

Planning Proposal

Amendment to Lake Macquarie Local Environmental Plan 2004

F3 Freeway Service Centre – Northbound

Local Government Area: Lake Macquarie

Name of Draft LEP: Lake Macquarie Local Environmental Plan 2004 (Amendment No X)

This Planning Proposal has been prepared by Council using information provided by the proponent in the report titled *Planning Proposal Submission to Lake Macquarie Council relating to the Proposed Service Station on the northbound site of F3 Freeway, August 2012*, and associated annexures prepared by Elton consulting for Blaxland Properties.

Part 1 – Objective of the Planning Proposal

This Planning Proposal is for the northbound component of a twin service centre on the F3 Freeway near Cooranbong. The southbound component has previously progressed through the Gateway. It is intended that the proposals will be merged for public exhibition to form a single Planning Proposal and LEP amendment.

The existing zones applying to the land are 1(1) Rural (Production) Zone and 7(1) Conservation (Primary) Zone, which will transfer to RU2 Rural Landscape and E2 Environmental Protection respectively under the Lake Macquarie Standard Instrument LEP (draft LMLEP 2012). This Planning Proposal does not propose to rezone the land to an industrial or commercial zone to permit the service centre. These zones would also permit a range of uses that would be inappropriate to a generally rural location adjacent to the F3 Freeway. However, given the presence of threatened species on the site, the 7(1) Conservation (Primary) Zone/ E2 Environmental Protection zone may be expanded to provide adequate protection of these lands and to contribute to achieving an 'improve or maintain' outcome in terms of biodiversity conservation.

The objective of the Planning Proposal is to amend *Lake Macquarie Local Environmental Plan 2004* (LMLEP 2004) and draft LMLEP 2012) to enable the establishment of a highway service centre on approximately 3 hectares of a 26 hectare site to the east of the F3 Freeway, being Lot 4 DP 264501 (see Figure 1, 2, & 3). It is proposed that the highway service centre will include 24-hour fuel, petrol, gas and diesel with separate dispensing areas for cars and trucks, an ancillary 250m² convenience retail shop, restaurants (including sit down, takeaway and drive through facilities), toilets and washrooms, and car and truck parking.

Building height controls will be transferred from the DCP to the LEP during the implementation of the Standard Instrument LEP. It is likely that the proposed development will be assessed under these new provisions. Consideration has been given to appropriate building heights to ensure that the envisaged scale of development can be realised on the subject land, while maintaining the character of the area and vistas from the Freeway. The height required to support the proposed development is 10 metres. This will need to comprise part of the LEP amendment.

The proponent has indicated a desire to subdivide land to be used as a service centre, from the parent lot. This would allow the residual land to be used for a rural use or as a biodiversity offset allotment. This could be undertaken either by application under *State Environmental Planning Policy 1 – Development Standards* (SEPP 1), or clause 4.6 in the case of the Standard Instrument, or by inserting an additional clause within the LEP, which would provide more certainty to the proponent. The process will be much more efficient by inserting a provision in the additional uses section of the LMLEP 2004. The precise size of any residual land will not be known until a development application has been approved for the service centre. As such, it is appropriate to include a clause to facilitate subdivision of the land into no more than two lots as outlined in Part 2.

Part 2 – Explanation of the Provisions

Lake Macquarie Local Environmental Plan 2004

If the amendment is adopted prior to the implementation of draft LMLEP 2012, the amendment proposes the following changes to LMLEP 2004.

Inserting in Schedule 7:

Schedule 7 Additional development allowed on certain land

Item No	Column 1	Column 2
X	Land at Cooranbong being part of Lot 4, DP 264501	Development on Lot 4, DP 264501, for the purpose of: a. a highway service centre b. a shop not exceeding 250m ² c. Subdivision of Lot 4, DP 264501, into no more than two lots to separate the highway service centre site and access ramps from adjoining rural and environmental land. Each lot is able to be less than the minimum lot size. Resulting lots will not have a dwelling entitlement.

Dictionary

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 café,
- (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.

On the advice of the Department of Planning, use of the Standard Instrument definition for *highway service centre* is proposed. It is proposed that *highway service centre* be added to the dictionary of LMLEP 2004. The definition does not provide for an ancillary shop, which has led to the amendment also proposing a shop not exceeding 250m². Subdivision of the parent lot to enable the highway service centre to be separated from the residual rural land is proposed to be accommodated by enabling the subdivision of Lot 4 DP 264501 into no more than two lots, which will be less than the minimum lot size provided by the LEP.

Draft Lake Macquarie Standard Instrument Local Environmental Plan

The following changes are proposed to draft LMLEP 2012.

Inserting in Schedule 1:

X Use of certain land at Cooranbong

(1) This clause applies to land at Cooranbong identified as "Cooranbong Area X" on the Additional Permitted Uses Map.

(2) Development for the purpose of a highway service centre, shop not exceeding 250m², and signage on Lot 4 DP 264501.

(3) Subdivision of Lot 4 DP 264501 into no more than two lots to separate the highway service centre site and access ramps from adjoining rural and environmental land. Each lot is able to be less than the minimum lot size. Resulting lots will not have a dwelling entitlement.

An amendment to Schedule 1 will identify the subject land and provide for a *highway service centre* and *shop* not exceeding 250m². The Standard Instrument LEP does not provide adequately for signage in the RU2 Rural Landscape zone, which has led to the proposed addition of *signage* as a use on the site. Subdivision of the site, as mentioned previously, is proposed to be supported by inserting a clause to enable subdivision of Lot 4 DP 264501 into no more than two lots which will be less than the minimum lot size otherwise permitted by the LEP.

Amending the Height of Buildings Map

Apply category K 10 metres maximum building height to Lot 4 DP 264501.

A height of 10 metres is necessary to support the proposed development on the site, particularly the canopy for the area to be used by trucks. A category exists in the draft Lake Macquarie Standard Instrument LEP, which is K 10m. This will need to be applied to Lot 4 DP 264501.

Part 3 – Justification for the Provisions

A. Need for the planning proposal

1. Is the planning proposal a result of any strategic study or report?

This Planning Proposal is not the result of a strategic study or report. The proposal has been put forward by the landowner and assessed by Council as having merit. The subject land meets the requirements of the Roads and Maritime Services in terms of distance from another service centre. Threatened flora and fauna species were identified on-site, however, the concept design has positioned the proposed development to minimise impacts to these. The development will provide employment opportunities to the local community and support the ongoing role of the F3 Freeway as the primary transport corridor in the region.

The subject land is not identified in the Lower Hunter Regional Strategy or Council's Lifestyle 2020 Strategy for future commercial or employment lands. As such, commercial or industrial zones for the land are not envisaged.

