



Planning,
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IRF21/3103

Gateway determination report – PP-2021-3868

Liberty Service Station Redevelopment – 24-28 Glen Innes Road & 1-7
Chester Street, Inverell

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Table 1 Reports and plans supporting the proposal

Relevant reports and plans
Attachment A – Inverell Shire Council Planning Proposal – version 2 (July 2021)
Attachment B – Gateway Determination
Attachment C – Letter to Council

1 Planning proposal

1.1 Overview

Table 2 Planning proposal details

LGA	Inverell Shire
PPA	Inverell Shire Council
NAME	Liberty Service Station Redevelopment (0 homes, 9 jobs)
NUMBER	PP-2021-3868
LEP TO BE AMENDED	Inverell LEP 2012
ADDRESS	24-28 Glen Innes Road and 1-7 Chester Street, Inverell
DESCRIPTION	Lot 1 DP 322074, Lot 1 DP 666824, Lot 1 DP 334109, Lot 2 DP 322074, Lot 3D DP 360441, Lots 1 and 2 DP 326225
RECEIVED	27/07/2021
FILE NO.	IRF21/3103
POLITICAL DONATIONS	There are no donations or gifts to disclose and a political donation disclosure is not required
LOBBYIST CODE OF CONDUCT	There have been no meetings or communications with registered lobbyists with respect to this proposal

1.2 Objectives of planning proposal

The objective of the planning proposal is to enable the redevelopment and expansion of an existing service station / rural supplies business at 24-28 Glen Innes Road and 1-7 Chester Street, Inverell.

The planning proposal contains objectives and intended outcomes that adequately explain the intent of the proposal.

1.3 Explanation of provisions

The planning proposal seeks to amend the Inverell Local Environmental Plan (LEP) 2012 as it applies to Lot 1 DP 322074, Lot 1 DP 666824, Lot 1 DP 334109, Lot 2 DP 322074, Lot 3D DP 360441, Lot 1 DP 326225, Lot 2 DP 326225 and adjoining Council road reserve (Figure 2) to:

- change the land zoning from R1 General Residential to B1 Neighbourhood Centre (Figure 4);
- remove the minimum lot size control (Figure 5); and
- include in Schedule 1 'specialised retail premises' as an additional permitted use with consent on the subject site.

The planning proposal contains an explanation of provisions that adequately explains how the intent of the proposal will be achieved.

1.4 Site description and surrounding area

Located at the south eastern approach to the Inverell town centre (Figure 1) the 4,720 square metre (sqm) site comprises seven lots and has frontage to Glen Innes Road (Gwydir Highway) to the south, Chester Street to the west and Chester Lane to the east (Figure 2).

The land is currently zoned part B1 Neighbourhood Centre and part R1 General Residential (Figure 3) and a minimum lot size of 450 square metres (sqm) applies to the Zone R1 land. No other development standards apply.

Existing land uses include a service station (24-26 Glen Innes Road), a former veterinary clinic (28 Glen Innes Road) and four (4) dwellings, one of which (No 3 Chester Street) is listed in Schedule 5 to the Inverell LEP 2012 as an item of local heritage significance.

The site is surrounded by a variety of land uses. To the east is a motel and residential dwellings. Three residential dwellings adjoin the northern site boundary. To the west is an equivalent area of Zone B1 comprising storage units, a firearms shop, warehousing, concrete supplies, electrical repair business and more residential dwellings. Adjacent and on the southern side of Glen Innes Road is the Inverell East Bowling Club and a caravan park.



