
6.6 DEVELOPMENT APPLICATION NO. 5.2016.280.1 - HIGHWAY SERVICE CENTRE, YASS VALLEY WAY, YASS

SUMMARY

To present the assessment of Development Application No. 5.2016.280.1 for a highway service centre on Yass Valley Way, Yass. The proposed use is referred to Council as it involves a key question of permissibility. Legal advice has been obtained indicating the proposal is prohibited in the zone. It is recommended the application be refused.

RECOMMENDATION

That:

1. *The Applicant is provided with 14 days to withdraw Development Application No 5.2016.280.1.*
2. *If the application is not withdrawn during the specified time period, the application be refused on the following basis:*
 - *The proposed development is a 'highway service centre' in accordance with the Dictionary to the Yass Valley Local Environmental Plan 2013*
 - *A 'highway service centre' is prohibited in the IN1 General Industrial zone*

FINANCIAL IMPLICATIONS

Resources for development assessment are provided for in the current Operational Plan.

POLICY & LEGISLATION

- *Environmental Planning & Assessment Act 1979*
- *Yass Valley Local Environmental Plan 2013 (LEP)*

REPORT

1. Application Details

Date Received	-	16 December 2016
Land	-	Proposed Lot 1, part Lot 1 DP842644, Yass Valley Way, Yass
Area	-	3.84 hectares (approx.)
Zoning	-	IN1 General Industrial

2. Site Description and Locality

The development site is a proposed lot in an approved 18 lot industrial subdivision, located approximately 6km north-west of the Yass township and approximately one kilometre from the Hume Highway. The site is located on land zoned for industrial purposes.

The development site is 3.84ha and generally rectangular in shape. The proposed site will have frontage to:

- Yass Valley Way
- Two Council maintained roads (to be constructed as part of the subdivision approval)
- A narrow parcel of land owned by Roads & Maritime Services.

The site is currently vacant with 10 trees located along the Yass Valley Way frontage. Low voltage overhead electrical power lines and the underground Sydney to Melbourne telecommunications line traverse the site.

An existing highway service centre is located on the opposite side of Yass Valley Way which consists of a service station, three food and drink outlets and provisions for heavy and light vehicle parking. Further to the east along Yass Valley Way is an approved 24 lot industrial subdivision, the South Eastern Livestock Exchange and a fertilizer production business. The land immediately adjoining the subdivision site is currently used for agricultural purposes.

A Locality Plan is included as **Attachment A**.

3. Proposal

The submitted proposal is for a service station, food and drink outlets, workshops and wash areas for heavy and light vehicles and on-site parking areas (refer **Attachment B**). More specific details of each part of the proposal are provided below and in **Attachment B**:

- **Service Station:** Two separate canopies are proposed for light and heavy vehicles. The facilities will allow 16 light vehicles and 4 heavy vehicles to fuel up at any one time. Three underground tanks will be installed to provide fuel to these facilities. Each canopy will be accessed from a separate driveway from Road 2. Payment for fuel will be made at the 'fuel convenience store' located within the 'main building'.
- **Food and Drink Outlets:** The 'main building' will cater for three separate food and drink outlets, one having a drive-thru facility. A single seating area and amenities will cater for all patrons. A separate dining area and amenities for truck drivers is proposed. Service areas are proposed at the rear of the building for each outlet.
- **Car Workshop:** This area of the site will cater for a tyre service, vehicle repair station, two self-service wash bays and two vacuum bays. An office space will be centrally located, and rainwater tanks with a combined capacity of 10,000L will provide water for the car wash. Access to the facilities will be from Road 1, which will assist to minimise conflict with heavy vehicles.
- **Truck Workshop:** This building will provide for a tyre service, heavy vehicle repair station, two wash bays and two office spaces with amenities. Rainwater tanks with a combined capacity of 35,000L will provide water for the truck wash. Access to the facilities will be off Road 2, via the heavy vehicle canopy.
- **Parking Areas:** Parking for light vehicles and buses are within close proximity to the 'main building'. Two designated parking areas will cater for B-Doubles and rigid trucks. Parking spaces will be provided for each workshop/wash facility to cater for employees and patrons.
- **Signs:** Three 20 metre high freestanding signs are proposed on the site boundaries for the purpose of displaying fuel prices and tenant details. Tenant's signs/details will also be displayed on the facades of all buildings.
- **Tree Removal and Landscaping:** Nine trees are proposed to be removed. A landscaped 'buffer' is proposed along the northern and southern boundaries, with internal landscaping also proposed to delineate between light and heavy vehicle parking areas. Earthworks will be required to achieve a suitable building site.

