

## Planning Services

### Gateway Determination Report

<b>LGA</b>	Port Macquarie-Hastings
<b>PPA</b>	Port Macquarie-Hastings Council
<b>NAME</b>	Port Macquarie Highway Service Centre West (0 homes, 200 jobs)
<b>NUMBER</b>	PP_2018_PORT_004_00
<b>LEP TO BE AMENDED</b>	Port Macquarie-Hastings LEP 2011
<b>ADDRESS</b>	1179 Oxley Highway, Sancrox
<b>DESCRIPTION</b>	Part of Lot 11 DP 1029846
<b>RECEIVED</b>	10 August 2018
<b>FILE NO.</b>	IRF18/4430
<b>POLITICAL DONATIONS</b>	There are no donations or gifts to disclose and a political donation disclosure is not required
<b>LOBBYIST CODE OF CONDUCT</b>	There have been no meetings or communications with registered lobbyists with respect to this proposal

## INTRODUCTION

### Description of planning proposal

The proposal seeks to enable the development of a highway service centre on the western side of the Pacific Highway and Oxley Highway interchange.

### Site description

The site is located on the south west corner of the existing Oxley Highway and Pacific Highway interchange (Figure 1). It is proposed to excise approximately 18 hectares from the existing 51 hectare lot for the highway service centre (Figure 2). The land is mostly cleared and is used for primary production with an existing dwelling located in the north west corner of the site.

### Existing planning controls

The land is currently zoned RU1 Primary Production (Figure 3) and has a 40 hectare minimum lot size under Port Macquarie-Hastings LEP 2011.

### Surrounding area

The site is surrounded by a mixture of primary production, rural lifestyle and rural residential lands. Also in the locality is the Billabong Wildlife Zoo to the north and the existing southbound highway service centre on the south east corner of the interchange (Figure 1).

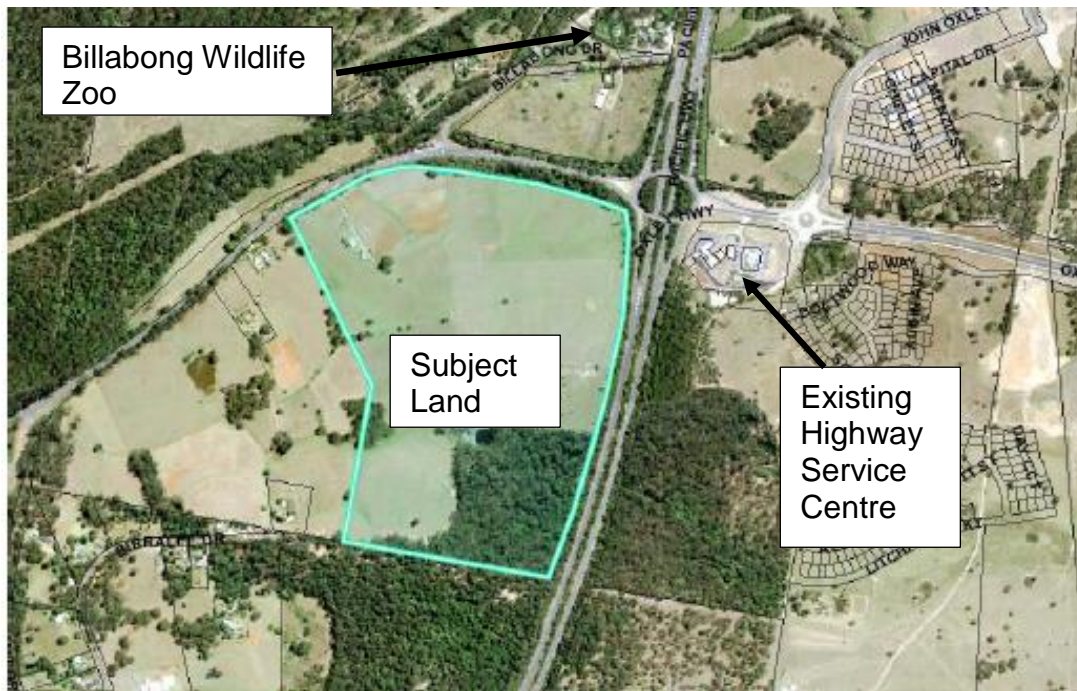


Figure 1 – Subject Land



Figure 2 - Proposed Highway Service Centre Site

### Summary of recommendation

The planning proposal is consistent with the State, regional and local planning framework. A conditional Gateway determination is recommended to allow the proposal to proceed to agency and community consultation.



