

# PLANNING PROPOSAL

Amendment to the Upper Hunter Local Environmental Plan 2013

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## **Planning Proposal – Proposed Amendment to Upper Hunter Local Environmental Plan 2013.**

**Lot 22 DP 1235763, New England Highway Scone**

**Version 02  
15 June 2020**

## PART 1: OBJECTIVES AND BACKGROUND

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The objective of this planning proposal is to amend the Upper Hunter Local Environmental Plan 2013 to enable the establishment of a highway service centre and warehouse or distribution centres premises at Lot 22 DP 1235763 New England Highway, Scone

The land that is the subject of this planning proposal is located adjacent to the existing industrial estate to the north of Scone between the New England Highway and rail corridor and comprises a total area of approximately 2.49 hectares (Annexure 1). The land has a very gentle gradient of approximately 2% falling to the west.

Surrounding land uses include industrial land to the north, vacant residential zoned land to the south (45 lot residential subdivision and a three lot subdivision has been approved), the saleyards to the east and primary production land to the west. A present the site fronts the New England Highway, where the Scone Bypass is currently under construction. In the future on completion of the bypass the site will have access to a local road running approximately parallel to the highway (Annexure 3).

The site is currently zoned R1 General Residential under the Upper Hunter Local Environmental Plan 2013. Development for the purposes of a highway service centre is prohibited within the R1 zone.

The planning proposal intends to enable the development of the site for the purpose of a highway service centre comprising (refer to Annexure 2 – Indicative Layout Plan):

- ) Service station (including truck and car refuel areas)
- ) Fast food and dining restaurant
- ) Caravan parking area
- ) Truck parking area
- ) Warehouse and distribution centre

There are two (2) options available to Council for achieving the intent of the planning proposal as follows:

- 1) to amend the zoning of the subject land to IN2 Light Industrial. The proposed land uses are permissible in this zone; or
- 2) to identify the proposed use of the land as an additional permitted use pursuant to Clause 2.5 of the Upper Hunter LEP 2013.

## PART 2: EXPLANATION OF PROVISIONS

In order to achieve the objective of this planning proposal the Upper Hunter Local Environmental Plan 2013 could be amended by one of the following two ways:

### Option 1

Rezone the subject land to **Zone IN2 Light Industrial** as follows:

#### **Zone IN2 Light Industrial**

##### **1 Objectives of zone**

- To provide a wide range of light industrial, warehouse and related land uses.
- To encourage employment opportunities and to support the viability of centres.
- To minimise any adverse effect of industry on other land uses.
- To enable other land uses that provide facilities or services to meet the day to day needs of workers in the area.
- To support and protect industrial land for industrial uses.

##### **2 Permitted without consent**

*Environmental protection works*

##### **3 Permitted with consent**

*Boat building and repair facilities; Boat launching ramps; Car parks; Cemeteries; Community facilities; Correctional centres; Crematoria; Depots; Educational establishments; Electricity generating works; Emergency services facilities; Environmental facilities; Flood mitigation works; Freight transport facilities; Funeral homes; Garden centres; Hardware and building supplies; Health services facilities; Helipads; Heliports; Highway service centres; Industrial retail outlets; Industrial training facilities; Industries; Information and education facilities; Jetties; Kiosks; Landscaping material supplies; Light industries; Mortuaries; Neighbourhood shops; Office premises; Oyster aquaculture; Passenger transport facilities; Places of public worship; Plant nurseries; Public administration buildings; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Research stations; Restricted premises; Roads; Rural supplies; Service stations; Sex services premises; Signage; Specialised retail premises; Storage premises; Take away food and drink premises; Tank-based aquaculture; Timber yards; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Vehicle sales or hire premises; Warehouse or distribution centres; Water recreation structures; Water supply systems; Wharf or boating facilities; Wholesale supplies*

##### **4 Prohibited**

*Pond-based aquaculture; Any development not specified in item 2 or 3*

Under Option 1, the Land Zoning Map Sheet LZN\_008A would need to be amended to show the revised zoning of the land as IN2 Light Industrial.

In addition, the following LEP maps should be amended to ensure appropriate development standards are in place to minimise impacts on the surrounding area and to ensure consistency with the development standards typically applied to the IN2 zone.