4. Public Exhibition

The proposal was placed on public exhibition for 21 days and included notice to nearby landowners (see **Attachment A**). A total of five submissions were received.

The Applicant responded to the issues raised in submissions by amending the proposal. The amended proposal was re-exhibited for 21 days and included notice to nearby landowners. One submission was received.

All submissions received have been distributed to Councillors under **Separate Cover**.

The key issues raised in the submissions are:

- Stormwater run-off onto adjoining agricultural land
- Impacts of increased traffic on existing intersections in the vicinity of the development site
- The permissibility of the proposal

The Applicant's written response to the issues raised is also distributed under **Separate Cover**.

5. Assessment

The Applicant's Statement of Environmental Effects describes the development as a *service station, including truck and car wash, vehicle repairs and servicing, tyre servicing, takeaway food and drink premises/café and restaurant and car parking*. The site is zoned IN1 General Industrial under the provisions of the LEP.

The LEP land use table is structured such that if a land use is not explicitly listed as being permitted 'without Consent' or 'permitted with Consent', the land use is prohibited. In the IN1 General Industrial

zone, each *individual* land use proposed is permitted with Consent. The definitions of each land use are provided in **Attachment E**.

The LEP Dictionary also includes a *highway service centre*, which is not listed in the land use table and is therefore prohibited in the zone. The definition of a *highway service centre* includes, on the one site, a range of land uses individually defined (refer **Attachment E**).

Legal advice was sought to properly define (or characterise) the development, in order to determine if the development is permitted or prohibited.

The legal advice concludes that the development is best characterised as a *highway service centre* and is therefore prohibited in its current form. In summary, this conclusion is made on the following basis:

- The *purpose* of the *use* must be identified. To do this, the development must be assessed 'generally', not in terms of the specific acts proposed to take place in each building, or part of the site. In doing so, it was found that, collectively, the individual land uses serve the 'purpose' of a *highway service centre*.
- Two differences were identified between a *highway service centre* and a *service station* i.e.
 - Whether the target customer is a *highway* user, and
 - Whether the facility only sells fuel or whether it provides vehicle services and refreshments.

The proximity of the site to a highway and existing 'highway customers', combined with the proposed business operations, including three food outlets, a separate area for heavy vehicle drivers and extended hours of operation, has led to the determined land use. Essentially, the services provided are that which are 'commonly sought by highway users'.

Based on the legal advice it is concluded that the development is prohibited in the zone. As such, it is recommended the Applicant be provided with 14 days to withdraw the application. If the application is not withdrawn within the period specified then it should be refused on the basis that the development is prohibited in the zone.

It should be noted that the Applicant can lodge a Planning Proposal with Council seeking to amend the zoning to increase flexibility in the zoning and permit consideration of the proposal. If this is successful then a Development Application can be lodged at that time.

