

F3 Freeway Service Centre North - Cooranbong

Proposal Title : **F3 Freeway Service Centre North - Cooranbong**

Proposal Summary : **To enable the establishment of a highway service centre for the north bound lanes of the F3 Freeway at Cooranbong.**

PP Number : **PP_2012_LAKEM_011_00** Dop File No : **12/18223**

Proposal Details

Date Planning Proposal Received : **13-Nov-2012** LGA covered : **Lake Macquarie**

Region : **Hunter** RPA : **Lake Macquarie City Council**

State Electorate : **LAKE MACQUARIE** Section of the Act : **55 - Planning Proposal**

LEP Type : **Spot Rezoning**

Location Details

Street : **F3 Freeway**

Suburb : **Cooranbong** City : Postcode : **2265**

Land Parcel : **Lot 4 DP 264501**

DoP Planning Officer Contact Details

Contact Name : **Dylan Meade**

Contact Number : **0249042718**

Contact Email : **dylan.meade@planning.nsw.gov.au**

RPA Contact Details

Contact Name : **Matthew Hill**

Contact Number : **0249210498**

Contact Email : **mhill@lakemac.nsw.gov.au**

DoP Project Manager Contact Details

Contact Name :

Contact Number :

Contact Email :

Land Release Data

Growth Centre : **N/A** Release Area Name : **N/A**

Regional / Sub Regional Strategy : **Lower Hunter Regional Strategy** Consistent with Strategy : **N/A**

F3 Freeway Service Centre North - Cooranbong

MDP Number :

Date of Release :

Area of Release (Ha)

Type of Release (eg
Residential /
Employment land) :

No. of Lots : 1

No. of Dwellings : 0
(where relevant) :

Gross Floor Area : 250.00

No of Jobs Created : 50

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

If No, comment :

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

If Yes, comment :

Supporting notes

Internal Supporting
Notes :

A planning proposal was lodged by Council in August 2010 (PP_LAKEM_004_00) for a Highway service centre on both sides of the F3 freeway at this location. The Gateway determined that the proposal should not proceed as "No agreement has been reached with the Roads and Traffic Authority in relation to access to the F3 Motorway".

A planning proposal for a Highway Service Centre for the southern travel lane of the F3 Freeway was lodged by Council in July 2012 (PP_2012_LAKEM_006_00) after it had received the approval of the RMS in relation to access raised in the previous PP. On 23 August 2012 the Gateway Determined that PP_2012_LAKEM_006_00 should proceed.

This planning proposal relates to the Highway Service Centre for the northern travel lane. Council advises that preliminary consultation with the RMS have indicated a concept design for the northern site is satisfactory (See Annexure 6).

Council proposes to exhibit PP_2012_LAKEM_006_00 and PP_2012_LAKEM_011_00 together.

External Supporting
Notes :

Adequacy Assessment

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

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

Comment : The statement of objectives explains that the proposal intends to allow for the northbound component of a twin service centre on the F3 Freeway near Cooranbong.

The statement of objectives is supported.

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

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

Comment : The explanation of provisions states that the objectives or intended outcomes are to be achieved through amendments to either the Lake Macquarie LEP 2004 or the Lake Macquarie LEP 2012 depending on timing. This will be achieved by permitting a 'highway

service centre and shop not exceeding 250m² on the subject site.

If implemented through the LMLEP 2012, the proposal will be achieved through an amendment to Schedule 1. Council also proposes to amend the Height of Buildings Map.

If implemented through the LMLEP 2004, the proposal will be achieved through an amendment to Schedule 7.

The use of additional permitted use provisions is supported in this instance as rezoning of the site to commercial or industrial zone could lead to inappropriate development on the land. Most commercial or industrial uses are not suited to the site due to its location on the F3 Freeway given potential access issues. Permitting 'highway service centres' in the 1(1) Rural (Production) Zone and 7(1) Conservation (Primary) Zone could lead to inappropriate development elsewhere in the LGA. The Gateway supported the use of additional permitted uses for the south bound Highway Service Centre (PP_2012_LAKEM_006_00).

Justification - s55 (2)(c)

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

b) S.117 directions identified by RPA :

1.2 Rural Zones

* May need the Director General's agreement

2.1 Environment Protection Zones

6.3 Site Specific Provisions

Is the Director General's agreement required? **No**

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

d) Which SEPPs have the RPA identified?

SEPP No 55—Remediation of Land

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

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

If No, explain :

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment :

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment :

Council's preference is for a minimum public exhibition period of 28 days. Council advises that this will enable the LEP amendment to proceed in a timely manner, and is considered adequate for this scale of land use amendment in the context of the locality.

28 days is supported.

Additional Director General's requirements

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

If Yes, reasons :

Overall adequacy of the proposal

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

If No, comment :

Proposal Assessment

Principal LEP:

Due Date : **December 2012**

Comments in relation to Principal LEP : **Lake Macquarie LEP 2012 is currently on exhibition until 24 December 2012.**

Assessment Criteria

Need for planning proposal :

The (then) RTA issued a licence to the existing Highway Service Centre on the F3 at Wyong to be the sole operator on the site until 2013/4. The RTA has given in principle approval for a second licence to be issued on the F3 for this site at Cooranbong.

The planning proposal will enable this develop to occur.

A planning proposal is considered the best way to achieve the intended outcomes.

F3 Freeway Service Centre North - Cooranbong

Consistency with strategic planning framework :

LOWER HUNTER REGIONAL STRATEGY (LHRS)

There are no specific actions or outcomes in the LHRS relating to highway service centres. However, the proposal is considered consistent with the LHRS in that it will improve the amenity of north - south transport links (F3 Freeway) in the region.

