Far North Coast. The improvement and protection of its efficiency and safety is a key outcome of the Strategy.

The Strategy recognises the Pacific Highway corridor as an exception for commercial and industrial land release objectives, requiring well located Highway Service Centres. It nominates that Highway Service Centres may be located next to the Pacific Highway in Chinderah. The actual location of the Highway Service Centres is not identified under the Strategy.

The existing BP Highway Service Centre, located adjacent to the Chinderah Industrial Estate, has been operational since 2007 and caters only for southbound traffic.

While a site opposite the existing south bound service centre was considered it was determined that the site was too small and impractical to develop. The RMS has agreed that the new site proposed in this planning proposal should be endorsed.

The provision of a northbound Highway Service Centre will support the ongoing role of the Pacific Highway as the primary transport corridor in the region, contributing to efficient and safe transportation. It will also contribute to achieving economic and employment targets for the Far North Coast.

The proposal is consistent with the Strategy.

Northern Rivers Farmland Protection Project (NRFPP)

The subject site is identified within a large contiguous area of Regionally Significant Farmland under the NRFPP.

The NRFPP primarily seeks to protect important farmland from urban and large lot residential development. However one of the principles recommended in this project relates to industrial development on regionally significant farmland. This principle provides that regionally significant farmland is not an absolute constraint to stand along industrial development. This principle details those circumstances where industrial development may occur on regionally significant farmland, these circumstances are as follows:

- it would not significantly undermine the integrity of a regionally significant farmland area; and

Comment: The excision of 3.9ha of rural land would not undermine the integrity of this significant farmland area. The area of contiguous farmland at this location exceeds 500 ha. This land is further constrained by its location between the Highway, Tweed Valley Way, and an existing crematorium.

- it would not compromise local or regional agricultural potential by alienating agricultural infrastructure or agricultural transport routes, or decreasing 'critical mass' for any existing agricultural industry; and

Comment: The provision of a service centre would enhance the local transport route by provision of accessible refuelling facilities. There is currently no agricultural infrastructure on site, or alienated by use of this site for a service centre purpose. The existing agricultural activity on this land is tea tree plantation, it is likely any future owner would continue some intensive horticultural use. However this specific 3.9 ha has been excluded from the farming operation, the business remains viable without this land area and as such it can only be assumed that this land is not part of the 'critical mass' of this operation.

- it would not create impacts which would compromise the agricultural use of nearby regionally significant land; and

Comment: The submitted agricultural report provides that the development proposed would have the same level of compatibility with the surrounding agriculture as the adjoining Melaleuca Station Crematorium. No further assessment is made of the potential impacts on surrounding agricultural use. Of particular concern is the potential impacts this development may have on the aquaculture enterprise across the Highway from this proposed site should a failure of the fuel storage tanks occur. It is anticipated that Council would ensure during the DA assessment that these impacts are considered. No broader impacts on the regionally significant lands would result from the approval of this proposal.

- it would not be located in an area where there was an identified risk of land use conflict near an existing agricultural enterprise; and

Comment: There has been no identified risk of land use conflict at this location.

- it would not involve filling part of a floodplain unless consistent with a floodplain management plan prepared in accordance with the Floodplain Management Manual; and

Comment: Council have provided comment that the proposed filling is consistent with Councils Draft Floodplain Risk Policy, which has been prepared in accordance with the Floodplain Development Manual 2005.

- no viable alternative land is available which is suitable for the proposed industrial use. This is the third site which has been looked at for this proposal. Others have been discounted due to proximity to residential development. The Regional Strategy identifies Chinderah as a preferred location for a service centre, however all land beside the highway in this area is either mapped as regionally significant, located within a residential area or too steep for this proposal. This site contains the lowest impact on surrounding agricultural land uses and thus presents the best location for this proposed development.

An agricultural assessment has been prepared to support the proposal and suggests that development of the site as a Highway Service Centre would not result in a detrimental loss of viable agricultural land or land use conflict. The reasons given in this report do not directly relate to the exclusions provided in the NRFPP, however do provide some justification.

Given the nature of the development and location of the site, the proposal is unlikely to create impacts which would compromise the agricultural use of regionally significant land or result in a direct loss of agricultural productivity.

Tweed 4/24 Strategic Plan 2004

Tweed 4/24 sets Council's broad governance directions for the next two decades.

A Highway Service Centre on the subject site would offer a range of social and economic benefits through increased employment opportunity, opportunities for expenditure in the local community and improved usability of the highway corridor.