Some investigations have been undertaken by the proponent to support the proposal, however, further studies are considered necessary to progress the proposal. Studies previously undertaken include:

- Infrastructure Services Report
- Flora and Fauna Report
- Bushfire Report
- Economic Report
- Retail Analysis Report

These reports indicate that the proposal has merit and is feasible, providing Asset Protection Zones are established, and loss of biodiversity is offset. Additional studies are considered

necessary to identify any other issues that may need to be resolved through the LEP amendment process. The additional studies considered necessary include:

- Further Flora & Fauna Assessment to inform preparation of a Biodiversity Management and Offsets Strategy
- Aboriginal Heritage Impact Assessment
- Land Contamination and Geotechnical Assessment
- Flooding/Hydrology Assessment
- Noise and Vibration Assessment
- Others as determined by the Gateway assessment

2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

In order to enable the proposed development an LEP amendment is necessary. The amendment will ensure that the proposed development and its various uses are permitted on the subject land with development consent. A clause enabling additional uses on the land will facilitate the proposed development.

It is proposed that land to be used for the service centre will be subdivided from the parent lot being Lot 4 DP 264501, to enable residue land to be sold and used for a separate use. This could be facilitated by including provision for the proposed subdivision within the enabling clause, or by assessing an application under State Environmental Planning Policy 1 – Development Standards (SEPP 1) or in the case of the Standard Instrument, clause 4.6. The process for undertaking this subdivision would be much more efficient by inserting the proposed subdivision clause as outlined in Part 2 above.

Inclusion of *highway service centre* in the land use table under an urban zone could support the proposed development; however, inappropriate uses could result on the subject land if the land is rezoned for this purpose. The subject land is appropriate for providing the very specific use of a service centre to support the ongoing function of the F3 Freeway as the primary regional transport corridor. However, broader uses that would be supported by applying an existing zone and associated uses in the land use table, such as an industrial or commercial zone, may lead to inappropriate use of the site. Expansion of such zones in this area is not supported by any strategy. An enabling clause is the only appropriate path in facilitating the proposed service centre.

3. Is there a net community benefit?

Given the additional employment opportunities offered by the proposed development and the measures proposed to ameliorate any environmental impact likely to result, the proposal is considered to provide a net community benefit. A Net Community Benefit Test has been undertaken and provided below.

Net Community Benefit Test

Will the LEP be compatible with agreed State and regional strategic direction for development in the area (e.g. land release, strategic corridors, development within	The proposal is effectively development that is ancillary to the F3 Freeway, and is not of a scale that warrants specific identification within the Lower Hunter Regional Strategy. The proposal will support increased use of the Freeway as growth occurs in the region.
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800 metres of a transit node)?	
Is the LEP located in a global/regional city, strategic centre or corridor nominated within the Metropolitan Strategy or other regional/subregional strategy?	The proposal is ancillary to the F3 Freeway, which is identified within the LHRS as the primary transport corridor within the region. The proposal will support increased use of the Freeway as growth occurs in the region.
Is the LEP likely to create a precedent, or create or change the expectations of the landowner or other landholders?	It is not likely that the proposal will set a precedent or alter the expectation of landholders. The proposal (in conjunction with the southbound proposal) is a one-off proposal that is intended to support the function of the Freeway and is not likely to influence development expectations on adjoining land. State Government policy also sets a 24km distance separation between service centres along the highway, which will mitigate similar proposals in the locality.
Have the cumulative effects of other spot rezoning proposals in the locality been considered? What was the outcome of these considerations?	The proposal has not been influenced by other rezonings, and is not likely to result in additional spot rezonings in the locality. As such, the proposal is not part of a cumulative rezoning process. The proposal is a one-off to provide additional supporting development for the function of the Freeway.
Will the LEP facilitate a permanent employment generating activity or result in a loss of employment lands?	The development that is intended to follow the LEP amendment will generate permanent employment opportunities for the local community. The proponent has established that the number of jobs generated by the development of the northbound site will be 236 construction jobs, 50 on-going jobs, and 42 jobs through the multiplier effect.
Will the LEP impact upon the supply of residential land and therefore housing supply and affordability?	The proposal will not have an impact on the supply of residential land.
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?	Roads The proposed use will not generate additional vehicles on the F3 itself. Ongoing consultation has been undertaken with RMS to ensure that the access ramp design is safe and readily accessible, and complies with the necessary road and highway requirements. Consultants, Cardno, have undertaken a high-level traffic and parking assessment as part of its Infrastructure Services Report for the proposed development. The assessment of possible freeway ramp length for the lot indicates that it will be possible to avoid widening of the freeway bridge across Jigadee Creek to the north of the site. As part of the freeway ramp investigation, an assessment of the required sight distances were undertaken and are shown to meet all of the requirements of the relevant standards. Concept designs for freeway ramps have been prepared and forwarded to RMS for review under a separate cover. Public infrastructure Preliminary investigations of the site's ability to be serviced by water

and sewer infrastructure have been undertaken by Cardno.

Water

To supply potable water to service the proposed development, the nearest potential point of connection to the water main is the 300DN water main located on the northern side of Newport Road at the frontage of the subject property. Subject to final details for the proposed development being confirmed, Hunter Water may require the main to be upgraded to increase the water pressure and fulfil the requirement of fire fighting supply.

An alternative option is by installing onsite system of booster pumps and dedicated fire fighting water storage tank to increase the water pressure.

Another alternative connection point is available to a 150DN main on Freemans Drive to the north of the site and provision of a lead in main through an existing road reserve. Hunter Water identified this main as a suitable connection point for development of the neighbouring site (Lot 210 DP 702166) in 2009.

Sewer Servicing

There is capacity at the nearest Waste Water Treatment Works (Dora Creek) to service the potential development. The preferred sewer servicing strategy involves approximately 120m of sewer lead in works to link the proposed development to Dora Creek Waste Water Treatment Works (WWTW) via an existing gravity sewer main located at 267 Newport Road, located opposite the proposed development site.

Subject to final development details being confirmed and Hunter Water confirmation, upgrade to Cooranbong Waste Water Pump Station (WWPS) No. 9 is likely to be required to convey flows from the site to Dora Creek WWTW.

An alternative connection point to Hunter Water's sewer network at Freemans Drive, 600m west of the site may also be -feasible. This may require a private on-site pumping station, however should not require upgrade works to Hunter Water's WWPS (No.8).

Another option is an on-site disposal using proprietary systems such as Envirocycle Units but this is considered to be non-viable for a development of such scale at this stage of the project.

Electricity Supply

Connection to the network to service the proposed development will be from the existing 11kV aerial and underground service traversing the subject site. The developer will be required to construct high voltage feeder cables within the site from the connection point to the development. • An 800kVA pad mount substation will be required for the proposed service centre.