- ) Floor Space Ratio Map (Sheet FSR\_008A) to provide for a maximum floor space ratio of 1:1; and
- ) Height of Buildings Map (Sheet HOB\_008A) to provide for a maximum building height of 10 metres.

**OR**

### Option 2

Include highway service centre as an additional permitted use of the land in Schedule 1 of the Upper Hunter LEP 2013 as follows:

**9 Use of certain land at New England Highway, Scone**

- (1) *This clause applies to land at New England Highway, Scone, being Lot 22 DP 1235763.*
- (2) *Development for the purpose of a highway service centre and warehouse or distribution centre is permitted with development consent.*

## PART 3: JUSTIFICATION

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In accordance with the Department of Planning and Environment's Guide to Preparing Planning Proposals, this section provides a response to the following issues:

- ) Section A: Need for proposal
- ) Section B: Policy Context
- ) Section C: Potential Environmental, Social and Economic Impact; and
- ) Section D: Other Government Interests

### SECTION A – NEED FOR THE PLANNING PROPOSAL

#### 1. Is the planning proposal the result of any strategic study?

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

The Upper Hunter Land Use Strategy 2017 recognises that the role and function of Scone's existing town centre (Kelly Street) is expected to change when highway traffic is diverted around the town via the Scone Bypass. This may also lead to pressure for commercial developments along the new bypass corridor. The Strategy supports precinct-level planning to establish priorities for planning and development controls (Direction 2.2).

One of the strategic actions of Direction 2.2 is to review the potential and demand for commercial development potential along the proposed Scone bypass route and develop a strategy for responding to rezoning requests prior to the completion of the bypass, particularly at the northern and southern intersection accesses to the town. This strategy is yet to be developed by Council.

The Land Use Strategy identifies Area 2 at the southern end of the bypass as a priority investigation area to respond to the influence of the Scone Bypass on the town centre and to provide opportunities for employment generating uses in and around the town centre. Area 2 may be capable of providing up to 10ha of land for a mix of tourism and/or commercial uses. The proponent of the current rezoning did consider the feasibility of developing a highway service centre in Area 2 but found that the grade separation between the current New England Highway and the bypass would be problematic as it would not enable the most convenient and direct access to a proposed service centre.

Council is currently considering a similar planning proposal to enable the land to be used for a highway service centre and motel adjacent to the St Aubins Street off-ramp of the Scone Bypass. Notwithstanding site is significantly constrained by flood risk, amenity impacts on surrounding residential uses and access from the bypass (based on RMS advice). The proponent contends that the proposed intersection at Lot 22 DP 1235763, New England Highway provides a more suitable location for the establishment of a highway service centre.

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

As noted previously, this planning proposal considers two options for achieving the objectives.

##### Option 1

Rezoning the subject land to Zone IN2 Light Industrial would enable development of the land for the purpose of a highway service centre, however, it would also enable a range of other land uses that may be less desirable in this location such as industries, depots and industrial retail outlets that do not necessarily service highway users and could conflict with the adjoining residential uses to the south. Furthermore according to the Land and Housing Supply Monitor (as updated at 2018), the adjacent Scone Business Park has area of 34ha, with a 325 theoretical lot potential (15 lots have been constructed to date). In this regard there is sufficient IN2 Light Industrial zoned land in Scone and given the low rate of lot development, additional areas are not required at this time.

## Option 2

An alternative way of achieving the objective of this planning proposal is to identify highway service centre as an additional permitted use of the land in Schedule 1 of the Upper Hunter LEP 2013. This option would mean that the land would continue to be zoned R1 General Residential and the uses currently permitted on the land would continue to be permitted. However, a highway service centre and bulky goods retail/distribution centre would also be permitted with consent.

In view of the above, should the planning proposal be supported by Council, Option 2 is the preferred option to achieve the objectives of the proposal.

### **3. Is there a community benefit?**

The Net Community Benefit Test is provided in Annexure 4. The planning proposal will create the potential for the site to be developed as a highway service centre. This has the potential to offer facilities to the travelling public in terms of fuel, food and a rest stop, particularly for heavy vehicles and long vehicles. The development is also likely to generate employment for the Scone township.

## **SECTION B –RELATIONSHIP TO STRATEGIC PLANNING FRAMEWORK**

### **4. Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy?**

It is considered that the proposal is consistent with Direction 4: 'Enhance inter-regional linkages to support economic growth', and Direction 23: 'Grow centres and renewal corridors' of the Hunter Regional Plan 2036.