The proposal is considered to be consistent with the strategic themes of the Strategy.

Tweed Urban And Employment Land Release Strategy 2009

The Tweed Urban and Employment Land Release Strategy 2009 outlines an employment

land release program for Tweed Shire until 2031. It was adopted by Council on 17 March 2009, however has not been endorsed by the Director General.

The strategy does not identify this land for future release, however it notes that a site within the Chinderah locality has been earmarked for a Highway Service Centre. This is in accordance with the FNCRS.

As discussed above, the site is the preferred location for a Highway Service Centre. Use of the land as a Highway Service Centre would offer a range of social and economic benefits.

The proposal is not inconsistent with the principles of the Strategy.

STATE ENVIRONMENTAL PLANNING POLICIES

The relevant SEPPs are listed below. The only inconsistency is with the North Coast Regional Plan, in relation to the development of flood prone land.

SEPP Rural Lands –

The proposed development is consistent with the Rural Planning Principles expounded in clause 7 of the SEPP based on the submitted agricultural study, the small amount of land being lost from agricultural production and the consistency of this proposal with the Far North Coast Regional Strategy. No inconsistency with this SEPP is resultant from this proposal.

SEPP Infrastructure

Clause 104 of the Infrastructure SEPP requires the referral of the development application to the RMS. This will need to be undertaken during the processing of the DA. There is no inconsistency with the ISEPP resulting from this planning proposal.

SEPP 55 Remediation of Land

A preliminary contamination assessment has been undertaken and concluded that no significant contaminants were found. Council is satisfied based on the results of this study, coupled with the proposed filling of land and covering with hardstand area; that the land is suitable in its current state for the range of permissible uses following from this proposal. The proposal therefore is consistent with SEPP 55.

SEPP 71 Coastal Protection

Council has considered the provisions of clause 8 and determined that the proposal is not inconsistent with the SEPP. Due to the distance from the Tweed River and the surrounding land uses this conclusion is supported.

North Coast Regional Environmental Plan

Please note that the North Coast REP is shortly to be made inapplicable by the notification of the Tweed comprehensive LEP.

The relevant clauses, and compliance with such are set out below:

cl. 7. Agricultural resources – Prime Crop and Pasture Land

Comment: This development is not incompatible with the objectives of the division, and is supported by an analysis of agricultural capability. This proposed development is not inconsistent with this clause.

CI 32A. Coastal Development – Coastal Lands

Comment: The proposed development is consistent with the NSW Coastal Policy 1997. No other provisions of this clause are relevant to this proposal.

CI 45A. Environmental Hazards – Flood Liable Land

Comment: This clause provides that a draft LEP should not permit an intensification of development on flood liable land. This proposal is to intensify development potential on flood liable land. A flood study has been undertaken which concludes that the additional fill on this floodplain will result in a slight but acceptable increase in the peak flood levels as a result of this development. The change to the peak flood level is estimated to be 0.01m or less.

Tweed Shire Council has commenced preparation, but not finalised, a floodplain management plan in accordance with the Floodplain Development Manual. The Council has not provided that this proposal is justified by the draft floodplain plan, and as this is not a public document it could not be relied upon to show compliance with this clause. This proposal then is inconsistent with this clause.

CI 53. Regional infrastructure – primary arterial roads

Comment: The proposed development includes access and egress via specially constructed intersections. There is no conflict with local traffic as the facility caters only for traffic entering and exiting onto the highway and Tweed Valley Way. This clause also requires that the proposed advertising signs and structures be located so as not to impair the natural and built environment. This proposal has not included details regarding where such signage is to be located however it is reasonable that this detail is provided at DA stage. The RMS will also have an opportunity to comment on such signage at DA stage. The SEPP provides that this information is assessable by Council, and as such it is reasonable to defer such consideration to the pending DA. This proposal is therefore consistent with this clause.

SECTION 117 DIRECTIONS

The proposal is considered to be a 'spot rezoning' given that it will provide additional land uses on the site. Generally the proposal is consistent with the s117 directions. The below are instances of justifiable inconsistency. Of particular note is that post Gateway consultation will need to occur with the RFS to comply with direction 4.4.

1.2 Rural Zones

- The planning proposal is inconsistent with this direction as it seeks to 'rezone' rural land to permit a Highway Service Centre. The direction provides that a proposal may be justifiably inconsistent if it is in accordance with the relevant Regional Strategy. This proposal is in accordance with the Far North Coast Regional Strategy which considers the need to protect agricultural land. The inconsistency with the direction is justified.

