

# Planning Proposal

## Hume Highway and Church Avenue, Colo Vale LEP Amendment for Highway Service Centre

Submitted to  
Wingecarribee Shire Council  
On Behalf of Slav and Margarita Perinich

January 2012 ■ 11136

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## Executive Summary

This Planning Proposal is submitted to Wingecarribee Shire Council to request an amendment to the Wingecarribee LEP 2010 to permit the development of a highway service centre and motel on the subject land adjacent to the Hume Highway and Church Avenue interchange at Colo Vale.

It has been prepared on behalf of the proponents and owners of the subject land, Slav and Margarita Perinich.

### The subject land

The subject land comprises approximately 4ha. of the northeast portion of Lot 2 DP 1010179 located adjacent to the Hume Highway and Church Avenue interchange at Colo Vale. It is situated on the Hume Highway between the highway service centres at Pheasants Nest approximately 18km to the north and Sallys Corner near Sutton Forest approximately 37km to the south.

The subject land is part of a 10 lot rural residential subdivision approved by Council in May 1990 (DA No. D 2740 S1. – 221/90) which has commenced with the construction of the internal access road and drainage works. The approved subdivision has not yet been registered. The land is currently used for horse grazing, and the only building structure on it is a corrugated iron farm shed on the corner of Church Avenue and the internal access road. The subject land is surrounded by farmland and rural residential properties.

The subject land is gently undulating with a mainly northerly aspect and forms part of the catchment of Sheepwash Creek. The land has been cleared of native trees in the past and is primarily covered in grasses and pastures with young pine trees planted along lot boundaries in the approved subdivision and native eucalypts scattered across parts of the site.

The site of the proposed highway service centre is bound on three sides by roads including the Hume Highway off-ramp, Church Avenue, and the internal access road through the middle of the approved subdivision.

### Current zoning under Wingecarribee LEP

The subject land is currently zoned RU4 Primary Production Small Lots under the Wingecarribee LEP. Development for the purposes of the proposed highway service centre and motel are currently prohibited in the RU4 Zone on the subject land.

### Planning Proposal objective and intended outcome

The primary objective and intended outcome of the Planning Proposal is to amend the Wingecarribee LEP 2010 to permit the development of a highway service centre and motel with consent on the subject land. It is proposed that this be achieved by amending Schedule 1 – Additional Permitted Use in the LEP, or if not an accepted method, then by rezoning the site to SP1 Special Activities. It is intended that the highway service centre will include a service station (Caltex), associated food and drink premises (McDonalds and KFC), associated shop (IGA convenience supermarket), and motel.

At this stage, the proposed highway service centre is at a conceptual stage and would be planned in detail and designed in a future Development Application (DA) stage after the WLEP 2010 is amended to permit it with consent on the subject land. The DA would provide further details on the components of the development including specific land uses; building design; landscaping; civil works including utility services connections, stormwater management, earthworks and road works; operational management components including waste management, security, traffic management, and management and storage of hazardous/flammable materials; and signage.

## Justification

The Planning Proposal has strategic planning merit and provides a net community benefit in the following respects:

### Economic and social benefits

- It meets market demand for a highway service centre and motel uses in this locality adjacent to the Hume Highway;
- It generates additional consumer spending and investment in the locality;
- It creates employment with approximately 150 full-time and part-time jobs in the locality;
- It is aimed at primarily serving the needs of transport on the Hume Highway and does not aim to compete directly with or undermine the viability of existing business centres in the locality; and
- It has no significant public infrastructure costs.

### Land use suitability

- The land is capable of supporting the proposed highway service centre and motel in terms of its location on the Hume Highway, size and dimensions, topography, road access, availability of utility services, significant separation and buffer distances to surrounding properties, and absence of significant vegetation, environmental constraints and hazards.

### Infrastructure capacity

- The subject land has three road boundary frontages, and a Preliminary Traffic Assessment prepared by McLaren Traffic Engineering in consultation with the RTA finds that the proposed highway service centre is feasible and supportable on traffic engineering grounds; and
- The proponent's investigations confirm that utility services in the locality are available and can be feasibly connected to service the proposed highway service centre and motel.

### No prohibitive natural resources or environmental issues

- The subject land is not used for agricultural production as it has been approved for rural residential subdivision with civil works carried out.
- The subject land is not identified as having any natural resource, environmental, biodiversity, or conservation value other than being in the Sydney drinking water catchment.
- The environmental planning issues associated with the detailed planning and design of the proposed highway service centre and motel would be addressed in a future Development Application (DA) including building design; interface with adjacent properties; vegetation and landscaping; access, traffic and parking; water management; bushfire protection; waste management; utility services; energy efficiency; compliance with BCA; and construction impacts.

### Consistent with strategic plans

- The Planning Proposal is consistent with the applicable regional strategy being the Sydney–Canberra Corridor Regional Strategy as well as relevant State Environmental Planning Policies and S.117 Ministerial Directions; and
- It is compatible with the local planning strategies being the Wingecarribee Strategic Plan 2002 and preliminary Draft Wingecarribee Local Planning Strategy 2010.

The Planning Proposal will need to be subject to statutory consultation with the community and government authorities in due course in accordance with the provisions of the *Environmental Planning and Assessment Act 1979* and *Environmental Planning and Assessment Regulation 2000*.

## Conclusion

Given the above planning merits and net community benefit, we request that Council forward this Planning Proposal to the Minister for Planning for a 'gateway determination' in accordance with section 56 of the *Environmental Planning and Assessment Act 1979*.

## 1.0 Introduction

This Planning Proposal is submitted to Wingecarribee Shire Council to request an amendment to the Wingecarribee Local Environmental Plan 2010 to permit the development of a highway service centre and motel on a portion of land adjacent to the Hume Highway and Church Avenue interchange at Colo Vale.

JBA Planning has prepared this Planning Proposal on behalf of the proponents and owners of the subject land, Slav and Margarita Perinich. This Planning Proposal has been prepared in accordance with section 55 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and the guideline prepared by the Department of Planning dated July 2009 entitled "A guide to preparing Planning Proposals". In particular, this Planning Proposal addresses the following specific matters in the EP&A Act and guideline:

- Objectives and intended outcomes;
- Explanation of provisions;
- Justification;
  - Need for the Planning Proposal;
  - Relationship to strategic planning framework;
  - Environmental, social and economic impact;
  - State and Commonwealth interests; and
- Community consultation.

We request that Council forward this Planning Proposal to the Minister for Planning for a 'gateway determination' in accordance with section 56 of the EP&A Act.



## 2.0 The Subject Land

### Location and Context

The subject land is located adjacent to the Hume Highway north bound off-ramp at the Church Avenue interchange at Colo Vale within the Wingecarribee Local Government Area. It is situated approximately 1.5km east of the Colo Vale village centre, 7km north of the Mittagong town centre and 11km north of the Bowral town centre.

The site is located in between the highway service centres on the Hume highway at Pheasants Nest approximately 18km to the north and at Sallys Corner near Sutton Forest approximately 37km to the south.

The location of the subject land is shown in **Figures 1, 2 and 3** below.

### Description

The subject land is legally described as Lot 2 DP 1010179 at Church Avenue, Colo Vale. It is hatchet shaped and has a total area of 22 hectares (ha). Lot 2 is bound on two sides by roads (Church Avenue along its northern boundary and Hume Highway off-ramp along its eastern boundary). It is bound to the south by a disused loop rail line and to the west by farmland.

The site of the proposed highway service centre covers approximately 4ha. (200m x 200m) on the north eastern portion of Lot 2 DP 1010179 as shown below in **Figure 3**. It is bound on three sides by roads including the Hume Highway off-ramp along the eastern boundary (see Figure 4 below), Church Avenue along the northern boundary (see Figure 5 below) and the internal access road through the middle of the Lot 2 subject land (see Figure 6 below).

### Topography

The subject land is gently undulating with a mainly northerly aspect. The high point is on the north west corner on Church Avenue and the low point is in the natural drainage line near the south west corner.

An intermittent drainage line runs through the subject land from the eastern boundary to near the southwest corner and can be seen clearly in Figure 3. This drainage line forms part of the catchment of Sheepwash Creek.

### Vegetation

The subject site has been cleared of native trees in the past and is primarily covered in grasses and pastures. Existing trees on the site comprise young pine trees planted along lot boundaries in the approved subdivision, and native eucalypts either remnant or planted along parts of the lot boundaries and scattered across the south east part of the subject land as shown in Figure 3.

### Existing Use and Development

The subject land is currently used for horse grazing, and the only building structure on it is a corrugated iron farm shed on the corner of Church Avenue and the internal access road.

Council granted consent to Development Application No. D 2740 S1. – 221/90 on 10 May 1990 for the subdivision of the subject land Lot 2 DP 1010179 into 10x2 ha. lots with a central access road off Church Avenue. A copy of the approved plan of subdivision is included at **Appendix A**. The subdivision has commenced with the construction of the internal access road and drainage works, however the approved subdivision has not been registered.

The site of the proposed highway service centre covers two or three of the approved 2ha. lots depending on the final design. The remainder of the approved lots are proposed to remain for rural residential use in accordance with the approved subdivision.

## Location of Site on Hume Highway Corridor



● The Site (Proposed Colo Vale Highway Service Centre)

1. Sally Corner Highway Service Centre
2. Pheasants Nest Highway Service Centre

**Figure 1 - Location of site on the Hume Highway corridor**

# Location of Site within the Wingecarribee LGA



● The Site (Proposed Colo Vale Highway Service Centre)

**Figure 2 – Location of site within the Wingecarribee LGA**



## Aerial Photograph



- The Site (Lot 2 DP 1010179)  
Existing Consent (Subdivision Application No. D2740 S1, - 221/90) for 10 lot subdivision with access road
- Area of Lot 2 DP 1010179  
Proposed to be used as a Highway Service Centre
- Existing Access Road for Lot 2 DP 1010179

**Figure 3 – Aerial photo of subject land showing portion proposed to be rezoned**





Figure 4 – Hume Highway exit lane frontage to the subject land on the left (facing north)



Figure 5 – Church Avenue frontage to the subject land on the left (facing west)



Figure 6 – Internal access road off Church Avenue through the subject land (facing south)

## Surrounding Land Use and Development

The subject land is surrounded by rural farmland and rural residential properties.

To the north of the subject land on the opposite side of Church Avenue is farmland. This includes a local heritage item known as “Wensleydale” (Items I176 and I367) on which the house is located further west on Church Avenue approximately 1 km from the access road on the subject land.

To the east of the subject land on the opposite side of the Hume Highway is farmland and rural residential properties.

To the south of the subject land on the opposite side of the disused loop rail line are rural residential properties and farmland.

To the immediate west of the subject land are rural residential properties and bushland. Further to the west are the industrial and urban zones of Colo Vale.