In relation to Direction 4, the Scone Bypass will enhance inter-regional transport connections to support economic growth whilst contributing to greater efficiency of the New England Highway which is a nationally significant transport corridor. The planning proposal will facilitate development that would build on the opportunity provided by the new bypass to the economic benefit of Scone.

The proposal is consistent with Direction 23 as it will support the long-term viability of Scone as a strategic centre of the Upper Hunter region. The proposal will lead to development that is likely to generate employment opportunities to support a growing population and will contribute to local economic growth.

### **5. Is the planning proposal consistent with the local Council's Community Strategic Plan, or other local strategic plan?**

The planning proposal is consistent with the following Community Strategies of Goal 4 – Plan for a sustainable future and Goal 5 – A sustainable and prosperous economy:

CS13 "*Implement and regularly review Strategic Land Use Plans, Environmental Planning Instruments and Development Control Plans, which reflect the needs and expectations of the broad community*"

CS19 "*Encourage retail and commercial business to locate and prosper within our Shire*"

CS20 "*Encourage and support innovative industry and a diversity of businesses that provide a range of services and employment opportunities for current and future generations*"

### **6. Is the planning proposal consistent with applicable State Environmental Planning Policies?**

The State Environmental Planning Policies (SEPPs) that are relevant to this planning proposal are outlined below.

<b>Relevant SEPP</b>	<b>Consistency of Planning Proposal</b>
<p><i>SEPP No 55 Remediation of Land</i></p>	<p>Clause 6 <b>Contamination and remediation to be considered in zoning or rezoning proposal</b> is relevant and requires:</p> <p>(1) In preparing an environmental planning instrument, a planning authority is not to include in a particular zone (within the meaning of the instrument) any land specified in subclause (4) if the inclusion of the land in that zone would permit a change of use of the land, unless—</p> <p>(a) the planning authority has considered whether the land is contaminated, and</p> <p>(b) if the land is contaminated, the planning authority is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for all the purposes for which land in the zone concerned is permitted to be used, and</p> <p>(c) if the land requires remediation to be made suitable for any purpose for which land in that zone is permitted to be used, the planning authority is satisfied that the land will be so remediated before the land is used for that purpose.</p> <p>Historically, the land has been used predominantly for rural (grazing). Council is aware that part of the land was recently unlawfully used in association with the limestone separating plant that is on Lot 107 DP 1184051. Council understand based on information provided by Stoneco Pty Ltd that the operation involves refining the already crushed limestone by removing metal material using magnetic separation. The land has also recently been used by Daracon as a depot for the Scone Bypass project. The Preliminary Desktop Contaminated Site Investigation (East West Online, 28 February 2020) suggests there is potential for the land to be contaminated as a result of the current depot use and that further investigations will be required once the depot use has ceased. Given that the zoning RI General Residential a range of potentially sensitive uses are possible.</p> <p>(2) Before including land of a class identified in subclause (4) in a particular zone, the planning authority is to obtain and have regard to a report specifying the findings of a preliminary investigation of the land carried out in accordance with the contaminated land planning guidelines.</p> <p>The proponent submitted a Preliminary Desktop Contaminated Site Investigation (East West Online, 28 February 2020). This identifies that there are a range of sources of contamination from the current use of the site as the Daracon</p>

Relevant SEPP	Consistency of Planning Proposal
	<p>depot for the Scone New England Highway bypass project. It states:</p> <p><i>There is risk of surface soil contamination from the use of the site to stockpile road construction materials. There also exists potential for contamination from improperly bunded chemical storage areas on site and small localised spills from chemical use.</i></p> <p>It concludes:</p> <p><i>The results of the desktop preliminary site investigation indicate risks for contamination of the site from current use. Further investigation involving sampling of the site would be recommended once Daracon have cleared the site and before prior development and to establish a baseline for future use.</i></p> <p>(3) If a person has requested the planning authority to include land of a class identified in subclause (4) in a particular zone, the planning authority may require the person to furnish the report referred to in subclause (2).</p> <p>(4) <i>The following classes of land are identified for the purposes of this clause—</i></p> <p>(a) <i>land that is within an investigation area,</i></p> <p>The land is not in an investigation area.</p> <p>(b) <i>land on which development for a purpose referred to in Table 1 to the contaminated land planning guidelines is being, or is known to have been, carried out,</i></p> <p>The land has had a history of agricultural uses which is listed in Table 1.</p> <p>(c) to the extent to which it is proposed to carry out development on it for residential, educational, recreational or child care purposes, or for the purposes of a hospital—</p> <p>land—</p> <p>(i) in relation to which there is no knowledge (or incomplete knowledge) as to whether development for a purpose referred to in Table 1 to the contaminated land planning guidelines has been carried out, and</p> <p>(ii) on which it would have been lawful to carry out such development during any period in respect of which there is no knowledge (or incomplete knowledge).</p> <p>The current zoning of R1 General Residential</p>

