

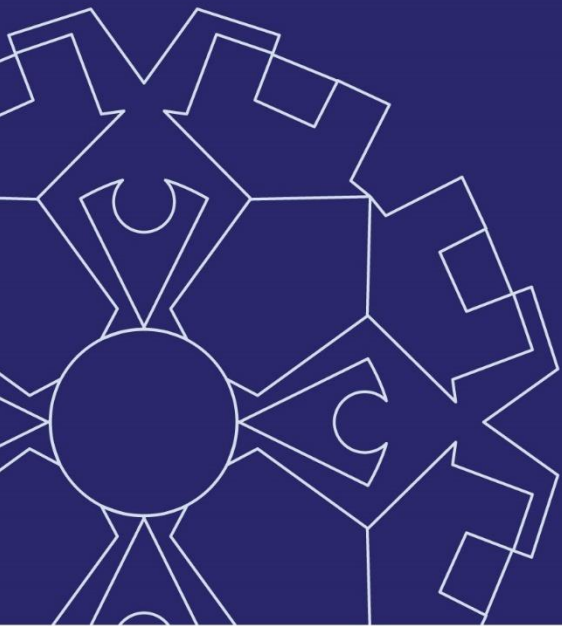


GEOLYSE

**PLANNING PROPOSAL
AMENDMENT TO YASS VALLEY LOCAL ENVIRONMENTAL PLAN 2013**

**PREPARED FOR
YASS INDUSTRIAL PARK PTY LTD**

JULY 2017



• Civil, Environmental & Structural Engineering • Surveying • Environmental • Planning • Architecture

PLANNING PROPOSAL

AMENDMENT TO YASS VALLEY LOCAL ENVIRONMENTAL PLAN 2013

**PERMIT HIGHWAY SERVICE CENTRE WITHIN IN1 – GENERAL
INDUSTRIAL ZONE (WITH CONSENT)**

PREPARED FOR:

YASS INDUSTRIAL PARK PTY LTD

JULY 2017



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The preparation of this report has been in accordance with the project brief provided by the client and has relied upon the information, data and results provided or collected from the sources and under the conditions outlined in the report.

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ABBREVIATIONS

Abbreviation	Full Name
PP	Planning Proposal
DP&E	NSW Department of Planning and Environment
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
SEPP	State Environmental Planning Policy
LEP	Local Environmental Plan
AHD	Australian Height Datum
LGA	Local Government Area
YVLEP	Yass Valley Local Environmental Plan 2013

Background

1.1 INTRODUCTION

Geolyse has been commissioned by Yass Industrial Park Pty Ltd to prepare a planning proposal to amend the *Yass Valley Local Environmental Plan 2013* (YVLEP) to include Highway Service Centre within Part 3 of the IN1 – General Industrial Land Use Table and thereby enable a Highway Service Centre (HSC) to be permitted in the IN1 with the consent of Council.

A HSC is defined as:

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.*

A current development application is before Yass Valley Shire Council (Council reference DA 5.2016.280.1) seeking consent for 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 on IN1 zoned land. The proposed HSC would be located on approved Lot 1 within the subdivision of current Lot 1, with frontages to approved Roads 1 and 2 in the subdivision.

Council has sought legal advice that forms the view that the proposed use is best characterised as a HSC and that it is therefore prohibited in the IN1 zone, on the basis that a HSC is not listed at Part 3 of the IN1 Land Use Table.

Council at its meeting of 28 June 2017 resolved that:

- 1. Development Application No 5.2016.280.1 be deferred pending the outcome of any Planning Proposal.*
- 2. The Director of Planning be authorised to seek a Gateway Determination and delegation to Council of the plan making functions under the EP&A Act 1979 for any request to prepare a Planning Proposal to amend the Yass Valley LEP 2013 to include a 'Highway service centre' in the IN1 General Industrial zone subject to it being prepared in accordance with Council and Department of Planning & Environment guidelines and being supported by documents generally consistent with those lodged with DA 5.2016.280.1.*

This planning proposal has been prepared as a result of that resolution.

Intent and Provisions

2.1 OBJECTIVE

To include highway service centre within Part 3 of the IN1 – General Industrial Land Use Table of the Yass Valley Local Environmental Plan 2013 (YVLEP).

2.2 EXPLANATION OF PROVISIONS

This is a simple planning proposal to amend Part 3 of the Land Use Table for the IN1 – General Industrial zone of the YVLEP via the inclusion of highway service centre as a land use that is permitted with consent.

The IN1 Land Use Table is proposed to be amended to read as follows:

Zone IN1 General Industrial

1 Objectives of zone

- To provide a wide range of industrial and warehouse land uses.
- To encourage employment opportunities.
- To minimise any adverse effect of industry on other land uses.
- To support and protect industrial land for industrial uses.

2 Permitted without consent

Environmental protection works

3 Permitted with consent

Agricultural produce industries; Biosolids treatment facilities; Boat building and repair facilities; Car parks; Depots; Freight transport facilities; Garden centres; General industries; Hardware and building supplies; Highway Service Centre; Hotel or motel accommodation; Industrial retail outlets; Industrial training facilities; Information and education facilities; Kiosks; Landscaping material supplies; Light industries; Liquid fuel depots; Neighbourhood shops; Places of public worship; Restaurants or cafes; Restricted premises; Roads; Rural industries; Schools; Service stations; Sewage treatment plants; Sex services premises; Signage; Take away food and drink premises; Timber yards; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Warehouse or distribution centres; Water recycling facilities; Water supply systems; Wholesale supplies

4 Prohibited

Any development not specified in item 2 or 3

Justification

3.1 NEED FOR THE PLANNING PROPOSAL

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

A planning proposal is required as an amendment to Part 3 of the IN1 Land Use Table of YVLEP is proposed.