## Current Zoning in Wingecaribee LEP 2010

Wingecaribee Local Environmental Plan (LEP) 2010 is the principal planning instrument applying to the subject land. The subject land is zoned RU4 Primary Production Small Lots under the Wingecaribee LEP. The land use table for the RU4 Zone is quoted below:

### ***“1 Objectives of zone***

- *To enable sustainable primary industry and other compatible land uses.*
- *To encourage and promote diversity and employment opportunities in relation to primary industry enterprises, particularly those that require smaller lots or that are more intensive in nature.*
- *To minimise conflict between land uses within this zone and land uses within adjoining zones.*
- *To provide for a restricted range of employment-generating development opportunities that are compatible with adjacent or nearby residential and agricultural development.*
- *To avoid additional degradation or fragmentation of the natural environment caused by further clearing of native vegetation, high intensity development and land use.*
- *To maintain flora and fauna species and habitats, communities and ecological processes that occupy land in the zone, ensuring that development minimises any off and on site impacts on biodiversity, water resources and natural landforms.*
- *To conserve and enhance the quality of potentially valuable environmental assets, including waterways, riparian land, wetlands and other surface and groundwater resources, remnant native vegetation and fauna movement corridors as part of all new development and land use.*
- *To provide for the effective management of remnant native vegetation within the zone, including native vegetation regeneration, noxious and environmental weed eradication and bush fire hazard reduction.*

### ***2 Permitted without consent***

*Environmental protection works; Extensive agriculture; Home-based child care; Home occupations*

### ***3 Permitted with consent***

*Aquaculture; Bed and breakfast accommodation; Cellar door premises; Child care centres; Community facilities; Dual occupancies (attached); Dwelling houses; Environmental facilities; Farm buildings; Flood mitigation works; Home businesses; Home industries; Intensive plant agriculture; Landscaping material supplies; Places of public worship; Plant nurseries; Recreation areas; Recreation facilities (outdoor); Respite day care centres; Roads; Roadside stalls; Secondary dwellings; Signage; Water storage facilities*

#### **4 Prohibited**

*Any development not specified in item 2 or 3*

The proposed highway service centre is defined within Wingecarribee LEP as follows:

*“highway service centre means a building or place used to provide refreshments and vehicle services to highway users. It may include any one or more of the following:*

- (a) a restaurant or cafe,*
- (b) take away food and drink premises,*
- (c) service stations and facilities for emergency vehicle towing and repairs,*
- (d) parking for vehicles,*
- (e) rest areas and public amenities.”*

Motels fall within the definition of hotel or motel accommodation in the LEP as follows:

*“hotel or motel accommodation means a building or place (whether or not licensed premises under the [Liquor Act 2007](#)) that provides temporary or short-term accommodation on a commercial basis and that:*

- (a) comprises rooms or self-contained suites, and*
  - (b) may provide meals to guests or the general public and facilities for the parking of guests’ vehicles,*
- but does not include backpackers’ accommodation, a boarding house, bed and breakfast accommodation or farm stay accommodation”.*

Development for the purposes of a highway service centre and associated retail premises and for a motel are currently prohibited in the RU4 Zone and on the subject land under the Wingecarribee LEP 2010.

### **Land Capability for Highway Service Centre**

Given the above circumstances, the subject land is capable of supporting the proposed highway service centre and associated motel as follows:

- the location adjoins the Hume Highway corridor on the fringe of the Colo Vale industrial zone and village centre;
- the size and dimensions of the subject land are capable of accommodating a highway service centre;
- the topography of gently sloping land is capable of supporting development;
- surrounding land uses have significant buffer distances and are compatible;
- there is no significant vegetation, environmental constraint or hazard that precludes a highway service centre;
- the surrounding roads provide good vehicle access and a number of access options capable of supporting the development;
- utility service infrastructure are available in the locality and the proponent advises that connections to utility services are feasible.

An amendment to the Wingecarribee LEP 2010 is required to permit the development of a highway service centre and motel with consent on the subject land.

## 3.0 Objectives and Intended Outcomes

The objectives and intended outcomes of the Planning Proposal are to:

- amend the Wingecarribee LEP 2010 to permit the development of a highway service centre and motel with consent on the north eastern portion of the subject land;
- contribute to meeting demand for a highway service centre and motel accommodation on the Hume Highway from increasing levels of traffic;
- provide associated retail uses that do not have an unreasonable impact on the viability of other retail centres in the locality;
- generate consumer spending, investment and employment with approximately 150 full-time and part-time jobs in the locality;
- have no significant public infrastructure costs or environmental impacts; and
- retain existing use rights to continue with the approved rural residential lots on the subject land.

At this stage, the proposed highway service centre is at a conceptual stage and would be planned in detail and designed in a future Development Application stage after the WLEP 2010 is amended to permit the proposed use. At this stage, the concept for a highway service centre can be described as comprising the following:

### Land use

The proposal is for a highway service centre that comprises the following:

- service station;
- associated food and drink premises;
- associated shop (convenience supermarket); and
- motel accommodation.

The client has expressions of interest from Caltex to operate a service station, from McDonalds and KFC to operate food and drink premises, and from IGA to operate an associated convenience supermarket within a highway service centre on the subject land.

### Building structures

The proposed highway service centre will comprise single storey masonry and glass buildings with steel awning structures, and sealed asphalt or concrete driveways and parking areas all typical of such service centres.

The proposed motel would be either single or double storey brick construction depending on final design.

### Access and Parking

The site of the proposed highway service centre has three road frontages comprising the adjacent Hume Highway off-ramp, Church Avenue and the internal access road on the subject land. The optimum access and parking arrangements for the proposed highway service centre and motel would be determined by detailed traffic engineering analysis to be carried out in the design stage of development as part of a future Development Application in consultation with Council and the RTA.



## Landscaping

A landscape plan for the proposed highway service centre and motel would need to be prepared in the design stage of development as part of a future Development Application. At this stage, it is envisaged that dense landscaping would be planted around site boundaries to screen adjacent properties to the north, west and south.

## Civil Works

The proposed development would involve civil works including utility services connections, stormwater management, earthworks and road works normally associated with such a development that will be planned, engineered and designed in detail as part of a future Development Application.

## Operational Management

The proposed highway service centre will have a number of operational management components that will be resolved as part of the planning in a future Development Application including matters such as waste management, security, traffic management, and management and storage of hazardous/flammable materials.

## Signage

Signage proposed as part of the development would be included in a future Development Application.

## 4.0 Explanation of Provisions

This section provides an explanation of the provisions proposed in an amendment to the Wingecarribee LEP 2010 to permit a highway service centre and motel on the subject land at the Colo Vale interchange. There are two options for amending the Wingecarribee LEP to permit these uses with consent on the subject land.

These two options are as follows:

- Amending Schedule 1 – Additional Permitted Uses in the Wingecarribee LEP by adding the proposed highway service centre, associated retail premises and hotel or motel accommodation ; or
- Rezoning the subject land to another zone such as the SP1 Special Activities Zone under the Wingecarribee LEP.

### Option 1 - Additional Permitted Use in Schedule 1

The first preferred option is to add the following provisions to Schedule 1 – Additional Permitted Uses in the Wingecarribee LEP 2010:

#### **1 Use of certain land at Hume Highway and Church Avenue interchange at Colo Vale**

- (1) *This clause applies to land at at Church Avenue, Colo Vale, being Lot 2, DP 1010179.*
- (2) *Development for the purposes of a highway service centre, associated retail premises, and hotel or motel accommodation are permitted with consent.*

The above amendment to the Wingecarribee LEP 2010 would permit the proposed highway service centre, associated retail premises and motel on the site with development consent under clause 2.5 of the LEP, which reads as follows:

#### **2.5 Additional permitted uses for particular land**

- (1) *Development on particular land that is described or referred to in Schedule 1 may be carried out:*
  - (a) *with development consent, or*
  - (b) *if the Schedule so provides—without development consent,*  
*in accordance with the conditions (if any) specified in that Schedule in relation to that development.*
- (2) *This clause has effect despite anything to the contrary in the Land Use Table or other provision of this Plan.*

In Option 1, the underlying RU4 Zone would continue to apply to the subject land together with the Schedule 1 Additional Permitted Uses.

### Option 2 – Rezoning to SP1 Special Activities Zone

The second option is to rezone the relevant portion of the subject land to SP1 Special Activities by amending the Land Zoning Map – Sheet LZN\_0071 in the Wingecarribee LEP 2010 LEP, and to permit the proposed development by annotating the same Land Zoning Map to show 'highway service centre and associated retail premises' and 'hotel or motel accommodation' as permitted uses on the subject land.

The land use table for the SP1 Zone in Wingecarribee LEP reads as follows:

### **Zone SP1 Special Activities**

#### **1 Objectives of zone**

- *To provide for special land uses that are not provided for in other zones.*
- *To provide for sites with special natural characteristics that are not provided for in other zones.*
- *To facilitate development that is in keeping with the special characteristics of the site or its existing or intended special use, and that minimises any adverse impacts on surrounding land.*

#### **2 Permitted without consent**

*Nil*

#### **3 Permitted with consent**

*The purpose shown on the Land Zoning Map, including any development that is ordinarily incidental or ancillary to development for that purpose.*

#### **4 Prohibited**

*Any development not specified in item 2 or 3*

## 5.0 Justification

### 5.1 Need for the Planning Proposal

Is the Planning Proposal a result of any strategic study or report?

The Planning Proposal is a result of a number of investigations carried out by the proponent and their consultants including the following which demonstrate the suitability of the subject land for the proposed development of a highway service centre, associated retail premises and motel:

- Market research undertaken by the proponent demonstrating market demand and interest from operators of service stations (Caltex), associated food and drink premises (McDonalds and KFC) and convenience supermarket (IGA), and motel for a highway service centre development on the subject land adjacent to the Hume Highway;
- Land capability analysis carried out by JBA Planning showing that the land is capable of supporting the proposed highway service centre, associated retail premises and motel in terms of its location on the Hume Highway, size and dimensions, topography, road access, significant buffer distances to surrounding properties, and absence of any significant vegetation, environmental constraints or hazards as described in Section 2 of this report;
- Preliminary Traffic Assessment prepared by McLaren Traffic Engineering in consultation with the RTA included at **Appendix B** which finds that the proposed highway service centre is feasible and supportable on traffic engineering grounds subject to certain conditions.
- Utility service infrastructure investigations carried out by the proponent confirming the feasibility of servicing the site.

Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The proposed highway service centre, associated retail premises and motel are currently prohibited on the subject land under the RU4 Zone in the Wingecarribee LEP 2010. A Planning Proposal is required to amend the LEP to permit the proposed development. The options for amending the LEP are as follows:

#### Option 1

Option 1 is the preferred means of achieving the objectives and intended outcomes as it retains the existing RU4 Zone on the subject land and permits the proposed highway service centre, associated retail premises and motel as additional uses on the subject land. Option 1 is preferred as it retains the current zoning and involves minimal change.