LOCAL PLANNING STRATEGIES

The proposal is consistent with the Lake Macquarie Lifestyle 2020 document as it will provide additional employment and improve the functioning of transport links.

STATE ENVIRONMENTAL PLANNING POLICIES (SEPPs)

*SEPP 55 Remediation of land

The site has been used in the past for agricultural uses. Council advises that although there is no known contamination, Council will undertake investigation to satisfy the presence of soil contamination as required by SEPP 55 after Gateway.

The proposal is considered consistent with all other SEPPs.

SECTION 117 DIRECTIONS

1.2 Rural Zone

The planning proposal is inconsistent with this Direction as it allows more intensive development in a rural zone. The inconsistency is considered of minor significance as the land has limited agricultural values and the development only covers an area of approximately 3 ha.

2.1 Environmental Protections Zones

The planning proposal is inconsistent with this Direction as it does not include provisions that fully facilitate the protection and conservation of environmentally sensitive areas. The inconsistency is considered of minor significance as only 3 ha of vegetation is to be removed, and offsets are proposed.

OEHL have provided preliminary advice to Council regarding the proposal, and advise that the proponent should achieve an 'improve or maintain' outcome for biodiversity values for the site. Council advises offsets for the minor loss of environmentally sensitive area can be achieved through a combination of on-site rehabilitation and improvement works, as well as off-site land purchase and rehabilitation works. Council will require the proponent to prepare a Biodiversity Offsets Strategy for the site in order to demonstrate how biodiversity values can be improved or maintained.

6.3 Site Specific Provisions

The planning proposal is inconsistent with this Direction as it includes site specific provisions. The inconsistency is considered of minor significance as the proposed highway service centre is a one-off development that can not be accommodated through changes to the zone.

Environmental social economic impacts :

ENVIRONMENTAL

The proposal will clear approximately 2.29 hectares of Dry Open Forest and 1.84 hectares of Cleared Land with Scattered Trees. The land proposed to be cleared does not contain any Endangered Ecological Communities; however, threatened species were identified within the proposed development footprint. As discussed, Council will require the proponent to prepare a Biodiversity Offsets Strategy.

SOCIAL AND ECONOMIC

Council has undertaken a Net Community Benefit Test, and concludes that the proposal will have a net community benefit by providing employment opportunities and a additional place to rest for drivers.

F3 Freeway Service Centre North - Cooranbong

Assessment Process

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

Timeframe to make LEP : **12 Month** Delegation : **RPA**

Public Authority : **Office of Environment and Heritage**
Consultation - 56(2)(d) : **NSW Department of Primary Industries - Minerals and Petroleum**
Hunter Water Corporation
Mine Subsidence Board
Transport for NSW - Roads and Maritime Services

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

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

If no, provide reasons :

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

If Yes, reasons :

Identify any additional studies, if required. :

If Other, provide reasons :

The proponent has indicated to Council that the following studies are required:

- **Water and wastewater infrastructure**
- **Drainage and hydrology**
- **Traffic and transport**
- **Contamination**
- **Soils and erosion hazard**
- **Ecology**
- **Landscape and visual character**

Council should undertake these studies if it considers they are required in support of the planning proposal.

Contamination assessment is required under SEPP55.

It is also noted that OEH (in preliminary correspondence to LMCC) have advised that preliminary assessment of Aboriginal cultural heritage should be undertaken.

Identify any internal consultations, if required :

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

If Yes, reasons :

Documents

Document File Name	DocumentType Name	Is Public
--------------------	-------------------	-----------

Planning Team Recommendation

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

S.117 directions: **1.2 Rural Zones**
 2.1 Environment Protection Zones
 6.3 Site Specific Provisions

Additional Information : **The Planning Proposal should proceed subject to the following conditions:**

- 1. It is noted that Council has identified that additional information be provided to support the planning proposal. Council is to include this information as part of the public exhibition material.**
- 2. Prior to placing the planning proposal on public exhibition, Council is to update the planning proposal to include proposed height of buildings and additional permitted uses maps for the site under the draft Lake Macquarie LEP 2012. The maps should clearly identify the subject site and are to be placed on public exhibition with the planning proposal.**
- 4. Council is to consult with the Commissioner of the NSW Rural Fire Service in accordance with Section 117 Direction 4.4 Planning for Bushfire Protection and amend the planning proposal, if necessary, to take into consideration any comments prior to the commencement of public exhibition.**
- 5. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:**
 - (a) the planning proposal must be made publicly available for 28 days; and**
 - (b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 4.5 of A Guide to Preparing LEPs (Department of Planning 2009).**
- 6. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:**
 - NSW Rural Fire Service**
 - Office of Environment and Heritage**
 - Department of Primary Industries (Minerals and Petroleum)**
 - Hunter Water Corporation**
 - Transport for NSW (Roads and Maritime Services)**

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material. Each public authority is to be given at least 21 days to comment on the proposal, or to indicate that they will require additional time to comment on the proposal. Public authorities may request additional information or additional matters to be addressed in the planning proposal.

7. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).

8. The timeframe for completing the LEP is to be 12 months from the week following the date of the Gateway determination.

Supporting Reasons : **Previous PP (PP_2010_LAKEM_004_00) was not supported at Gateway due to lack of certainty regarding access on the F3. These access issues have been resolved.**

The Gateway supported the south bound (PP_2012_LAKEM_006_00) highway service centre at Cooranbong on 23 August 2012, including the use of enabling clause provisions.

The need for the PP for the north bound highway service centre at Cooranbong is supported. The use of an enabling clause to achieve the intent is supported in this instance.

F3 Freeway Service Centre North - Cooranbong

Signature:

K. O'Flaherty

Printed Name:

K. O'FLAHERTY

Date:

16-11-12.