

Planning Services

Gateway Determination Report

LGA	Yass Valley
RPA	Yass Valley Council
NAME	Permit Highway Service Centres in the IN1 Industrial Zone (0 homes, 30 jobs)
NUMBER	PP_2017_YASSV_003_00
LEP TO BE AMENDED	Yass Valley LEP 2013
ADDRESS	IN1 General Industrial Zone
DESCRIPTION	IN1 General Industrial Zone
RECEIVED	30 August 2017
FILE NO.	17/12055
QA NUMBER	qA417926
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

INTRODUCTION

Description of Planning Proposal

Amend the Yass Valley LEP 2013 land use table to permit *highway service centres* in the IN1 General Industrial Zone.

Site Description

IN1 General Industrial Zone.

Surrounding Area

There is only one area of land in the Yass LGA that is currently zoned IN1 General Industrial Zone that it is located north west of Yass near the Hume Highway.

The land zoned IN1 General Industrial Zone;

- is substantially cleared for primary production,
- is already zoned for industrial development,
- adjoins land currently used as a *highway service centre*, and
- has access to existing on and off ramps to the Hume Highway.

Summary of Recommendation

The planning proposal to permit *highway service centres* within the IN1 General Industrial Zone located adjacent to the Hume Highway and an existing *highway service centre* has merit and should proceed with conditions regarding community consultation and consultation with relevant state agencies.

PROPOSAL

Objectives or Intended Outcomes

The planning proposal clearly indicates that the objective is to amend the Yass Valley LEP 2013 to permit *highway service centres* in the IN1 General Industrial Zone to enable a development application for a *highway service centre* to be considered by Council on land zoned IN1 General Industrial Zone located adjacent to the Hume Highway near Yass.

Explanation of Provisions

The planning proposal clearly states that it seeks to amend the land use table under the Yass LEP 2013 to permit *highway service centres* in the IN1 General Industrial Zone.

Mapping

The proposed amendment to the Yass Valley LEP 2013 does not require any amendments to LEP maps.

NEED FOR THE PLANNING PROPOSAL

The planning proposal has adequately identified the need to amend the Yass LEP 2013 to permit *highway service centres* in the IN1 General Industrial Zone to enable development application No 5.2016.280.1 for a *highway service centre* to proceed.

STRATEGIC ASSESSMENT

South East and Tablelands Regional Plan

The planning proposal is not inconsistent with the *South East and Tablelands Regional Plan* recently endorsed by the Department.

Yass Valley Settlement Strategy 2031

The planning proposal is not inconsistent with the Yass Valley Settlement Strategy 2031 recently endorsed by Yass Valley Council.

Yass Industrial Lands Study 2008

The subject land was zoned IN1 General Industrial Zone as a result of the recommendations of the Yass Industrial Lands Study (YILS). Adjacent land that is currently used as a Caltex *highway service centre* is zoned SP1 Highway Service Centre under Yass LEP 2013, also a result of the recommendations of the YILS.

The YILS acknowledges that the land currently zoned IN1 General Industrial Zone was once targeted for use as a *highway service centre* as an additional permitted use under Yass LEP 1987 but this changed when this use was prohibited under Yass Valley LEP 2013.

The YILS does not recommend that *highway service centres* be prohibited on land currently zoned IN1 General Industrial Zone. The planning proposal to permit *highway service centres* in the IN1 General Industrial Zone does not appear to be inconsistent with the YILS.

Section 117(2) Ministerial Directions

S117 Direction Business and Industrial Zones

This Direction applies when a planning proposal affects land within an existing industrial zone.

The planning proposal does not intend to reduce the amount of land or total potential floor space for employment uses or reduce the amount of land zoned for industrial or business use. The planning proposal is consistent with this Direction.

S117 Direction 3.4 Integrated Land Use and Public Transport

This Direction applies to land that affects an industrial zone. The planning proposal must be consistent with the aims, objectives and principles of:

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

The purpose of these policies is to locate and design trip generating development to reduce the reliance on cars, reduce demand for car travel and encourage more sustainable modes of transport (walking, cycling and public transport). These policies do not apply to development for *highway service centres*.

The planning proposal is therefore considered consistent with this Direction.

S117 Direction 5.10 Implementation of Regional Strategies

This Direction applies to land to which a Regional Plan has been released by the Minister for Planning.

The planning proposal is not inconsistent with the *South East and Tablelands Regional Plan* recently endorsed by the Department. The proposal is therefore consistent with this Direction.

S117 Direction 6.1 Approval and Referral Requirements

This Direction applies to all planning proposals and seeks to ensure that plans do not introduce unnecessary provisions that require concurrence, consultation or referral of development applications to Ministers or public authorities or that identify development as designated development.

The planning proposal is consistent with this Direction.

S117 Direction 6.3 Site Specific Provisions

This Direction applies to all planning proposals and seeks to discourage unnecessarily restrictive site specific planning controls.

The planning proposal is consistent with this Direction.

State Environmental Planning Policies

The planning proposal is consistent with the following relevant State Environmental Planning Policies (SEPPs):

SEPP No 44 Koala Habitat

The site is substantially cleared of native trees and has been used for primary production.