Option 1 is the same mechanism used for the highway service centre and associated retail and accommodation uses at Sallys Corner near Sutton Forest to the south which is zoned E3 Environmental Management under the Wingecarribee LEP. The uses at Sallys Corner are prohibited in the E3 Zone, but made permissible by the inclusion of the site and uses in Schedule 1 – Additional Permitted Uses in the LEP.

However, we understand that the Department of Planning and Infrastructure may now be averse to amending Schedule 1 - Additional Permitted Use in LEPs to allow specific uses, and if so then Option 1 may not be able to proceed.

## Option 2

If Option 1 is not able to proceed, then the second option available to achieve the objectives and intended outcomes is to rezone the land to a new zone that permits the proposed development of a highway service centre, associated retail premises and motel. The SP1 Special Activities Zone is proposed as the most appropriate zone in light of the Department of Planning and Infrastructure's LEP Practice Note PN11-002 on selection of zones which states the following in relation to the proposed SP1 Zone:

*"This zone is generally intended for land uses or sites with special characteristics that cannot be accommodated in other zones. Some examples of where this zone may be suitable include land on which there is, or is proposed to be, large complexes such as a major scientific research facility or communications establishment, or an international sporting facility.*

*This zone is not the same as traditional Special Uses zones that appear in a number of non Standard Instrument LEPs. For example, a school or fire station can generally be accommodated in a Local Centre or Mixed Use Business zone.*

*The permitted use is to be annotated on the map. The use annotated on the map, along with any development that is ordinarily ancillary to that use will be permitted with or without consent. Other development generally permitted in the zone (e.g. roads) would also be permitted".*

The circumstances of this Planning Proposal match the Practice Note for the SP1 Zone in that the proposed core use of a highway service centre and rural zone site adjacent to the Hume Highway have special characteristics of a relatively large one-off complex that cannot be accommodated in other zones. Given the Practice Note and the matching circumstances of this case, the SP1 Special Activities Zone is considered the most appropriate zone for this site in order to permit the proposed highway service centre, associated retail premises and motel.

## Other Zone Options

Under the Wingecarribee LEP 2010, highway service centres, certain retail premises and motels are permissible in the B1, B2, B4, B5 and B7 zones. However, the objectives of these zones to essentially provide business centres or precincts with a wide range of permissible urban commercial uses are not preferred for the subject land in comparison to Options 1 or 2 above which permit the proposed commercial uses only and no other urban commercial uses.

## Option under SEPP Infrastructure (2007)

Clause 99 of State Environmental Planning Policy (Infrastructure) 2007 states that *"Development for the purpose of a highway service centre may be carried out in a road corridor for a freeway, tollway or national highway only with consent."* This SEPP defines a 'road corridor' as land that is used for a road or road infrastructure facilities and owned or managed by a public authority, or any land in respect of which the Minister has granted approval for a road or road infrastructure facilities. The RTA has confirmed in writing that it does not require any of the subject land for a road or road infrastructure facility, and therefore a highway service centre cannot be carried out on the land under clause 99 of this SEPP.

## Is there a net community benefit?

The net community benefit of the Planning Proposal can be summarised as follows:

- it meets market demand for a highway service centre on the Hume highway in this locality;
- it generates additional consumer spending, investment and employment with approximately 150 full-time and part-time jobs in the locality;
- it has no significant public infrastructure costs or environmental costs;
- it does not undermine the viability of existing centres in the locality.



The table below provides a preliminary assessment of Net Community Benefit using the criteria in the Draft Centres Policy.

Table 1 – Net Community Benefit Test

| Net Community Benefit Test Criteria                                                                                                                                                                                                                                                                                                                                                          | Proposed Development                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | Comply |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------|
| <p>Will the proposal be compatible with agreed State and regional strategic direction for development in the area (e.g. land release, strategic corridors, development within 800 metres of a transit node)?</p> <p>Is the proposal located in a global/ regional city, strategic centre or corridor nominated within the Metropolitan Strategy or other regional/ subregional strategy?</p> | <p>The subject land is located adjacent to the Hume Highway corridor, one of the main roads in the region. The proposed development is generally consistent with the provisions of the strategy including transport corridors, employment targets, and not undermining existing centres in the locality.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | ✓      |
| <p>Is the proposal likely to create a precedent or create or change the expectations of the landowner or other landholders?</p>                                                                                                                                                                                                                                                              | <p>The Planning Proposal is made on behalf of the owner of the subject land. It will not create a precedent or change the expectations of other landholders in the locality as highway service centres are only viable on main arterial road corridors with large separation distances between them.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | ✓      |
| <p>Have the cumulative effects of other spot rezoning proposals in the locality been considered? What was the outcome of these considerations?</p>                                                                                                                                                                                                                                           | <p>According to the Department of Planning and Infrastructure's LEP tracking system, there are no other Planning Proposals applying to the Colo Vale locality within the LGA other than the recently approved Wingecarribee LEP Amendment No.2 which rationalises the land use zones on land on the Old Hume Highway at Braemar approximately 4km to the south of the subject land. WLEP Amendment No.2 essentially rationalises the zones and includes rezoning from industrial and rural to industrial, residential, tourism, environmental and rural uses. The proposed highway service centre will serve those occupying the land use zones in LEP Amendment No.2 including tourists, workers and residents.</p>                                                                                                                                                | ✓      |
| <p>Will the proposal facilitate a permanent employment generating activity or result in a loss of employment lands?</p>                                                                                                                                                                                                                                                                      | <p>The proposal is for permanent employment generating activities that would generate up to 150 full-time and part-time jobs. The proposed uses and activities would create a higher number of jobs than could be created by other uses currently permissible within the RU4 Zone on the subject land.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | ✓      |
| <p>Will the proposal impact upon the supply of residential land and therefore housing supply and affordability?</p>                                                                                                                                                                                                                                                                          | <p>This Planning Proposal would not significantly impact on the supply of residential land and housing supply as it involves the loss of just two approved rural residential lots on the subject land which is an insignificant impact on supply.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | ✓      |
| <p>Is the existing public infrastructure (roads, rail, utilities) capable of servicing the proposed site? Is there good pedestrian and cycling access? Is public transport currently available or is there infrastructure capacity to support future public transport?</p>                                                                                                                   | <p>The site is allocated adjacent to the Hume Highway and Church Avenue interchange at Colo Vale. It is bound on three sides by roads including the Hume Highway off-ramp, Church Avenue and the internal access road through the middle of the subject land.</p> <p>The primary objective of the Planning Proposal for a highway service centre is to service vehicles and customers travelling along the Hume Highway. Pedestrian and cycle access and public transport access is not imperative for these customers, but is nevertheless available via the existing road network for employees and customers in the locality. Buses operate between Picton and Mittagong servicing Colo Vale village centre along Church Avenue past the subject land.</p> <p>Utility services are available in the locality to service the proposed highway service centre.</p> | ✓      |

| Net Community Benefit Test Criteria                                                                                                                                                                                                     | Proposed Development                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | Comply |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------|
| Will the proposal result in changes to the car distances travelled by customers, employees and suppliers?<br>If so, what are the likely impacts in terms of greenhouse gas emissions, operating costs and road safety?                  | The primary purpose of the Planning Proposal for a highway service centre on the Hume Highway is to service those already travelling along the Highway, and therefore it will not affect distances travelled by car by customers. Similarly, suppliers are already travelling along the Hume Highway and their travel distances will not be affected significantly. Distances travelled by employees by car may change slightly, however not to the extent of having any significant impact on gas emissions, operating costs or road safety.                                                                                                                                                                                                                                                  | ✓      |
| Are there significant Government investments in infrastructure or services in the area whose patronage will be affected by the proposal? If so, what is the expected impact?                                                            | The proposed development will utilise the Government investment in the Hume Highway and its interchange with Church Avenue. The existing road infrastructure has capacity to accommodate the proposed development.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | ✓      |
| Will the proposal impact on land that the Government has identified a need to protect (e.g. land with high biodiversity values) or have other environmental impacts? Is the land constrained by environmental factors such as flooding? | The Government has not identified the subject land as having significant environmental value or being in need of protection other than being subject to the State Environmental Planning Policy (Sydney Drinking Water Catchment) 2007 and being affected in part with the intermittent drainage line through the southern portion identified as a Category 2 riparian corridor on Council's LEP map. In effect, these SEPP and LEP provisions mean that the water management associated with the development of the proposed highway service centre would need to be addressed in accordance with the relevant provisions of these instruments in a future Development Application stage.<br>There are no other significant environmental values, constraints or hazards on the subject land. | ✓      |
| Will the proposal increase choice and competition by increasing the number of retail and commercial premises operating in the area?                                                                                                     | The proposed development of a highway service centre and associated uses is aimed at serving travellers on the Hume Highway and will provide an additional choice for these users. The proposed uses are not aimed at competing with retail uses in existing centres in the locality, but it will provide an additional choice for local residents in food and drink/ take away food premises and convenience shop.                                                                                                                                                                                                                                                                                                                                                                            | ✓      |
| If a stand-alone proposal and not a centre, does the proposal have the potential to develop into a centre in the future?                                                                                                                | The proposed highway service centre is stand alone on the Hume Highway and does not have the potential to develop into a centre in the foreseeable future without substantial growth to the Colo Vale urban zone.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | ✓      |
| What are the public interest reasons for preparing the proposal? What are the implications of not proceeding at that time?                                                                                                              | The public interest reasons for the Planning Proposal are as follows: <ul style="list-style-type: none"> <li>▪ it meets market demand for a highway service centre on the Hume highway in this locality;</li> <li>▪ it generates additional consumer spending and creates approximately 150 full-time and part-time jobs in the locality;</li> <li>▪ the site is suitably located and capable of supporting the proposed development;</li> <li>▪ it has no significant public infrastructure costs or environmental costs; and</li> <li>▪ it does not undermine the viability of existing centres in the locality.</li> </ul> The implications of not proceeding are the loss of an opportunity to provide employment for local people and to service users of the Hume Highway.               | ✓      |

## 5.2 Relationship to Strategic Planning Framework

Is the Planning Proposal consistent with the objectives and actions contained within the applicable regional strategy?

The subject land lies within the area covered by the Sydney–Canberra Corridor Regional Strategy. The proposed development is consistent with each of the sections of the strategy as described under the corresponding headings below.

### Rural Lands and Primary Industry

The Regional Strategy points out the mix of values that comprise rural lands (economic, scenic, cultural and environmental). The subject land has limited agricultural value as it is currently zoned rural residential and has an approved subdivision for rural residential lots in place that has commenced. The subject land has not been identified as having any significant scenic, cultural and environmental values as rural land which would preclude its use for the proposed highway service centre.

### Economic Development and Employment Growth

The Regional Strategy has a forecast employment growth of 27,800 jobs in the region and 9,000 jobs in Wingecarribee LGA to the year 2031. It also has a target of reducing the number of people who commute out of the region for work from 26% to 20% of the workforce by 2031. This Planning Proposal site will assist in providing approximately 150 full-time and part-time jobs that contribute to these targets.

