

Gateway Planning Proposal

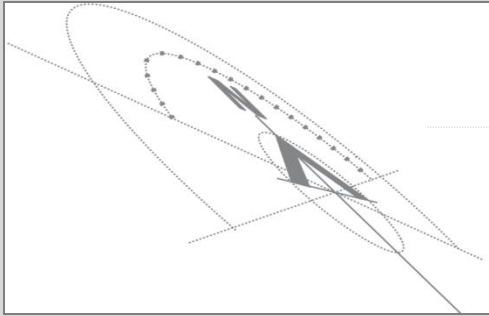
To Permit a Redevelopment of the Liberty Service Station in
Association with Additional Retail Services

ON BEHALF OF
McKINLAY ENTERPRISES PTY LTD

Site: 24 – 28 Glen Innes Road &
1 – 7 Chester Street, Inverell

Our Ref: 190225
Date: September 2021





Document Control Sheet

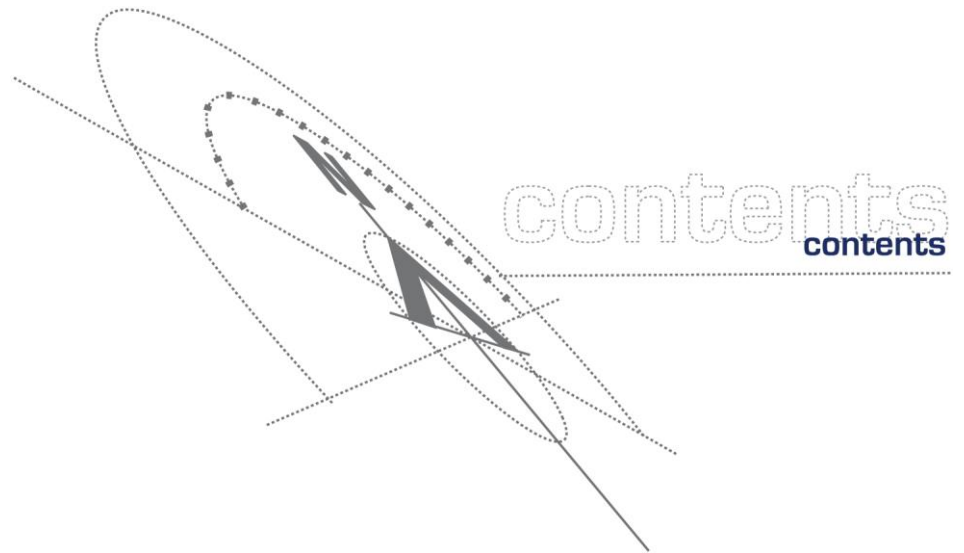
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1. Background

1.1 Summary of Project

Newton Denny Chapelle has been engaged by *McKinlay Enterprises Pty Ltd* to prepare a Planning Proposal for land identified in the below **Table 1**, being located at 24 – 28 Glen Innes Road and 1 – 7 Chester Street, Inverell.

As a result of the planned Gwydir Highway (i.e. Glen Innes Road), Bundarra Road, Chester Street roundabout, the Liberty Service Station will not be capable of continuing operation in its current form due to access and land acquisition matters. Accordingly, our clients are currently reviewing the development options for their land holding, in the context of redeveloping the service station and incorporating associated mixed use retail uses.

It is proposed that the redevelopment of the Service Station site will occur after Council completes the development of the roundabout.

In reviewing the development options, post the road acquisition (associated with the roundabout construction) and based on their landholdings, the opportunity exists to develop the selected land parcels for a mixed-use development. The development would incorporate, inter alia, a service station, and specialised retail premises.

The subject lands are illustrated in a local aerial photo context in **Plate 1**. The below **Table 1** outlines the subject lands, their current use and land zoning.



Plate 1: Aerial photo of the subject lands

Table 1: Land Holdings Subject to the Planning Proposal

Property Number	Subject Land	Current Land Use	Current Land Zoning
1	28 Glen Innes Road, Inverell – Lot 1 on DP 334109	(Previously a Vet Surgery)	B1 Neighbourhood Business
2	24 Glen Innes Road, Inverell – Lot 1 on DP 322074	Existing Service Station	B1 Neighbourhood Business
3	26 Glen Innes Rd, Inverell – Lot 1 on DP 666824	Existing Service Station Site	B1 Neighbourhood Business
4	1 Chester Street, Inverell – Lot 2 on DP 322074	Residential Dwelling	B1 Neighbourhood Business
5	3 Chester Street, Inverell – Lot 1 on DP 326225	Residential Dwelling	R1 General Residential
6	5 Chester Street, Inverell – Lot 2 on DP 326225	Residential Dwelling	R1 General Residential
7	7 Chester Street, Inverell – Lot 3D on DP 360441	Residential Dwelling	R1 General Residential

The objective of this Planning Proposal is to facilitate the Liberty Service Station re-development post the land acquisition and development of the planned Gwydir Highway (i.e. Glen Innes Road), Bundarra Road, Chester Street roundabout. This would involve approximately 2,580m² of land being rezoned from the R1 – General Residential zoning to the B1 – Neighbourhood Centre zoning.

To progress the development concept for the land holdings listed above in **Table 1**, an amendment to the Inverell Local Environmental Plan (ILEP) 2012 is required. Specifically, this request seeks to rezone properties 5-7 from their current R1 – General Residential Zone to a B1 – Neighbourhood Centre Zone commensurate to properties 1-4.

A further amendment is proposed to amend Schedule 1 Additional Permitted Uses of the ILEP 2012 to permit a *specialised retail premises*. As the development concept for the site is still being finalised, our Client seeks for all the land holdings in Table 1 to be listed in Schedule 1.

This Planning Proposal also seeks to remove the minimum lot size provisions applying to the land so there is consistency with the minimum lot size provisions currently applying to the existing B1- Neighbourhood Centre Zone land in this area.

This Planning Proposal further seeks to remove local heritage item (Item no. I096) Lot 1 DP 326225, 3 Chester Street, Inverell from Schedule 5 Environmental

Heritage of the ILEP 2012 and the associated Inverell LEP 2012 Heritage Map. In this regard, development consent notice DA 86/2021 was issued on 29 July 2021 for the demolition of the dwelling on Lot 1 DP 326225.