Figure 3 – Land Zoning

## PROPOSAL

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### Objectives or intended outcomes

The objective and intended outcome of facilitating the development of a highway service centre on the subject land is clearly identified in the proposal.

### Explanation of provisions

The proposal clearly identifies the intended changes to Port Macquarie-Hastings LEP 2011 needed to facilitate the proposal. These changes are:

- permitting a highway service centre with ancillary hotel and motel accommodation for heavy vehicle drivers as an additional permitted use;
- allowing a 2 lot subdivision to excise the highway service centre as an additional permitted use;
- confirming that a dwelling can be erected on the residue allotment despite the minimum lot size provisions as an additional permitted use;
- allowing the subdivision of the highway service centre into separate tenancies following construction as an additional permitted use; and
- identifying the land on the Port Macquarie-Hastings LEP 2011 Additional Permitted Uses Map.

### Mapping

The proposal includes locality, strategy and additional permitted use mapping that is appropriate for community and agency consultation. Detailed site mapping is also contained within the supporting studies.



## NEED FOR THE PLANNING PROPOSAL

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The land is identified in Council's Department approved Urban Growth Management Strategy 2011 as a gateway site for Port Macquarie. The North Coast Regional Plan 2036, and section 9.1 Direction 5.4 Commercial and Retail Development along the Pacific Highway, North Coast, also identify the land for a potential highway service centre / employment use. The planning proposal is needed to undertake the changes to Port Macquarie-Hastings LEP to facilitate the development.

Council's approach to facilitate the permissibility of the highway service centre as an additional permitted use is considered appropriate. Permitting highway service centres throughout the RU1 Zone would be inconsistent with the State and regional planning framework, while zoning the land for employment purposes could permit other unintended uses not appropriate for the site should the highway service centre not proceed. The issue of undertaking changes to the minimum lot size and dwelling opportunity maps to facilitate the remainder of the proposal was raised with Council. Council staff advised that the final land size of the highway service centre and residue lots was still subject to discussions and may alter, making mapping changes at this stage impractical. This proposed approach is considerable reasonable in the circumstances to allow the proposal to proceed at this time. Council staff have been recommended to consider as part of a future housekeeping amendment the inclusion of appropriate map controls once the final lot sizes have been settled.

## STRATEGIC ASSESSMENT

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### State

The proposal is consistent with the State planning framework, and in particular section 9.1 Direction 5.4 Commercial and Retail Development along the Pacific Highway, North Coast, as the Roads and Maritime Services in their letter dated 26 June 2018 have advised Council that it is *"....satisfied that a traffic solution can be found that will enable the proposed Highway Service Centre to be safely and efficiently integrated into the Pacific Highway / Oxley highway interchange and the local road network"*.

### Regional / District

North Coast Regional Plan 2036

The planning proposal is located within the regional plan's mapped urban growth boundary (Figure 4) and is identified for potential employment uses (Figure 5). The proposal is considered to be consistent with the aims and goals of the regional plan except in relation to the following:

- part of the proposed highway service site is identified as containing potential high environmental values (Figure 6); and
- the proposal is seeking direct access for northbound traffic from the Pacific Highway (Figure 7).

These inconsistencies are considered to be of minor significance as:

- significant work has been undertaken indicating that the land does not have potential high environmental value, and that any loss of vegetation in the adjoining road reserves will be appropriately offset through the purchase of biodiversity credits; and

- the Roads and Maritime Services in their letter dated 26 June 2018 have advised Council that it is “....satisfied that a traffic solution can be found that will enable the proposed Highway Service Centre to be safely and efficiently integrated into the Pacific Highway / Oxley highway interchange and the local road network”.