The Sydney-Canberra corridor has an unemployment rate for those aged between 15-24 years that is more than double the total unemployment rate for the region. The proposed development will provide relief in this regard. The region is also experiencing a decline in the population of smaller *towns and villages*. *Employment opportunities for younger age groups are needed in order to arrest this decline*. The proposed development would specifically provide employment opportunities for the youth of the area.

Despite the surplus of employment land within the Wingecarribee LGA, this potential additional employment land would provide a specialist service that would lie in a most suitable location adjacent to the Hume Highway.

The Strategy also identifies a hierarchy of existing centres in the region including the nearby Colo Vale as a village centre, Mittagong as a major town and Bowral as a major regional centre. This Planning Proposal for a highway service centre and associated uses is a specialised commercial use aimed at serving transport on the Hume Highway, and is not aimed at competing with commercial and retail uses in existing centres in the locality or having an adverse impact on the viability of existing centres.

### Regional Transport

The Regional Strategy identifies the Hume highway as part of the national highway system and a nationally important route for the movement of people, services, goods and information. The actions in the strategy are directed towards ensuring local environmental plan recognise and protect the transport network, and limit inappropriate adjoining development and access points off the Hume Highway. It also has an action for government agencies to improve the capacity of transport systems.

This Planning Proposal is consistent with the provisions in the Regional Strategy for transport in that it recognises, supports and contributes to improving the capacity of the Hume Highway transport corridor and utilises an existing access point at the Church Avenue Colo Vale interchange.

## Housing and Settlement

The Regional Strategy is for future growth in housing development to be primarily around existing urban zones and centres and in particular Bowral, Mittagong and Moss Vale in the Wingecarribee LGA.

This Planning Proposal would not significantly impact on the supply of residential land and housing supply as it involves the loss of just two approved rural residential lots on the subject land which is an insignificant impact on housing supply. The Proposal is not inconsistent with the Regional Strategy for housing.

## Natural Environment

The subject land is not identified in the Regional Strategy as having any significant environmental, ecological, biodiversity or conservation value other than being included in the Sydney drinking water catchment. It has been largely cleared and was recently the subject of an approved subdivision for rural residential purposes.

The management of water associated with the proposed highway service centre would need to be addressed in the planning and design stage in a future Development Application in accordance with the State Environmental Planning Policy (Sydney Drinking Water Catchment) 2007.

## Water and Energy Resources

The proponent has carried out investigations of utility services including water and energy needed to service the proposed highway service centre and has determined that the provision of these services is feasible. We anticipate that relevant utility service providers will need to be consulted further during the planning process.

Water and energy associated with the proposed highway service centre would need to be addressed in more detail in the planning and design stage in a future Development Application in accordance with relevant planning instruments and requirements of service providers.

## Cultural Heritage

The subject land was recently the subject of an approved rural residential subdivision and has not been identified as having any significant cultural heritage value.

## Is the Planning Proposal consistent with the local Council's strategic plan?

### Wingecarribee Strategic Plan 2002

The Wingecarribee Strategic Plan 2002 is being superseded by the preparation of the Draft Wingecarribee Local Planning Strategy 2010 by Council. Notwithstanding, this Planning Proposal is consistent with the elements of the 2002 Strategic Plan as follows:

## Housing

The subject land is not identified in the Strategy for housing. The land to the north of the subject land known as 'Wensleydale' on the opposite side of Church Avenue is proposed for future urban residential to accommodate approximately 400 residential lots.

The Planning Proposal does not significantly affect the strategy for housing as it is for a highway service centre on rural residential land and involves the loss of just two approved rural residential lots on the subject land which is an insignificant impact on housing supply.

## Employment and economic development – Business Centres – Villages

The Strategy recommends a new village business zone at Colo Vale to provide opportunity or a range of 'village scale' business and community development opportunities in keeping with the character, scale and function of the village.

This Planning Proposal for a highway service centre and associated uses is a specialised commercial use aimed at serving transport on the Hume Highway, and is not aimed at competing with commercial and retail uses in existing centres in the locality or having an adverse impact on the viability of existing centres.

## Environment

The subject land is not identified as having any significant environmental, ecological, biodiversity or conservation value. It has been largely cleared and was recently the subject of an approved subdivision for rural residential purposes.

The main environmental issues in the Strategy relate to ensuring that the planning and design of development in Development Application stages address the range of relevant environmental issues.

## Agriculture and rural lands

The subject land has limited agricultural value as it is currently zoned rural residential and has an approved subdivision for rural residential lots in place that has commenced. The subject land has not been identified as having any other significant scenic, cultural or environmental values as rural land which would preclude its use for the proposed highway service centre.

## Tourism

The Planning Proposal for a highway service centre supports transport for tourists using the Hume Highway and promotes travel stops in the Wingecarribee LGA.

## Industrial development

The subject land is not identified for industrial use and the Planning Proposal does not affect the strategy for industrial development.

## Mining and extractive industries

The subject land is not identified as containing mineral or extractive resources, and the Planning Proposal does not affect the strategy for mining and extractive industries. The proposed highway service centre will support transport along the Hume Highway used for mining and extractive industries.

## Draft Wingecarribee Local Planning Strategy 2010

We understand that at this time the Draft Local Planning Strategy 2010 is in its preliminary draft stages and Council is aiming to exhibit a draft strategy in early 2012. The preliminary draft identifies the subject land for rural residential use consistent with the current zoning, and identifies the land to the north on the opposite side of Church Avenue for residential development consistent with the 2002 Strategic Plan.

## Is the Planning Proposal consistent with applicable State Environmental Planning Policies?

The State Environmental Planning Policies directly applicable to the Planning Proposal are addressed in the table below.

**Table 2 – Consistency with State Environmental Planning Policies (SEPPs)**

| Planning Instrument                          | Provisions                                                                                                                                                                                                                                                                                                                                                                                                                             |
|----------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| SEPP (Infrastructure 2007)                   | Part 2 Division 17 of the SEPP requires the consent authority for any future Development Application (DA) for the proposed highway service centre to consult with the RTA and to consider the access arrangements and the safety, efficiency and ongoing operation of the Hume Highway. This is to be satisfied at a future DA stage.                                                                                                  |
| SEPP (Sydney Drinking Water Catchment ) 2007 | The SEPP requires the consent authority for any future Development Application for the proposed highway service centre to be satisfied that the carrying out of the proposed development would have a neutral or beneficial effect on water quality, and to seek the concurrence of the chief executive of the Sydney Catchment Authority if there is potential impact on water quality. This is to be satisfied at a future DA stage. |
| SEPP (Rural Lands) 2008                      | The Planning Proposal is to be consistent with the Rural Planning Principles in the SEPP as required by the S.117 Direction 1.5 – Rural Lands (see below). The Principles are addressed in the following section of this report below under the relevant S.117 Direction 1.5 – Rural Lands.                                                                                                                                            |
| SEPP 55 – Remediation of Land                | The SEPP requires the planning authority to consider whether land is contaminated, and if so whether it is, or can be made, suitable for the proposed use.<br><br>The subject land was recently the subject of consent being granted for a rural residential subdivision. There are no known past agricultural activities on the site that are potentially contaminating.                                                              |
| SEPP 64 – Advertising and Signage            | Advertising signage associated with the proposed highway service centre would need to be included in a future Development Application in accordance with the objectives, criteria and requirements in the SEPP including consultation with the RTA.                                                                                                                                                                                    |

## Is the Planning Proposal consistent with applicable S.117 Ministerial Directions?

The following Section 117 Directions are relevant to the Planning Proposal and addressed further below:

- 1.2 – Rural Zones;
- 1.5 – Rural Lands;
- 3.4 – Integrating Land Use and Transport;
- 4.4 – Planning for Bushfire Protection;
- 5.1 – Implementation of Regional Strategies;
- 5.2 – Sydney Drinking Water Catchments; and
- 6.3 – Site Specific Provisions.



## Section 117 Direction - 1.2 Rural Zones

### ***“Objective***

*(1) The objective of this direction is to protect the agricultural production value of rural land.*

### ***Where this direction applies***

*(2) (a) Clause 4(a) of this direction applies to all relevant planning authorities.  
(b) Clause 4(b) of this direction applies in the following local government areas:*

*Note: Wingecarribee not listed as subject to Clause 4(b).*

### ***When this direction applies***

*(3) This direction applies when a relevant planning authority prepares a planning proposal that will affect land within an existing or proposed rural zone (including the alteration of any existing rural zone boundary).*

### ***What a relevant planning authority must do if this direction applies***

*(4) A planning proposal must:  
(a) not rezone land from a rural zone to a residential, business, industrial, village or tourist zone.  
(b) not contain provisions that will increase the permissible density of land within a rural zone (other than land within an existing town or village).*

### ***Consistency***

*(5) A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the provisions of the planning proposal that are inconsistent are:  
(e) justified by a strategy which:  
(i) gives consideration to the objectives of this direction,  
(ii) identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites), and  
(iii) is approved by the Director-General of the Department of Planning, or  
(b) justified by a study prepared in support of the planning proposal which gives consideration to the objectives of this direction, or  
(c) in accordance with the relevant Regional Strategy or Sub-Regional Strategy prepared by the Department of Planning which gives consideration to the objective of this direction, or  
(d) is of minor significance.”*

Although this site is zoned RU4 Primary Production Small Lots, technically this S. 117 Direction does not apply to this Planning Proposal as a rezoning to a residential, business, industrial, village or tourist zone is not proposed. Having said this, business uses are proposed on the site. Likewise, although no FSR controls are proposed to increase the permissible density, the density on the site will nevertheless increase.

The objective of this direction is to protect the agricultural production value of rural land. As this direction technically does not apply to this Planning Proposal, no justification is required. Technically the site is rural land, however, given that the site is already subject to a commenced subdivision consent, the land has no agricultural production value and therefore any perceived inconsistency with this direction through permissibility of greater density or the uses listed above would be of minor significance.”

## Section 117 Direction - 1.5 Rural Lands

### ***“Objectives***

*(1) The objectives of this direction are to:*

*(a) protect the agricultural production value of rural land,*

*(b) facilitate the orderly and economic development of rural lands for rural and related purposes.*

### ***Where this direction applies***

*(2) (a) This direction applies to all planning proposals to which State Environmental Planning Policy (Rural Lands) 2008 applies.*

### ***When this direction applies***

*(3) This direction applies when:*

*(a) a relevant planning authority prepares a planning proposal that will affect land within an existing or proposed rural or environment protection zone (including the alteration of any existing rural or environment protection zone boundary) or*

*(b) a relevant planning authority prepares a planning proposal that changes the existing minimum lot size on land within a rural or environment protection zone.*

### ***What a relevant planning authority must do if this direction applies***

*(4) A planning proposal to which clauses 3(a) or 3(b) apply must be consistent with the Rural Planning Principles listed in State Environmental Planning Policy (Rural Lands) 2008.*

*(5) A planning proposal to which clause 3(b) applies must be consistent with the Rural Subdivision Principles listed in State Environmental Planning Policy (Rural Lands) 2008.*

**Note:** State Environmental Planning Policy (Rural Lands) 2008 does not require a relevant planning authority to review or change its minimum lot size(s) in an existing LEP. A relevant planning authority can transfer the existing minimum lot size(s) into a new LEP. However, where a relevant planning authority seeks to vary an existing minimum lot size in an LEP, it must do so in accordance with the Rural Subdivision Principles listed in State Environmental Planning Policy (Rural Lands) 2008.