This Planning Proposal has been completed in accordance with the Department of Planning & Infrastructure's (now Department of Planning & Environment) guide to preparing Planning Proposals. A Gateway Determination under Sections 3.33 and 3.34 of the Environmental Planning and Assessment Act is sought.

1.2 Location of Subject Land and the Nature of Surrounding Urban Area

The lands subject to this Planning Proposal are illustrated on **NDC Plan 1. Table 1** outlines the subject lands, their current use and land zoning.

The land holding consisting of seven lots is bounded by Glen Innes Road to the south, Chester Street to the west and Chester Lane to the east. **Plate 1** illustrates the land is urbanised with a mix of commercial and residential land uses with scattered landscape vegetation.

3 Chester Street, Inverell (Lot 1 DP 326225) is listed within Schedule 5 of the ILEP as an item of environmental heritage, being the residence (item I096). The heritage listing is of local significance and is discussed further on in this report. However as noted above, this dwelling has been approved for demolition via DA86/2021.

In relation to the site location, the following advantages are identified through the analysis of the proposed land uses and site locality:

- **Economic Benefit:** The proposal will provide for the continuation of an existing business with additional retail services. In this respect, the proposal provides for the business to expand within the context of a neighbourhood business precinct, thus preserving local jobs and associated economic multiplier advantages within the community.
- **Strategic location:** The site is located on Glen Innes Road, which provides the principal east-west road connection through Inverell, and as such the service station and associated uses planned for the site have a high degree of accessibility to the surrounding locality. This position is improved further upon the development of the planned roundabout.
- **Visual Exposure:** The site has significant exposure to passing traffic on Glen Innes Road, with significant sight lines for traffic and customers within the

general area which are deemed to be advantageous for the continuation of the Liberty Service Station.

- **Service Catchment:** The site is well-located with respect to potential local business customers given the proximity of the commercial, residential and industrial uses. This position is reflected in the success of the existing service station.

The relevant Deposited Plans can be found within **Attachment 1** of this report and include:

- DP 334109
- DP 322074
- DP 666824
- DP 326225
- DP 360441

1.3 Government Agency Consultation

Government agency consultation with Inverell Shire Council has occurred as part of the Planning Proposal process with the relevant correspondence issued by Inverell Shire Council dated 29 October 2020 contained within **Attachment 2**. The correspondence issued by Council provides the following:

“Reference is made to the request for Council to undertake a Planning Proposal to amend the Inverell Local Environmental Plan 2012 in relation to 24 to 28 Glen Innes Road and 1 to 7 Chester Street, Inverell.

At the Ordinary Meeting of Council on 28 October 2020, Council resolved to support this Planning proposal on the basis that Newton Denny Chapelle is responsible for the preparation of the Planning Proposal, including any necessary studies and reports, in accordance with “Planning Proposals: A guide to preparing planning proposals” published by the NSW Department of Planning and Environment and to the satisfaction of the General Manager.

Council’s Development Assessment Team has undertaken a review of the request to amend the Inverell Local Environmental Plan 2012 against the requirements of A Guide to Planning Proposals published by NSW Planning and Environment. The purpose of this letter is to outline the minimum information and matters Council’s Development Assessment Team consider necessary to include within a Planning Proposal for submission to the NSW Gateway Panel.

Once a Planning Proposal has been provided, it will be reviewed by Council's Development Assessment Team and additional information may still be required prior to submission to the NSW Gateway Panel. This letter does not provide any guarantees that providing the Planning Proposal will result in an automatic Gateway Determination. A Gateway Determination may include conditions requiring additional studies, reports and/or changes to the Planning Proposal."

The correspondence identifies a number of items that need to be addressed in the Planning Proposal, including:

- Planning Proposals: A guide to preparing planning proposals;
- Economic Impact Assessment
- Traffic and Transport
- Heritage Impact
- Noise Impacts
- Inverell Local Strategic Planning Statement
- Administrative Matters
- Future Development and Use of Adjacent Storage Complex for Warehousing

Also considered within **Attachment 2** is supporting documentation to this Planning Proposal including:

- Inverell Shire Council Business Paper
- Minutes of Inverell Shire Council meeting (dated 28.10.20)

2. Planning Proposal

Part 1: Objectives and Intended Outcomes

The objective of the Gateway Planning Proposal is to amend the Inverell Local Environmental Plan 2012 to enable the Liberty Service Station re-development which is to incorporate associated mixed use retail uses.

It is proposed that the redevelopment will occur after Council completes the development of a roundabout on the Glen Innes Road, Chester Street and Bundarra Road intersections.

Part 2: Explanation of Provisions

2.1 Proposed Changes to the Inverell LEP 2012

The objective of this Planning Proposal is to facilitate the Liberty Service Station re-development post the land acquisition and development of the planned Glen Innes Road, Bundarra Road, Chester Street roundabout.

To progress the development concept for the land holdings listed earlier in **Table 1**, an amendment to the ILEP 2012 is required. Specifically, this request seeks to rezone properties 5-7 from their current R1 – General Residential Zone to a B1 – Neighbourhood Centre Zone commensurate to properties 1-4. The proposed zoning change is illustrated below in **Plates 2 & 3**.

This Planning Proposal also seeks to remove the minimum lot size provisions applying to the land so there is consistency with the minimum lot size provisions currently applying to the existing B1- Neighbourhood Centre Zone land in this area. The proposed minimum lot size change is illustrated below in **Plates 4 & 5**.

A further amendment is proposed to amend Schedule 1 Additional Permitted Uses of the ILEP to permit *specialised retail premises*. As the development concept for the site is still being finalised, our Client seeks for all the land holdings in **Table 1** to be listed in Schedule 1.

Inverell Council Business Paper (Civil and Environmental Services Committee Meeting Wednesday, 14 October 2020) (refer to **Attachment 2**) identifies that a 'Specialised Retail Premises' is currently prohibited in the B1 Neighbourhood

Centre zone, however the service station has historically sold goods and merchandise, consistent with the definition of a 'Specialised Retail Premises', in accordance with existing consents. The requested amendment to permit 'Specialised Retail Premises' on the subject lots would essentially formalise the existing arrangement and enable retail sale of these items.

The following clarification is provided regarding the need for the Additional Permitted Use:

- Our client has indicated that presently there is very little that is sold that falls outside of Rural Supplies. However, they do sell the following items:
 - Boots, gardening supplies including mulch and potting mix.
 - Feed for all types of animals including poultry, birds, dogs, cats, horses, cows, pigs and animal supplements.
 - Fertiliser, hay, vet products, feed containers, fishing equipment, groceries. Some chemicals like rat poison.