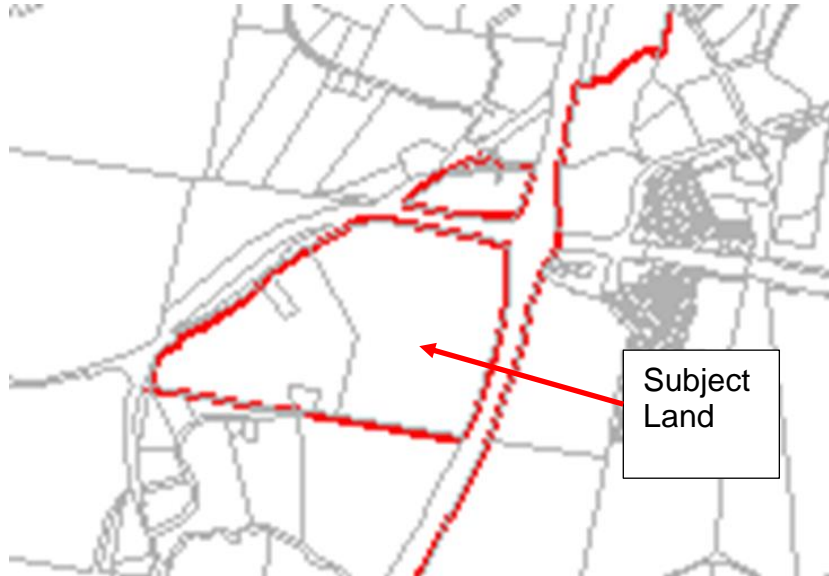


Figure 4 – North Coast Regional Plan Urban Growth Boundary



Figure 5 – North Coast Regional Plan Potential Employment Lands

## Local

The planning proposal is consistent with Council's Department approved Urban Growth Management Strategy 2011- 2031 which identifies the site as a key gateway site for development. The proposal is also consistent with Council's recently adopted, but not yet Department approved, Urban Growth Management Strategy 2017-2036, which identifies the land as a key highway gateway site (Figure 8).

## Section 9.1 Ministerial Directions

The planning proposal is consistent with all section 9.1 Directions except:

### Direction 1.5 Rural Lands

The proposal is inconsistent with this Direction as it affects rural zoned land and is unable to comply with all of the rural planning principles contained in SEPP (Rural Lands) 2008. This inconsistency is considered to be of minor significance as the proposal is consistent with Council's Department approved local strategy, and the North Coast Regional Plan, which identify the land for gateway / employment purposes. It is also noted that the land is not identified as important farmland by the North Coast Regional Plan.