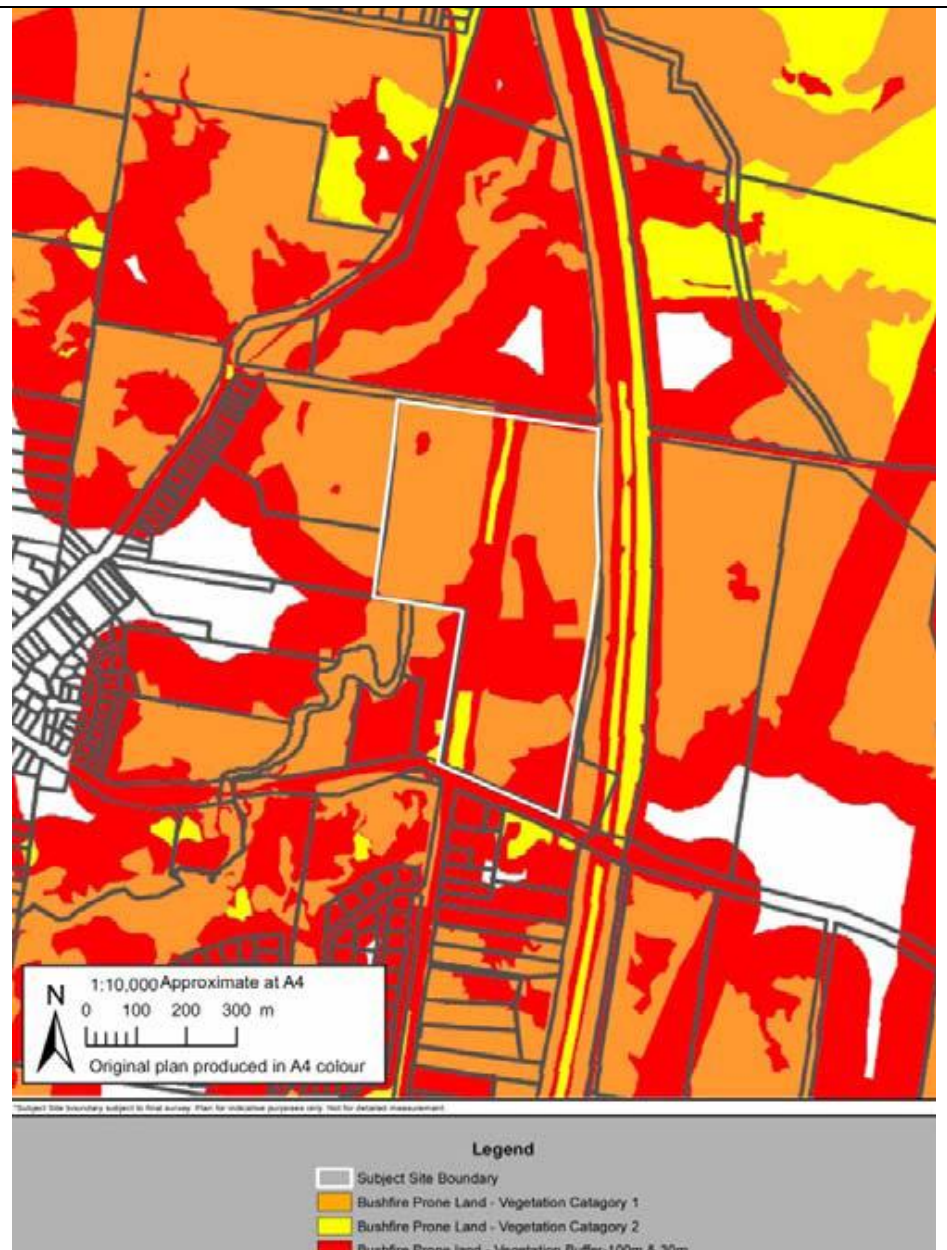
There is an existing easement over the high voltage service traversing the site. Endeavour Energy's approval will need to be sought for any works proximate to the easement. Minimum clearances to the aerial cables are required to be maintained which is likely to prevent or limit any filling within the easement.

A 60m wide transmission line easement traverses across the north west corner of the site. The easement owner, Transgrid Australia, will only allow limited development activities within this easement and this excludes construction of buildings.

Telecommunications

	There is underground Telstra service located within the subject site. However, the existing network will need to be upgraded to provide the required telecommunications services to the proposed development. Telstra will undertake a Business Plan assessment for the site once details of the development are confirmed. It is common for Telstra to fund all or the majority of any upgrade works required to site boundary. The developer will fund any works required within the lot. Natural Gas Servicing The nearest gas main to the site is the Sydney – Newcastle primary gas main that runs parallel to F3 on the eastern side. Connection to this gas main to service the site would be very costly at approximately \$1.5 million and involve a planning, design and construction phase of at least 24 months. The only other alternative is the potential future extension of the Morisset gas network to Cooranbong, however timing for this work is presently unknown. Initial conclusions are that servicing the site with gas within a reasonable timeframe and budget will be difficult and hence planning should be processed on the basis that energy supply will be from the electrical grid or by on-site LPG tanks.
Will the proposal result in changes to the car distances travelled by customers, employees, and suppliers? If so, what are the likely impacts in terms of greenhouse gas emissions, operating costs and road safety?	The proposal will support increased traffic volumes on the Freeway as growth occurs in the region. The proposal is responding to growth rather than being a catalyst for additional vehicle use. As such, the affect of the proposal in this regard is likely to be negligible.
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 F3 Freeway is a significant transport corridor, which forms part of the National Highway. The proposal is intended to support increasing use of the Freeway due to growth in the region. As such, the proposal is likely to support the ongoing function of the Freeway.
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?	Preliminary investigations of the site have determined that the site is suitable to support the proposed development; however, further studies will be necessary to confirm site suitability and siting of the development. The investigation undertaken so far have found the following: Fauna and Flora Based on the detailed field survey, information and assessment, the following provides a summary by Conacher Pty Ltd: • The threatened flora species, Angophora inopina, Grevillea parviflora subsp. parviflora, Melaleuca biconvexa and Tetratheca juncea, as listed within the EPBC Act(1999) and the TSC Act (1995), were observed within the subject site;

	• The threatened fauna species, Little Eagle, Squirrel Glider, Greater Broad-nosed Bat, Eastern Freetail-bat and Eastern False Pipistrelle, as listed within the TSC Act (1995), were observed within the subject site; • Two endangered ecological communities River-Flat Eucalypt Forest on Coastal Floodplains of the North Coast, Sydney basin and South East Corner bioregions and Swamp Sclerophyll Forest on Coastal Floodplains of the NSW North Coast, Sydney Basin and South East Corner Bioregions, as listed within the TSC Act (1995), were observed within the subject site; • No endangered populations listed within the TSC Act (1995) were observed on the subject site; • The migratory fauna species, White-throated Needletail, Rufous Fantail, and Blackfaced Monarch, as listed within the EPBC Act (1999), were observed within the subject site; • The proposed development is not likely to have a significant effect on threatened species, populations, endangered ecological communities or their habitats; • A Species Impact Statement should not be required for the proposed development; • It is considered that a referral of this rezoning proposal to the Department of Sustainability Environment, Water, Population and Communities (SEWPaC) is not required. It is proposed that loss of biodiversity will be offset through rehabilitation and environmental management works on-site as well as transfer of high value land to a conservation zone. Consultation has occurred with the Office of Environment and Heritage (OEH), which is of the view that the biodiversity loss can be managed on-site. Bushfire Conacher advises that the Council's Bushfire Prone Land Map for the development site shows the site is predominately located within a 100-metre buffer area to Category 1 vegetation.
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Bushfire Prone Land (Source: Conacher 2012)

The subject site is located within the Lake Macquarie City Council Local Government Area in the Greater Hunter Region. The Forest Fire Danger Index for the Greater Hunter Region is rated at 100 for use in determining asset protection zone requirements and categories for bushfire attack.