4.3 Flood Prone Land

- This direction requires that the planning proposal is not to contain provisions which permit a significant increase in the development of flood prone land. The direction further provides that an inconsistency may be acceptable if the development is in accordance with a floodplain risk management plan prepared in accordance with the Floodplain Development Manual, or otherwise is of minor significance. The RPA advises that the proposal is consistent with a draft floodplain risk management plan, which has been undertaken in accordance with the Floodplain Development Manual. However this plan has not yet been placed on public exhibition, nor finalised. Regardless the conclusions of the submitted flood study are that the impacts of this development will be negligible and as such the inconsistency is justified.

4.4 Planning for Bushfire Protection

- Consistency with the Direction is currently unresolved. Consultation with the NSW Rural Fire Service would be required post Gateway to satisfy the requirements of the Direction.

5.3 Farmland of State and Regional Significance on the NSW Far North Coast

- Council has nominated potential inconsistency with this direction.
- It is considered however that the proposal is either consistent with the Direction as it is not for 'urban' purposes, and is consistent with the Industrial Development provisions of Section 4 of the NRPFP.
- Compliance with Section 4 of the NRPFP is discussed in detail earlier in this section.
- It otherwise may broadly be considered as public infrastructure as it will provide services and infrastructure required by the RMS in accordance with state highway planning guidelines.

5.4 Commercial and Retail Development along the Pacific Highway, North Coast

- Table 1 in Section 6 of the Direction identifies the locations where Highway Service

Centres may be established. The subject site is not identified under Table 1. The proposal is inconsistent with the Direction.

- Table 1 does nominate that a Highway Service Centre can proceed in Chinderah on the western (northbound) side of the highway, however identifies an alternative location to the subject site.
- RMS has confirmed that the site currently nominated under the Direction is not suitable for a Highway Service Centre due to inadequate space and proximity to residential development.
- The department, together with RMS, has prepared draft discussion paper 'Highway Service Centres along the Pacific Highway, NSW – Policy Review'. The discussion paper documents current Highway Service Centre policy, why it needs review and includes proposed changes to the policy. This discussion paper nominates the intersection of the Pacific Highway and Tweed Valley Way (subject site) as the preferred northbound Highway Service Centre site in Chinderah and proposes an amendment to the Direction to have this site listed under Table 1. The discussion paper has not at this stage been exhibited to the public.
- A traffic impact assessment has been prepared in association with the proposal, and includes a review of the proposal's consistency with the objectives of the Direction. The traffic assessment confirms that the proposal is consistent with the objectives of the Direction and will not detrimentally impact the safety and efficiency of the highway.
- Correspondence from RMS has been submitted, confirming satisfaction with the proposed access arrangements from the Pacific Highway.
- Inconsistency with the Direction is justified as of minor significance.

The proposal is consistent with all other relevant Section 117 Directions.

Environmental social
economic impacts :

ENVIRONMENTAL IMPACTS

The key issues which may prevent this proposal from continuing are the provision of water and sewerage services. Without these facilities the proposal could not proceed to construction. The other issues of consultation with the Local Aboriginal Land Councils, Rural Fire Service and the need for a strategy to avoid ground water contamination which could cripple the adjacent aquaculture facility may all be overcome through design and can be assessed with the development application. The amenity and visual impacts may also be considered at the design stage as they may be overcome with good design.

Biodiversity

The land is cleared of any mature native vegetation and comprises slashed exotic grasses and weeds. A flora and fauna assessment of the site has confirmed that the land has little conservation value and that development of the site will not have any significant impact on native flora and fauna species.

Land Contamination

A preliminary site contamination assessment has confirmed the land displays low potential for contaminated soils and no remediation works are required.

The land is subject to acid sulfate soils and an acid sulfate soils management strategy has been submitted with the proposal.

Contamination is not a key consideration for the proposed 'rezoning'.

Bushfire

A stand of mature vegetation located within the highway corridor and adjoining the eastern and northern boundaries of the site is identified as bushfire prone under Council's bushfire mapping. The bushfire prone buffer surrounding this mature vegetation encroaches the subject land.

A bushfire review has been prepared and states that the proposal achieves appropriate APZ distances and access arrangements in accordance with Planning for Bushfire Protection.

However consultation with NSW Rural Fire Service is required by section 117 direction 4.4 and needs to occur before the Planning Proposal is finalised.

Flooding

The land is flood prone and significant fill would be required to ensure floor levels are provided above the design flood level. Detailed design regarding flood management can be addressed as part of the DA and should not preclude consideration of the site for 'rezoning'.