### ***Consistency***

*(5) A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the provisions of the planning proposal that are inconsistent are:*

*(a) justified by a strategy which:*

*i. gives consideration to the objectives of this direction,*

*ii. identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites, and*

*iii. is approved by the Director-General of the Department of Planning and is in force, or*

*(b) is of minor significance.*

In accordance with clause 4 of the S.117 Direction 1.5 – Rural Lands, this Planning Proposal is consistent with the Rural Planning Principles in the State Environmental Planning Policy (Rural Lands) 2008 as shown below with the principles shown in *italics*:

*(a) the promotion and protection of opportunities for current and potential productive and sustainable economic activities in rural areas,*

The subject land has been approved for subdivision into 2ha. lots for rural residential purposes and is not used for agricultural production. The Planning Proposal for a highway service centre adjoining the national Hume Highway is a sustainable economic activity.

*(b) recognition of the importance of rural lands and agriculture and the changing nature of agriculture and of trends, demands and issues in agriculture in the area, region or State,*

The subject land has been approved for subdivision into 2ha. lots for rural residential purposes and is not used for agricultural purposes. It adjoins the Hume Highway which is a permanent national highway that has a permanent demand for highway service centres.

*(c) recognition of the significance of rural land uses to the State and rural communities, including the social and economic benefits of rural land use and development,*

The proposed highway service centre will provide benefits for the rural community in providing additional services, additional consumer spending and jobs.

The subject land has been approved for subdivision into 2ha. lots for rural residential purposes and is not use for agricultural purposes. This Planning Proposal involves the loss of just two approved rural residential lots on a relatively busy road intersection which is not considered significant for the rural community.

*(d) in planning for rural lands, to balance the social, economic and environmental interests of the community,*

The Planning Proposal provides for an appropriate balance of community interests in providing significant economic and social benefits from additional services, additional consumer spending and jobs in the locality with no significant infrastructure or environmental costs.

*(e) the identification and protection of natural resources, having regard to maintaining biodiversity, the protection of native vegetation, the importance of water resources and avoiding constrained land,*

The subject land is not identified as having any significant natural resource or environmental value other than being included in the Sydney drinking water catchment. It has been largely cleared and was recently the subject of an approved subdivision for rural residential purposes. The management of water associated with the proposed highway service centre would be addressed in a future Development Application in accordance with relevant planning instruments.

*(f) the provision of opportunities for rural lifestyle, settlement and housing that contribute to the social and economic welfare of rural communities,*

This Planning Proposal would not significantly impact on the supply of rural residential land and housing as it involves the loss of just two approved rural residential lots on a busy road which is an insignificant impact on supply.

*(g) the consideration of impacts on services and infrastructure and appropriate location when providing for rural housing,*

The Planning Proposal is not for rural housing. Services and infrastructure are available in the locality for the proposed highway service centre and the proponent advises that connections to utility services are feasible.

*(h) ensuring consistency with any applicable regional strategy of the Department of Planning or any applicable local strategy endorsed by the Director-General.*

The consistency of the Planning Proposal with the Sydney–Canberra Corridor Regional Strategy is addressed above in Section 5.2 of this report.

## Section 117 Direction - 3.4 Integrating Land Use and Transport

### ***“Objective***

*(1) The objective of this direction is to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives:*

- (a) improving access to housing, jobs and services by walking, cycling and public transport, and*
- (b) increasing the choice of available transport and reducing dependence on cars, and*
- (c) reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and*
- (d) supporting the efficient and viable operation of public transport services, and*
- (e) providing for the efficient movement of freight.*

### ***Where this direction applies***

*(2) This direction applies to all relevant planning authorities.*

### ***When this direction applies***

*(3) This direction applies when a relevant planning authority prepares a planning proposal that will create, alter or remove a zone or a provision relating to urban land, including land zoned for residential, business, industrial, village or tourist purposes.*

### ***What a relevant planning authority must do if this direction applies***

*(4) A planning proposal must locate zones for urban purposes and include provisions that give effect to and are consistent with the aims, objectives and principles of:*

- (a) Improving Transport Choice – Guidelines for planning and development (DUAP 2001), and*
- (b) The Right Place for Business and Services – Planning Policy (DUAP 2001).*

### ***Consistency***

*(5) A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the provisions of the planning proposal that are inconsistent are:*

- (a) justified by a strategy which:
  - (i) gives consideration to the objective of this direction, and*
  - (ii) identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites), and*
  - (iii) is approved by the Director-General of the Department of Planning, or**
- (b) justified by a study prepared in support of the planning proposal which gives consideration to the objective of this direction, or*
- (c) in accordance with the relevant Regional Strategy or Sub-Regional Strategy prepared by the Department of Planning which gives consideration to the objective of this direction, or*
- (d) of minor significance.”*

The Planning Proposal is consistent with the relevant aims, objectives and provisions of Improving Transport Choice – Guidelines for planning and development (DUAP 2001), and The Right Place for Business and Services – Planning Policy (DUAP 2001) referred to in the above S.117 Direction as demonstrated below. As aforementioned, an amendment to Schedule 1 or rezoning to SP1 Special Activities is designed to permit only the specific uses proposed by this development and therefore an assessment against the Improving Transport Choice – Guidelines for Planning and Development and The Right Place for Business and Services – Planning Policy is not required as this Planning Proposal would not allow a zone for any other urban purposes than those proposed in this report, namely a highway service centre and hotel or motel accommodation.

## Improving Transport Choice – Guidelines for Planning and Development

Part 1 of the Guidelines provides ten principles to be used in land use planning decisions and processes to encourage and support development that is highly accessible by walking, cycling, and public transport, and moderate the demand for travel. The ten principles are:

- Concentrate in centres;
- Mix uses in centres;
- Align centres within corridors;
- Link public transport with land use strategies;
- Connect streets;
- Improve pedestrian access;
- Improve cycle access;
- Manage parking supply;
- Improve road management; and
- Implement good urban design.

The Planning Proposal is consistent with the above principles relating to the location of retail development as it proposes a highway service centre on the Hume Highway transport corridor on the fringe of the Colo Vale village centre where the proposed use will focus on servicing the needs of the users of the Highway, and it aligns with existing road connections and public transport.

Principles 5 to 10 relate to the detailed planning and design of development that would be addressed in a future Development Application for the proposed highway service centre.

## The Right Place for Business and Services – Planning Policy

The objectives of the The Right Place for Business and Services Planning Policy are stated as follows:

### *“Objectives*

*The planning objectives of the policy are to:*

- *Locate trip-generating development which provides important services in places that:*
  - *help reduce reliance on cars and moderate the demand for car travel*
  - *encourage multi-purpose trips*
  - *encourage people to travel on public transport, walk or cycle*
  - *provide people with equitable and efficient access*

- *minimise dispersed trip-generating development that can only be accessed by cars*
- *ensure that a network of viable, mixed use centres closely aligned with the public transport system accommodates and creates opportunities for business growth and service delivery*
- *protect and maximise community investment in centres, and ensure that they are well designed managed and maintained*
- *foster growth, competition, innovation and investment confidence in centres especially in the retail and entertainment sectors, through consistent and responsive decision making."*

The Planning Proposal for a highway service centre adjoining the Hume Highway is aimed at serving and providing direct access for vehicles already using the Highway, and does not aim to affect travel demand or distances travelled by Highway users.

This Planning Proposal for a highway service centre and associated uses is a specialised commercial use aimed at serving transport on the Hume Highway, and is not aimed at competing with investment in existing centres in the locality or having an adverse impact on the viability of existing centres.

### Objectives of S.117 Direction 3.4 – Integrating Land Use and Transport

The Planning Proposal is consistent with the objectives of the Section 117 Direction - 3.4 Integrating Land Use and Transport as described below (with the objectives quoted in italics):

*(a) improving access to housing, jobs and services by walking, cycling and public transport*

The Planning Proposal for a highway service centre adjoining the Hume Highway is primarily aimed at providing direct access for customers already using the Highway. The opportunities for accessing the site by walking, cycling or public transport are available, but limited.

*(b) increasing the choice of available transport and reducing dependence on cars*

The Planning Proposal for a highway service centre adjoining the Hume Highway is primarily aimed at servicing customers already using the Highway, and does not aim to affect transport choices or car dependency for travel.

*(c) reducing travel demand including the number of trips generated by development and the distances travelled, especially by car*

The Planning Proposal for a highway service centre adjoining the Hume Highway is primarily aimed at servicing customers already using the Highway, and does not aim to affect travel demands.

*(d) supporting the efficient and viable operation of public transport services*

*(e) providing for the efficient movement of freight*

The Planning Proposal for a highway service centre adjoining the Hume Highway supports public transport services and freight using the Highway.



## Section 17 Direction - 4.4 Planning for Bushfire Protection

### **Objectives**

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

*(a) to protect life, property and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses in bush fire prone areas, and*

*(b) to encourage sound management of bush fire prone areas.*

### **Where this direction applies**

*(2) This direction applies to all local government areas in which the responsible Council is required to prepare a bush fire prone land map under section 146 of the Environmental Planning and Assessment Act 1979 (the EP&A Act), or, until such a map has been certified by the Commissioner of the NSW Rural Fire Service, a map referred to in Schedule 6 of that Act.*

### **When this direction applies**

*(3) This direction applies when a relevant planning authority prepares a planning proposal that will affect, or is in proximity to land mapped as bushfire prone land.*

### **What a relevant planning authority must do if this direction applies**

*(4) In the preparation of a planning proposal the relevant planning authority must consult with the Commissioner of the NSW Rural Fire Service following receipt of a gateway determination under section 56 of the Act, and prior to undertaking community consultation in satisfaction of section 57 of the Act, and take into account any comments so made,*

*(6) A planning proposal must, where development is proposed, comply with the following provisions, as appropriate:*

*(a) provide an Asset Protection Zone (APZ) incorporating at a minimum:*

*(i) an Inner Protection Area bounded by a perimeter road or reserve which circumscribes the hazard side of the land intended for development and has a building line consistent with the incorporation of an APZ, within the property, and*

*(ii) an Outer Protection Area managed for hazard reduction and located on the bushland side of the perimeter road,*

*(b) for infill development (that is development within an already subdivided area), where an appropriate APZ cannot be achieved, provide for an appropriate performance standard, in consultation with the NSW Rural Fire Service. If the provisions of the planning proposal permit Special Fire Protection Purposes (as defined under section 100B of the Rural Fires Act 1997), the APZ provisions must be complied with,*

*(c) contain provisions for two-way access roads which links to perimeter roads and/or to fire trail networks,*

*(d) contain provisions for adequate water supply for firefighting purposes,*

*(e) minimise the perimeter of the area of land interfacing the hazard which may be developed,*

*(f) introduce controls on the placement of combustible materials in the Inner Protection Area.*

### **Consistency**

*(7) A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the council has obtained written advice from the Commissioner of the NSW Rural Fire Service, to the effect that, notwithstanding the noncompliance, the NSW Rural Fire Service does not object to the progression of the planning proposal."*

This S.117 Direction applies to the site as it is in proximity to Bushfire Vegetation Category 1 and a bushfire buffer area to the west. The site proposed to be developed for a highway service centre is not mapped as being within either of these areas. The requirements for *Planning for Bushfire Protection 2006* will be complied with as part of any future Development Application for the proposed highway service centre and associated uses.