Relevant SEPP	Consistency of Planning Proposal
	<p>allows the land to be used for residential purpose and child care centres. The depot uses by Daracon and the unlawful industrial use by Stoneco creates a situation where there is incomplete knowledge of the land, but the uses could result in possible contamination with:</p> <ul style="list-style-type: none"> <li data-bbox="874 439 1401 775">) <i>Total petroleum hydrocarbons, monocyclic aromatic hydrocarbons (e.g. benzene, toluene, ethylbenzene &amp; xylene (BTEX)), phenols, heavy metals, polyaromatic hydrocarbons (PAHs), oil and grease, alkalis, acids (e.g. sulphuric, phosphoric) and resins from sources and activities that include concrete production, road construction, and repair and maintenance of vehicles and machinery.</i></li> <li data-bbox="874 813 1382 875">) <i>PAHs and hydrocarbon contamination from waste asphalt stockpiles</i></li> </ul> <p>It is therefore recommended that a Detail Site Investigation is undertaken once the depot use has been removed and prior to any additional permitted use for the highway service centre.</p>

SEPP (Infrastructure) 2007	<p>The planning proposal will facilitate traffic generating development as prescribed by Schedule 3 of the SEPP. In accordance with Clause 104 of the SEPP, the consent authority, before determining a development application for the highway service centre and motel, must:</p> <ul style="list-style-type: none"> <li data-bbox="826 1290 1401 1375">(a) give written notice of the application to RMS within 7 days after the application is made, and</li> <li data-bbox="826 1379 1407 1957">(b) take into consideration: <ul style="list-style-type: none"> <li data-bbox="874 1413 1407 1588">(i) any submission that RMS provides in response to that notice within 21 days after the notice was given (unless, before the 21 days have passed, RMS advises that it will not be making a submission), and</li> <li data-bbox="874 1592 1407 1868">(ii) the accessibility of the site concerned, including: <ul style="list-style-type: none"> <li data-bbox="911 1655 1407 1740">(A) the efficiency of movement of people and freight to and from the site and the extent of multi-purpose trips, and</li> <li data-bbox="911 1744 1407 1868">(B) the potential to minimise the need for travel by car and to maximise movement of freight in containers or bulk freight by rail, and</li> </ul> </li> <li data-bbox="874 1872 1394 1957">(iii) any potential traffic safety, road congestion or parking implications of the development.</li> </ul> </li> </ul> <p>Preliminary advice from the NSW Department of Planning and Environment is that early consultation with the RMS should be undertaken.</p>

	<p>The proposal was referred to the RMS on 7 June 2019 and then again on 18 October 2019 along with the requested documentation. The RMS provided a final response on 21 November 2019 (for to Annexure 6) raising no objection to the rezoning (notwithstanding further assessment will be required in relation to any future development application).</p>
<p><i>SEPP No. 33 Hazardous and Offensive Development</i></p>	<p>The planning proposal creates the potential for the development of a hazardous industry that has environmental risks. The establishment of a service station will require an assessment of the proposal under SEPP 33. This would be submitted as documentation with a future development application for a highway service centre.</p>

## 7. Is the planning proposal consistent with applicable Ministerial Directions (s.9.1 Directions)?

Each s9.1 Ministerial Direction is listed below with an annotation stating whether it is relevant to the Planning Proposal and confirming consistency.