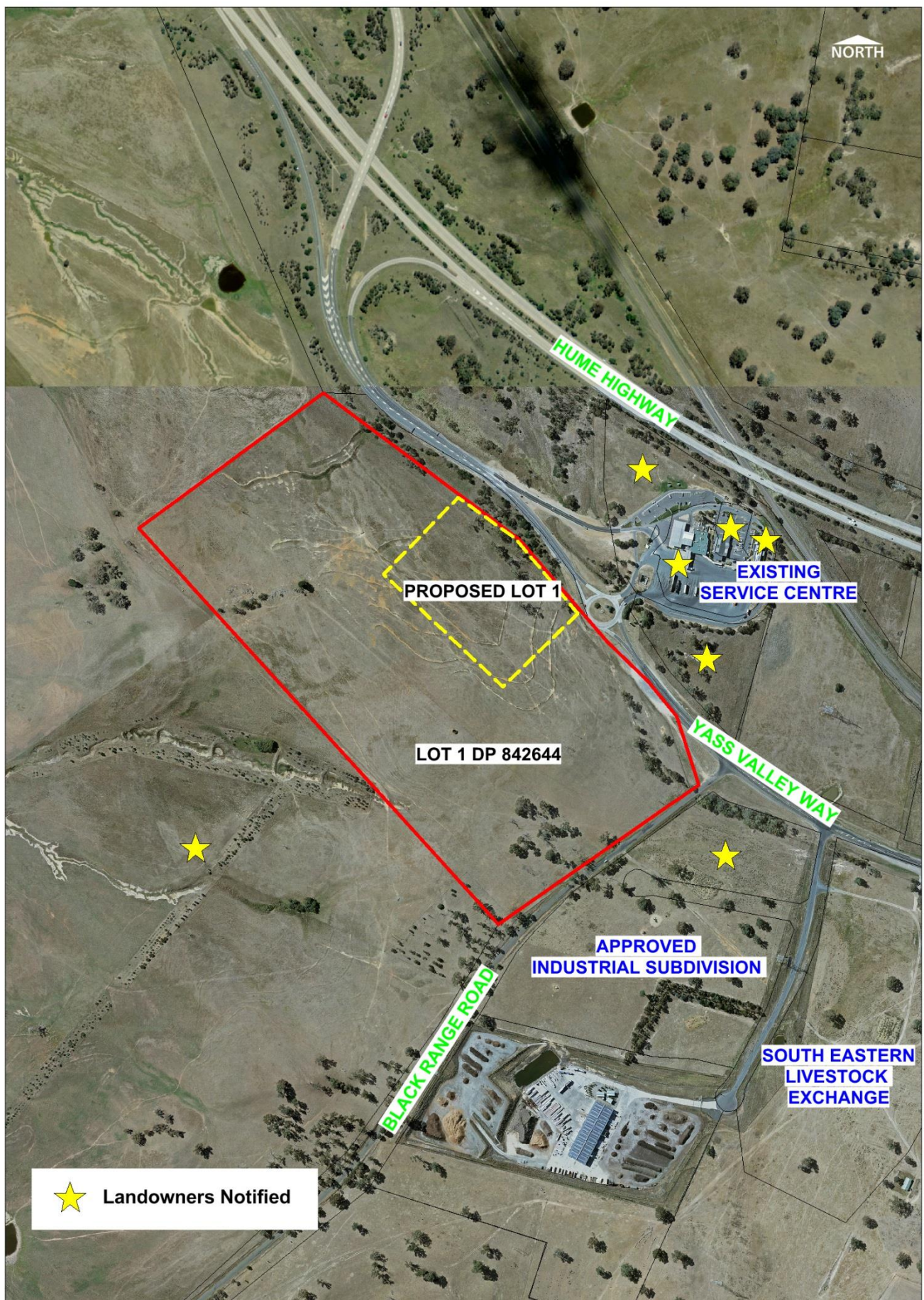
6. Conclusion

It is recommended that the application is refused on the basis that the proposed development is prohibited in the zone.