Vegetation within the site and adjoining areas consists of cleared land, forest, or remnant vegetation for bushfire hazard assessment purposes. The vegetation along the Jigadee Creek drainage line and adjoining area is assessed as forest vegetation.

Asset Protection Zone and Bushfire Hazard Management

The proposed development has a bushfire threat located within 140 metres to the west. Therefore a bushfire separation distance of at least 15 metres is recommended to the bushfire hazard for commercial buildings. This defensible space (alternative to Asset Protection Zone) is to be within the development footprint in all directions. It is considered that the gardens and curtilage areas of future development should be maintained to the same standards as an Inner Protection Area (IPA) in accordance with the description in PBP (RFS, 2006).

	The proposed development will be an isolated development surrounded by undeveloped rural or bushland areas. It is most likely that fire appliances will operate from hydrants located within the developed areas of the site using water from the local reticulated system. Future development will benefit from direct ingress and egress routes to the F3 Freeway. There are also areas within the existing development such as car parking areas, lawns and other open areas that will enable adequate access and turning areas for fire appliances. The direct ingress and egress route will enable the safe evacuation of people while simultaneously enabling access for emergency services if required ongoing consultation will be required with the Rural Fire Service and the NSW Fire Brigade to confirm the suitability of the proposed access/egress system.
Will the LEP be compatible/ complementary with surrounding land uses? What is the impact on amenity in the location and wider community? Will the public domain improve?	The proposal is complementary to the function of the F3 Freeway, and will support increasing use of the Freeway as growth occurs in the region. Subsequent development on the site is likely to be typical of a highway service centre. There are options available either for the proposal to be integrated with the local road network and community, or for the development to remain separated. This, and the design of subsequent development on the subject land, will be considered further upon assessment of a development application for the proposed development.
Will the proposal increase choice and competition by increasing the number of retail and commercial premises operating in the area?	The proposal will support a second service centre along the F3 Freeway, which will provide additional competition to the F3 Freeway service centre at Warnervale.
If a stand-alone proposal and not a centre, does the proposal have the potential to develop into a centre in the future?	The proposal (in conjunction with the southbound site) is a one-off stand-alone proposal, and is not likely to develop into a centre in the future.
What are the public interest reasons for preparing the draft plan? What are the implications of not proceeding at that time?	The proposal will provide an additional service centre along the F3 Freeway, which will support increasing traffic volumes as growth in the region occurs and will generate additional jobs for the local community.

B. Relationship to strategic planning framework

1. Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

The proposal will play a role in supporting the increasing use of the Freeway as growth in the region occurs. The Lower Hunter Regional Strategy (LHRS) indicates an expected population growth of 160,000 people, translating to an anticipated demand for 66,000 jobs by 2031. It is likely that the F3 Freeway will remain a primary transport route, linking the region to Sydney and providing a thoroughfare for the north coast. The proposal will support the

ongoing role of the Freeway in providing efficient transportation within and through the region, including supporting the development of the identified future freight hub and employment lands.

2. Is the planning proposal consistent with the local council's Community Strategic plan, or other local strategic plan?

The following assessment of the proposal has been undertaken against the Strategic Directions of Council's Lifestyle 2020 Strategy:

A City Responsive to its Environment

The part of the site subject to the proposed development has experienced some disturbance from previous use of the land. 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. The Flora and Fauna Assessment identified that:

'the proposal will require the removal or modification of relatively small areas of suitable habitat for the threatened flora species A. inopina, G. parviflora, T. juncea, Little Eagle, Squirrel Glider, Eastern False Pipistrelle, Eastern Freetail-bat and Greater Broad-nosed Bat' (see Figure 5 & 6).

The final design and associated extent of vegetation clearing will need to be considered further as part of the development assessment process for the proposed development.

The proposal provides further support to the existing Freeway transport corridor. It is believed that the proposal is appropriate to support increased freeway traffic, as growth continues in the region.

Design measures will need to be implemented to mitigate environmental impacts resulting from the development. These will be assessed following the LEP amendment. The subject land is capable of supporting the proposed development; however, further consideration is necessary regarding the management of threatened species and biodiversity loss and the preparation of a Biodiversity Offsets Strategy. The subsequent development resulting from the LEP amendment will be assessed on its merits upon submission of a development application.

A Well Serviced and Equitable City

The development of the land for the proposed use will provide additional employment opportunities in the local area, while providing services to people travelling through the local government area. The proposal is a stand-alone development that is not related to the establishment of town centres or connectivity within neighbourhoods, and it is intended that the proposed development will be accessible only from the Freeway (although this will be assessed upon receiving a development application for the proposed development).

A Well Designed and Liveable City

The specific design and siting of the development proposed will be considered upon receiving a development application, however, the concept design indicates that the development will be positioned to minimise environmental impacts while meeting engineering and design requirements for Freeway access and egress.

A City of Progress and Prosperity

The Freeway is the primary transport corridor in the region and an increased traffic volume is expected as regional growth continues. The proposal will contribute to the ongoing function of the Freeway as the primary transport corridor, which will provide support for other investment in the region. The proposal will also lead to employment opportunities directly by providing jobs to the local community.

An Easily Accessible City

It is important to ensure that appropriate services are available to traffic using the Freeway, and to ensure its ongoing efficiency as the primary transport corridor in the region. The proposal will provide for the needs of freeway users, and provide a benefit to Lake

Macquarie City's economy by capturing some trade from Freeway users that would otherwise occur at the service centres located at Warnervale or Beresfield.

3. Is the planning proposal consistent with applicable state environmental planning policies?

An assessment has been undertaken to determine the level of consistency the proposal has with relevant State Environmental Planning Policies (SEPPs). The assessment is provided below.

SEPPs	Relevance	Implications
SEPP 1 – Development Standards	The SEPP provides for flexibility of development standards where justified.	SEPP 1 will be replaced by clause 4.6 of the Standard Instrument LEP. The development process will be more efficient and the intent clearer if subdivision provisions are included in the additional development section of the LEP.
SEPP 33 – Hazardous and Offensive Development	The SEPP aims to ensure that a consent authority is adequately informed and has sufficient information to effectively assess an application for development, and to minimise adverse impacts associated with the development.	The SEPP will need to be considered upon submission of a subsequent application for development. Further investigations will be necessary to support development of the site in this regard, however, these are not considered necessary for the Planning Proposal to proceed.
SEPP 44 – Koala Habitat Protection	The SEPP aims to provide proper conservation and management of Koala habitat by requiring the identification, conservation, and management of actual and potential Koala habitat.	The detailed flora and fauna investigation of the site observed that the subject site is considered to contain suitable habitat for this species, however this species was not observed within the subject site during surveys. The proposed development is not likely to have an adverse effect on the life cycle of the species such that a viable local population of the species is likely to be placed at risk of extinction. Any loss of biodiversity will be offset through on-site rehabilitation and improvement works.
SEPP 55 – Remediation of Land	The SEPP requires the subject land to be suitable for its intended use in terms of the level of contamination, or where the land is unsuitable due to the level of contamination, remediation measures are required to ensure that the subject land is suitable for its intended use.	Investigations will be necessary to determine whether the subject land contains contaminants due to prior land uses. Where contaminants are identified, remediation will be required in accordance with State Government guidelines and regulations prior to development occurring. At the development application stage, details will