Regarding the B1 zone under the ILEP which is proposed to be extended over the site, we note that a Rural Supplies will be permitted with consent. However, given some of the items to be sold (i.e. identified above) will not align with the definition of Rural Supplies, the Planning Proposal has included the request to include Specialised Retail Premises to enable those items to be sold from the site.

- Having regard to the current and future planning framework for the site discussed below in Section 2.2, it is considered appropriate at this time to enable a Specialised Retail Premises as an Additional Permitted Use via Schedule 1 of the LEP.

Once the new LEP zoning framework is applied over the site in the future (i.e. an E zone or mixed use zone), we understand that Council will formulate the land use table in the LEP so that service stations, specialised retail premises, and rural supplies will be permitted with consent on the subject site.

Development consent notice DA 86/2021 was issued on 29 July 2021 for the demolition of the dwelling on Lot 1 DP 326225. As a result, this Planning Proposal also seeks to remove local heritage item (Item no. I096) Lot 1 DP 326225, 3

Chester Street, Inverell from Schedule 5 Environmental Heritage of the ILEP 2012 and the associated Inverell LEP 2012 Heritage Map. The proposed amendment to the heritage map is illustrated below in **Plates 6 & 7**.

Accordingly, the following specific amendments are sought to the Inverell LEP 2012:

1. To rezone Lot 1 DP 326225 (3 Chester Street, Inverell), Lot 2 DP 326225 (5 Chester Street, Inverell) and Lot 3 DP 360441 (7 Chester Street, Inverell) from R1 General Residential to B1 Neighbourhood Centre.
2. To remove the minimum lot size applicable to Lot 1 DP 326225 (3 Chester Street, Inverell), Lot 2 DP 326225 (5 Chester Street, Inverell) and Lot 3 DP 360441 (7 Chester Street, Inverell), consistent with the surrounding B1 Neighbourhood Centre zone.
3. To amend Schedule 1 Additional Permitted Uses of the *Inverell Local Environmental Plan 2012* to permit "Specialised Retail Premises" on 24 to 28 Glen Innes Road and 1 to 7 Chester Street, being Lot 1 DP 322074, Lot 1 DP 666824, Lot 1 DP 334109, Lot 2 DP 322074, Lot 1 DP 326225, Lot 2 DP 326225 and Lot 3 DP 360441.
4. To remove local heritage item (Item no. 1096) Lot 1 DP 326225, 3 Chester Street, Inverell from Schedule 5 Environmental Heritage and the associated Inverell LEP 2012 Heritage Map.