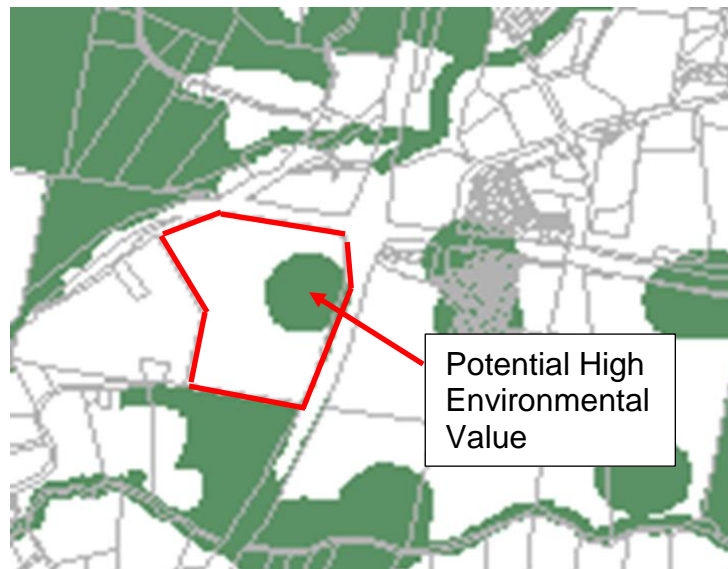


Figure 6 – Potential High Environmental Value



Figure 7 – Northbound off ramp

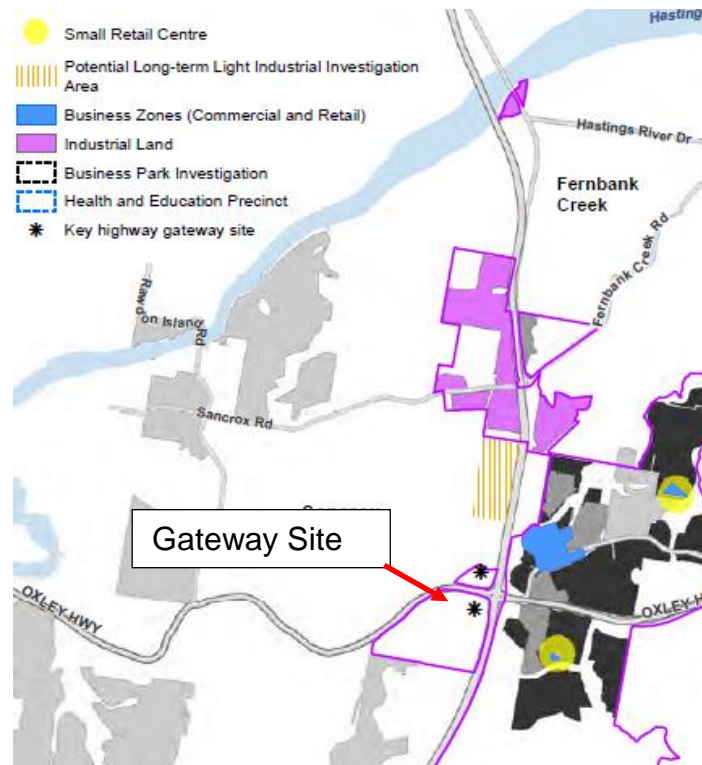


Figure 8 – Port Macquarie Hastings UGMS 2017-2036

#### Direction 4.4 Bushfire Prone Land

The site is mapped as bushfire prone land. A highway service centre is considered to be a 'hazardous industry' which should generally not be located on bushfire prone land. Previous advice from the NSW Rural Fire Service has indicated that it is possible for a highway service centre to be located on bushfire prone land subject to compliance with the appropriate guidelines.

In accordance with the terms of the Direction, the consistency with this Direction will remain unresolved until after consultation has occurred with the NSW Rural Fire Service.

#### Direction 5.10 Implementation of Regional Plans

The proposal is inconsistent with this Direction as it is inconsistent with aspects of the North Coast Regional Plan 2036 as discussed. For the reasons discussed above, this inconsistency is considered to be of minor significance.

#### **State environmental planning policies**

The planning proposal is considered to be consistent with all relevant SEPPs except SEPP (Rural Lands) 2008 as discussed above in relation to section 9.1 Direction 1.5 Rural Lands. For the reasons discussed above, this inconsistency is considered to be of minor significance.

#### **SITE-SPECIFIC ASSESSMENT**

##### **Social and Economic**

The proposal identifies a number of positive social and economic impacts including the creation of 200 full time, part time and casual positions once the highway service centre is constructed. An economic impact assessment has been prepared to



support the proposal which identifies no adverse impact and an overall net community benefit.

No adverse impact to European or Aboriginal cultural heritage is anticipated. An Aboriginal cultural assessment has been prepared by the Birpai Local Aboriginal Land Council which found no issues of significance and concluded that there was no reason the proposed rezoning could not proceed due to the Aboriginal cultural and heritage issues.

### **Environmental**

The land is generally cleared primary production land and is not flood prone. The land is bushfire prone and further consultation with the NSW Rural Fires Service will be necessary to confirm the suitability of the site for development.

A preliminary potential contamination assessment has been undertaken confirming no evidence of contaminants exceeding the recommended guidelines and that the site is suitable for the development. Noise and lighting studies have also been prepared confirming no adverse impact to any of the sensitive receivers in the locality subject to the adoption of appropriate mitigation measures. This is considered to be satisfactory.