SEPPs	Relevance	Implications
		also be required regarding contamination prevention measures.
SEPP 64 – Advertising and Signage	The SEPP aims to ensure that signage and advertising, particularly in road corridors, in appropriate to the location and setting of a proposed development.	The SEPP will need to be considered in the design and assessment of any subsequent application for development of the subject land.
SEPP (Infrastructure) 2007	The SEPP aims to provide a consistent planning regime for the delivery of infrastructure. It also provides provision for consultation and assessment.	Development resulting from the proposal is not likely to require implementation of the provisions of the SEPP.
SEPP (Mining, Petroleum Production and Extractive industries) 2007	The SEPP aims to manage the development of land for mining, petroleum, and extractive development in a manner that provides social and economic welfare of the State, and provides controls to promote ecologically sustainable development.	The subject land is not within a Mine Subsidence District.

4. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

An assessment has been undertaken to determine the level of consistency the proposal has with relevant Ministerial Directions. The assessment is provided below.

Ministerial Direction	Relevance	Consistency
1.1 – Business and Industrial Zones	Aims to ensure a draft LEP maintains and protects business and industrial lands and that new zones are established in accordance with strategic policy directions.	N/A
1.2 – Rural Zones	Aims to protect agriculturally productive land by preventing a draft LEP from rezoning land from rural to an urban land use, or intensifying the permissible density of rural land; unless it is consistent with a Department of Planning regional strategy or justified with concurrence from the Director-General.	The Planning Proposal is not proposing to rezone the part of the site subject to the proposed development, however, it will facilitate the development of the site for a service centre, which is considered a more intense land use. This is not consistent with the Direction; however, the proposal is not inconsistent with the objective of the Direction, which is to protect the agricultural production value of rural land. In this regard, the inconsistency is considered to

Ministerial Direction	Relevance	Consistency
		be of minor significance. The subject land is underutilised for agricultural production, and much of the site is vegetated and of high biodiversity value. The proposed use will create local employment opportunities and provide additional services to motorists as growth occurs in the region, and use of the Freeway increases. The proposed subdivision of the land will not result in an increase in density of development. The LEP amendment will need to ensure that the subdivision of residual land will not add to the residential development potential of that residual land. Concurrence is sought from the Director-General regarding this direction.
1.3 – Mining, Petroleum Production & Extractive Industries	Aims to ensure that the future extraction of State or regionally significant reserves of coal, other minerals, petroleum and extractive materials are not compromised by inappropriate development.	This direction is not applicable , as the proposed development will not prohibit the mining of coal or other minerals, production of petroleum, or winning or obtaining of extractive materials, or affect future extraction of State or regionally significant reserves. The Department of Primary industries will be consulted to confirm this.
1.4 – Oyster Aquaculture	Aims to protect Priority Oyster Aquaculture Areas that may be affected by a draft LEP by requiring oyster aquaculture leases to be identified, as well as identification of land uses that may impact on oyster aquaculture activities, and the implementation of measures to mitigate land use conflict. Also requires consultation with the Director-General of the Department of Primary Industries.	N/A
1.5 – Rural Lands	Aims to protect agricultural production land by requiring a draft LEP affecting rural or environmental protection zones (including changes to minimum lot sizes) to be consistent with the	N/A

Ministerial Direction	Relevance	Consistency
	<i>Rural Planning Principles</i> and the <i>Rural Subdivision Principles</i> listed in the SEPP (Rural Lands) 2008.	
2.1 – Environmental Protection Zones	Aims to protect and conserve environmentally sensitive land by requiring appropriate provisions in a draft LEP and no reduction in environmental protection standards.	The proposal is consistent with this direction. High value conservation land will be preserved or offset to provide an 'improve or maintain' condition.
2.2 – Coastal Protection	Aims to protect the environment and character of coastal areas by requiring a draft LEP to include provisions that are consistent with State Government coastal policy documents.	N/A
2.3 – Heritage Conservation	Aims to conserve items of environmental heritage by requiring a draft LEP to include provisions to facilitate the protection and conservation of Aboriginal and European heritage items.	The proposal is consistent with this Direction. Part of the subject land falls within the identified Sensitive Aboriginal Cultural Landscape. As such, an Aboriginal Heritage Impact Assessment is considered necessary to support the proposal. (see Figure 7).
2.4 – Recreation Vehicle Areas	Aims to protect sensitive land or land with significant conservation values from adverse impacts of recreation vehicles by prohibiting a draft LEP from enabling of a recreation vehicle area in environmentally sensitive locations, and requiring certain matters to be considered in other locations.	The proposal is consistent with this Direction and does not include a recreation vehicle area.
3.1 – Residential Zones	Aims to facilitate housing choice, efficient use of infrastructure, and reduce land consumption on the urban fringe by requiring certain provisions in a draft LEP.	N/A
3.2 – Caravan Parks and Manufactured Home Estates	Aims to provide opportunities for caravan parks and manufactured home estates by requiring a draft LEP to maintain provisions and land use zones that allow the establishment of Caravan Parks, and to take into account SEPP 36 when identifying zones and locations for Manufactured Home Estates.	The proposed amendment is consistent with this Direction, does not affect opportunities for caravan parks or Manufactured Home Estates, and is not applicable to this proposal.
3.3 – Home	Aims to encourage low impact	The proposed amendment does

Ministerial Direction	Relevance	Consistency
Occupations	small businesses in dwelling houses by requiring a draft LEP to permit home occupations without consent.	not relate to dwelling houses and is not applicable to this proposal.
3.4 – Integrating Land Use and Transport	Aims to improve access to housing, jobs and services, increase transport choice and reduce motor vehicle use by requiring a draft LEP to be consistent with <i>Improving Transport Choice- Guidelines for Planning and Development</i> , and <i>The Right Place for Business- Planning Policy</i> .	N/A
3.5 – Development Near Licensed Aerodromes	Aims to ensure the safe operations of aerodromes, ensure their operation is not compromised by development, and to ensure noise mitigation measures in residential areas affected by aircraft noise by requiring draft LEP preparation to include consultation with the Department of the Commonwealth responsible for aerodromes, as well as the implementation of development controls to mitigate land use conflict and noise impacts.	N/A
3.6 – Shooting Ranges	Aims to maintain public safety and minimise land use conflict associated with shooting ranges.	N/A
4.1 – Acid Sulfate Soils	Aims to manage adverse impacts arising from the presence of acid sulfate soils by ensuring that Council considers the affect of development on land identified as having a probability of containing acid sulfate soils; and requiring that a draft LEP be consistent with the Acid Sulfate Soils Model Local Environmental Plan; and a range of other matters.	N/A
4.2 – Mine Subsidence and Unstable Land	Aims to ensure development is appropriate for the potential level of subsidence. The direction requires consultation with the Mine Subsidence Board where a draft LEP is proposed for land within a mine subsidence district.	N/A
4.3 – Flood	Aims to ensure that LEP provisions are commensurate	N/A