Figure 1 Locality plan (source: ePlanning Spatial Viewer)



Figure 2 Subject site (source: ePlanning Spatial Viewer)

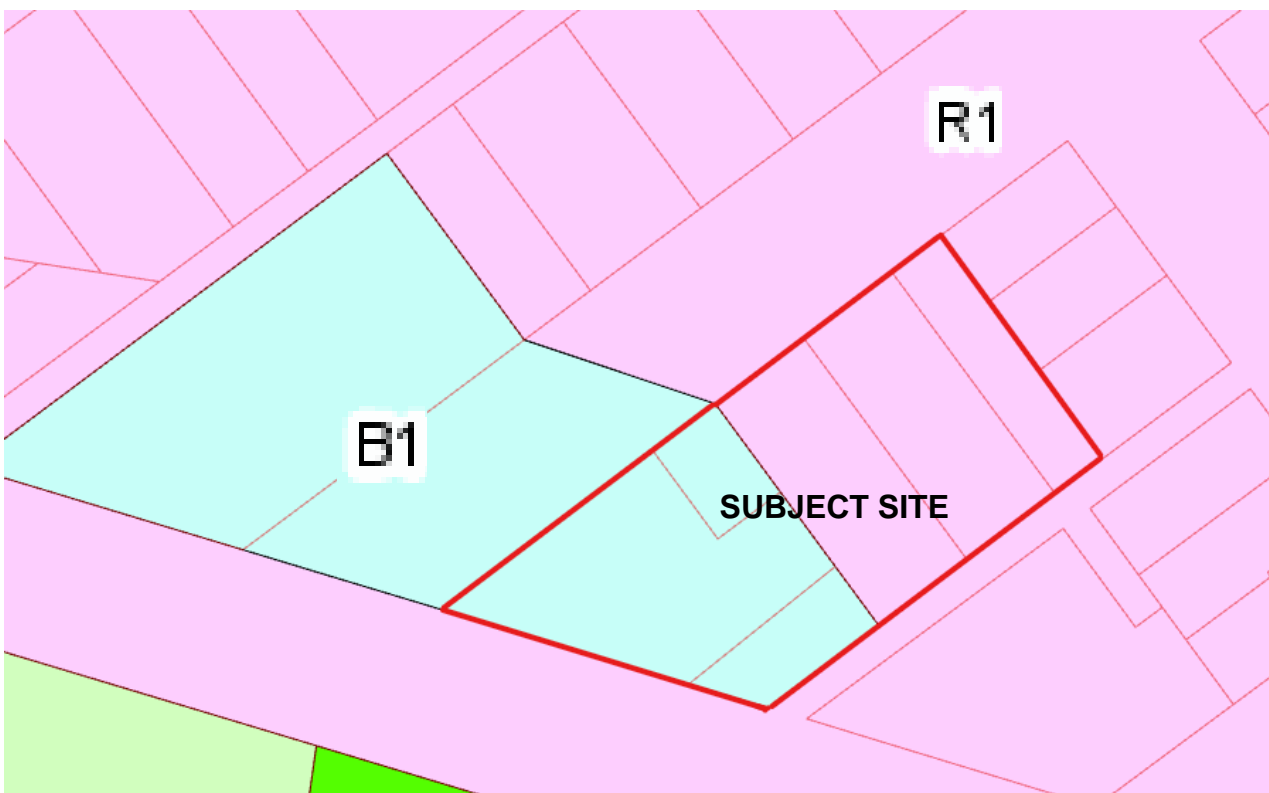


Figure 3 Current land zoning (source: ePlanning Spatial Viewer)

1.5 Mapping

The planning proposal includes map extracts which adequately show the site and the proposed changes to the land zoning and minimum lot size maps (Figures 4 & 5).