## **Section 117 Direction - 5.1 Implementation of Regional Strategies**

### **Objective**

*(1) The objective of this direction is to give legal effect to the vision, land use strategy, policies, outcomes and actions contained in regional strategies.*

### **Where this direction applies**

*(2) This direction applies to land to which the following regional strategies apply:*

- (a) Far North Coast Regional Strategy*
- (b) Lower Hunter Regional Strategy*
- (c) Illawarra Regional Strategy*
- (d) South Coast Regional Strategy*
- (e) Sydney–Canberra Corridor Regional Strategy*
- (f) Central Coast Regional Strategy, and*
- (g) Mid North Coast Regional Strategy.*

### **When this direction applies**

*(3) This direction applies when a relevant planning authority prepares a planning proposal.*

### **What a relevant planning authority must do if this direction applies**

*(4) Planning proposals must be consistent with a regional strategy released by the Minister for Planning.*

### **Consistency**

*(5) A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General), that the extent of inconsistency with the regional strategy:*

- (a) is of minor significance, and*
- (b) the planning proposal achieves the overall intent of the regional strategy and does not undermine the achievement of its vision, land use strategy, policies, outcomes or actions.*

The proposed development is consistent with the Sydney-Canberra Corridor Regional Strategy, as previously outlined in Section 5.2.1 of this report.

## Section 117 Direction - 5.2 Sydney Drinking Water Catchment

### **Objective**

*(1) The objective of this Direction is to protect water quality in the Sydney drinking water catchment.*

### **Where this Direction applies**

*(2) This Direction applies to the Sydney drinking water catchment in the following local government areas:*

*Blue Mountains  
Campbelltown  
Cooma Monaro  
Eurobodalla  
Goulburn Mulwaree  
Kiama  
Lithgow  
Oberon  
Palerang  
Shoalhaven  
Sutherland  
Upper Lachlan  
Wingecarribee  
Wollondilly  
Wollongong.*

### **When this Direction applies**

*(3) This Direction applies when a relevant planning authority prepares a planning proposal that applies to land within the Sydney drinking water catchment.*

### **What a relevant planning authority must do if this Direction applies**

*(4) A planning proposal must be prepared in accordance with the general principle that water quality within the Sydney drinking water catchment must be protected, and in accordance with the following specific principles:*

- (a) new development within the Sydney drinking water catchment must have a neutral or beneficial effect on water quality, and*
- (b) future land use in the Sydney drinking water catchment should be matched to land and water capability, and*
- (c) the ecological values of land within a Special Area that is:*
  - (i) reserved as national park, nature reserve or state conservation area under the National Parks and Wildlife Act 1974, or*
  - (ii) declared as a wilderness area under the Wilderness Act 1987, or*
  - (iii) owned or under the care control and management of the Sydney Catchment Authority, should be maintained.*

*(5) When preparing a planning proposal that applies to land within the Sydney drinking water catchment, the relevant planning authority must:*

- (a) ensure that the proposal is consistent with State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011, and*
- (b) give consideration to the outcomes of the Strategic Land and Water Capability Assessment prepared by the Sydney Catchment Authority, and*
- (c) zone land within the Special Areas owned or under the care control and management of Sydney Catchment Authority generally in accordance with the following:*

- *Land reserved under the National Parks and Wildlife Act 1974 - E1 National Parks and Nature Reserves*
- *Land in the ownership or under the care, control and management of the Sydney Catchment Authority located above the full water supply level - E2 Environmental Conservation*
- *Land below the full water supply level (including water storage at dams and weirs) and operational land at dams, weirs, pumping stations etc. - SP2 Infrastructure (and marked "Water Supply Systems" on the Land Zoning Map)*

and

*(d) consult with the Sydney Catchment Authority, describing the means by which the planning proposal gives effect to the water quality protection principles set out in paragraph (4) of this Direction, and*

*(e) include a copy of any information received from the Sydney Catchment Authority as a result of the consultation process in its planning proposal prior to the issuing of a gateway determination under section 56 of the Environmental Planning and Assessment Act 1979.*

### **Consistency**

*(6) A planning proposal may be inconsistent with the terms of this Direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the provisions of the planning proposal that are inconsistent are of minor significance.*

**Note:** *In this Direction:*

*"Sydney drinking water catchment" has the same meaning as in the State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011.*

*"Special Area" has the same meaning as in the Sydney Water Catchment Management Act 1998.*

*"Strategic Land and Water Capability Assessment" means the series of land use capability maps and GIS data of this title, prepared by the Sydney Catchment Authority and as provided to councils in June 2009. The maps resulted from the Sydney Catchment Authority's assessment of the physical capability of natural features of land and waterways to identify appropriate types and intensities of land use that will not adversely impact on water quality and catchment health.*

The majority of the site lies within the Nattai River sub-catchment of the Sydney Drinking Water Catchment Area. The site is partly not in any of the categories listed in (4)(c) above. Should Council indicate that it is willing to proceed with this Planning Proposal an assessment of the proposed development would need to be undertaken either in a detailed Planning Proposal following a 'Gateway' determination (including an assessment against the outcomes of the Strategic Land and Water Capability Assessment prepared by the Sydney Catchment Authority) or at the Development Application stage to determine whether the development would have a neutral or beneficial effect on water quality.

## **Section 117 Direction - 6.3 Site Specific Provisions**

### **Objective**

*(1) The objective of this direction is to discourage unnecessarily restrictive site specific planning controls.*

### **Where this direction applies**

*(2) This direction applies to all relevant planning authorities.*

### **When this direction applies**

*(3) This direction applies when a relevant planning authority prepares a planning proposal that will allow a particular development to be carried out.*

***What a relevant planning authority must do if this direction applies***

*(4) A planning proposal that will amend another environmental planning instrument in order to allow a particular development proposal to be carried out must either:*

- (a) allow that land use to be carried out in the zone the land is situated on, or*
  - (b) rezone the site to an existing zone already applying in the environmental planning instrument that allows that land use without imposing any development standards or requirements in addition to those already contained in that zone, or*
  - (c) allow that land use on the relevant land without imposing any development standards or requirements in addition to those already contained in the principal environmental planning instrument being amended.*
- (5) A planning proposal must not contain or refer to drawings that show details of the development proposal.*

***Consistency***

*(6) A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the provisions of the planning proposal that are inconsistent are of minor significance."*

The Planning Proposal is to allow a particular development to be carried out. It is consistent with clause 4(c) and 5 of the S.117 Direction 6.3 Site Specific Provisions as it allows the proposed highway service centre within the proposed SP1 Special Activities zone, without any additional standards that are unnecessarily restrictive to those in the LEP, and the proposed LEP amendment does not refer to drawings of the proposal.

## 5.3 Environmental, Social & Economic Impact

Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

The subject land does not contain any threatened species, populations or ecological communities or their habitats, and the proposed development will not adversely affect them.

Are there any other likely environmental effects as a result of the Planning Proposal and how are they proposed to be managed?

The other environmental planning issues associated with the Planning Proposal for a highway service centre include the following:

- Access, traffic and parking;
- Built form;
- Interface with adjacent properties;
- Vegetation and landscaping;
- Water management;
- Bushfire protection;
- Waste management;
- Utility services; and
- Construction impacts.

These environmental planning issues would in most part need to be addressed in a future Development Application (DA) for the detailed planning and design of the proposed highway service centre and associated uses.

### Access, traffic and parking

A Preliminary Traffic Assessment prepared by McLaren Traffic Engineering in consultation with the RTA is included at **Appendix B**. The Assessment finds that the subject land and existing road access are capable of supporting the development of a highway service centre on traffic grounds subject to further traffic analysis in the planning and design of development in a future Development Application stage.

### Built form

Building forms would be included as part of a future Development Application for the proposed highway service centre.

### Interface with surrounding properties

The relationship between the proposed highway service centre and surrounding rural and rural residential properties in terms of noise, light, privacy, fencing and landscape screening etc. would be included as part of a future Development Application for the proposed highway service centre.



## Vegetation and landscaping

The subject site has been cleared of native trees in the past and is primarily covered in grasses and pastures. Existing trees on the site comprise young pine trees planted along lot boundaries in the approved subdivision, and native eucalypts either remnant or planted along parts of the lot boundaries and scattered across the south east part of the subject land.

Landscaping would be included as part of a future Development Application for the proposed highway service centre.

## Water management

A water cycle management plan for the proposed highway service centre and associated uses will need to be included as part of a future Development Application for the detailed planning and design of development.

## Bushfire protection

The subject land is not identified as being bush fire prone, however adjoining land to the west is identified as bush fire prone – vegetation category 1 and buffer zone. The requirements for *Planning for Bushfire Protection 2006* will be addressed as part of any future Development Application for the proposed highway service centre and associated uses.

## Waste management

A waste management plan for the proposed highway service centre and associated uses would need to be included as part of a future Development Application for the detailed planning and design of development.

## Utility services

Utility services are available in the locality and the proponent advises that connections to utilities to service the proposed highway service centre are feasible.

## Construction impacts

A construction management plan for the proposed highway service centre and associated uses that identifies and manages the potential environmental impacts of construction activities would need to be prepared prior to works commencing and is expected would be a requirement of a condition of consent to any future Development Application.

## How has the Planning Proposal adequately addressed any social and economic effects?

The Planning Proposal will provide significant economic benefits to Colo Vale and the surrounding localities by:

- providing employment for local residents, particularly the youth of the area, with approximately 150 full-time and part-time jobs;
- generate additional consumer spending and investment in the locality; and
- providing additional services in the locality.

This Planning Proposal for a highway service centre and associated uses is a specialised commercial use aimed at serving transport on the Hume Highway. It is not aimed at competing with commercial and retail uses in existing centres in the locality or having an adverse impact on the viability of existing centres.

## 5.4 State and Commonwealth Interests

### Is there adequate public infrastructure for the Planning Proposal?

Utility services are available in the locality and the proponent advises that connections to utilities to service the proposed highway service centre are feasible. Road access is currently available to the site.