s.9.1 Direction Title	Applies	Consistency of Planning Proposal
1.1 <i>Business and Industrial Zones</i>	Yes	<p>The direction is applicable because the planning proposal seeks to enable the land to be used for the establishment of a highway service centre and warehouse or distribution centre as an additional permitted use. This is immediately adjacent to the Scone Business Park which provides for highway service centres and warehouse or distribution centres (along with a range of other industrial uses). The planning proposal gives effect to the objectives of the direction as it encourages employment growth in a location suitable for a highway service centre and warehouse or distribution centres, being adjacent to an existing industrial area and close to the new northern entrance to Scone. By limiting the use it is unlikely to significantly affect the employment potential of the existing area. Being adjacent to the existing industrial area it supports the viability of the Scone Business Park as an identified strategic centre.</p> <p>The planning proposal does not reduce area and locations of existing business or industrial zones. It does not reduce the total floor space areas for employment uses or for industrial uses in business zones.</p> <p>The Upper Hunter Land Use Strategy identifies Area 2 at the southern end of the bypass as a priority investigation area to respond to the influence of the Scone Bypass on the town centre and to provide opportunities for employment generating uses in and around the town centre. Area 2 may be capable of providing up to 10ha of land for a mix of tourism and/or commercial uses. However the identified area is not considered suitable for a highway service centre and warehouse or distribution centre due to the configuration of the bypass-into Scone link road and the proximity to existing residential areas.</p>
1.2 <i>Rural Zones</i>	No	Not applicable as the land is in the R1 General Residential Zone.
1.3 <i>Mining, Petroleum Production and Extractive Industries</i>	NA	Not Applicable
1.4 <i>Oyster Aquaculture</i>	NA	Not Applicable
1.5 <i>Rural Lands</i>	No	Not Applicable
2.1 <i>Environment Protection Zones</i>	NA	Not Applicable
2.2 <i>Coastal Protection</i>	NA	Not Applicable

<b>s.9.1 Direction Title</b>	<b>Applies</b>	<b>Consistency of Planning Proposal</b>
<i>2.3 Heritage Conservation</i>	Yes	The heritage status of the site has not been established at this stage. The site has been cleared of tree vegetation and does not appear to contain any buildings or building remnants. Notwithstanding there may be items, relics, works or moveable objects that are of heritage of archaeological significance present. It is recommended that the heritage/ archaeological significance of the site be considered at the development applications stage as required by Clause 5.10 of the Upper Hunter Local Environmental Plan 2013 and Part 9 of the Upper Hunter Development Control Plan 2015 (or as amended).
<i>2.4 Recreation Vehicle Areas</i>	NA	Not Applicable
<i>3.1 Residential Zones</i>	Yes	<p>The planning proposal affects land within the R1 General Residential Zone of the Upper Hunter Local Environmental Plan 2013 by introducing an additional permitted use to allow the development of a highway service centres and warehouse or distribution centre.</p> <p>Although the site has the potential to yield up to 20 residential lots (based on 600m<sup>2</sup> minimum lot size), it is between the New England Highway and the rail corridor, adjoins the existing Scone Business Park (industrial area) and is within between 100m to 300m of the Scone sale yards. Furthermore, Council has acquired Lot 21 DP 1235763 which is land that directly to the south for the purpose of a new link road to the saleyards and industrial area on the eastern side of the rail corridor (refer to Annexure 3). These existing and future uses are likely to result in greater heavy vehicle use in the locality resulting in noise and movement and consequently the land subject to the planning proposal is new less suitable for residential uses.</p>
<i>3.2 Caravan Parks and Manufactured Home Estates</i>	NA	Not Applicable
<i>3.3 Home Occupations</i>	NA	Not Applicable

s.9.1 Direction Title	Applies	Consistency of Planning Proposal
3.4 <i>Integrating Land Use and transport</i>	Yes	<p>This Direction is applicable where a council prepares a draft LEP that creates, alters or removes a zone or provision relating to urban land, including land zoned for residential, business, industrial, village or tourist purposes. The planning proposal seeks to create a provision that alters the R1 General Residential Zone such as to allow for a highway service centre and warehouse or distribution centre.</p> <p>The planning proposal is considered to be inconsistent with the objectives of this direction as it is located 1.6km from the Scone town centre. As a highway service centre it does not improve access to housing, jobs and services by walking, cycling and public transport. It does not increase the choice of available transport or reduce the dependence on cars. It does not specifically support the efficient and viable operation of public transport services. However, the concept plan that supports the development includes heavy vehicle parking facilities which arguably assists with the efficient movement of freight by providing drivers with a rest stop and warehouse or distribution facilities.</p> <p>The <i>Right Place for Business and Services</i> (DUAP, 2001) sets out appropriate locations for particular businesses to maximise the community benefit. The Net Community Benefit Test (Annexure 4) has been undertaken and the highway service centre and warehouse/distribution centre is considered to provide an overall benefit without imposing unnecessary or unreasonable costs on the community.</p> <p><i>Improving Transport Choice</i> establishes 10 principals for creating accessible developments. These principles are considered in relation to the planning proposal in Annexure 5. Overall the planning proposal is located in adjacent to a major road corridor and is for a development oriented to towards motor vehicle dependency.</p>
3.5 <i>Development Near Licensed Aerodromes</i>	NA	Not Applicable
4.1 <i>Acid Sulfate Soils</i>	NA	Not Applicable
4.2 <i>Mine Subsidence and Unstable Land</i>	NA	Not Applicable
4.3 <i>Flood Prone Land</i>	No	Not Applicable
4.4 <i>Planning for Bushfire Protection</i>	NA	Not Applicable
5.1 <i>Implementation of Regional Strategies</i>	NA	Not Applicable