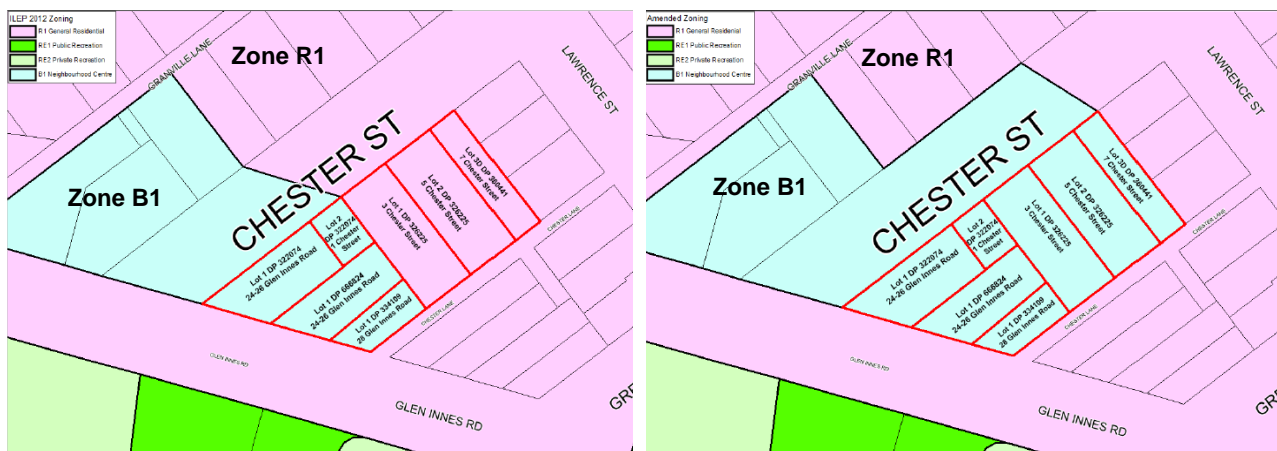


Figure 4 – Current and proposed zoning (source: Planning Proposal)



Figure 5 - Current and proposed minimum lot size (source: Planning Proposal)

The final maps will need to be prepared in accordance with the Department's technical guidelines for standard instrument mapping prior to the plan being made.

2 Need for the planning proposal

The planning proposal is not the result of any strategic study or report.

The need for the proposal has arisen due to the imminent construction of a roundabout at the intersection of Glen Innes Road (Gwydir Highway), Tingha Road and Chester Street (Figure 6) in 2022. Due to resultant land acquisition and access limitations, the existing service station and rural supplies business requires redevelopment and is unable to be located within in the current B1 zone footprint.



Figure 6 - Indicative roundabout upgrade (source: Planning Proposal - Traffic Assessment)

Whilst it is clear that extending the B1 zone will enable reconfiguration, expansion and retention of the existing service station use, the planning proposal lacks clarity with regard to the need for an APU to permit 'specialised retail premises' on the site.

From discussions with Council staff, it is understood that the APU is needed to permit a proposed rural produce retail outlet that does not fall strictly within the definition of 'rural supplies' which is a permissible use in the B1 zone due to the sale of certain other bulky goods items. The APU is required to apply to the whole of the site to provide flexibility in finalising a development concept upon rezoning. It is also required as the existing use rights that apply to the current site for the sale of these items do not extend and cover the new footprint that will be required due to the relocation of the business associated with the roundabout construction.

It is recommended that the planning proposal be amended prior to public exhibition to:

- provide a clear plain English explanation of the need for the APU; and
- remove references which suggest that the service station use is defined as 'specialised retail premises'.

The planning proposal which has been initiated by the proponent and is supported by Council and is considered the best means of achieving the intended outcomes of the proposal.

3 Strategic assessment

3.1 Regional Plan

The following table provides an assessment of the planning proposal against relevant aspects of the New England North West Regional Plan 2036.

Table 1 – Regional Plan assessment

Regional Plan Objectives	Justification
Direction 7: Build strong economic centres	<p>This Direction requires that new commercial precincts, outside of centres, be of an appropriate size and scale relative to the area they will be servicing to deliver positive social and economic benefits for the wider community and maintain the strengths of the regional economy.</p> <p>The proposed minor extension to the existing B1 Neighbourhood Centre zone is not expected to directly compete with the Inverell CBD and will enable retention and upgrade of the existing service station / rural supplies business together with potential new commercial activities and employment opportunities to support the local community. An economic impact assessment has been prepared to support the proposal and confirms that no significant adverse impact is anticipated.</p>
Direction 24: Protect the region's historic heritage assets	<p>This Direction requires that the region's heritage items be protected and where impacts from development cannot be avoided, proposals that reduce impacts through sympathetic design be developed in accordance with relevant statutory processes.</p> <p>The site includes an item of local heritage significance at 3 Chester Street (Lot 1 DP 326225), which is an example of an interwar brick Californian Bungalow style dwelling, dating from approximately the 1920s. The proposal envisages the demolition of this item under a separate development application process, to enable redevelopment of the entire site. A Statement of Heritage Impact supporting demolition has been submitted with the planning proposal. Council's heritage advisor has reviewed the proposal and raised no objection to the potential demolition noting the unsympathetic alterations and additions that have occurred to the building and also subject to an archival record being made prior to demolition.</p> <p>It is recommended that as a condition of the Gateway determination consultation occur with Heritage NSW to confirm the suitability of the proposal. This matter is discussed further under section 9.1 Direction 2.3 Heritage Conservation.</p>