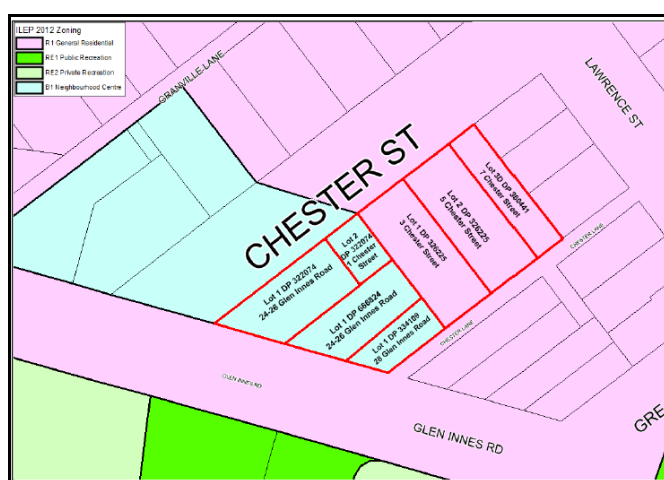


Plate 2: Current LEP Zoning Map

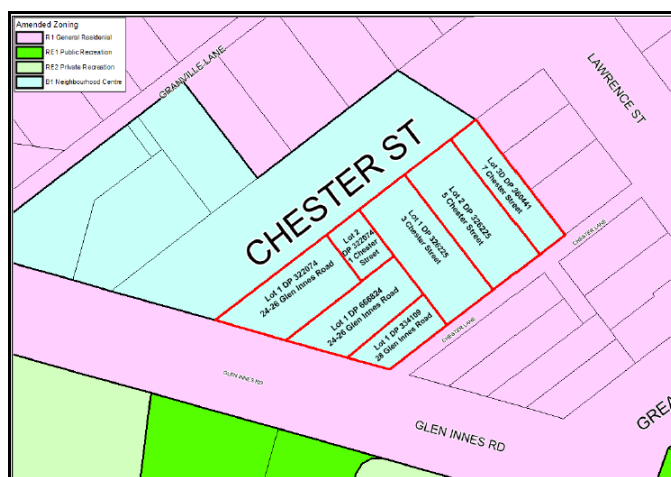


Plate 3: Proposed LEP Zoning Map

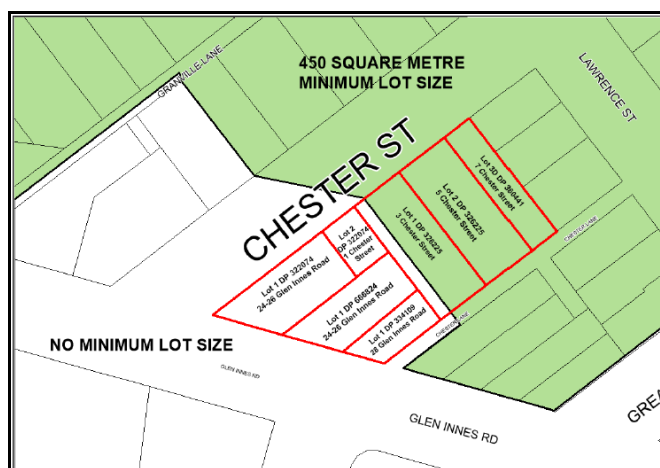


Plate 4: Current LEP Minimum Lot Size Map

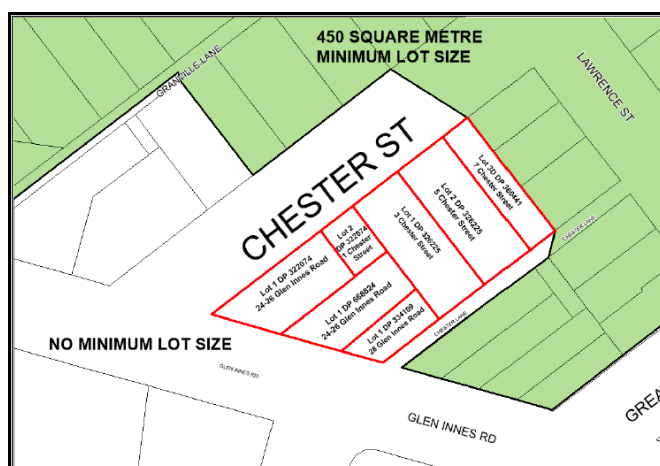


Plate 5: Proposed LEP Minimum Lot Size Map

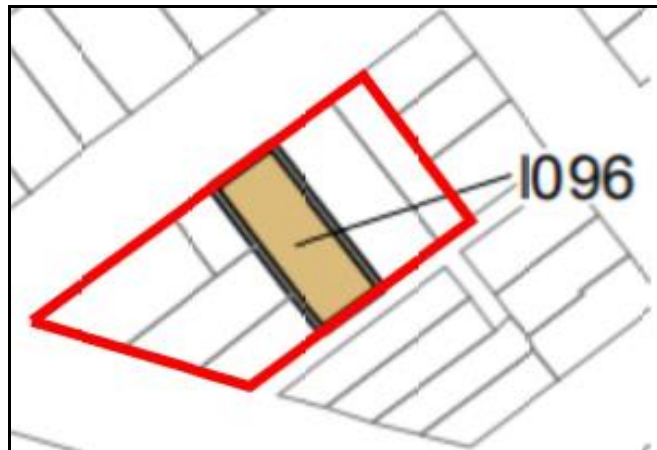


Plate 6: Current LEP Heritage Map

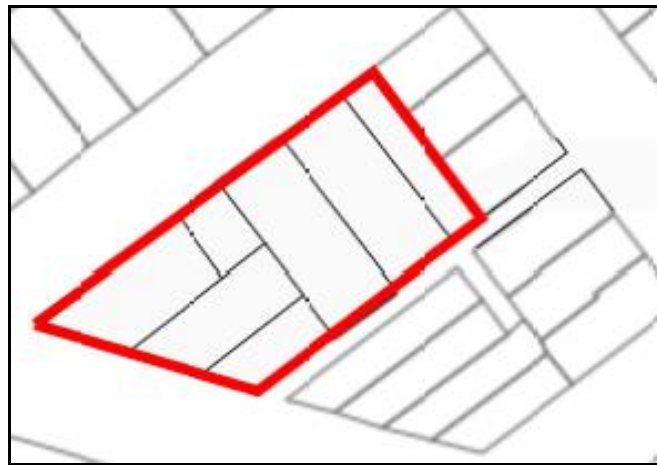


Plate 7: Proposed LEP Heritage Map

2.2 Consideration of Alternative LEP Land Use Zones

Early in the Planning Proposal process, Inverell Shire Council issued correspondence to NDC dated 29th October 2020 (refer to **Attachment 2**) requesting discussion on site specific vs. broad re-zoning and/or whether a different zone (e.g. B2, B4) is more appropriate for the site.

Since the correspondence was issued on 29th October 2020, the NSW Department of Planning, Industry and Environment (DPIE) have commenced the public exhibition of their Employment Zones Reform, which amongst other matters proposes the removal of the B1 Neighbourhood Centre zone from standard instrument LEP's. Accordingly, we provide the following discussion as to whether a mixed use zone as proposed in the Employment Zones Reform may be more appropriate to the subject site.

Current Planning Framework

The existing ILEP zone in which part of the subject site is located is B1 – Neighbourhood Centre Zone. The Planning Proposal offers a logical extension of the existing B1 zone (over the existing R1 zoned land) to capture the proposed redeveloped service station which will occur post land acquisition and round-about construction. The Economic Impact Assessment prepared by IQ submitted with the Planning Proposal, supports the application of the B1 zone over the site as proposed. In this regard, Section 2.1 of the report identifies the relevant B1 Neighbourhood Centre zone objective:

- *To provide a range of small-scale retail, business and community uses that serve the needs of people who live and work in the surrounding neighbourhood.*

The economic impact assessment addresses and satisfies the objective in the following way: “The bulk of the other B1 zoned land in the immediate area is located on the opposite side of Chester Road and is occupied by self-storage. Consequently, existing uses in the B1 Neighbourhood zoned area would typically be serving a larger area than the immediate neighbourhood, reflective of their location along Glen Innes Road and comprising a service station and self-storage facilities which would attract business from a broader area rather than the immediate location.”

The economic impact assessment appropriately concludes that service stations are generally acceptable uses in a range of zonings within the town.

Whilst the application of an alternative zone under the current ILEP framework, such as B2 Local Centre or B5 Business Development, or even the introduction of a B4 Mixed Use zone which isn’t currently used in the ILEP, would facilitate the service station redevelopment and a specialised retail premises, it is at odds with and is not a logical extension of the current strategic framework applied to the immediate Chester Street/Glen Innes Road intersection commercial precinct. The Council strategic planning framework and the ILEP 2012 have established this area for neighbourhood business as demonstrated through the current zoning and land use history for business activity. Hence the proposed extension of the B1 zone with an additional permitted use under Schedule 1 of the ILEP is adopted as the preferred approach.

Future Planning Framework

We have undertaken a review of the NSW DPIE document 'Proposed Employment Zones Framework' and Draft Standard Instrument LEP Amendment. With reference to the strategic intent of the proposed Employment Zones, the proposed E1 Local Centre Zone essentially carries over the function of the existing B1 zone, and commercial premises will be permitted with Consent within the zone as well as service stations. Whilst the proposed E3 Productivity Support Zone will also enable commercial premises and service stations within the land use table, the zone is intended to replace the existing B5 zone of the ILEP which is not the current zoning of the subject site.

The MU1 Mixed Use zone is intended to primarily replace the B4 Mixed Use zone (and some B2 Local Centre zones) which does not align with the current zoning of the subject site.

As noted earlier, once the new LEP zoning framework is applied over the site in the future (i.e. an E zone or mixed use zone), Council will need to formulate the land use table in the LEP so that service stations, specialised retail premises and rural supplies will be permitted with consent on the subject site. In the interim, it is considered appropriate to lodge the Planning Proposal in the manner presented.