Agricultural Land

The agricultural assessment submitted with the proposal states that the size of the land, its shape and lack of slope are major constraints for any significant sugar cane or tea tree farming. The assessment notes that development of the land as a Highway Service Centre would preclude its use from future agricultural production, however loss of this land would not result in any significant effect on the long term agricultural production of the wider region. The application submits that land use conflicts are unlikely to arise, stating that a Highway Service Centre on the site would have the same level of compatibility with surrounding agricultural land as the adjacent Melaleuca Station Crematorium. The impacts of a service station however would in all likelihood be different to a crematorium should failure occur. The potential impacts on the aquaculture enterprise should a ground seepage occur would be significant. Details in this regard however may be submitted and assessed at DA stage. In the meantime consultation with DPI should occur during exhibition.

Aboriginal Significance

A Cultural Heritage Due Diligence Assessment has been undertaken to support the proposal. This assessment included a desk top review of the site and concluded that there is negligible potential for any Aboriginal cultural heritage significance. It also includes an unexpected finds protocol to be implemented during any future construction works. Advice regarding the cultural significance of the land from the Tweed Aboriginal Advisory Committee and the Tweed Byron Local Aboriginal Land Council should be obtained and submitted as part of the DA requirements.

Traffic and Access

Access to the site will be via a proposed off ramp from the Pacific Highway and a new two lane roundabout on Tweed Valley Way. The traffic impact assessment submitted with the proposal confirms that the proposed access arrangements will have minimal impact on the functioning of these key transport corridors.

Correspondence from RMS confirms satisfaction with the proposed access ramp from the Pacific Highway. RMS and Council note that the ultimate access design will be subject to detailed review under the DA. This will also include a review of the proposed car parking and layout arrangements. This should not preclude consideration of the site for 'rezoning'.

Electrical and Telecommunication Services

Electricity and telecommunication services can be provided to the site via extensions to existing services, including the provision of services under ground.

Water Supply

The proposal states that the required supply of potable water can be provided via an extension and upgrade to existing services. Council has raised concern regarding the proposed supply methods and seek further information to demonstrate consistency with Council policy. This would include demonstrating that appropriate water pressure can be provided to achieve firefighting requirements. Council notes that this should not preclude consideration of the site for 'rezoning'.

Wastewater

The site is not connected to trunk sewer services. An onsite sewage management system has been proposed to store and treat all wastewater generated onsite and distribute the treated effluent in designated land application areas.

The site is located on the floodplain and within 800m to the Tweed River. The suitability of onsite sewer and potential to impact on waterways during flood events need to be

carefully considered.

SOCIAL & ECONOMIC CONSIDERATIONS

Planning for the Yelgun to Chinderah Pacific Highway upgrade project identified the need for Highway Service Centres in Chinderah that would provide essential highway services and facilities. A socio-economic impact assessment has identified key benefits for a Highway Service Centre, including:

- Improve driver safety by encouraging drivers to stop and take an effective rest break;
- Avoidance of driver fatigue;
- Complement the function of the existing southbound Highway Service Centre;
- Generate more than 400 jobs through the construction and operation phases; and
- Promotion of long-term economic viability and financial injection for the local economy, without compromising economic activity within surrounding town centres.

The land is viewable from the wider Terranora and Cudgen Ridges. The adjoining crematorium already affects views from these areas, causing a distraction from the rural vista. The nearest residential dwelling is located over 750m from the site. The visual impact and environmental noise assessments confirm that construction and operation of the Highway Service Centre will have minimal impact on residential amenity.

Assessment Process

Proposal type : **Routine** Community Consultation Period : **28 Days**

Timeframe to make LEP : **9 months** Delegation : **DDG**

Public Authority Consultation - 56(2) (d) : **Transport for NSW - Roads and Maritime Services**

Is Public Hearing by the PAC required? **No**

(2)(a) Should the matter proceed ? **Yes**

If no, provide reasons :

Resubmission - s56(2)(b) : **No**

If Yes, reasons :

Identify any additional studies, if required. :

Other - provide details below

If Other, provide reasons :

There is difficulty servicing the site with water and onsite sewer.

Water

Water services are required for both potable supply and firefighting purposes. The engineering report provides that potable water supply will be provided by provision of a 22,500 litre tank fed by an extension of the existing water line. The tank is necessary as the existing water line does not have the capacity to supply the estimated peak demand. The applicant proposes to approach Council to increase the size of the service line from 15mm to 50mm, however to date this has not been approved.