The objective is to make highway service centre (HSC) a use that is permissible with consent within the IN1 zone.

An existing HSC is located to the north-west of the town of Yass, on land between Yass Valley Way and the Hume Highway. This land is on land zoned SP1 – Highway Service Centre and has existing in this location for over 20 years.

The Yass Industrial Lands Study 2008 (YILS) was prepared to provide a strategic analysis of available and required industrial and employment generating land. The YILS informed preparation of the YVLEP. At the time of preparation of the YILS, the existing HSC was located on land zoned 3(b) – Highway Services.

Section 5.2 of the YILS included the existing HSC land in the Study on the basis that, whilst not zoned industrial, it was considered an employment generating land use which had the potential for expansion. As well as the land on which the existing HSC was located, the YILS also identified land to the south of the HSC (Lot 1 DP842644) as being suitable for a HSC and land to the east (Lot 100 DP805154) as being suitable for a range of uses to support a HSC (parking areas, rest areas, rest rooms, road transport terminals, toilets and showers etc).

The intent of the then 3(b) zone was:

... to set aside land for the provision of services required by the travelling public and for the development of refreshment, accommodation and vehicle service facilities.

At the time of preparation of the YILS, the constraints and opportunities of the noted land (refer **Figure 1**) were identified as:

Constraints

- *The Highway Service Centre is already well serviced by facilities for the traveling public. This may explain why the surrounding land remains vacant.*

Opportunities

- *This site already takes advantage of its strategic location and ability to service the traveling public.*

Figure 4 of the YILS is reproduced in **Figure 1**, whilst **Figure 2** demonstrates the current zoning of the area discussed by the YILS.