3.2 Local

The proposal states that it is consistent with the following local plans and endorsed strategies. It is also consistent with the strategic direction and objectives, as stated in the table below:

Table 2 - Local strategic planning assessment

Local Strategies	Justification
Local Strategic Planning Statement (LSPS) 2020	The proposal is considered to be consistent with the themes and planning priorities contained within Council's LSPS, specifically, Priority 5 promote business and lifestyle opportunities.

Local Strategies	Justification
Inverell Community Strategic Plan 2009-2029	<p>The proposal aligns with Council's Community Strategic Plan as follows:</p> <ul style="list-style-type: none"> • Strategy B.04: Develop and promote the Shire as the place for business establishment. • Strategy B.07: Promote a competitive, dynamic, and progressive business environment that improves market value. • Strategy C.01: Facilitate the provision of a broad range of services and opportunities which aid the long-term sustainability of the community. • Strategy C.14: Provide opportunities for residents to gain employment.
Inverell Shire Strategic Land Use Plan 2011-2031	<p>The proposal is inconsistent with Council's Department endorsed local strategy which does not identify the expansion of the existing B1 Zone in this location. This inconsistency is considered to be of minor significance due to the small area of expansion proposed and the intent of the strategy which identifies the need to potentially accommodate large format retail sales outside of the town centre while also promoting infill development where possible.</p>

3.3 Section 9.1 Ministerial Directions

The planning proposal is consistent with all relevant section 9.1 Directions except as discussed below:

Table 3 - 9.1 Ministerial Direction assessment

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
1.1 Business and Industrial Zones	No – justifiably inconsistent	<p>The proposal is inconsistent as it rezones a new employment area that is not contained within a strategy approved by the Secretary of DPIE. This inconsistency is considered of minor significance as:</p> <ul style="list-style-type: none"> • The proposal is making only a minor extension to an existing employment area; • Council's Department endorsed local strategy identifies the need to potentially accommodate large format retail sales outside of the town centre while also promoting infill development where possible.

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
2.3 Heritage Conservation	No – justifiably inconsistent	<p>The proposal is inconsistent with this Direction as an item of local heritage significance (3 Chester Street, Inverell) is likely to be demolished to facilitate site redevelopment post rezoning.</p> <p>A Statement of Heritage Impact (SHI) submitted in support of the proposal found that although the item is an example of an inter-war California Bungalow style dwelling:</p> <ul style="list-style-type: none"> • it has been degraded by uncharacteristic extensions during the late 1980s; • it is situated only on the ‘the edge’ of a neighbourhood which includes many examples of historical houses; • insufficient evidence exists to firmly establish significant historical associations with an adjacent cordial factory; and • other examples of inter-war or brick bungalow houses are found locally and regionally across the New England region. <p>The report supports demolition subject to a set of digital archival images and the SHI being deposited with the Inverell library. Based on these findings, the inconsistency of the proposal with this Direction is considered to be minor.</p> <p>It is noted that the proposal does not seek to remove this item from the LEP heritage schedule. This is considered appropriate in case the proposal does not proceed and the building is not demolished. It is also noted that Council’s LSPS proposes further review of LEP heritage schedule in the medium-term which will enable any updating that is required at that time.</p> <p>Acknowledging that the item will likely be impacted and demolished as part of the site redevelopment, it is recommended that as a condition of the Gateway determination Council consult with Heritage NSW to confirm the suitability of the proposal.</p>
2.6 Remediation of Contaminated Land	Unresolved	<p>The subject site has been used for a variety of uses including a service station which is referred to in Table 1 of the Contaminated land planning guidelines.</p> <p>In accordance with the terms of Direction 2.6, rezoning may not occur unless land contamination has been considered and addressed as required.</p> <p>A Gateway condition is recommended requiring this investigation to be undertaken prior to public exhibition. Consistency with this Direction will remain unresolved until this occurs.</p>