Part 3: Justification

Section A – Need for the Planning Proposal

1. Is the Planning Proposal a result of an endorsed local strategic planning statement, strategic study or report?

This Planning Proposal has strategic merit and is consistent with the following strategic documents applicable to the projects within the Inverell Shire as demonstrated within this Planning Proposal:

- New England North West Regional Plan 2036
- Inverell Local Strategic Planning Statement (LSPS) 2036
- Inverell Shire Strategic Land Use Plan 2011 – 2031
- Inverell Shire Employment Land Strategy 2011
- Inverell Local Environmental Plan 2012
- Inverell Development Control Plan 2013

The strategic merit of the proposal is further recognised and supported by Inverell Shire Council as evidenced within documentation contained within **Attachment 2**. The Inverell Council Business Paper (Civil and Environmental Services Committee Meeting Wednesday, 14 October 2020), concludes the following:

“The amendment would facilitate the redevelopment of the existing service station at 24-26 Glen Innes Road, Inverell, incorporating mixed use retail uses. It is intended that the redevelopment will take place after Council completes the development of a planned round-a-about on the Glen Innes Road, Chester Street and Bundarra Road intersections.

It is considered that the request to amend the Inverell Local Environmental Plan 2012 is consistent with the Inverell Local Strategic Planning Statement 2036 and has sufficient strategic merit for submission to the NSW Department of Planning, Infrastructure and Environment for a Gateway Determination.”

Councillors subsequently unanimously voted in favour of the proposal at the Inverell Shire Council Ordinary meeting held on 28.10.20. A copy of these minutes is provided within **Attachment 2**.

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

Yes. In order for a Development Application to be considered for the redevelopment of the Liberty Service Station, it is necessary to first amend the planning framework applying to the land – being those elements of the Inverell Local Environmental Plan 2012 relating to land zoning, minimum lot size, and Schedule 1 Additional Permitted Uses, and Schedule 5 Environmental Heritage.

Section B – Relationship to Strategic Planning Framework

3. Will the Planning Proposal give effect to the objectives and actions of the applicable regional, or district plan or strategy [including any exhibited draft plans or strategies]?

From a strategic planning framework perspective, the New England North West Regional Plan 2036 is the State governments 20-year blueprint for the future of the New England and North West region. The plan covers a vast area of the state from Gunnedah, Narrabri, and Moree in the west, to Quirindi, Tamworth and Walcha in the south, the NSW border in the north and Armidale, Glen Innes, and Tenterfield in the east.

The Regional Plan has a number of Directions of relevance and can be satisfied by the current proposal:

Direction 1: Expand agribusiness and food processing sectors

Action 1.4 - *Encourage commercial, tourist and recreation activities that complement and promote a stronger agricultural sector, and build the sector's adaptability.*

The proposed LEP amendment to enable a 'Specialised Retail Premises' will formalise the existing commercial arrangement on-site and facilitate the redevelopment of the service station to also include mixed use retail activities. This would permit the operation of a rural produce store to operate from the site which will in effect support the agricultural sector.

Direction 7: Build strong economic centres

Inverell is identified in the plan as a 'strategic centre' meaning that Inverell is seen as a major centre of regional strategic importance supporting the rural communities in that area. Of particular reference in this instance within the Regional Plan is Direction 7: Build strong economic centres.

Direction 7 of the Plan provides:

- In relation to commercial and industrial development: *"Where out-of-centre commercial areas are proposed, they must be of an appropriate size to service their catchment."*
- **Action 7.2:** *"Focus retail and commercial activities in central business precincts and develop place-making focused planning strategies for centres."*

The Council strategic planning framework and the ILEP 2012 have established this area for neighbourhood business as demonstrated through the current zoning and land use history for business activity. This proposal draws on the current neighbourhood business activity and the strategic benefits achieved through the delivery of the key roundabout infrastructure.

Direction 10: Sustainably manage and conserve water resources

Action 10.4 - *Adopt an integrated approach to water cycle management to consider regional climate change, water security, sustainable demand and growth, and the natural environment.*

Stormwater drainage requirements for the redevelopment of the site will be investigated and addressed during the detailed design phase of the development application stage. This aspect will address rain water storage and reuse options.

Direction 11: Protect areas of potential high environmental value

Action 11.1 – *Focus development to areas of least biodiversity sensitivity and implement the 'avoid, minimise, offset' hierarchy to biodiversity and areas of high environmental value.*

Action 11.2 – *Ensure local plans consider areas of high environmental value to avoid potential development impacts.*

The Biodiversity Offsets Scheme Entry Threshold Tool (BOSET) is a test used to determine when it is necessary to engage an accredited assessor to apply the Biodiversity Assessment Method to assess the impacts of a proposal. The BOSET tool was accessed 28.05.21 and does not identify the site as containing mapped biodiversity values.

Direction 12: Adapt to natural hazards and climate change

Action 12.1 – *Minimise the risk from natural hazards and the projected effects of climate change by identifying hazards, managing risks and avoiding vulnerable areas, particularly when considering new urban release areas.*

The subject land is not identified as being flood prone land or bushfire prone land on Council's online public mapping system.

Direction 14: Enhance transport and infrastructure networks

Action 14.1 – *Protect freight and utility infrastructure and corridors through local plans and strategies to protect network opportunities and distribution from incompatible land uses or land fragmentation.*

Action 14.2 – *Minimise the impact of development on the regional and State road network and rail corridors by identifying buffer and mitigation measures.*

Action 14.3 – *Support councils to investigate opportunities to provide greater access for high productivity vehicles.*

Action 14.4 – *Prioritise projects that address impediments to the regional freight network and work with stakeholders to upgrade transport network capacity as demand changes.*

Glen Innes Road is identified as a Key Regional Corridor under the New England North West Regional Plan 2036 Figure 9: Agricultural Freight Network. The objective of this Planning Proposal is to facilitate the Liberty Service Station

redevelopment post the land acquisition and development of the planned roundabout.

To address the potential impacts of the redevelopment on the road network, a Transport Assessment has been completed by Ason Group and is provided within **Attachment 3**. The report assesses the redevelopment of the service station site following the construction of the roundabout, which is envisaged to commence construction in early 2022 and be completed late 2022.