Figure 4 Existing Zones around Highway Service Centre and surrounds

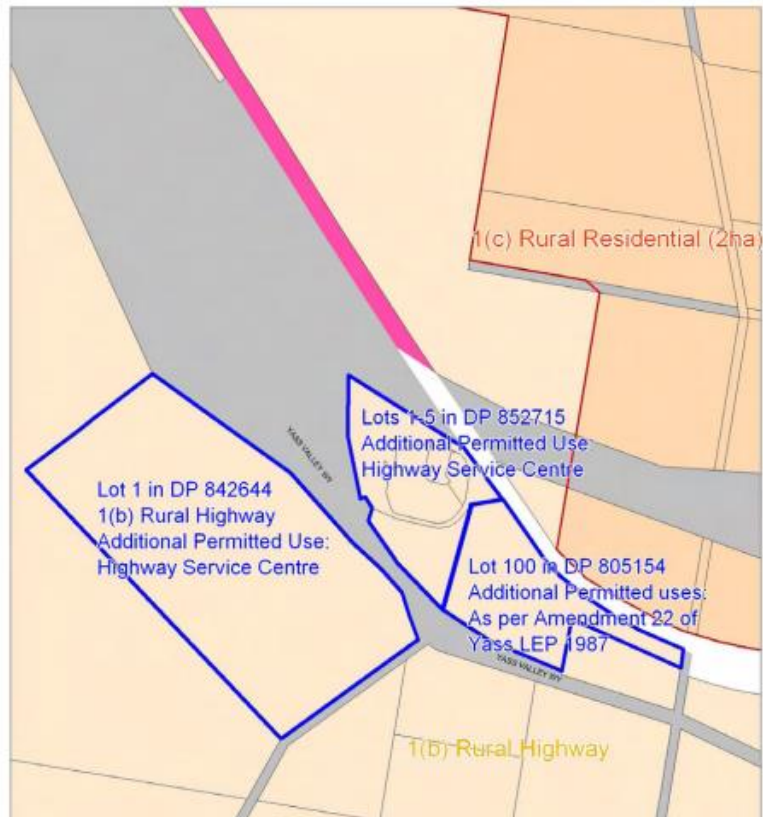


Figure 1: Figure 4 from YILS 2008

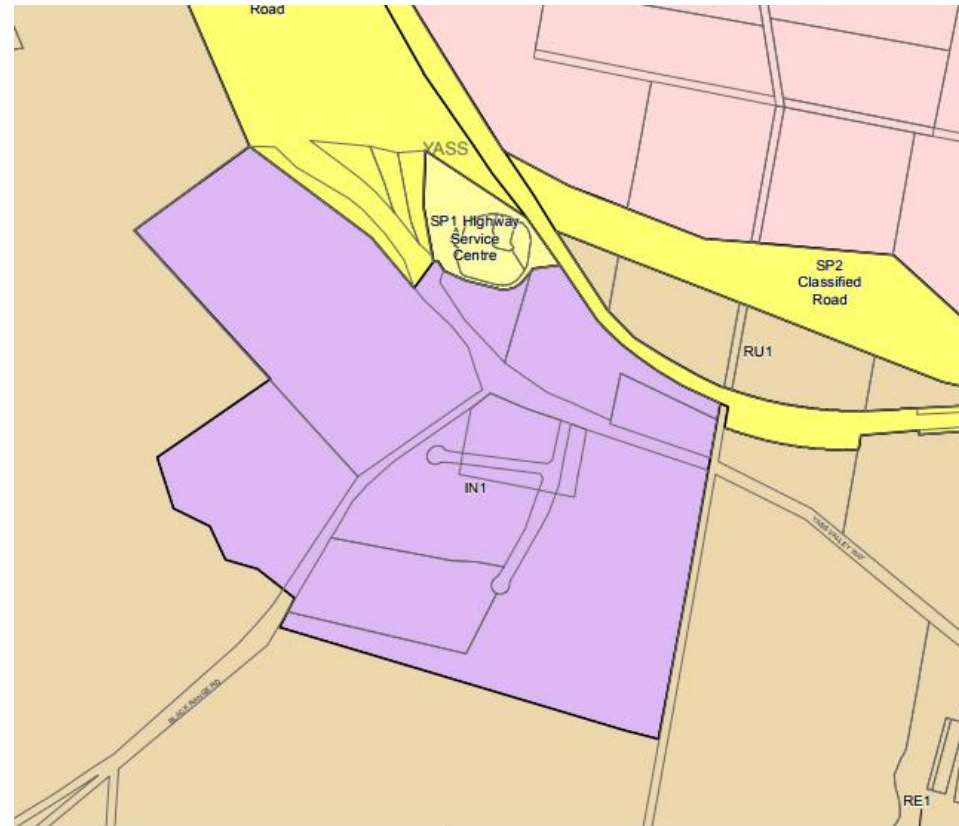


Figure 2: Extract from YVLEP 2013 Land Zoning Map

There has been significant growth in the immediate locality of the HSC in the intervening nine years since preparation of the YILS, with two separate industrial subdivisions of nearby land having been approved (refer **Figure 3**). These, together with the development of the South Eastern Livestock Exchange (SELX) within the zoned IN1 land, has resulted in an emerging demand for local services to support the locality.

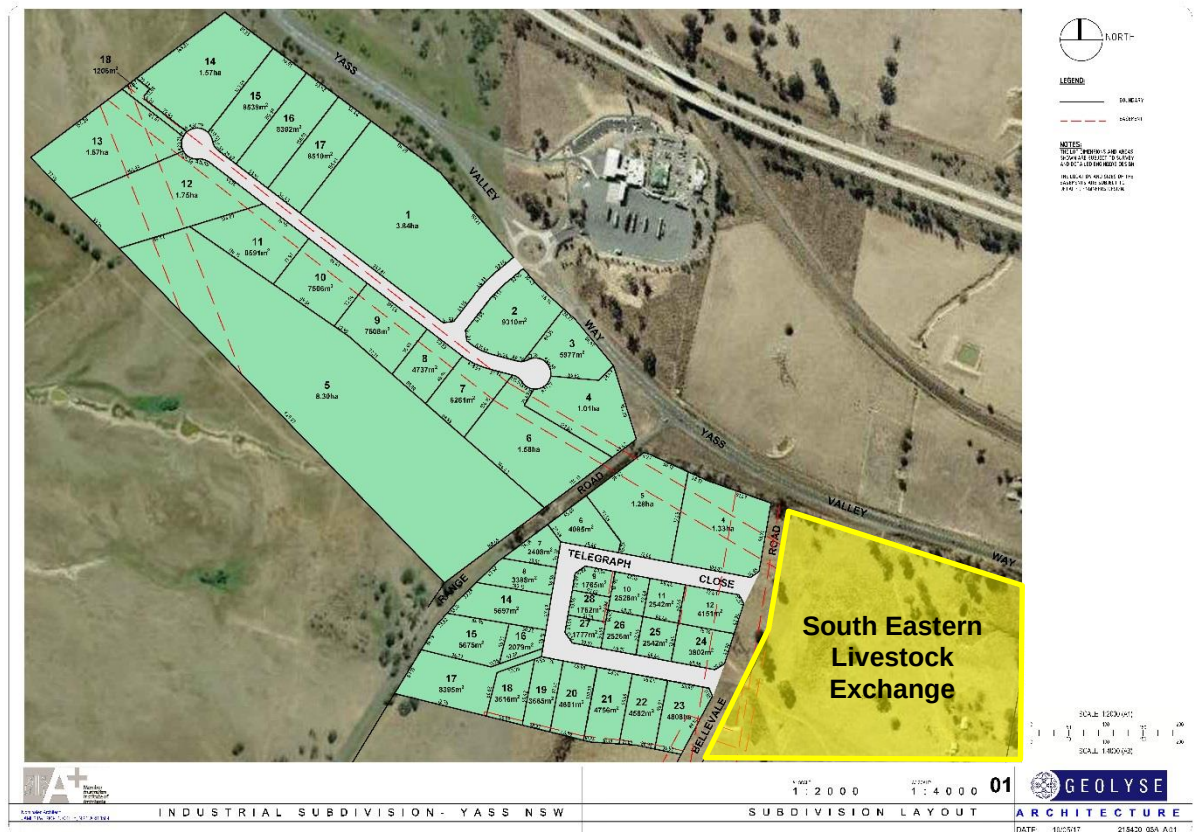


Figure 3: Recently approved subdivisions and the SELX facility

There is only one area of IN1 zoned land within the Yass LGA (as depicted in **Figure 2**) with the remainder of the industrial land in the LGA zoned IN2 – Light Industrial. All of the zoned IN1 land is sufficiently close to the Hume Highway to arguably provide for highway users.

By virtue of the definition of a HSC, any of the individual types listed within the definition of a HSC that serve highway users is therefore a HSC. This is despite the fact the all of the listed land uses within the definition of a HSC are each currently separately listed as permissible within the IN1 zone. Therefore, the inclusion of HSC within Part 3 of the Land Use Table removes any doubt as to the permissibility of these land uses by virtue of their characterisation.