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
3.1 Residential Zones	No - justifiably inconsistent	<p>This Direction seeks to encourage a variety and choice of housing types to provide for existing and future housing needs. The planning proposal is inconsistent with this Direction as it will affect land in a residential zone.</p> <p>While the proposal seeks to rezone the land from a residential to a business zone, this inconsistency is considered to be of minor significance as 'shop' top housing is permitted in the B1 zone and it is also noted that Inverell has a large supply of available residential land.</p>

3.4 State environmental planning policies (SEPPs)

The planning proposal is considered to be consistent with all relevant SEPPs.

4 Site-specific assessment

4.1 Environmental

It is not anticipated that the planning proposal will have any detrimental environmental impacts as the land has been developed for urban uses for many years.

In terms of potential for land use conflict, it is considered that the combination of the proposed B1 zone and relevant development controls in the Inverell Development Control Plan 2013 will limit future development to a complementary scale allowing potential impacts to be considered and addressed as required at the development application stage.

4.2 Social and economic

The proposal is expected to result in positive social and economic benefits by potentially generating greater job opportunities for local residents.

4.3 Infrastructure

No new or additional local or State infrastructure has been identified as being needed as a result of the proposal. The site is currently serviced by water, sewer, electricity, and telecommunications. Any future development application will need to consider infrastructure servicing requirements.

5 Consultation

5.1 Community

Council proposes a community consultation period of 28 days. The proposal is only of local significance and is generally consistent or justifiably inconsistent with the regional and local planning framework and a 14 day period is considered adequate for consultation purposes.

5.2 Agencies

The proposal does not specifically identify which agencies will be consulted. It is recommended the following agencies be consulted on the planning proposal:

- Heritage NSW

6 Timeframe

Council does not specify a timeframe to complete the LEP. The Department recommends a timeframe of 9 months to ensure it is completed in line with its commitment to reduce processing times. A condition to this effect is recommended in the Gateway determination.

7 Local plan-making authority

The proposal does not identify whether Council is seeking plan-making delegations. As the planning proposal is generally consistent or justifiably inconsistent with the regional and local planning framework, the Department recommends that Council be authorised to be the local plan-making authority for this proposal.

8 Assessment summary

The planning proposal is supported to proceed with conditions for the following reasons:

- the proposal is generally consistent with local and regional strategic planning policies;
- the proposal is expected to provide positive economic benefits with minimal environmental impacts; and
- the site specific issues can be adequately considered and managed at the development application stage.

Based on the assessment outlined in this report, the proposal must be updated before community consultation to:

- clarify the need for the APU;
- remove all reference to the service station use as 'specialised retail premises'; and
- include a preliminary site investigation for potential contamination confirming the suitability of the site for the proposal or any necessary remediation actions.

9 Recommendation

It is recommended the delegate of the Secretary:

- **Agree** that any inconsistencies with section 9.1 Directions 1.1 Business and Industrial Zones, 2.3 Heritage Conservation and 3.1 Residential Zones are minor; and
- **Note** that the consistency with section 9.1 Direction 2.6 Remediation of Contaminated Land is unresolved and will potentially require justification.

It is recommended the Director, as delegate of the Minister:

1. Note the planning proposal is to be updated prior to community consultation to:

- clarify the need for the APU;
- remove all reference to the service station use as 'specialised retail premises'; and

- include a preliminary site investigation for potential contamination confirming the suitability of the site for the proposal or any necessary remediation actions.
2. Consultation is required with the following public authorities:
 - Heritage NSW
 3. The planning proposal should be made available for community consultation for a minimum of 14 days.
 4. The timeframe for completing the LEP is to be nine (9) months from the date of the Gateway determination.
 5. Given the nature of the proposal, Council should be authorised to be the local plan-making authority.



12/8/21

(Signature)

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16/8/2021

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