Ministerial Direction	Relevance	Consistency
Prone Land	with flood risk and consistent with the NSW Flood Prone Land Policy and Floodplain Development Manual. Applies where the draft LEP will affect provisions to flood prone land.	
4.4 – Planning for Bushfire Protection	Aims to reduce risk to life and property from bushfire. Requires an LEP to have regard for <i>Planning for Bushfire Protection</i> , amongst other matters. Applies to land that has been identified as bushfire prone, and requires consultation with the NSW Rural Fire Service, as well as the establishment of Asset Protection Zones.	The proposal is consistent with this Direction. The site contains land identified as bushfire prone land, and Asset Protection Zones will be required. Water supply for fire fighting purposes can be provided, and there is capability to provide a secondary access to the site, although this may only be used for emergency purposes.
5.1 – Implementation of Regional Strategies	Aims to give legal effect to regional strategies, by requiring draft LEPs to be consistent with relevant strategies. The direction requires a draft amendment to be consistent with the relevant State strategy that applies to the Local Government Area.	The proposal is not of a scale to be specifically identified in the Lower Hunter Regional Strategy, however, as growth in the region occurs, the proposal will provide some employment opportunities, and will support increased use of the F3 Freeway. The proposal is consistent with the Strategy in this regard.
5.2 – Sydney Drinking Water Catchments	Aims to protect water quality in the Sydney drinking water catchment.	N/A
5.3 – Farmland of State and Regional Significance on the NSW Far North Coast	Aims to maintain agricultural land for future generations and to minimise land use conflicts relating to agricultural activities.	N/A
5.4 – Commercial and Retail Development along the Pacific Highway, North Coast	Aims to manage retail and commercial development along the Pacific Highway.	N/A
5.5 – Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA)	(Revoked 18 June 2010)	N/A
5.6 – Sydney to Canberra Corridor	(Revoked 10 July 2008)	N/A

Ministerial Direction	Relevance	Consistency
5.7 – Central Coast	(Revoked 10 July 2008)	N/A
5.8 – Second Sydney Airport: Badgerys Creek	Aims to avoid incompatible development within the vicinity of the proposed second Sydney airport.	N/A
6.1 – Approval and Referral Requirements	Prevents a draft LEP from requiring concurrence from, or referral to, the Minister or a public authority unless approval is obtained from the Minister and public authority concerned. Also restricts the ability of a Council to identify development as designated development without the Director General's agreement.	The draft amendment is consistent with this requirement and does not propose to require concurrence or referrals, and does not identify development as designated development.
6.2 – Reserving Land for Public Purposes	Aims to facilitate the reservation of land for public purposes, and to facilitate the removal of such reservations where the land is no longer required for acquisition. A Council must seek the Minister's or public authority's agreement to create, alter, or reduce existing zonings or reservations in an LEP. A Council can also be requested to rezone or remove a reservation by the above.	This Direction is not applicable to this proposal and will not have implications for public land reservations.
6.3 – Site Specific Provisions	Aims to reduce restrictive site-specific planning controls where a draft LEP amends another environmental planning instrument in order to allow a particular development proposal to proceed. Draft LEPs are encouraged to use existing zones rather than have site-specific exceptions.	The proposal is not consistent with this direction, however, it is considered to be of minor significance. The subject land is appropriate for providing the very specific use of a service centre to support the ongoing function of the F3 Freeway as the primary regional transport corridor, however, broader uses that would be supported by applying an existing zone and associated uses in the land use table, may lead to inappropriate use of the site. An enabling clause is the only appropriate path in facilitating the proposed service centre. The Director-General's advice is sought in this regard.
7.1 – Implementation	Aims to give legal effect to the Metropolitan Plan for Sydney	N/A

Ministerial Direction	Relevance	Consistency
of the Metropolitan Plan for Sydney 2036	2036.	

C. Environmental, social and economic impact

1. 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 Conacher Environmental Group Flora and Fauna Assessment identified threatened flora species, *Angophora inopina*, *Grevillea parviflora* subsp. *parviflora*, *Melaleuca biconvexa* and *Tetratheca juncea*, as listed within the EPBC Act (1999) and the TSC Act (1995). It also identified threatened fauna species, Little Eagle, Squirrel Glider, Greater Broad-nosed Bat, Eastern Freetail-bat and Eastern False Pipistrelle, as listed within the TSC Act (1995). Furthermore, the migratory fauna species, White-throated Needletail, Rufous Fantail, and Blackfaced Monarch, as listed within the EPBC Act (1999), were observed within the subject site.

Two endangered ecological communities River-Flat Eucalypt Forest on Coastal Floodplains of the North Coast, Sydney basin and South East Corner bioregions and Swamp Sclerophyll Forest on Coastal Floodplains of the NSW North Coast, Sydney Basin and South East Corner Bioregions, as listed within the TSC Act (1995), were observed within the subject site, however, these are outside the proposed development footprint.

Further flora and fauna investigations will be necessary regarding the species identified on-site and to inform the management of biodiversity and preparation of a Biodiversity Offsets Strategy to achieve an 'improve or maintain' condition.

OEH have advised that loss of biodiversity could be offset through environmental management and improvement works. The proponent has indicated this intention and will prepare a specific biodiversity offsets strategy in consultation with OEH and Council.

2. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

In addition to the management of biodiversity, further studies are necessary to support the proposal. The part of the site subject to the concept design is relatively elevated, however, there is a drainage line and dam on the site. A hydrology investigation will be necessary to determine the potential impact of the proposal on hydrological characteristics.

A bushfire assessment has been completed for the subject land that determined that an adequate defendable space could be provided within the proposed development footprint. The proposal will be referred to the Rural Fire Service to ensure that it will comply with relevant guidelines.

Technical studies, together with community and public authority consultation, will investigate the potential for other likely environmental effects arising from the Planning Proposal and explore options for the mitigation and management of any environmental effects. The proponent has indicated that further studies that are relevant to this Planning Proposal should address:

- Water and wastewater infrastructure
- Drainage and hydrology
- Traffic and transport
- Contamination

- Soils and erosion hazard
- Ecology
- Landscape and visual character

Further detail will be provided in later iterations of the Planning Proposal as the studies progress.

How has the planning proposal adequately addressed any social and economic effects?

Internal consultation has been undertaken and studies have been completed to assess social and economic implications. The proposal will support the ongoing role of the Freeway as growth continues in the region, and will provide employment opportunities to the local community. The proponent has indicated that the development of the northbound site will provide 236 construction jobs, 50 on-going jobs, and 42 jobs through the multiplier effect (indirect employment opportunities).