The report considers and addresses traffic movements, access and car parking, and concludes that *“In summary, the Proposal is supportable on traffic planning grounds and will not result in any adverse impacts on the surrounding road network.”*

Direction 16: Enhance transport and infrastructure networks

Action 16.2 - *Maximise the cost-effective and efficient use of infrastructure by focusing development on existing infrastructure or promoting co-location of new infrastructure.*

The proposed rezoning will enable the redevelopment of the subject site on urban land that is already connected to infrastructure services.

Direction 24: Protect the region’s historic heritage assets

Action 24.1 - *Prepare, review and update heritage studies in consultation with the wider community to identify and protect heritage items, and include appropriate local planning controls.*

The dwelling house situated on 3 Chester Street is listed as an item of local environmental heritage on the Inverell Shire LEP 2012. A Statement of Heritage Impact has been prepared by Dr Kate Gahan and can be found within **Attachment 4**, which considers the impact of the rezoning of the subject land and demolition of the dwelling [which is the subject of a separate development application process].

The heritage report acknowledges the negative heritage impact associated with the demolition of the dwelling, and a range of factors that mitigate the impact of its demolition. The report recommends:

“This report, together with a set of digital archival quality images of the bungalow, is deposited with the Inverell library as a record of the house and the speculation that it is associated with the Thomas brothers’ cordial factory.”

4. Will the planning proposal give effect to a council's endorsed local strategic planning statement, or another endorsed local strategy or strategic plan?

Inverell Local Strategic Planning Statement (LSPS) 2036

The Inverell LSPS aims to meet the community's future social, economic, and environmental needs by addressing important strategic land use planning and development issues. The LSPS identifies priorities for the Inverell LGA, and short, medium and long-term actions to help deliver on these priorities and vision for the future.

The LSPS is informed by various state and regional plans, including the New England North West Regional Plan 2036, and the Inverell Shire Community Strategic Plan 2009 – 2020. In this regard, the LSPS supports the Regional Plan by implementing the actions at a local level.

In summary, 10 Planning Priorities are identified within the LSPS which take into consideration Council's vision and existing strategies such as the Inverell Employment Lands Strategy 2011.

Planning Priority 3 – Expand nature-based adventure and cultural tourism

Planning Priority 3 of the LSPS is to 'Expand nature-based adventure and cultural tourism'.

Action 3.1 – Protect areas of high environmental and historic significance by focusing development on areas of least biodiversity sensitivity and environmental value. This may include undertaking investigations and reviewing existing provisions within the LEP.

The Biodiversity Offsets Scheme Entry Threshold Tool (BOSET) is a test used to determine when it is necessary to engage an accredited assessor to apply the Biodiversity Assessment Method to assess the impacts of a proposal. As provided earlier, the BOSET tool does not identify the site as containing mapped biodiversity values.

The attached Statement of Heritage Impact acknowledges the negative heritage impact associated with the demolition of the dwelling at 3 Chester Street, and a range of factors that mitigate the impact of its demolition.

Planning Priority 5 - Promote business and lifestyle opportunities

Planning Priority 5 of the LSPS is to 'promote business and lifestyle opportunities'.

Action 5.1 – Review and implement the Employment Land Strategy 2011

As addressed further below, the Planning Proposal is consistent with the intent, and therefore allows the implementation of the Employment Land Strategy.

Action 5.2 - Promote opportunities in the LEP and DCP for new and contemporary industry, ideas, skills and business practices to establish in the Shire.

The Planning Proposal is consistent with the above Planning Priority and Action 5.2. This is further supported by Council as evidenced in the Inverell Council Business Paper (Civil and Environmental Services Committee Meeting Wednesday, 14 October 2020), which concludes the following:

"The amendment would facilitate the redevelopment of the existing service station at 24-26 Glen Innes Road, Inverell, incorporating mixed use retail uses. It is intended that the redevelopment will take place after Council completes the development of a planned round-a-about on the Glen Innes Road, Chester Street and Bundarra Road intersections.

It is considered that the request to amend the Inverell Local Environmental Plan 2012 is consistent with the Inverell Local Strategic Planning Statement 2036 and has sufficient strategic merit for submission to the NSW Department of Planning, Infrastructure and Environment for a Gateway Determination."

Planning Priority 6 – Protect and celebrate our unique sense of place

Planning Priority 6 of the LSPS is to 'Protect and celebrate our unique sense of place'.

Action 6.2 – Review the LEP to:

- *ensure land zoning affords protection for local heritage items;*
- *list any additional heritage items identified for protection; and*
- *remove heritage items due to demolition or their minor contribution to Inverell Shire's history.*

As provided in response to Direction 24 of the New England North West Regional Plan 2036, the dwelling situated at 3 Chester Street is an item of local heritage significance under the Inverell LEP 2012. This dwelling is proposed to be

demolished as part of a separate development application process. The attached Statement of Heritage Impact acknowledges the negative heritage impact associated with the demolition of the dwelling, and a range of factors that mitigate the impact of its demolition. The report recommends that digital archival quality images of the dwelling be deposited with the Inverell library as a record of the house and the speculation that it is associated with the Thomas brothers' cordial factory.

In accordance with the LSPS medium term actions, the Inverell LEP 2012 will be updated to remove the heritage item from Schedule 5 which is proposed as part of this Planning Proposal.

Planning Priority 7 – Support infrastructure that encourages new industries

Planning Priority 7 of the LSPS is to 'support infrastructure that encourages new industries'.

Action 7.3 – *Review and implement the Employment Land Strategy 2011 including investigations into:*

- *physical or infrastructure servicing constraints that prevent future land uses;*
- *work with Transport for NSW to understand catchment areas for key centres and attractors to develop a hub and spoke transport network;*
- *ensure that access to industrial and employment lands takes into consideration high productivity vehicles;*
- *avoiding the encroachment of incompatible land uses on major transport corridors within the Shire; and*
- *suitable land for future development.*

As demonstrated below, the proposed redevelopment of the site implements the Employment Land Strategy 2011 by way of formalising the existing retail activities, and allowing future bulky goods retailing on a site with highway frontage. The site is located on Glen Innes Road (Gwydir Highway) with good visual exposure and access, and will enable for space extensive activities such as agricultural product sales. In this regard, we note that future retail activity on the site is expected in the form of a rural supplies/bulk produce store and specialised retail premises.

Planning Priority 8 – Plan for integrated land use and transport

Planning Priority 7 of the LSPS is to 'support infrastructure that encourages new industries'.