Due to the absence of IN1 zoned land elsewhere in the LGA, the inclusion of HSC as a permissible use within the IN1 zone does not create any unintended consequences by allowing HSC's in zoned areas away from a highway. Even in the event land elsewhere in the LGA was zoned for IN1 purposes in the future, it would not pose any problem for the provision of services within the zone where physically removed from a highway as the constituent land uses forming a HSC are also permissible within the zone and would be appropriately characterised in terms of those permitted land uses.

The proposed use of the land in question for the purposes of a highway service centre is proposed and endorsed by the YILS and therefore this planning proposal is strategically justified.

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

The proposed approach is considered the best means of achieving the project objective.

Other alternatives considered including identifying a specific site for the purpose and identifying this as an additional permitted use (being a highway service centre) via Schedule 1 of the YVLEP or rezoning the site to SP1 – XX, consistent with the existing HSC.

A site specific additional permitted use was discounted on the basis that the NSW Planning Practise Note (PN 11-001) suggests that the use of Schedule 1 should be kept to a minimum and on the basis that the YILS identifies all of the land for the HSC purpose. Consistency with the strategic framework is considered paramount. PN 11-001 states:

Wherever possible, land uses should be governed by the Land Use Table and Schedule 1 should only be used where council has demonstrated why this cannot be achieved.

The SP1 zoning was rejected on the basis that the proposal to include the HSC within the IN1 zoning is both consistent with the intent of YILS and reduces any perception of anti-competitive behaviour that could be levelled in the event the opportunity to provide a HSC style services on all lots within the subdivision. It is understood that Council's legal advice results in the conclusion that any standalone land use of a type listed within the definition of a HSC proposed within this locality would be classed as a HSC on the basis that these uses are considered HSC's. Inclusion of HSC within Part 3 of the Land Use Table addresses this matter by providing an appropriate degree of flexibility in the zone without unfairly stifling competition.

As inclusion in Part 3 of the Land Use Table would also achieve the outcome without any unintended consequences, it is considered the most appropriate approach.

3.2 RELATIONSHIP TO STRATEGIC PLANNING FRAMEWORK

Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy?

The *South East and Tablelands Regional Plan 2036* is the NSW Government's strategy for guiding land use planning decisions for the South East and Tablelands Region for the next 20 years. At its heart is a core vision for the region supported by four supporting goals:

Vision: A borderless region in Australia's most geographically diverse natural environment with the nation's capital at its heart.

Goals:

- *A connected and prosperous economy*
- *A diverse environment interconnected by biodiversity corridors*
- *Healthy and connected communities*
- *Environmentally sustainable housing choices.*

This is discussed further in relation to Ministerial Direction 5.10.

The proposal is considered to be generally consistent with the objectives and actions of the Plan.

Is the planning proposal consistent with Council's local strategy or other local strategic plan?

The proposal is consistent with the YILS.

Is the planning proposal consistent with applicable State Environmental Planning Policies?

The planning proposal is broadly compliant with all relevant State Environmental Planning Policies (SEPPs). The following specific comments are made in relation to applicable SEPPs.

State Environmental Planning Policy No 44 – Koala Habitat Protection

State Environmental Planning Policy 44 - Koala Habitat Protection (SEPP44) aims to:

...encourage the proper conservation and management of areas of natural vegetation that provide habitat for Koalas, to ensure permanent free-living populations over their present range and to reverse the current trend of population decline...

This policy applies to all LGAs within the known state wide distribution of the Koala, including the Yass Valley LGA. SEPP 44 defines 'potential koala habitat' as vegetation that incorporates a minimum of 15 percent of tree species (listed in Schedule 2 of SEPP 44) in the 'upper or lower strata of the tree component'.

The land in question is zoned for industrial purposes and the majority of the land has received development consent for industrial subdivision. Any further required consideration of SEPP44 would be appropriate at DA stage for future developments.

State Environmental Planning Policy No 55 – Remediation of Lands

State Environmental Planning Policy 55– Remediation of Lands (SEPP55) aims to:

...promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment...

This policy applies to the whole of the State, including the Yass Valley LGA. SEPP55 defines 'contaminated land' as per the definition in Part 5 of the *Contaminated Land Management Act 1997 No 140* as the presence in, on or under the land of a substance a concentration above the concentration at which the substance is normally present in, on, or under (respectively) land in the same locality, being a presence that presents a risk of harm to human health or any other aspect of the environment.

Consideration of the contamination status of all of the industrially zoned land occurred at the rezoning stage for the subject land. The land is considered likely to be suitable for the proposed industrial purposes, including a highway service centre, on the basis that the receptor pathway for potential contamination to future users of any HSC is minimised by the implementation of hard surfaces for the purposes of pollution control and car parking.

State Environmental Planning Policy (Infrastructure) 2007

The aim of the State Environmental Planning Policy (infrastructure) 2007 (ISEPP) is to facilitate the effective delivery of infrastructure across the state by:

- a) *improving regulatory certainty and efficiency through a consistent planning regime for infrastructure and the provision of services*
- b) *greater flexibility in the location of infrastructure and service facilities*
- c) *allowing for the efficient development, redevelopment or disposal of surplus government owned land*
- d) *identifying the environmental assessment category into which different types of infrastructure and services development fall (including identifying certain development of minimal environmental impact as exempt development)*
- e) *identifying matters to be considered in the assessment of development adjacent to particular types of infrastructure development*
- f) *providing for consultation with relevant public authorities about certain development during the assessment process or prior to development commencing.*

Clause 104 of the ISEPP specifies that traffic generating development requires referral to RTA (now Roads and Maritime Services, or RMS) where it meets certain triggers. These triggers are identified in Schedule 3 to the ISEPP. As none of the industrial zoned land is within 90 metres of a classified road, clause 104 is not considered to apply to the site. The use of any of the IN1 land for the purposes of a HSC would include site specific consideration of this clause at DA stage.