Concern has been raised about possible noise impacts on nearby residences and future residences on recently rezoned residential land at Cooranbong. A noise and vibration assessment will be necessary to ensure that any potential impacts are manageable and to identify mitigation measures.

The subject land falls within the Sensitive Aboriginal Cultural Landscape. As such, an Aboriginal Heritage Impact Assessment will be necessary to identify potential impacts and to provide management options to mitigate any adverse effects.

Economic and retail analysis reports submitted by the proponent have demonstrated the feasibility of the proposed development, and consultation with specialist staff indicated demand for a second service centre on the Freeway.

D. State and Commonwealth interests

1. Is there adequate public infrastructure for the planning proposal?

An Infrastructure Services report prepared by Cardno indicates that adequate services are available to support the proposed development. The report examined potable water services, sewer services, electrical, telecommunications, natural gas, and traffic in consultation with relevant service authorities.

The developer has advised that the costs of servicing the site have been examined, and the proposed development is feasible.

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

The requirement for consultation with State and Commonwealth public authorities will be undertaken as directed by the Gateway determination. It is proposed that consultation will occur with the following agencies:

- Department of Planning and Infrastructure
- Roads and Maritime Services
- Destination NSW
- Hunter Water Corporation
- Ausgrid
- Trade and Investment

- Office of Environment and Heritage
- Hunter Central Rivers Catchment Management Authority
- Department of Primary Industries
- Transgrid
- Rural Fire Service

Roads and Maritime Services (RMS) has advised that the concept design regarding the access ramps for the proposal are satisfactory, however, these comments are preliminary only. Further advice will be required as the matter progresses. Further consultation will be undertaken with RMS following a Gateway determination.

OEH has advised that an Aboriginal heritage should be considered through further investigation to identify any possible impacts of the proposal. OEH has also advised that the proposal will need to meet the 'improve or maintain' principle in terms of biodiversity, which could be managed through offsetting and environmental management and rehabilitation works.

Part 4 – Details of Community Consultation

There has been no previous public consultation regarding this planning proposal. Council's preference is for a minimum public exhibition period of 28 days. 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.



Figure 1: Subject Land Locality Map



Figure 2: Aerial Photograph (source: Elton Consulting Planning Proposal May 2012)

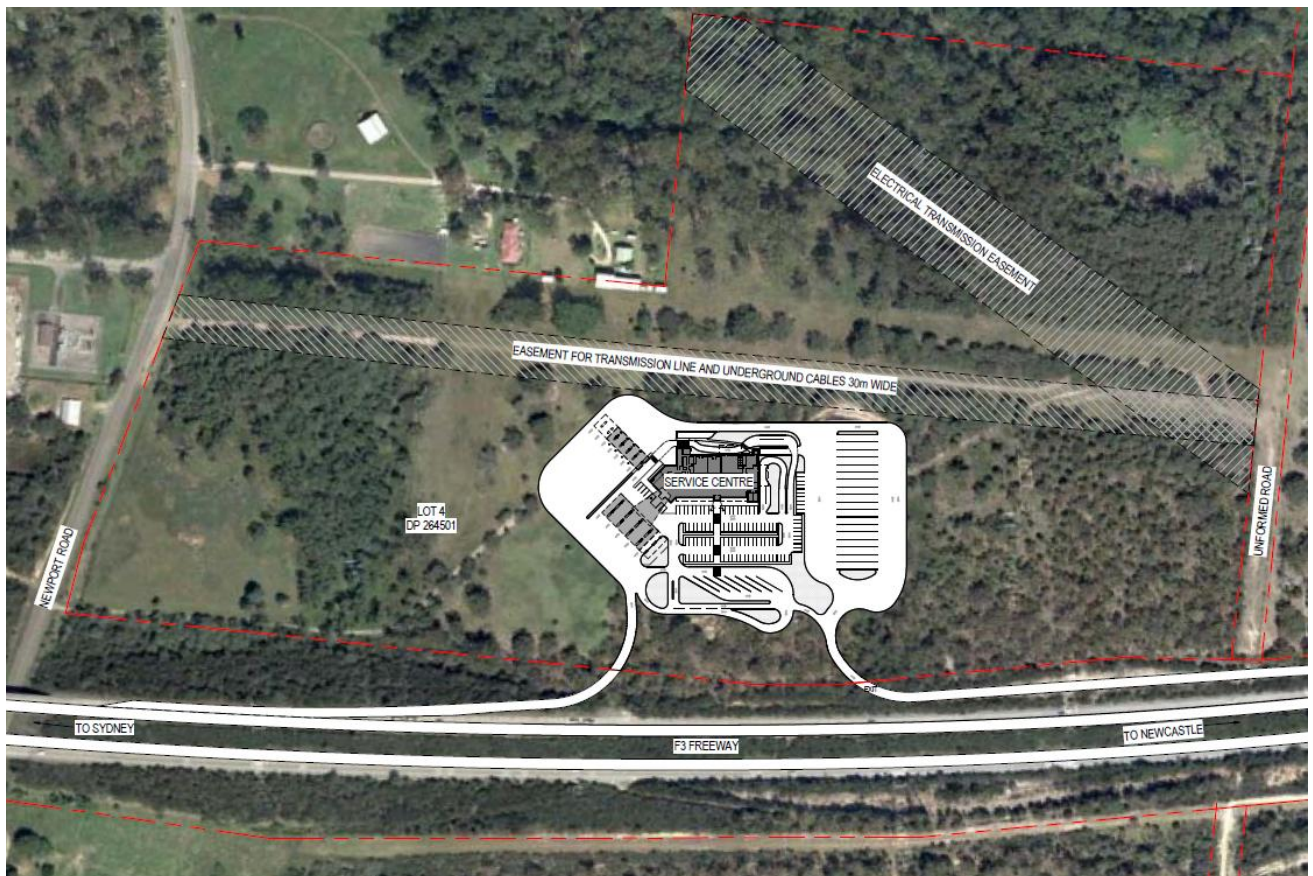


Figure 3: Concept Plan for Proposed Service Centre (source: Elton Consulting Planning Proposal May 2012)