While the site is predominantly cleared pasture land, the proposal will require the removal of approximately 3 hectares of vegetation in the adjoining Pacific Highway and Oxley Highway road reserves. None of the vegetation likely to be affected by the proposal is an Endangered Ecological Community or core koala habitat. It is proposed that the loss of vegetation will be offset through the purchase of biodiversity offsets, and that no species credits will be required. As no serious or irreversible flora or fauna impacts are anticipated, it is considered appropriate that the proposal proceed subject to further consultation with the Office of Environment and Heritage. It is also noted that this matter can be further considered and appropriately addressed through a Biodiversity Development Assessment Report at the development application stage.

It is also noted that Council intends to implement development control plan provisions for visual appearance of the development due to the prominence of the 'gateway' site. It is intended that these controls will be exhibited in conjunction with the planning proposal. This is considered appropriate.

The highway service centre is also understood to be classified as potentially hazardous due to the nature of the materials stored on site. It is therefore considered appropriate that the Environment Protection Authority be consulted to confirm the suitability of the site for the proposed development.

### **Infrastructure**

The site currently has limited sewer and stormwater infrastructure to serve the development.

It is currently proposed to detain stormwater on site to pre-development flows and to implement suitable treatment measures to ensure pollutants are removed consistent with Council and State guidelines. Effluent will also be disposed of on-site initially, although it is noted that the proponent has offered to enter into a planning agreement with Council to ensure the site is connected to reticulated sewer in the medium to longer term. This is considered appropriate to ensure no adverse impacts.



Significant changes to the Pacific Highway (dedicated off ramp for northbound motorists) and a new intersection with the Oxley Highway will also be necessary to facilitate the proposal. The proponent has again offered to enter into a planning agreement with Council to ensure satisfactory arrangements are in place for a co-ordinated access point from the proposed highway service centre to the Oxley Highway which can service the site and the lands to the north. It is therefore considered that adequate road infrastructure will be available to serve the development subject to further consultation with the Roads and Maritime Services to confirm the suitability of the proposed arrangements.

## **CONSULTATION**

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### **Community**

A 28 day community consultation period is proposed for the development. This is considered appropriate.

### **Agencies**

It is recommended that consultation be undertaken with the following agencies:

- NSW Roads and Maritime Services
- NSW Rural Fire Service
- Office of Environment and Heritage
- Environment Protection Authority

## **TIME FRAME**

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A 5 month time frame has been proposed. Due to the level of consultation that will be required with State agencies, particularly Roads and Maritime Services, a 9 month time frame is considered more appropriate. No impediment would exist however if Council was able to complete the proposal in the original timeframe.

## **LOCAL PLAN-MAKING AUTHORITY**

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As the proposal is consistent, or justifiably inconsistent with the State, regional and local planning framework, it is considered appropriate that Council be provided authorisation to act as the local plan-making authority for this matter.

## **CONCLUSION**

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The proposal is consistent, or justifiably inconsistent with the State, regional and local planning framework, will support the development of an important gateway site for the regional city of Port Macquarie, and will provide important economic and service benefits to local residents and the travelling public. A conditional Gateway determination is recommended to allow the proposal to proceed.

## **RECOMMENDATION**

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It is recommended that the delegate of the Secretary:

1. agree that any inconsistencies with section 9.1 Directions 1.5 Rural Lands and 5.10 Implementation of Regional Plans are minor; and
2. note that the consistency with section 9.1 Direction 4.4 Planning for Bushfire Protection is unresolved and will require justification.

It is recommended that the delegate of the Minister for Planning, determine that the planning proposal should proceed subject to the following conditions:

1. The planning proposal should be made available for community consultation for a minimum of 28 days.
2. Consultation is required with the following public authorities:
  - NSW Roads and Maritime Services
  - NSW Rural Fire Service
  - Office of Environment and Heritage
  - Environment Protection Authority
3. The time frame for completing the LEP is to be 9 months from the date of the Gateway determination.
4. Given the nature of the planning proposal, Council should be the local plan-making authority.



29-8-2018

**Jeremy Gray**  
**Director Regions, Northern**  
**Planning Services**

Contact Officer: Craig Diss  
Team Leader, Northern Region  
Phone: 6701 9685