Is the planning proposal consistent with applicable Ministerial Directions (s177 directions)?

Direction 1.1 – Business and Industrial Zones

In accordance with the following Clause 3(a) of Ministerial Direction 1.1 – Business and Industrial Zones as follows:

“a planning proposal that would affect land within an existing or proposed business or industrial zone (including the alteration of any existing business or industrial zone boundary)”

This direction is applicable to the planning proposal as land is zoned IN1 – General Industrial.

As Clause 3(a) of the Ministerial Direction 1.1 is applicable, the following Clause 4 factors of Ministerial Direction 1.1 are considered:

- 4(b) – *“Retain the areas and locations on existing businesses and industrial zones”*

The planning proposal would not affect the areas or locations of the existing environment, as it proposes additional scope for further development of industry rather than any reduction of permissible uses.

- 4(c) – *“not reduce the total potential floor space area for employment uses and related public services in business zones.*

The planning proposal would not affect a business zone.

- 4(d) – *“not reduce the total potential floor space area for industrial uses in industrial zones*

The planning proposal aims to provide an additional use as permitted with consent in the IN1 zone and would not affect floor space areas.

- 4(e) – *“ensure that proposed new employment areas are in accordance with a strategy that is approved by the Director-General of the Department of Planning.*

The planning proposal would not result in a new employment area, rather additional of a permitted with consent use in the current zone.

The planning proposal is therefore consistent with Direction 1.1.

Direction 3.4 – Integrating Land Use and Public Transport

Ministerial Direction 3.4 – Integrating Land Use and Public Transport is applicable as the planning proposal would rezone land for industrial purposes (i.e. from RU1 – Primary Production to IN1 – General Industrial).

As per Clause 3 of Ministerial Direction 3.4:

“This direction applies when a relevant planning authority prepares a planning proposal that would create, alter or remove a zone or a provision relating to urban land, including land zoned for residential, business, industrial, village or tourist purposes”.

As per Clause 4 of Ministerial Direction 3.4, the minor change to the range of permitted use in the IN1 zone must be consistent with the aims and objectives of the following documents:

“A planning proposal must locate zones for urban purposes and include provisions that give effect to and are consistent with the aims, objectives and principles of:

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

“A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director General) that the provisions of the planning proposal that are inconsistent are:

- (a) Justified by a strategy which:*
 - i) Gives consideration to the objective of this direction, and*
 - ii) Identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites), and*
 - iii) Is approved by the Director-General of the department of planning, or*
- (b) Justified by a study (prepared in support of the planning proposal) which gives consideration to the objectives of this direction, or*
- (c) In accordance with the relevant Regional Strategy or Sub-Regional Strategy prepared by the Department of Planning which gives consideration to the objective of this direction, or*
- (d) Of minor significance.*

The planning proposal is of minor significance given it proposes the addition of a land use within the existing IN1 zone designation.

Direction 5.10 – Implementation of Regional Plans

Direction 5.10 seeks to give legal effect to the vision, land use strategy, goals, directions and actions contained in Regional Plans.

The direction applies to land to which a Regional Plan has been released by the Minister of Planning. The *South East and Tablelands Regional Plan* has been approved and applies to the Yass Valley LGA.

The Vision of the Regional Plan is:

A borderless region in Australia’s most geographically diverse natural environment with the nation’s capital at its heart

The Vision of the Regional Plan is delivered by four key goals and 28 specific directions. Relevant to this planning proposal are a number of goals and directions, outlined and discussed below:

Goal 1: A connected and prosperous economy

Direction 3: Develop the Snowy Mountains into Australia’s premier year-round alpine destination

Direction 9: Grow tourism in the region

Direction 12: Promote business activities in urban centre

Goal 3: Healthy and connected communities

Direction 20: Enhance access to goods and services by improving transport connections

Direction 22: Build socially inclusive, safe and healthy communities

The planning proposal resolves an anomaly in the existing planning framework and via this promotes economic development and growth. The planning proposal, whilst minor in nature, is important in assisting with the delivery of the above goals and directions. The planning proposal is considered to be consistent with the intent and vision of the Regional Plan. The planning proposal is therefore consistent with Direction 5.10.

Direction 6.1 – Approval and Referral Requirements

Ministerial Direction 6.1 – Approval and Referral Requirements applies to all planning proposals forwarded for Gateway Determination by a local authority.

To be compliant with Direction 6.1, a planning proposal must be consistent with the following provisions;

“A planning proposal must:

- (a) Minimise the inclusion of provisions that require the concurrence, consultation or referral of development applications to a Minister or public authority, and*
- (b) Not contain provisions requiring concurrence, consultation or referral of a Minister or public authority unless the relevant planning authority has obtained the approval of:*
 - The appropriate Minister or public authority, and*
 - The Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General), prior to undertaking community consultation in satisfaction of section 57 of the Act, and*
- (a) Not identify development as designated development unless the relevant planning authority:*
 - Can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the class of development is likely to have a significant impact on the environment, and*
 - Has obtained the approval of the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) prior to undertaking community consultation in satisfaction of section 57 of the Act”.*

The proposed planning proposal does not generate the need for any explicit concurrence, consultation or referral to the Minister or public authority and is therefore consistent with Direction 6.1.