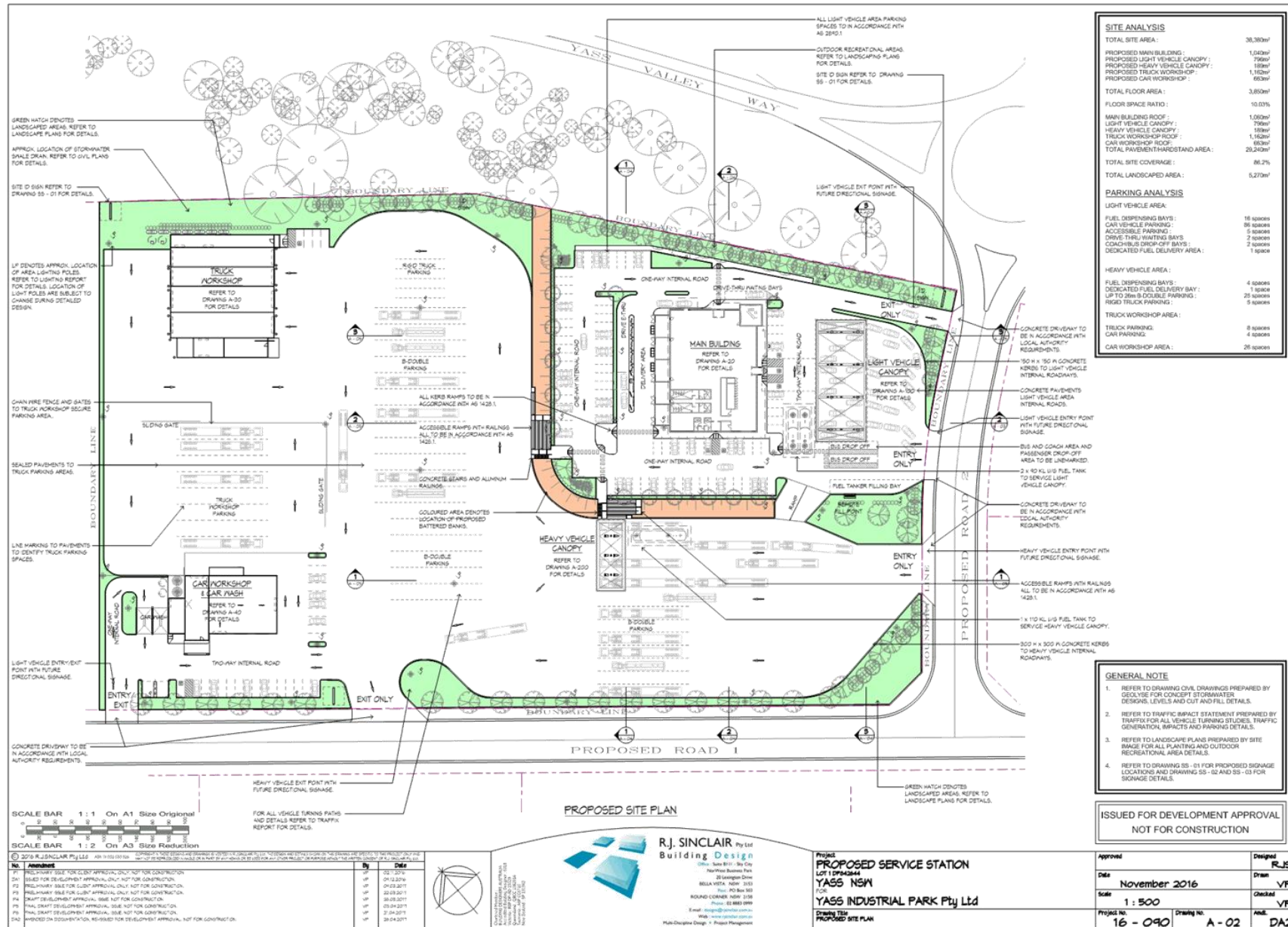
STRATEGIC DIRECTION

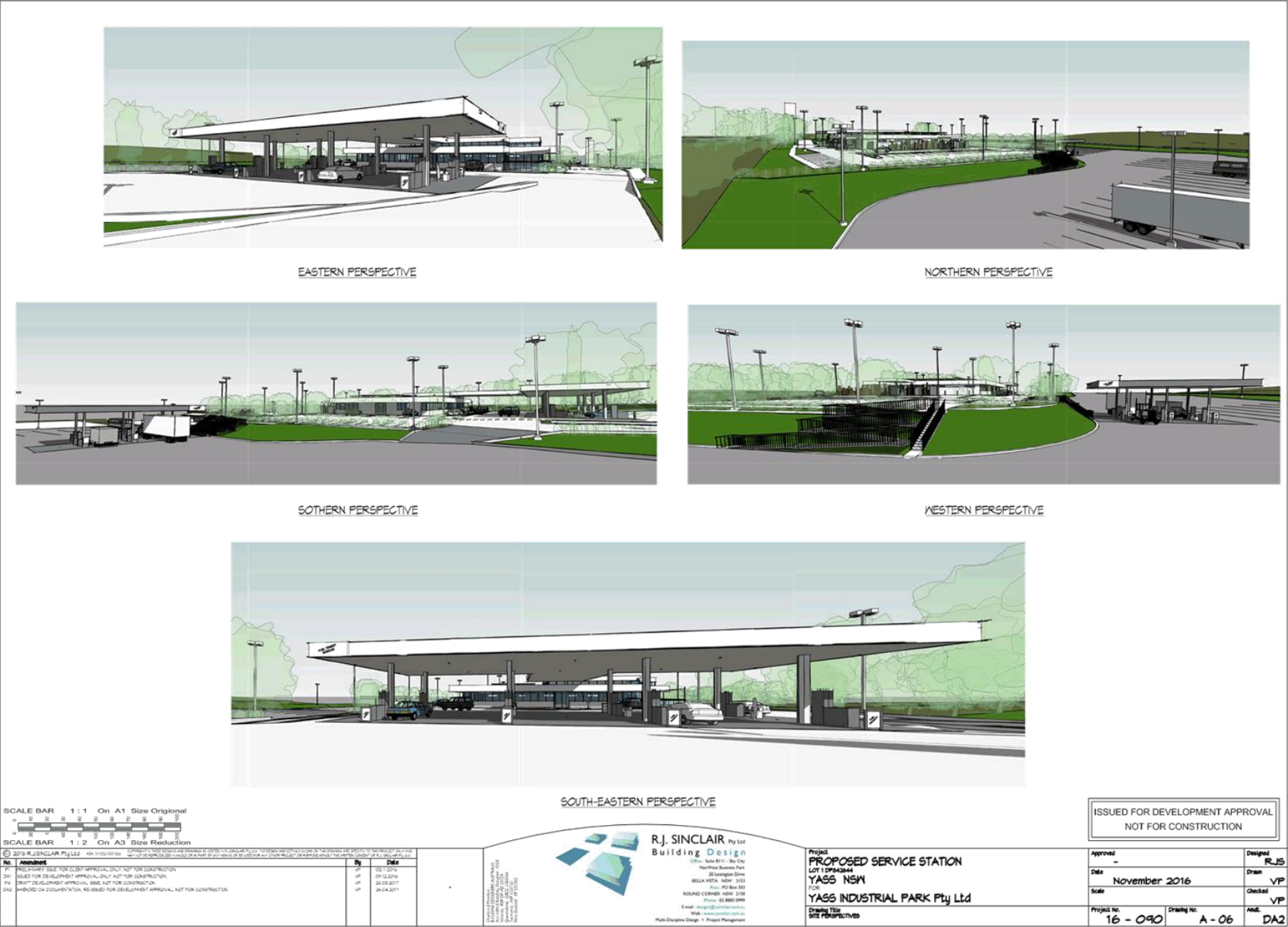
Key Pillar	1. Our Environment
CSP Strategy	EN4 - Maintain a balance between growth, development and environmental protection through sensible planning
Delivery Program Action	EN4.2 - Ensure development application assessment is thorough and efficient
Operational Plan Activity	EN4.2.1 - Implement development process improvements to deliver quality and efficiency gains

Attachments:	A. Locality Plan
	B. Proposal Details
	C. Submissions (<i>Under Separate Cover</i>)
	D. Applicant's Responses (<i>Under Separate Cover</i>)
	E. Land Use Definitions



6.6 Development Application No. 5.2016.280.1 - Highway Service Centre, Yass Valley Way, Yass
Attachment B Proposal Details