<b>s.9.1 Direction Title</b>	<b>Applies</b>	<b>Consistency of Planning Proposal</b>
<i>5.2 Sydney Drinking Water Catchments</i>	NA	Not Applicable
<i>5.3 Farmland of State and Regional Significance on the NSW Far North Coast</i>	NA	Not Applicable
<i>5.4 Commercial and Retail Development along the Pacific Highway, North Coast</i>	NA	Not Applicable
<i>5.9 North West Rail Link Corridor Strategy</i>	NA	Not Applicable
<i>5.10 Implementation of Regional Plans</i>	Yes	The planning proposal is consistent with the Hunter Regional Plan as discussed in Section B4 of this planning proposal report.
<i>6.1 Approval and Referral Requirements</i>	NA	Not Applicable
<i>6.2 Reserving Land for Public Purposes</i>	NA	Not Applicable
6.3 Site Specific Provisions	Yes	The planning proposal is consistent with the terms of Direction 6.3 as it will allow a land use without imposing any development standards or requirements in addition to those already contained in the Upper Hunter LEP 2013.
7.1 Implementation of the Metropolitan Strategy	NA	Not Applicable

## SECTION C – ENVIRONMENTAL, SOCIAL AND ECONOMIC IMPACT

### 8. 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?

It is unlikely that the proposal will adversely affect any critical habitat, threatened species, populations or ecological communities or their habitats. The land does not include or comprise critical habitat or lay within a conservation area under the meaning of an environmental planning instrument or any proposed environmental instrument applying to the land.

As previously discussed the site is currently being used as a storage facility/depot for the Scone Bypass project and as such is significantly disturbed.

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

There will be a range of environmental impacts associated with future development of the site including noise, traffic, lighting, visual, stormwater and minor vegetation removal. A more detailed assessment of the likely impacts of the development will be undertaken at the development application stage.

#### Noise

The development of the site as a highway service centre has the potential to generate noise that could impact on surrounding land uses. At present the nearest residential building is approximately 150m north-west and then another approximately 260m south. As discussed Council has approved a 45 lot residential subdivision on adjoining land (Lot 20 and 21 DP 1235763) (Development Consent No. 157/2015) and a 3 lot residential subdivision (Development Consent No. 39/2019). In this regard there are likely to be dwelling houses on this adjoining land that could be affected by noise from the highway service centre and the warehouse or distribution centre. The proponent will be required to provide an appropriate acoustic impact assessment as part of any future development application for the highway service centre and the warehouse or distribution centre.

#### Traffic

The proposed use as a highway service centre and warehouse or distribution centre is likely to generate significant amount of traffic to the site. Access to the land will be from the two-way access road that will connect Kelly Street to Makybe Diva Street. Traffic from the New England Highway would gain access via the turning lanes and access road from the Bypass (as shown in Figure 1).