Direction 6.3 – Site Specific Provisions

Ministerial Direction 6.3 – Site Specific Provisions applies to all planning proposals forwarded for Gateway Determination by a local authority;

To be compliant with Direction 6.3, a planning proposal must be consistent with the following provisions;

- (a) A planning proposal that would amend another environmental planning instrument in order to allow a particular development proposal to be carried out must either:*
 - Allow that land use to be carried out in the zone the land is situated on, or*
 - Rezone the site to an existing zone already applying in the environmental planning instrument that allows that land use without imposing any development standards or requirements in addition to those already contained in that zone, or*
 - Allow that land use on the relevant land without imposing any development standards or requirements in addition to those already contained in the principal environmental planning instrument being amended.*
- (b) A planning proposal must not contain or refer to drawings that show details of the development proposal.*

The development is consistent with the above.

3.3 ENVIRONMENTAL, SOCIAL AND ECONOMIC IMPACTS

Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, would be adversely affected as a result of the proposal?

No. All affected land has been zoned for IN1 purposes, has been approved for subdivision and would be the subject of future DA's for specific proposed land uses. Assessments completed at rezoning and subdivision stages confirm that the land is suitable for development for industrial/employment generating purposes. Site specific assessment at development application stage for specific developments would ensure that no impacts exist at a site

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

Environmental effects associated with the use of the IN1 zoned land for the purposes of an HSC are consistent with the effects of the use of the land as a service station, take away food and drink premises and/or car park. As all of these uses are currently permitted with consent in the IN1 zone, it would not result in other likely impacts.

The land is within an area of mapped groundwater vulnerability and therefore a careful analysis and detailed site planning is necessary to ensure that the protection of the environment is at the centre of any HSC development. Given the nature of a HSC, the core risks associated with the groundwater are linked to the underground storage of hydrocarbons and the ongoing operational risks associated with refuelling.

Through careful adherence to the principles outlined in the EPA Guidelines *Environmental Action for Service Stations* and the requirements of the Protection of Environmental Operations Act 1997 and associated regulations, it is considered that the development of HSC's on the site, like other industrial land uses, can occur without any increased risk to the groundwater environment.

Any HSC would be the subject of detailed design including considering the relevant EPA guidelines for the safe design of fuel filling locations to ensure that risk to the environment as a result of air, water or land pollution is effectively mitigated and controlled. These specific controls are able to be addressed at DA stage for any future development.

Has the planning proposal adequately addressed any social and economic effects?

Social and economic impact has been considered in various forums in the context of planning law in NSW. One of the key decisions was that of the High Court in *Kentucky Fried Chicken v Gantidis* (1979) 140 CLR 675 in which it was stated:

'...mere threat of competition to existing businesses, if not accompanied by a prospect of a resultant overall adverse effect upon the extent and adequacy of facilities available to the local community if the development proceeded with, will not be a relevant town planning consideration'

The proposal enables uses currently permitted within the IN1 zone to be approved in the context of providing services to highway users. This thereby enhances, rather than detracts from, the extent and adequacy of facilities available to the local community.

On this basis, the development is considered to result in social and economic benefits to the locality, through job creation and flow on effects to local businesses (such as contractors and local suppliers during construction and operation phase, including builders, cleaning companies and the like).

The *Draft Centres Policy 2009* (Policy) provides a number of questions that should be considered in determining whether to proceed with a rezoning; referred to as the Net Community Benefit Test. These questions together with a response are provided in **Table 3.1**.

The Policy identifies that if it is judged that the rezoning would produce a net community benefit, the proposal should proceed through the rezoning process. If no benefit is identified, the proposed rezoning should not proceed.

The outcome of the discussion provided in **Table 3.1** confirms that the rezoning would have a net community benefit and accordingly it is considered that the rezoning should proceed.

Table 3.1 – Net Community Benefit Test

EVALUATION CRITERIA	COMMUNITY COSTS AND BENEFITS			
	BASE CASE – CURRENT SITUATION	PLANNING PROPOSAL	QUALITATIVE COMMUNITY BENEFIT PER CRITERIA	QUANTITATIVE COMMUNITY BENEFIT PER CRITERIA
Would the LEP be compatible with agreed State and regional strategic direction for development in the area (eg land release, strategic corridors)?	A range of adopted directions and strategies apply to the site, as discussed earlier in this planning proposal.	The LEP seeks to include HSC as a permitted use within the IN1 – General Industrial zone.	The qualitative benefits of the proposal are: - The correction of an anomaly in the current planning framework to that allows all constituent parts of a HSC to occur, but not a HSC, will allow for this development to proceed and provide a service for the growing IN1 zoned areas - Enabling the development provides additional employment opportunities for the locality and thereby improves the viability of the town	No external cost to the community. Increased investment would be a benefit.
Is the LEP located in a global/regional city, strategic centre or corridor nominated within the Metropolitan Strategy or another regional/sub-regional strategy? Is the LEP likely to create a precedent or create or change the expectations of the landowner or other landholders?	The site is within the area of the South East and Tablelands Regional Plan. The proposal is consistent with the vision and goals of the Regional Plan.	The proposed LEP applies to land zoned IN1 and enables a HSC to be permitted in the zone with Council consent.	The LEP corrects an anomaly in the current planning framework, so is unlikely to lead to the setting of a precedent.	No external cost to the community
Have the cumulative effects of other spot rezoning proposals in the locality been considered? What was the outcome of these considerations?	No other spot re-zonings are known to have occurred in the locality.	The proposed LEP has been prepared in response to the Council's resolution on at its meeting of 28 June 2017 to pursue the amendment to the LEP to include HSC's within the IN1 zone.	No external cost to the community	No external cost to the community
Would the LEP facilitate a permanent employment generating activity or result in a loss of employment lands?	The land affected is currently zoned IN1, enabling employment generating land uses..	The LEP corrects an anomaly in the current planning framework, and thereby facilitates development of an employment generating land use	Provision of employment generating uses is an output of the LEP. Additionally, facilitating investment in construction would, in turn, facilitate employment in the construction sector.	No external cost to the community