MAIN BUILDING -- EASTERN PERSPECTIVE



MAIN BUILDING -- NORTHERN PERSPECTIVE



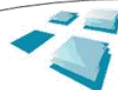
MAIN BUILDING -- SOUTHERN PERSPECTIVE

SCALE BAR 1 : 1 On A1 Size Original

SCALE BAR 1 : 2 On A3 Size Reduction

No.	Amendment
P1	PRELIMINARY ISSUE FOR CLIENT APPROVAL; ONLY, NOT FOR CONSTRUCTION
D01	ISSUED FOR DEVELOPMENT APPROVAL, ONLY, NOT FOR CONSTRUCTION
P4	CRITICAL DEVELOPMENT APPROVAL, ISSUE, NOT FOR CONSTRUCTION
D02	ISSUED AS DOCUMENTATION, RE-ISSUED FOR DEVELOPMENT APPROVAL, NOT

By	Date
VP	02.11.2016
VP	04.12.2016
VP	20.08.2017
VP	26.04.2017



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Project
PROPOSED SERVICE STATION
LOT 1 DP832844
YASS NSW
FOR
YASS INDUSTRIAL PARK Pty Ltd
Drawing Title
MAIN BUILDING PERSPECTIVES

ISSUED FOR DEVELOPMENT APPROVAL NOT FOR CONSTRUCTION	
Approved	Designed
Date	Drawn
Scale	Checked
Project No.	Drawn No.
16 - 080	A - 26



TRUCK WORKSHOP -- SOUTHERN PERSPECTIVE



TRUCK WORKSHOP -- WESTERN PERSPECTIVE

SCALE BAR 1 : 1 On A1 Size Original
SCALE BAR 1 : 2 On A3 Size Reduction

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NO. 16-090
DATE 20.04.2017
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Project
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YASS NSW
FOR
YASS INDUSTRIAL PARK Pty Ltd
Drawing Title
TRUCK WORKSHOP PERSPECTIVES

ISSUED FOR DEVELOPMENT APPROVAL
NOT FOR CONSTRUCTION

Approved	Designed
Date November 2016	Drawn VP
Scale	Checked VP
Project No. 16 - 090	Drawing No. A - 36
	Amend. DA2

6.6 Development Application No. 5.2016.280.1 - Highway Service Centre, Yass Valley Way, Yass
Attachment B Proposal Details



CAR WORKSHOP -- WESTERN PERSPECTIVE



CAR WORKSHOP -- SOUTHERN PERSPECTIVE



CAR WORKSHOP -- NORTHERN PERSPECTIVE

SCALE BAR 1:1 On A1 Size Original
SCALE BAR 1:2 On A3 Size Reduction

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NO. 16-090
DATE: 20.04.2017
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Project: **PROPOSED SERVICE STATION**
Lot 1 DP962644
YASS NSW
FOR:
YASS INDUSTRIAL PARK Pty Ltd
Drawing Title:
CAR WORKSHOP PERSPECTIVES

ISSUED FOR DEVELOPMENT APPROVAL
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Approved	Designed
Date: November 2016	Drawn: VP
Scale:	Checked: VP
Project No: 16 - 090	Drawing No: A - 46
	Amend: DA2

Yass Valley Local Environmental Plan 2013

Land Use Definitions

PERMITTED WITH CONSENT

Carpark means a building or place primarily used for the purpose of parking motor vehicles, including any manoeuvring space and access thereto, whether operated for gain or not.

Restaurant or café means a building or place the principal purpose of which is the preparation and serving, on a retail basis, of food and drink to people for consumption on the premises, whether or not liquor, take away meals and drinks or entertainment are also provided.

Service station means a building or place used for the sale by retail of fuels and lubricants for motor vehicles, whether or not the building or place is also used for any one or more of the following:

- (a) the ancillary sale by retail of spare parts and accessories for motor vehicles,
- (b) the cleaning of motor vehicles,
- (c) installation of accessories,
- (d) inspecting, repairing and servicing of motor vehicles (other than body building, panel beating, spray painting, or chassis restoration),
- (e) the ancillary retail selling or hiring of general merchandise or services or both.

Take away food and drink premises means premises that are predominantly used for the preparation and retail sale of food or drink (or both) for immediate consumption away from the premises.

Vehicle repair station means a building or place used for the purpose of carrying out repairs to, or the selling and fitting of accessories to, vehicles or agricultural machinery, but does not include a vehicle body repair workshop or vehicle sales or hire premises.

PROHIBITED

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 cafe,
- (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.