There are not intended to be any significant public infrastructure costs associated with the Planning Proposal.

### What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?

No Commonwealth or State public authorities have been consulted in the process of preparing this Planning Proposal except for the NSW Roads and Traffic Authority.

The proponent and JBA Planning met with the RTA in June 2011. The results of that meeting were conveyed in a letter from the RTA to Council dated 10 June 2011. The RTA was also consulted in the preparation of the Preliminary Access and Traffic Report at Appendix B.

We anticipate that further consultation would need to be carried out with relevant authorities including the RTA again and the Sydney Catchment Authority after the Planning Proposal passes through the gateway determination.

## 6.0 Community Consultation

This Planning Proposal will need to be subject to the statutory community consultation processes in due course in accordance with the provisions of the *Environmental Planning and Assessment Act 1979* and *Environmental Planning and Assessment Regulation 2000*.

We expect that the preparation of a draft LEP amendment to enable a highway service centre will be subject to normal statutory consultation with the community.

## 7.0 Conclusion

The Planning Proposal has strategic planning merit and provides a net community benefit in the following respects:

### Economic and social benefits

- It meets market demand for a highway service centre and motel uses in this locality adjacent to the Hume Highway;
- It generates additional consumer spending and investment in the locality;
- It creates employment with approximately 150 full-time and part-time jobs in the locality;
- It is aimed at primarily serving the needs of transport on the Hume Highway and does not aim to compete directly with or undermine the viability of existing business centres in the locality; and
- It has no significant public infrastructure costs.

### Land use suitability

- The land is capable of supporting the proposed highway service centre and motel in terms of its location on the Hume Highway, size and dimensions, topography, road access, availability of utility services, significant separation and buffer distances to surrounding properties, and absence of significant vegetation, environmental constraints and hazards.

### Infrastructure capacity

- The subject land has three road boundary frontages, and a Preliminary Traffic Assessment prepared by McLaren Traffic Engineering in consultation with the RTA finds that the proposed highway service centre is feasible and supportable on traffic engineering grounds; and
- The proponent's investigations confirm that utility services in the locality are available and can be feasibly connected to service the proposed highway service centre and motel.

### No prohibitive natural resources or environmental issues

- The subject land is not used for agricultural production as it has been approved for rural residential subdivision with civil works carried out.
- The subject land is not identified as having any natural resource, environmental, biodiversity, or conservation value other than being in the Sydney drinking water catchment.
- The environmental planning issues associated with the detailed planning and design of the proposed highway service centre and motel would be addressed in a future Development Application (DA) including building design; interface with adjacent properties; vegetation and landscaping; access, traffic and parking; water management; bushfire protection; waste management; utility services; energy efficiency; compliance with BCA; and construction impacts.

### Consistent with strategic plans

- The Planning Proposal is consistent with the applicable regional strategy being the Sydney–Canberra Corridor Regional Strategy as well as relevant State Environmental Planning Policies and S.117 Ministerial Directions; and
- It is compatible with the local planning strategies being the Wingecarribee Strategic Plan 2002 and preliminary Draft Wingecarribee Local Planning Strategy 2010.

The Planning Proposal will need to be subject to statutory consultation with the community and government authorities in due course in accordance with the provisions of the *Environmental Planning and Assessment Act 1979* and *Environmental Planning and Assessment Regulation 2000*.

### Conclusion

Given the above planning merits and net community benefit, we request that Council forward this Planning Proposal to the Minister for Planning for a 'gateway determination' in accordance with section 56 of the *Environmental Planning and Assessment Act 1979*.

---

## M<sup>C</sup>LAREN TRAFFIC ENGINEERING

Transport Planning, Traffic Impact Assessments, Road Safety Audits, Expert Witness

### MIRANDA Office:

Level 1  
29 Kiora Road  
MIRANDA NSW 2228  
Ph 61-2-8543-3811  
Fax 61-2-8543-3849

Email: [mclarenc@ozemail.com.au](mailto:mclarenc@ozemail.com.au)  
Website: [www.mclarenttraffic.com.au](http://www.mclarenttraffic.com.au)  
Mobile (0412) 949-578



### Accounts Office:

5 Jabiru Place  
Woronora Heights  
NSW 2233  
Ph 61-2-9545-5161  
Fax 61-2-9545-1227

20 January 2012

2011/102.L02 CM/hc

S & M Perinich  
C/o JBA Planning  
PO Box 375  
NORTH SYDNEY NSW 2059

Attention: Andrew Wilson  
Dear Andrew,

### **PRELIMINARY ACCESS PLANNING & TRAFFIC IMPACT ADVICE FOR PROPOSED HIGHWAY SERVICE CENTRE AT THE M5 / CHURCH AVENUE INTERCHANGE, COLO VALE**

Further to our site inspections together with research findings based upon the recent information provided by the RTA (supplemented by our research of other studies in the local precinct) and JBA Planning Proposal "*Hume Highway and Church Avenue, Colo Vale LEP Amendment for Highway Service Centre*" dated November 2011 we advise, from this preliminary review of the data and initial weaving analysis based on RTA's concern, that a highway service centre is supportable on these traffic investigations with all vehicular access from Church Avenue at the existing access road that serves the site. This access road is located approximately 230 metres west of the M5 interchange.

The concept proposal is for a highway service centre that comprises the following:

- ☐ Service station with 30 to 50 staff.
- ☐ McDonalds fast food outlet with drive-through & internal / external seating.
- ☐ KFC fast food outlet with drive-through & internal / external seating.
- ☐ Small IGA supermarket with 500m<sup>2</sup> GFA.
- ☐ Motel accommodation for 50 rooms

In relation to RTA's concerns related to vehicle weaving manoeuvres on the Hume Highway off-ramp, a detailed assessment is presented in **Annexure B**, based upon the "*Highway Capacity Manual. Washington, DC, USA: Transportation Research Board, 2000*" publication.

The resulting Level of Service (LoS) rating of "C", which includes the effects of the proposed development scale mentioned above, is an acceptable performance level for the future 2021 analysis of the site. The current LoS of "C" is maintained. The motorway interchange has significant capacity to accept the introduced traffic associated with the concept proposed land use scale outcomes.





**M<sup>C</sup>LAREN TRAFFIC ENGINEERING**

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Details of the proposed traffic generation are presented in **Annexure A** along with the weaving analysis using the off-ramp on the Hume Highway to Church Avenue shown in **Annexure B** for both the existing and forecast scenarios.

Please contact the undersigned should you require further information or assistance.

Yours faithfully

**M<sup>C</sup>LAREN TRAFFIC ENGINEERING**



**Craig M<sup>C</sup>Laren**

**Director**

**BE Civil. Graduate Diploma (Transport Eng) MAITPM MITE**

**RTA Accredited Level 3 Road Safety Auditor**

**Traffic Control Plans (Red Card)**

(1) 50% of generated traffic will come from the northbound traffic off Hume Highway

## ANNEXURE B: WEAVING ANALYSIS

| Non Weaving Km/h | Weaving Km/h | Non Weaving Pc/h | Weaving (with development) km/h | Flow rate in weaving section | Number of lanes |
|------------------|--------------|------------------|---------------------------------|------------------------------|-----------------|
| 110              | 55           | 2553             | 422                             | 2975                         | 2               |

| LOS | Density (pc/km/ln)      |                                                      |
|-----|-------------------------|------------------------------------------------------|
|     | Freeway Weaving Segment | Multilane and Collector-Distributor Weaving Segments |
| A   | ≤6                      | ≤8                                                   |
| B   | >6-13                   | >8-15                                                |
| C   | >13-18                  | >15-20                                               |
| D   | >18-22                  | >20-23                                               |
| E   | >22-27                  | >23-25                                               |
| F   | >27                     | >25                                                  |

## Existing Weaving Results

|            |       |                       |
|------------|-------|-----------------------|
| <b>S</b>   | 98.49 | Overall average speed |
| <b>D</b>   | 14.7  | Density               |
| <b>LoS</b> | C     | Level of Service      |

## Forecast Weaving Results

|            |       |                       |
|------------|-------|-----------------------|
| <b>S</b>   | 96.34 | Overall average speed |
| <b>D</b>   | 15.4  | Density               |
| <b>LoS</b> | C     | Level of Service      |

## Notes:

Source: *Highway Capacity Manual*. Washington, DC, USA: Transportation Research Board, 2000

# Wingecarribee Shire Council



OUR REF.: LP  
ENQUIRIES:  
YOUR REF.: 88276

COUNCIL CHAMBERS, ELIZABETH STREET  
MOSS VALE, N.S.W., 2577  
P.O. BOX 141 DX 4961 BERRIMA DISTRICT  
PHONE: (048) 68 1066 TELEX 25708  
FAX: (048) 68 0260

## NOTICE TO APPLICANT OF DETERMINATION OF A DEVELOPMENT/SUBDIVISION APPLICATION

### Part XII of the Local Government Act

### Form 7 - Environmental Planning and Assessment Act, 1979

Lean Lackenby & Hayward C'Town Pty Ltd  
Surveyors  
DX 4960 BERRIMA

10/05/90

---

PLEASE QUOTE THE SUBDIVISION APPLICATION NUMBER IN ALL CORRESPONDENCE  
AND UPON PAYMENT OF FEES, CHARGES & CONTRIBUTIONS

---

being the applicant in respect of Subdiv Appln No. D 2740 S1. - 221/90

Pursuant to Section 92 of the E P & A Act and Sec 333(1) of the Local Govt Act notice is hereby given of the determination by the Council, as the consent authority, of the Subdivision Application relating to the land described as follows -

LAND: Lots 1-7 DP 245456 &

Pt Lots 8-10 DP 24015

STREET: Church Avenue

LOCALITY: Colo Vale

ASSESS NO: 2740

OWNER: S & M Perenich

Purpose of Subdivision: Subdivision - 10 lots - in accordance with plans prepared by Lean Lackenby & Hayward Pty Ltd - Plan No 88276 - dated 22 March 1990 except where amended by any conditions below.

The Subdivision Application has been:

Approved under the provisions of Wingecarribee Local Environmental Plan 1989, subject to the conditions specified in this notice;

---

The conditions of the consent and reasons for their imposition follow:

1. Submission at the applicant's cost, prior to the release of the plan of subdivision, a plan and calculations indicating the proposed buildings (and any effluent disposal areas of any unserviced land), and the 1 in 100 and 1 in 20 year flood level frequency for the subject land. The plan and calculations are to be prepared by a qualified consultant experienced in flood survey investigations and acceptable to the Council. In this regard a suitable 88B restriction is to be placed upon the titles of the lots restricting development of the sites. In accordance with the provisions of Sec 313(1)(k) of the Local Govt Act and Sec 90(1) (g) and (r) of the E P & A Act.

cont/

# Vingecarribee Shire Council



JUR REF:  
ENQUIRIES:  
YOUR REF.:

COUNCIL CHAMBERS, ELIZABETH STREET  
MOSS VALE, N.S.W., 2577  
P.O. BOX 141 DX 4961 BERRIMA DISTRICT  
PHONE. (048) 68 1066 TELEX 25708  
FAX: (048) 68 0260

DEVELOPMENT APPLICATION No. D 2740 Sl.

continued

2. Submission of a plan suitable for lodgment at the Land Titles Office, plus eight (8) copies, in accordance with Council's Development Control Plan - Subdivisions.
3. The provision, by the applicant, at the applicant's expense prior to release of the subdivision plan, of the following works and services in accordance with Council's Engineering Standards, to the satisfaction of the Chief Town Planner and Shire Engineer. Plans and specifications are to be submitted by the applicant and approved prior to the commencement of works.