Table 3.1 – Net Community Benefit Test

EVALUATION CRITERIA	COMMUNITY COSTS AND BENEFITS			
	BASE CASE – CURRENT SITUATION	PLANNING PROPOSAL	QUALITATIVE COMMUNITY BENEFIT PER CRITERIA	QUANTITATIVE COMMUNITY BENEFIT PER CRITERIA
Would the LEP impact upon the supply of residential land and therefore housing supply and affordability?	The existing zone is IN1 within which residential accommodation is prohibited. In terms of housing provision there is therefore no change.	There is no change in terms of housing provision.	No external cost to the community	No external cost to the community
Is the existing public infrastructure (roads, rail, utilities) capable of servicing the proposed site? Is there good pedestrian and cycling access? Is public transport currently available or is there infrastructure capacity to support future public transport?	The land is the in the process of being provided with essential services by virtue of two approved industrial subdivisions within the locality, at the full cost of the developers. The site does not have pedestrian access and no specific cycle routes are identified linking to Yass. Infrastructure exists to support future public transport if provided.	Cost of service provision would be borne by the applicant. The development of the land would be staged to ensure a logical and cost effective provision of services.	Enabling a viable development to proceed would provide a positive benefit to the community through enhancement of the economy and job creation.	No external cost to the community
Would the proposal result in changes to the car distances travelled by customers, employees and suppliers? If so, what are the likely impacts in terms of greenhouse gas emissions, operating costs and road safety?	The range of uses allowed by the current IN1 zone generates car based travel demand.	The LEP would provide for one additional land use type within the IN1 zone, however noting that it reflects a range of uses already otherwise permitted. The net effect is therefore negligible.	By providing for HSC's within the IN1 zone, an anomaly in the current framework is corrected. The qualitative benefit for the community is therefore positive as it allows this type of development to proceed.	No external cost to the community
Are there significant Government investments in infrastructure or services in the area whose patronage would be affected by the proposal? If so, what is the expected impact?	The Hume Highway is a significant piece of Government infrastructure in the locality. Patronage of the Hume Highway would not be expected to be affected by the development. The impact of the proposal would be positive in that it provides an alternative option for users of the Hume Highway to the existing HSC.	The LEP seeks to include HSC as a permissible use in the IN1 zone, correcting an anomaly that allows all of the constituent parts but not the use itself. It would not itself have any impact on the usage levels of the Hume Highway.	Enhancement of the local economy through provision of a viable business and employment generator.	No external cost to the community
Would the proposal impact on land that the Government has identified a need to protect (eg land with high biodiversity values) or have other environmental impacts? Is the land constrained by environmental factors such as flooding?	Part of the land is mapped as sensitive terrestrial biodiversity. The land is not unduly constrained.	By virtue of the rezoning of the land for industrial purposes, the general suitability of the land is confirmed.	No external cost to the community	No external cost to the community

Table 3.1 – Net Community Benefit Test

EVALUATION CRITERIA	COMMUNITY COSTS AND BENEFITS			
	BASE CASE – CURRENT SITUATION	PLANNING PROPOSAL	QUALITATIVE COMMUNITY BENEFIT PER CRITERIA	QUANTITATIVE COMMUNITY BENEFIT PER CRITERIA
Would the LEP be compatible/complementary with surrounding land uses? What is the impact on amenity in the location and wider community? Would the public domain improve?	The subject land is zoned IN1 and is located close to the Hume Highway.	The use of land within the IN1 zone for the purposes of a HSC is compatible with the current and proposed usage. The development is approved for an industrial subdivision and therefore impacts to wider amenity are negligible. Improvements to the public domain are possible through redevelopment and provision of better quality infrastructure and landscaping.	Clarification of approvable uses within the zone provides greater certainty for developers and improves the likelihood of investment.	No external cost to the community
Would the proposal increase choice and competition by increasing the number of retail and commercial premises operating in the area?	Existing HSC located on land north of the IN1 zoned land.	The LEP would provide for HSC's within the IN1 zone.	The proposal improves choice and competition in the area and broader locality, noting that a fuel station has recently closed in Yass and that there are calls locally for an ACCC investigation into high fuel prices in Yass, compared to other nearby centres of Goulburn and Canberra.	No external cost to the community
If a stand-alone proposal and not a centre, does the proposal have the potential to develop into a centre in the future?	Not relevant to this planning proposal.			No external cost to the community
What are the public interest reasons for preparing the draft plan? What are the implications of not proceeding at that time?	A HSC is not currently permissible in the zone.	HSC would be permissible with consent via including in Part 3 of the IN1 Land Use table.	Public Interest is best served by enabling a wider range of permissible uses and thereby fostering local competition and improving vitality and viability.	Potential external cost to community if LEP does not proceed due to potential loss of economic opportunities noted above.
Net Community Benefit =			Positive	Positive

3.4 STATE AND COMMONWEALTH INTERESTS

It is not considered that the minor change proposed via this planning proposal would conflict with any State or Commonwealth interests. The views of State and commonwealth public authorities would be ascertained following the Gateway Determination.