Action 8.3 – *Through the development and implementation of appropriate Planning Strategies, limit inappropriate commercial and retail development outside of the Inverell CBD.*

The service station has historically sold goods and merchandise, consistent with the definition of a 'Specialised Retail Premises', in accordance with existing consents. The requested amendment to permit 'Specialised Retail Premises' via rezoning the land to a B1 Neighbourhood Centre zone will formalise the existing arrangement and enable the retail sale of these items.

Council support the strategic merit of the proposal and identify that the proposal is consistent with Council's strategic planning framework including the Inverell LSPS 2036.

Inverell Shire Strategic Land Use Plan 2011 - 2031

The Inverell Shire Strategic Land Use Plan provides a strategic direction for land use within the Shire through until 2031. The Foreword section of the Strategy provides that *"By identifying appropriate locations for growth and different types of land use, the Plan aims to ensure that development occurs in a way that safeguards the agricultural industry but also allows other industries and businesses in the Shire to grow and create a diverse economy"*.

The Strategy states that when preparing amendments to the LEP, Council must consider whether the proposal is consistent with the Strategic Land Use Plan. With regard to the key strategies identified for the Inverell Township, the Planning Proposal is consistent with the following strategies:

- Provide an alternative location for larger format bulky goods retailing that cannot be accommodated within the town centre;
- Promote infill development within the township to maximise use of existing infrastructure.

With regard to addressing the key strategies relating to heritage and traffic, the following is submitted:

- The attached Statement of Heritage Impact acknowledges the negative heritage impact associated with the demolition of the dwelling at 3 Chester Street, and a range of factors that mitigate the impact of its demolition.

- A Transport Assessment has been prepared by Ason Group which assesses the redevelopment of the service station site following the construction of the roundabout. The report considers traffic movements, access and car parking, and concludes that *“In summary, the Proposal is supportable on traffic planning grounds and will not result in any adverse impacts on the surrounding road network.”*

The Planning Proposal is not considered to be inconsistent or antipathetic to the objectives and/or implementation of the intent of the Strategy.

Inverell Shire Employment Land Strategy 2011

The Inverell Employment Land Strategy 2011 relates to the Shire of Inverell, and in summary, takes a long term approach and identifies the optimal location for land to be used for employment purposes.

Section 3.2 of the Strategy relates to large format bulky goods stores which is considered of relevance given the Planning Proposal seeks to enable a ‘specialised retail premises’ at the site.

In addressing Section 3.2 – Large Format Bulky Goods Stores, and Section 4.1 – Potential Enterprise Corridor, whilst the subject site is not directly adjacent to Jardine Road, or comprise a GLA of 1000m² for bulky goods, the proposal does enable the formalisation of existing retail activities and future bulky goods retailing on a site with highway frontage. In particular, the site is located on Glen Innes Road (Gwydir Highway) with good visual exposure and access, and will enable for space extensive activities such as agricultural product sales.

As addressed later under Question 9, an Economic Impact Assessment has been completed by Location IQ and is contained within **Attachment 5**. The report provides an independent economic impact assessment for the service station redevelopment at the subject site and considers the following aspects:

- Economic need
- Economic impacts
- Employment & consumer impacts
- Location
- Net community benefits

The report concludes that a net community benefit will result from the proposed development, with the following positive impacts identified:

- Improvements in the range of retail facilities available to residents which, leading to greater price competition.
- The creation of additional choice within the surrounding area.
- The creation of additional employment which will result from the project, both during the construction period and on an ongoing basis once the development is complete and operational.

Inverell Local Environmental Plan 2012

The Planning Proposal includes the rezoning of the site to a B1 Neighbourhood Centre zone. The nature of the proposal is not considered to be inconsistent with the strategic objectives of the B1 zone with the following justification provided:

- To provide a range of small-scale retail, business and community uses that serve the needs of people who live or work in the surrounding neighbourhood.

Comment: As provided earlier, a 'Specialised Retail Premises' is currently prohibited in the B1 Neighbourhood Centre zone under the Inverell LEP 2012. However the service station has historically sold goods and merchandise, consistent with the definition of a 'Specialised Retail Premises', in accordance with existing consents. The requested amendment to permit 'Specialised Retail Premises' on the subject lots would essentially formalise the existing arrangement and facilitate the redevelopment of the site post the land acquisition and construction of the new roundabout.

Inverell Development Control Plan 2013

The Inverell DCP is aimed towards the facilitation of good development outcomes for the Inverell LGA. The DCP contains ten (10) chapters however not all will be applicable to the redevelopment of the subject land. In this regard, the following chapters will be considered and addressed at the detailed design and development application stage:

- Chapter 4 – Commercial and Industrial Development
- Chapter 5 – Parking and Traffic
- Chapter 7 – Heritage

5. Is the Planning Proposal consistent with applicable State Environmental Planning Policies?

Comment: An assessment of the Planning Proposal against the relevant State Environmental Planning Policies is provided within **Attachment 6**.

6. Is the Planning Proposal consistent with applicable Ministerial Directions (s. 9.1 directions)?

Comment: An assessment of the Planning Proposal against the relevant S9.1 Ministerial Directions is provided within **Attachment 7**.

Section C – Environmental, Social and Economic Impact

7. 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 land is situated in an urban location and currently comprises residential and commercial orientated development. The Biodiversity Offsets Scheme Entry Threshold Tool (BOSET) is a test used to determine when it is necessary to engage an accredited assessor to apply the Biodiversity Assessment Method to assess the impacts of a proposal. The BOSET tool was accessed 28.05.21 and does not identify the site as containing mapped biodiversity values.

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

Potential environmental impacts in relation to the development have been identified and addressed below:

a. Soils - Contamination

Managing Land Contamination, Planning Guidelines SEPP 55 – Remediation of Land (Department of Urban Affairs and Planning and NSW EPA (1998)) has been reviewed. Service stations are identified within Table 1 and Appendix A as being a land use that may cause contamination.

SEPP 55 contaminated land investigations have previously been completed by ENV Solutions for the Service Station site. A copy of the Detailed Site Investigation (DSI), Remediation Action Plan (RAP), and supporting letter prepared by ENV for this Planning Proposal are contained within **Attachment 8**. The key finding of the supporting letter provides:

"The risk of minor soil and groundwater contamination identified at the Liberty branded service station adversely impacting on the environmental quality of land situated to the north of the service station; at 3, 5 and 7 Chester Street; is considered to be negligible. As such, ENV considers there should be no impediment to rezoning of this land for less sensitive land uses, on the basis of the nearby service station activities and its environmental condition."

b. Bushfire

The subject land is not identified as being on bushfire prone land on Council's online public mapping system.

c. Flooding

The subject land is not identified as being on flood prone land on Council's online public mapping system.

d. Stormwater Drainage and Water Quality

A stormwater management plan will be required to be submitted with the Development Application.

e. Noise

A noise impact report will be completed post Gateway determination or alternatively at the development application stage.