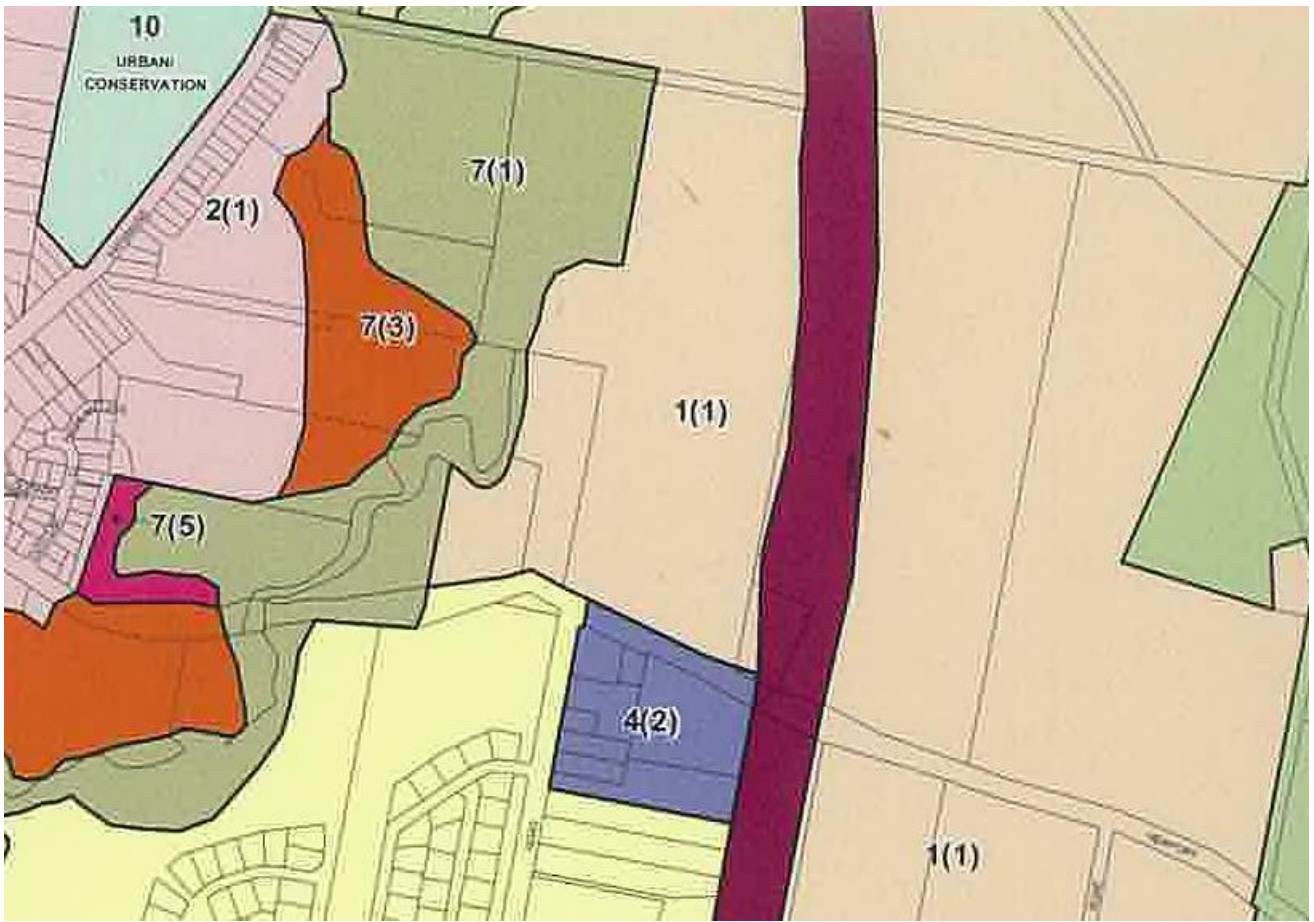
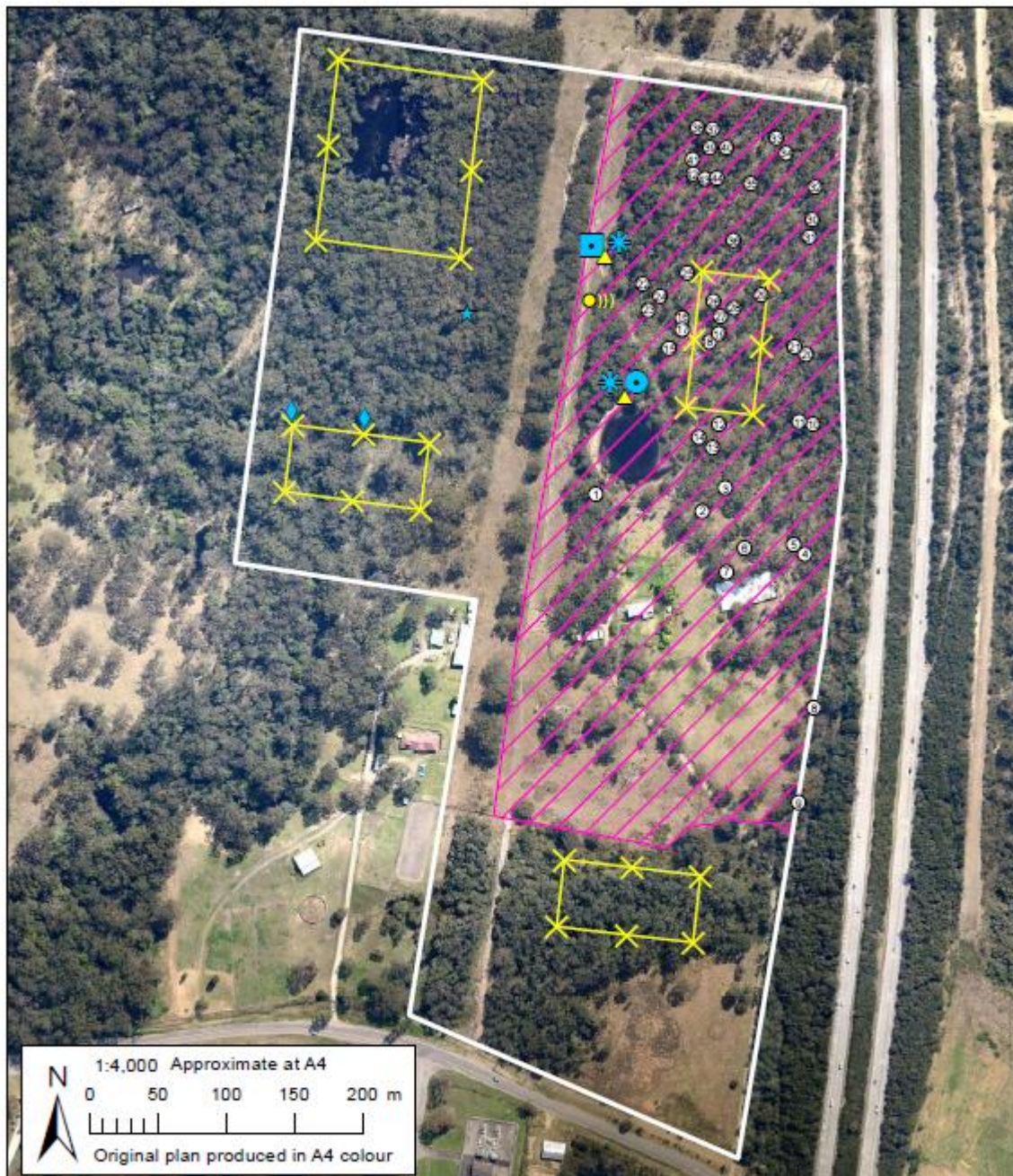


Figure 4: Existing Zone Distribution LMLEP 2004



*Subject Site boundary subject to final survey. Plan for indicative purposes only. Not for detailed measurement.



Figure 6: Distribution of Threatened Fauna (source: Conacher 2012)



Figure 7: Sensitive Aboriginal Cultural Landscape Map

Site Images – Part of site that will be subject to development consistent with concept plan