As an element of public consultation associated with the development application currently before Council, consultation with Roads and Maritime Services has occurred. Roads and Maritime provided the following key points of comment in their response:

- Any proposed pylon signs potentially visible from the Hume Highway would require photomontages to demonstrate the degree of visibility and the likelihood of potential distraction to drivers;
- Consideration should be given at detailed design to ensure the internal subdivision road widths are adequate to accommodate proposed traffic volumes and the adopted design vehicles;
- The importance of minimising conflict between vehicles and pedestrians within any HSC site;
- Recommended that capacity be provided to allow for the parking of vehicles towing caravans and trailers;
- Provide for effective access to all elements of the site through provision of dual ingress/egress points in the southern extent of the site;

Roads and Maritime provided recommendation of incorporation of the following conditions of consent on any development consent:

1. *The northern most driveway to the new road is to be restricted to left turn exit only by construction of a raised central median extending from the roundabout approach island works to the northern side of the proposed entry driveway to the development site.*
2. *No approval is granted for any works on Lot 34 DP 871286. Prior to release of the Construction Certificate the applicant shall provide detailed design plans for the proposed road or infrastructure works that also show the nearby boundaries of Lot 34 DP 871286.*
3. *Landscaping and fencing shall be established and maintained within the allotments that have frontage to Yass Valley Way to a standard to provide a visual screen from Yass Valley Way. A vegetated buffer at least 10 metres wide and planted with a variety of endemic species and growing to a mature height of up to 5 metres is to be established and maintained within these allotments.*
4. *Any works associated with the proposed development shall be at no cost to Roads and Maritime Services.*

Consideration could also be given to adoption of some or all of the following conditions of consent:

1. *As a minimum the proposed road works to the existing roundabout treatment is to be designed and constructed in accordance with the Austroads Guide to Road Design for the prevailing speed limit and to cater for the largest vehicle likely to access the subdivision.*
2. *The intersection of Yass Valley Way and the proposed road and roadside is to be maintained so as to provide the required Safe Intersection Sight Distance (SISD) in either direction along the Yass Valley Way in accordance with the Austroads Publications for the prevailing speed limit.*
3. *The off-street car park layout associated with the proposed development including driveway design and location, internal aisle widths, ramp grades, parking bay dimensions and loading bays are to be in accordance with AS 2890.1-2004 "Off-street car parking" and AS 2890.2-2002 "Off-street commercial vehicle facilities".*
4. *The swept path of the largest vehicles entering and exiting the subject site and manoeuvrability through the site is to be provided in accordance with AS 2890.2-2002 "Off-street commercial vehicle facilities" and in a manner to allow all vehicles to be able to enter and exit the subject site in a forward direction. The movement paths are to be maintained free of obstructions.*
5. *The proposed one way motion at the various driveways as indicated on the submitted plans is to be implemented. This one way motion is to be appropriately signposted and line marked at the access driveways and through the carpark.*
6. *Facilities are to be provided within the car park to facilitate safe pedestrian movements throughout the car park. Pedestrian crossing stripes are not to be placed as it resembles to the pedestrian crossing on the road and creates confusion as to who has the priority. Raised pedestrian walkways enhance the visibility of the walkway and the safety of pedestrians.*

On review of the above recommendations, it is considered that there are no impediments to the incorporation of the above refinements into any future HSC within the industrially zoned land (as appropriate).

Community Consultation

4.1 TYPE OF COMMUNITY CONSULTATION REQUIRED

Section 5.5.2 of 'A Guide to Preparing Local Environmental Plans' identifies two different exhibition periods for community consultation;

- Low Impact Proposals – 14 days; and
- All other PPs (including any proposal to reclassify land) – 28 days.

The Guide describes Low Impact Proposals as having the following attributes;

- *A 'low' impact planning proposal is a planning proposal that, in the opinion of the person making the gateway determination, is;*
 - *Consistent with the pattern of surrounding land use zones and/or land uses;*

The proposed addition of a further permitted use within Part 3 of the IN1 Land Use Table is consistent with the overarching strategy and merely results in capacity to approve a group of land uses together that are already permissible separately.

- *Consistent with the strategic planning framework;*

Responses have been provided detailing the proposal's compliance with local and regional planning strategies, SEPPs, and ministerial directions.

- *Presents no issues with regard to infrastructure servicing;*

All essential services are currently being provided to the two zoned industrial subdivisions and therefore any site on which a HSC was proposed could be serviced.

- *Not a principle LEP; and*

The planning proposal is not for a principle LEP.

- *Does not reclassify public land.*

The planning proposal does not seek to reclassify public land.

In accordance with the responses to the above points, the planning proposal is considered to be of low impact. It is also noted that extensive public consultation has occurred in relation to the related development application. It is therefore considered that a community consultation period of 14 days is justified.

References

NSW Department of Planning & Environment (DP&E). 2016a, *A Guide to Preparing Local Environmental Plans*, DP&E, Sydney.

NSW Department of Planning & Environment (DP&E). 2016b, *A Guide to Preparing Planning Proposals*, DP&E, Sydney.

NSW Department of Planning & Environment (DP&E). 2017, *South East and Tablelands Regional Plan 2036*, DP&E, Sydney

NSW Department of Planning (DoP). 2008, *Sydney–Canberra Corridor Regional Strategy*, DoP, Sydney

NSW Department of Planning and Infrastructure. 2009, *Draft Centres Policy*, DP&I, Sydney