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

Heritage

An AHIMS search undertaken as part of the preparation of the Planning Proposal did not identify any Aboriginal sites or places within 200 metres of Lot 1 DP 322074 which forms part of the development site.

The dwelling situated at 3 Chester Street is an item of local heritage significance under the Inverell LEP 2012. This dwelling is proposed to be demolished as part of a separate development application process. The attached Statement of Heritage Impact acknowledges the negative heritage impact associated with the demolition of the dwelling, and a range of factors that mitigate the impact of its demolition.

Economic Impacts

An Economic Impact Assessment has been completed by Location IQ. The report provides an independent economic impact assessment for the service station redevelopment and assesses the economic impact resulting from the proposed development.

Section 6 of the report provides an economic impact and need analysis, which provides an assessment of the need and demand for the proposed service station redevelopment and considers the following aspects:

- Economic need
- Economic impacts
- Employment & consumer impacts
- Location
- Net community benefits

Whilst full reference should be made to that report, the identified net community benefits of the development are concluded as follows:

"It is the conclusion of this report that a substantial net community benefit will result from the proposed development of the Inverell Service Station at Chester Street. After offsetting the minimal trading impacts on existing retailers, the positive impacts including the following:

- *Improvements in the range of retail facilities available to residents which, leading to greater price competition.*
- *The creation of additional choice within the surrounding area.*
- *The creation of additional employment which will result from the project, both during the construction period and on an ongoing basis once the development is complete and operational.*

It is concluded that the combination of the positive economic impacts serves to more than offset the trading impacts that could be anticipated the existing retail stores in the region. Further, the impacts would not threaten the viability of any centres or the retail hierarchy."

Section D – State and Commonwealth Interests

10. Is there adequate public infrastructure for the Planning Proposal?

a. Sewer

The site is currently serviced by reticulated sewer that is connected to the existing service station development and existing dwelling houses on the subject land. **Plate 8** illustrates the location of the existing sewer service taken from Council's public mapping system.

Further investigations and designs will be completed with regard to sewer servicing to the redevelopment post Gateway determination and/or at the development application stage.



Plate 8: Sewer Mains

b. Water

The site is currently serviced by reticulated water that is connected to the existing service station development and existing dwelling houses on the subject land. **Plate 9** illustrates the location of the existing water service taken from Council's public mapping system.

Further investigations and designs will be completed with regard to water supply to service the redevelopment post Gateway determination and/or at the development application stage.



Plate 9: Water Mains

c. Electricity Supply

Consultation will be required to be undertaken with the relevant authority to ensure power supply is adequate to meet the needs of the development at cost to the proponent.

d. Telecommunications

Consultation will be required to be undertaken with the relevant authority to ensure telecommunication capacity is adequate to meet the needs of the development at cost to the proponent.

e. Roads

As stated earlier, the objective of this Planning Proposal is to facilitate the Liberty Service Station redevelopment post the land acquisition and development of the planned Gwydir Highway, Bundarra Road, Chester Street roundabout.

To address the potential impacts of the redevelopment on the road network, full reference should be made to the Transport Assessment that has been prepared by Ason Group as contained within **Attachment 3**.

The report considers and addresses traffic movements, access and car parking, and concludes that *"In summary, the Proposal is supportable on traffic planning grounds and will not result in any adverse impacts on the surrounding road network."*

11. What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway Determination?

To be completed following receipt of the Gateway determination.

Part 4: Mapping

The following changes are proposed to the mapping within the Inverell Local Environmental Plan 2012.

- 1. Land Zoning Map (Sheet LZN_008A)** – Application of a B1 – Neighbourhood Centre Zone in accordance with **NDC Plan 2**.
- 2. Lot Size Map (Sheet LSZ_008A)** – Remove the minimum lot size applicable to Lot 1 DP 326225 (3 Chester Street, Inverell), Lot 2 DP 326225 (5 Chester Street, Inverell) and Lot 3 DP 360441 (7 Chester Street, Inverell), consistent with the surrounding B1 Neighbourhood Centre zone.
- 3. Additional Permitted Uses Map**
Introduction of an Additional Permitted Uses map (Sheet APU_008A) which identifies the subject land outlined in red. The map is to reflect the amendment to Schedule 1 Additional Permitted Uses of the *Inverell Local Environmental Plan 2012* to permit “Specialised Retail Premises” on 24 to 28 Glen Innes Road and 1 to 7 Chester Street, being Lot 1 DP 322074, Lot 1 DP 666824, Lot 1 DP 334109, Lot 2 DP 322074, Lot 1 DP 326225, Lot 2 DP 326225 and Lot 3D DP 360441.
- 4. Heritage Map (Sheet HER_008AA)** - Remove local heritage item (Item no. 1096) Lot 1 DP 326225, 3 Chester Street, Inverell from Schedule 5 Environmental Heritage and the associated Inverell LEP 2012 Heritage Map in accordance with **NDC Plan 2**.

This Planning Proposal includes a locality plan and aerial photo which clearly identifies the subject site.

Part 5: Community Consultation

It is expected that the Planning Proposal will be exhibited for a period of 28 days in accordance with standard procedures.

Part 6: Project Timeline

Plan Making Step	Estimated Completion
Gateway Determination	27 August 2021
Government Agency Consultation	N/A
Public Exhibition	September/October 2021
Submissions Assessment	October/November 2021
Council adopt Planning Proposal	February 2022
Anticipated date plan is made (if delegated)	April 2022
Forwarding of LEP Amendment to DPIE for notification (if delegated)	May 2022

REFERENCES

- A Guide to Preparing Planning Proposals: NSW Planning and Environment 2018.
- New England North West Regional Plan 2036
- Inverell Local Strategic Planning Statement (LSPS) 2036
- Inverell Shire Strategic Land Use Plan 2011 – 2031
- Inverell Shire Employment Land Strategy 2011
- Inverell Local Environmental Plan 2012
- Inverell Development Control Plan 2013