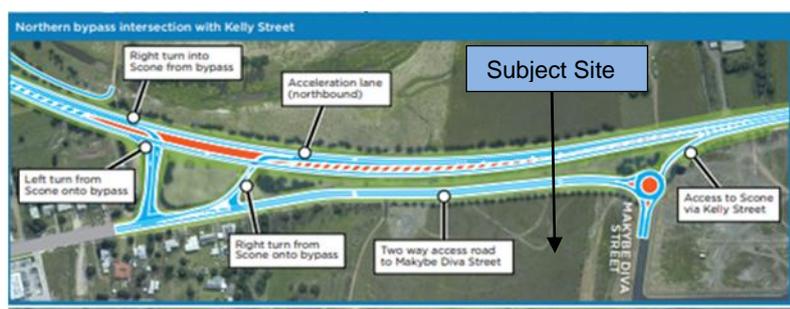


Figure 2. Scone Bypass in relation to the site of the proposed Highway Service Centre

The Planning Proposal was referred to the NSW Roads and Maritime Services (RMS) on 11 June 2019 for preliminary advice. The RMS advised that the information is currently insufficient to make an informed decision about the planning proposal. The following documentation will therefore need to be submitted should Council support the planning proposal:

- ) Road Safety Audit
- ) Intersection modelling to confirm delay times, queue lengths and performance of the bypass with Kelly Street
- ) Traffic Impact Assessment – prepared in accordance with the *Guide to Traffic Generating*

*Developments 2002.*

- ) Consideration of the suitability of the site to provide parking for 30 metre PBS 2B heavy vehicles
- ) Consideration of the location of the heavy vehicle parking area, in regards to the proximity to noise generating impacts for resting heavy vehicle drivers, including the surrounding land uses (though currently vacant).
- ) Environmental, social and economic impacts
- ) Stormwater

The proposal was referred to the RMS on 7 June 2019 and then again on 18 October 2019 along with the requested documentation. The RMS provided final response on 21 November 2019 (refer to RMS letters in Annexure 6) raising no objection to the rezoning.

### **Stormwater Drainage**

The development will result in large areas of hard surfaces – buildings, roofs, internal roads and parking areas, and as such has the potential to generate stormwater. At this stage a stormwater management strategy has not been developed for the site. It is recommended that further details in relation to stormwater management are provided as part of any development application in relation to:

- ) Sedimentation and erosion controls to be implemented during the construction phase of the development.
- ) water quality and runoff from areas exposed to fuel dispensers and refuelling points to be conveyed to a proprietary device to provide hydrocarbon removal. Clean runoff is then to be discharged to the stormwater system.
- ) Water Sensitive Urban Design

### **Amenity**

The development has the potential for adverse amenity impacts. Extensive landscaping and screening is proposed over the front of the site. Proposed landscaping details are incorporated in the landscape plans accompanying the planning proposal.

## **10. How has the planning proposal adequately addressed any social and economic effects?**

The proposal is expected to generate positive social and economic effects. The planning proposal provides for growth of the 'Scone North' light industrial area by providing an additional uses for the purpose of a highway service centre. The proposed additional use will contribute to the diversification of the Upper Hunter Region's economy by adding to the supply of land with highway frontage within the Scone township.

## **SECTION D – COMMONWEALTH AND STATE INTERESTS**

### **11. Is there adequate public infrastructure for the planning proposal?**

The land subject to the planning proposal is serviced by public infrastructure, including local roads, power, water, sewerage and telephone. It is expected that major upgrades to existing infrastructure will be required to service future development on the land.

### **12. What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway determination?**

Relevant State and Commonwealth public authorities will be consulted in accordance with any Gateway determination should the proposal be supported.

## PART 5: COMMUNITY CONSULTATION

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It is recommended that the planning proposal be placed on public exhibition for at least 28 days prior to Council making a decision on whether it supports the planning proposal and forwards the proposal to the NSW Minister for Planning for a gateway determination.

## PART 6: PROJECT TIMELINE

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The project timeline in respect of the planning proposal is provided in the following diagram.

The anticipated timeframe for the proposed amendment to the Upper Hunter Local Environmental Plan 2013 from submission of the proposal to NSW Planning and Environment to gazettal of the LEP amendment is ten (10) months.