(Section 90(1), (i), (j), (l), (o) & (r) of the E P & A Act, Sec 333 of the Local Govt Act and Council's Development Control Plan - Subdivisions.)

- (a) Road shoulder surfaced with 2 coat bitumen seal in Church Avenue on the frontage to the subdivision for a total half width of 3.5 metres.
- (b) Road pavements surfaced with 10 mm prime seal and payment for asphaltic concrete in rural subdivision roads for pavement width of 6 metres.
- (c) Concrete ditched gutter and associated drainage pits in Church Avenue on the frontage to the subdivision as required.
- (d) Concrete ditched gutter and associated drainage pits in subdivision roads as required.
- (e) Accessway surfaced with gravel 4 metres wide within lot 6.
- (f) Stormwater drainage pipes through the subject land within drainage easements.
- (g) Stormwater drainage pipes, for the conveyance, within public roads, public reserves or adjoining land of stormwater from the development to a discharge outlet approved by the Shire Engineer.
- (h) Water mains to serve each lot in the subdivision.
- (i) Water service installation to each lot in the subdivision.  
Application form to be completed and fee to be paid.
- (j) Control of soil erosion on subject land as a result of engineering works.
- (k) Maintenance and restoration of any damage, which may have been caused by the construction of the subdivision to the road pavement, roadside drainage or underground facilities in Church Avenue, which gives access to the subdivision.

cont/



# Wingecarribee Shire Council



YOUR REF.:  
INQUIRIES:  
YOUR REF.:

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MOSS VALE, N.S.W., 2577  
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DEVELOPMENT APPLICATION No. D 2740 Sl.

continued

4. Payment to Council of contributions levied in respect of Sec 94 of the E P & A Act subject of this development consent to be made prior to the endorsement and release of the final plan of subdivision, or as elsewhere specified. This clause does not override the provisions of the condition relating to supervisory charges and those connected with engineering works listed elsewhere on this consent. This clause has been applied in accordance with Council's adopted policy.
5. The contribution by the applicant of moneys for the following designated purposes prior to the release of the linen plan of subdivision. The exact amount of contribution will be calculated at the rate applicable at the time of release of the linen plan of subdivision. The current contribution rate is noted below.  
(Section 94(1) of the E P & A Act 1979).
  - (a) The payment of a monetary contribution to be applied against the cost of acquisition of land for the purposes of public recreation and/or the improvement and embellishment of public reserves under the care, control and management of Council, it being noted that the current contribution is \$11,550.  
(Account No 99401).
  - (b) The payment of a monetary contribution to be applied against the cost of establishing a Central Library and Community Facilities, it being noted that the current contribution is \$700.  
(Account No 99400).
  - (c) The payment of a monetary contribution for the improvement of Church Avenue to which the subdivision has its frontage, it being noted that the current contribution is \$7,700.  
(Account No 99404).
  - (d) The payment of a monetary contribution for the augmentation of the stormwater drainage systems downstream of the subject land, it being noted that the current contribution is \$4,950.  
(Account No 99406).
  - (e) The payment of a monetary contribution for the augmentation of the water supply system that serves the subdivision, it being noted that the current contribution is \$11,550.  
(Account No 99407).

NOTE: Payment of the above contributions is to be accompanied by the attached sheet entitled "Record of Payment of Contributions".

cont/

# Wingecarribee Shire Council



JR REF.:  
ENQUIRIES:  
YOUR REF.:

COUNCIL CHAMBERS, ELIZABETH STREET  
MOSS VALE, N.S.W., 2577  
P.O. BOX 141 DX 4961 BERRIMA DISTRICT  
PHONE. (048) 68 1066 FAX: (048) 68 0260  
TELEX 25708

DEVELOPMENT APPLICATION No. D 2740 SL.

continued

6. The dedication by the applicant, at the applicant's expense of the land for the following purpose on registration of the subdivision plan as follows:  
  
(Sections 90(1) (j), (o) & (r) and 94(1) of the E P & A Act.)  
  
(a) Splay corners within lots 2 and 10 at the junction of proposed road and Church Avenue.
7. The creation or obtaining by the applicant of easements, at the applicant's expense on or before the release of the subdivision plan as follows:  
  
(Section 90(1) (o) of the E P & A Act and Sec 333(1)(f) of the Local Govt Act.  
  
(a) Drainage easements over lots (3 metres) in favour of Council as required.
8. The payment, by the applicant, of the following Council standard fees and charges prior to approval of Engineering Plans.  
  
(Section 90(1) (1) of the E P & A Act and Sec 245A of the Local Govt Act.)  
  
(a) Standard fees for engineering works associated with subdivision.  
  
(b) Supervision charge for water supply construction works carried out by the applicant.
9. Where the subdivision involves the clearing of vegetation for road construction the applicant is responsible for removal or disposal of cleared material to the satisfaction of the Shire Engineer and Fire Control Officer. The linen plan of subdivision will not be released until this requirement has been complied with.  
  
This condition has been applied having regard to Sec 90(1) (b), (g) & (r) of the E P & A Act.
10. The provision of electricity to service allotments in the proposed subdivision in accordance with the requirements of Illawarra Electricity. The plan of subdivision will not be released by Council until written notification has been received from Illawarra Electricity that all stipulated conditions have been satisfied.  
  
The conditions which the Illawarra Electricity may stipulate include some or all of the following:  
  
(a) Execution of all specified works, including line route clearing, to the required standard.

cont/



# Vingecarribee Shire Council



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TELEX 25708

DEVELOPMENT APPLICATION No. D 2740 Sl.

continued

- (b) Payment of a Capital Contribution or the lodging of a Bank Guarantee associated with the provision of electricity supply.
  - (c) Granting of easements for electricity purposes within the subdivision, as determined.
  - (d) Obtaining permission to construct and maintain power lines across properties not contained within the subdivision.
11. The deposit with Council, for a period of twelve months from completion of engineering works, of a sum equal to 5% of the Contract Price prior to the release of the subdivision plan.  
(Section 90(1) (1) of the E P & A Act.)
12. The provision by the applicant of works as executed drawings of engineering works prior to the release of the subdivision plan.  
(Section 90 of the E P & A Act and Sections 327, 333 of the Local Government Act).
13. The provision by the applicant of road permanent survey marks to the satisfaction of the Shire Engineer. (Section 327(c) of the Local Govt Act).
14. All services are to be located within the lots that they serve.  
(Section 90(1) (1) of the E P & A Act and Council's Development Control Plan - Subdivisions.

---

Endorsement of Date of Consent: 10 May 1990

cont/

# Vingecarribee Shire Council



OUR REF.:

ENQUIRIES:

YOUR REF.:

COUNCIL CHAMBERS, ELIZABETH STREET  
MOSS VALE, N.S.W., 2577

P.O. BOX 141 DX 4961 BERRIMA DISTRICT  
PHONE. (048) 68 1066 TELEX 25768

FAX: (048) 68 0260

DEVELOPMENT APPLICATION No. D 2740 Sl. continued

## NOTES:

1. To ascertain the date upon which the consent becomes effective refer to Section 93 of the Act.
2. To ascertain the extent to which the consent is liable to lapse refer to Section 99 of the Act.
3. Section 97 of the Act confers on an applicant who is dissatisfied with the determination of a consent authority a right of appeal to the Land and Environment Court exercisable within 12 months after receipt of this notice.
4. This consent will lapse unless the development subject of this consent is commenced within a period of two (2) years in accordance with Section 99 of the Environmental Planning & Assessment Act, 1979.
5. This approval is for a period of two years. If application is made in accordance with Section 99(1) of the Environmental Planning & Assessment Act, 1979, as amended, to extend this period to a three year term, then it is at the discretion of the Council if an extension is granted.

DATE: 10 May 1990

.....  
for Shire Clerk

(E P & A - Environmental Planning & Assessment Act 1979)

# Wingecarribee Shire Council



OUR REF.:  
ENQUIRIES:  
YOUR REF.:

COUNCIL CHAMBERS, ELIZABETH STREET  
MOSS VALE, N.S.W., 2577  
P.O. BOX 141 DX 4961 BERRIMA DISTRICT  
PHONE. (048) 68 1066 TELEX 25708  
FAX: (048) 68 0260

## RECORD OF PAYMENT OF CONTRIBUTIONS

- APPLICANT: Lean Lackenby & Hayward C'Town Pty Ltd File No. : D 2740 S1.  
LAND: Lots 1-7 DP 245456 &  
Pt Lots 8-10 DP 24015 STREET: Church Avenue  
LOCALITY: Colo Vale ASSESS NO: 2740
- OWNER: S & M Perenich

Purpose of Subdivision: Subdivision - 10 lots - in accordance with plans prepared by Lean Lackenby & Hayward Pty Ltd - Plan No 88276 - dated 22 March 1990

This sheet must be returned when paying Contributions under Section 94 as conditioned by the Development Consent.

You are reminded that the Section 94 Contributions are subject to annual review and therefore it is suggested that you contact Council's Town Planning Department to ascertain any increase of such Contributions prior to payment.

5. The contribution by the applicant of moneys for the following designated purposes prior to the release of the linen plan of subdivision. The exact amount of contribution will be calculated at the rate applicable at the time of release of the linen plan of subdivision. The current contribution rate is noted below.

(Section 94(1) of the E P & A Act 1979).

- (a) The payment of a monetary contribution to be applied against the cost of acquisition of land for the purposes of public recreation and/or the improvement and embellishment of public reserves under the care, control and management of Council, it being noted that the current contribution is \$11,550.

(Account No 99401).

- (b) The payment of a monetary contribution to be applied against the cost of establishing a Central Library and Community Facilities, it being noted that the current contribution is \$700.

(Account No 99400).

- (c) The payment of a monetary contribution for the improvement of Church Avenue to which the subdivision has its frontage, it being noted that the current contribution is \$7,700.

(Account No 99404).

Cont'd



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- (d) The payment of a monetary contribution for the augmentation of the stormwater drainage systems downstream of the subject land, it being noted that the current contribution is \$4,950.  
(Account No 99406).
- (e) The payment of a monetary contribution for the augmentation of the water supply system that serves the subdivision, it being noted that the current contribution is \$11,550.  
(Account No 99407).

Dated: 10 May 1990