The engineering report provides that water for firefighting will come from the dam existing on the site, with associated pumps. The bushfire report provides that the water will come from a reticulated service. There is conflict between the reports, and ultimately the decision on whether to accept the dam as a water fighting supply will be made by the Rural Fire Service.

While there are difficulties with water supply there are a few, albeit maintenance intensive options, as such it is recommended that this issue be left to the DA process to be determined.

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Waste water

The site proposes to utilise on site waste water management, inclusive of the wastewater flowing through the oil separator. It is proposed to fill the area of the site to be used for OSM to a level of 2.9m AHD, which is the 1 in 50 year flood level. The planning proposal provides that the preliminary OSM report is provided, however the attachment referred to is not an OSM report. Regardless the Council has determined the report not sufficient and requested a revised report. Council staff have suggested such report should be returned to the Department of Planning post gateway and prior to public exhibition. This issue could be fatal to the proposal as there is no alternate access to reticulated sewer. It is recommended the revised report be submitted to the Department, with Council comments, prior to public exhibition of the proposal.

Identify any internal consultations, if required :

No internal consultation required

Is the provision and funding of state infrastructure relevant to this plan? **No**

If Yes, reasons :

Documents

Document File Name	DocumentType Name	Is Public
TSC PP for Hwy service centre Jan 2014 v1.pdf	Proposal	Yes
Statement of Environmental Effects (PP Appendix 2 - Applicant Appendix F) - Agricultural Assessment.pdf	Study	Yes
Statement of Environmental Effects (PP Appendix 6 - Applicant Appendix H) - Engineering Impact Assessment Plan .pdf	Study	Yes
Statement of Environmental Effects (PP Appendix 8 - Applicant Appendix L) - Bushfire Risk Management Plan.pdf	Study	Yes
Statement of Environmental Effects (PP Appendix 13 - Applicant Appendix R) - Traffic Impact Assessment.pdf	Study	Yes

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

- S.117 directions:
- 1.2 Rural Zones
 - 1.3 Mining, Petroleum Production and Extractive Industries
 - 1.5 Rural Lands
 - 2.1 Environment Protection Zones
 - 2.2 Coastal Protection
 - 2.3 Heritage Conservation
 - 3.1 Residential Zones
 - 3.4 Integrating Land Use and Transport
 - 4.1 Acid Sulfate Soils
 - 4.3 Flood Prone Land
 - 5.1 Implementation of Regional Strategies
 - 5.3 Farmland of State and Regional Significance on the NSW Far North Coast
 - 5.4 Commercial and Retail Development along the Pacific Highway, North Coast
 - 6.3 Site Specific Provisions

- Additional Information :
- It is recommended that the planning proposal should proceed as a "routine" planning proposal, subject to the following conditions:
1. A community consultation period of 28 days is necessary;
 2. The planning proposal is to be completed within 9 months;
 3. The Director-General's delegate agree that inconsistencies with s117 Directions 1.2 Rural Zones, 4.3 Flood prone land and 5.4 Commercial and Retail Development along the Pacific Highway, North Coast are justified as of minor significance;
 4. it is noted that inconsistency with section 117 direction 4.4 will need to be resolved following consultation with the Rural Fire Service;
 5. an Onsite Waste Water Management Plan be completed, assessed by Council and

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included in the public exhibition documentation.

6. a map showing the proposed subdivision layout be prepared for public exhibition.

7. consultation take place with the Department of Primary Industry (Agriculture);

Transport for NSW (Roads and Maritime Services) and the Rural Fire Service; and

8. Council update the planning proposal prior to exhibition to update the Project Timeline to comply with the additional requirements above.

Supporting Reasons : The reasons for the above recommendations for the planning proposal are as follows:

1. There is an identified need for a northbound Highway Service Centre Site within the locality, and the site has been identified as the preferred site.

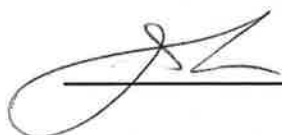
2. The inconsistencies with the S117 Directions are of minor significance.

3. The proposal is otherwise consistent with all relevant local and regional planning strategies, S117 Directions and SEPPs.

4. The recommended conditions to the Gateway are required to provide adequate consultation, accountability and progressions.

5. The additional site specific investigations will provide opportunity for the proponent and Council to negotiate appropriate means for addressing site issues and ensuring the land is suitable for use as a Highway Service Centre before the planning proposal proceeds.

Signature:



Printed Name:

JIM CLARK

Date:

7 February 2014