SEPP No 55 Remediation of Land

The planning proposal indicates that consideration of the contamination status of the land occurred at the rezoning stage when the land was zoned for industrial use and the land is considered suitable for the proposed industrial purposes, including a *highway service centre*.

SEPP (Infrastructure) 2007

The provisions of the SEPP are not applicable to a proposal to use the site for a *highway service centre*.

SITE SPECIFIC ASSESSMENT

The IN1 General Industrial Zone already permits *service stations, restaurants and cafes, take away food and drink premises and vehicle repair stations*. However, these uses are not permitted as one development under the IN1 General Industrial Zone because this would constitute a *highway service centre*, a prohibited use under the LEP.

There are unlikely to be any adverse social, economic or environmental impacts associated with permitting *highway service centres* in an IN1 General Industrial Zone because the land;

- is substantially cleared for primary production,
- is already zoned for industrial development,
- adjoins land currently used as a *highway service centre*, and
- has access to existing on and off ramps to the Hume Highway.

CONSULTATION

Community

GEOLYSE consultancy has prepared the planning proposal on behalf of their client Yass Industrial Park Pty Ltd and the planning proposal was adopted by Council at its meeting 28 June 2017. GEOLYSE (and Council) have recommended 14 days for community consultation because the proposal is 'low impact'. A development application (DA No. 5.2016.280.1) for a *highway service centre* on part of industrial precinct is on hold until the land use table for the IN2 General Industry has been amended to permit *highway service centres*.

The current planning proposal intends to permit a *highway service centre* on land already zoned for industrial purposes and is adjacent to an existing Caltex *highway service centre* with existing off/on ramps.

The Department recently issued a Gateway determination requiring 28 days for community consultation to permit a *highway service centre* on land zoned RU1 Primary Production Zone near Bowning Village in the Yass Valley LGA.

The proposal is not considered to be a low impact proposal because although the planning proposal differs from the proposal for a *highway service centre* at Bowning it still seeks to amend the Yass LEP to permit a significant development on a site within the IN1 General Industrial Zone located near the Hume Highway. It is therefore recommended that community consultation be undertaken for 28 days. Council advised the Department by email on the 30 August 2017 that it has no objection 28 days for community consultation.

Agencies

The planning proposal states that, based on the response from the NSW Roads and Maritime Services regarding the development application No 5.2016.280.1 for a *highway service centre*, there is no impediment to amending the Yass LEP 2013 to permit *highway service centres* in the IN1 General Industrial Zone.

It is however appropriate that Council consults with the NSW Roads and Maritime Services regarding the proposed amendment to the Yass LEP to permit *highway service centres* on

any land within the IN1 General Industrial Zone, and not just the site that is subject to a current development application.

The Planning Proposal indicates that the land is mapped as 'groundwater vulnerability' in the groundwater vulnerability map and therefore careful analysis and detailed site planning is necessary to ensure protection of the environment.

The planning proposal also mentions the guidelines for service stations prepared by the NSW Environmental Protection Authority and the need for compliance with the *Protection of Environment and Operations Act 1997*.

It is therefore appropriate that Council consult with the NSW Environmental Protection Authority and the NSW Office of Water.

TIMEFRAME

Council provided the Department with additional information on the 30 August 2017 that outlined a timeframe for completing the project. Council has indicated that it will be seeking to finalise the draft LEP by May 2018 (approximately eight months). It is therefore recommended that Council be given nine months to finalise the plan.

DELEGATION

The Council resolution to prepare a planning proposal and seek a Gateway determination did not provide any commentary or recommendation seeking Authorisation to enable Council to use its delegation for plan making.

The Department issued an Authorisation to Council to use its delegation for plan making for planning proposal PP_2017_YASSV_001_00 to amend the Yass LEP 2013 to permit a *highway service centre* adjacent to the Hume Highway near Bowring Village.

There are no apparent reasons why Council should not be issued with an Authorisation to use its delegation for plan making to finalise the plan.

It is recommended that Council be Authorised to use its delegation for plan making.

CONCLUSION

The planning proposal is supported to proceed with conditions because:

- the land zoned for industrial purposes permits *service stations, restaurants and cafes, take away food and drink premises* and *vehicle repair stations*, and
- there are unlikely to be any significant adverse environmental, social or economic impacts from permitting *highway service centres* on land already zoned IN1 General Industrial Zone.

RECOMMENDATION

Conditions

It is recommended that the delegate of the Minister for Planning, determine that the planning proposal should proceed subject to the following conditions:

1. Community consultation is required under sections 56(2)(c) and 57 of the Act as follows:

- (a) the planning proposal must be made publicly available for a minimum of **28 days**; and
 - (b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in Section 5.5.2 of *A guide to preparing local environmental plans* (Department of Planning and Environment 2016).
 2. Consultation is required with the following public authorities and / organisations under section 56(2)(d) of the Act and/or to comply with the requirements of relevant Section 117 Directions:
 - NSW Roads and Maritime Services
 - NSW Environmental Protection Authority
 - NSW Office of Water
- Each public authority/organisation is to be provided with a copy of the Planning Proposal and any relevant supporting material, and given at least 21 days to comment on the proposal.
3. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).
 4. The timeframe for completing the LEP is to be **nine months** following the date of the Gateway determination.

Delegations

Given the nature of the planning proposal, Council should be authorised to exercise their delegation to make this plan.



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6/9/17



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