## PART 7: PLAN MAKING DELEGATION

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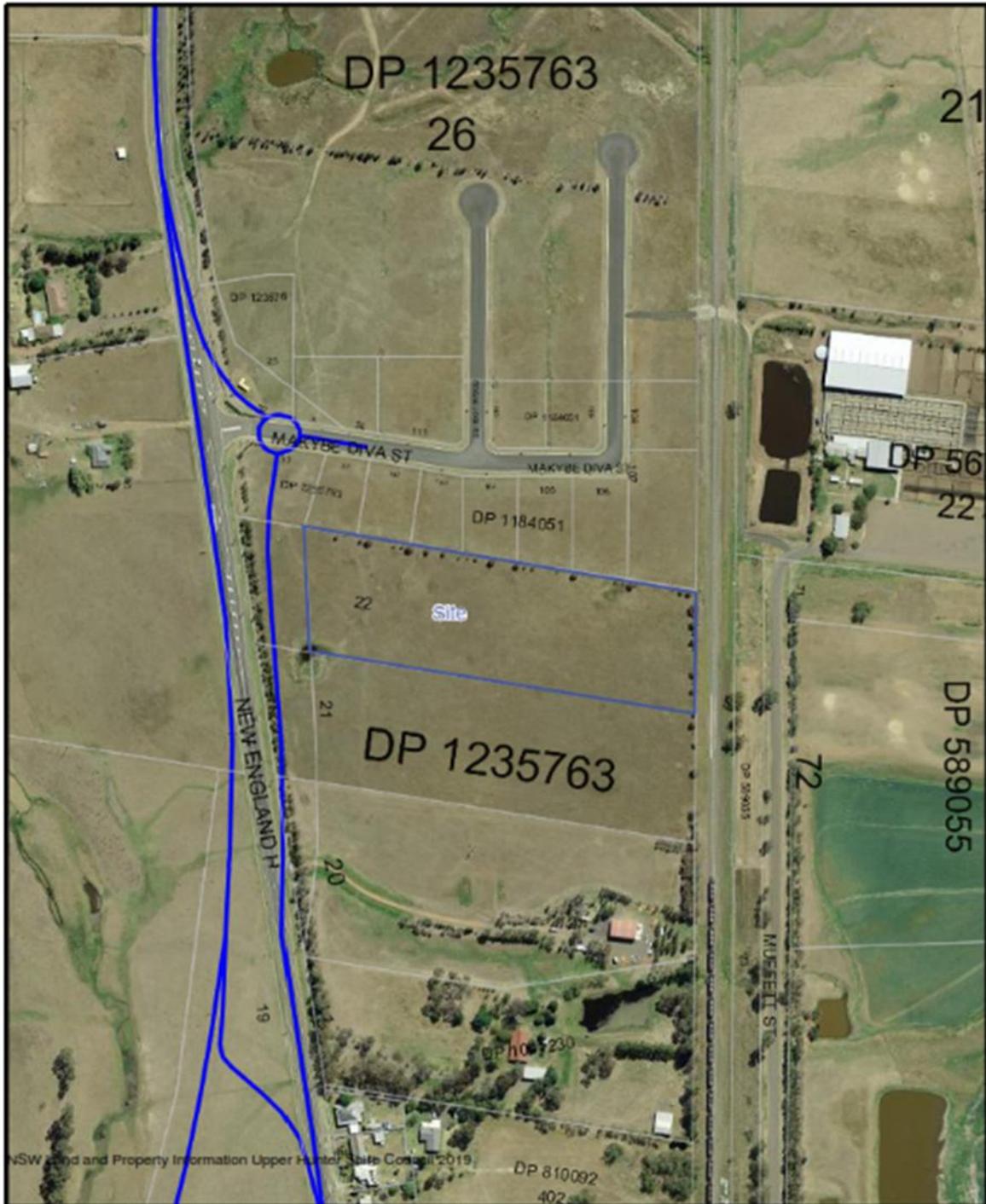
Council are seeking to use its plan making delegations to finalise the plan.

## PROJECT TIMELINE

		December 2019	January 2020	February 2020	March 2020	April 2020	May 2020	June 2020	July 2020	August 2020	September 2020
<b>STAGE 1</b>	Report to Council										
<b>STAGE 2</b>	Submit Planning Proposal to NSW Planning & Environment										
<b>STAGE 3</b>	Anticipated commencement date (Gateway Determination)										
<b>STAGE 4</b>	Consultation – Community/ Public Authorities										
<b>STAGE 5</b>	Review / consideration of submissions to public exhibition										
<b>STAGE 6</b>	Report to Council										
<b>STAGE 7</b>	Finalise the Local Environmental Plan using Minister's plan making delegations.										

# Annexure 1: Locality and Site Map

## Site subject to Planning Proposal



Scale = 1 : 3829.140



**Disclaimer: This map is not a precise survey document. Accurate locations can only be determined by a survey on the ground.**

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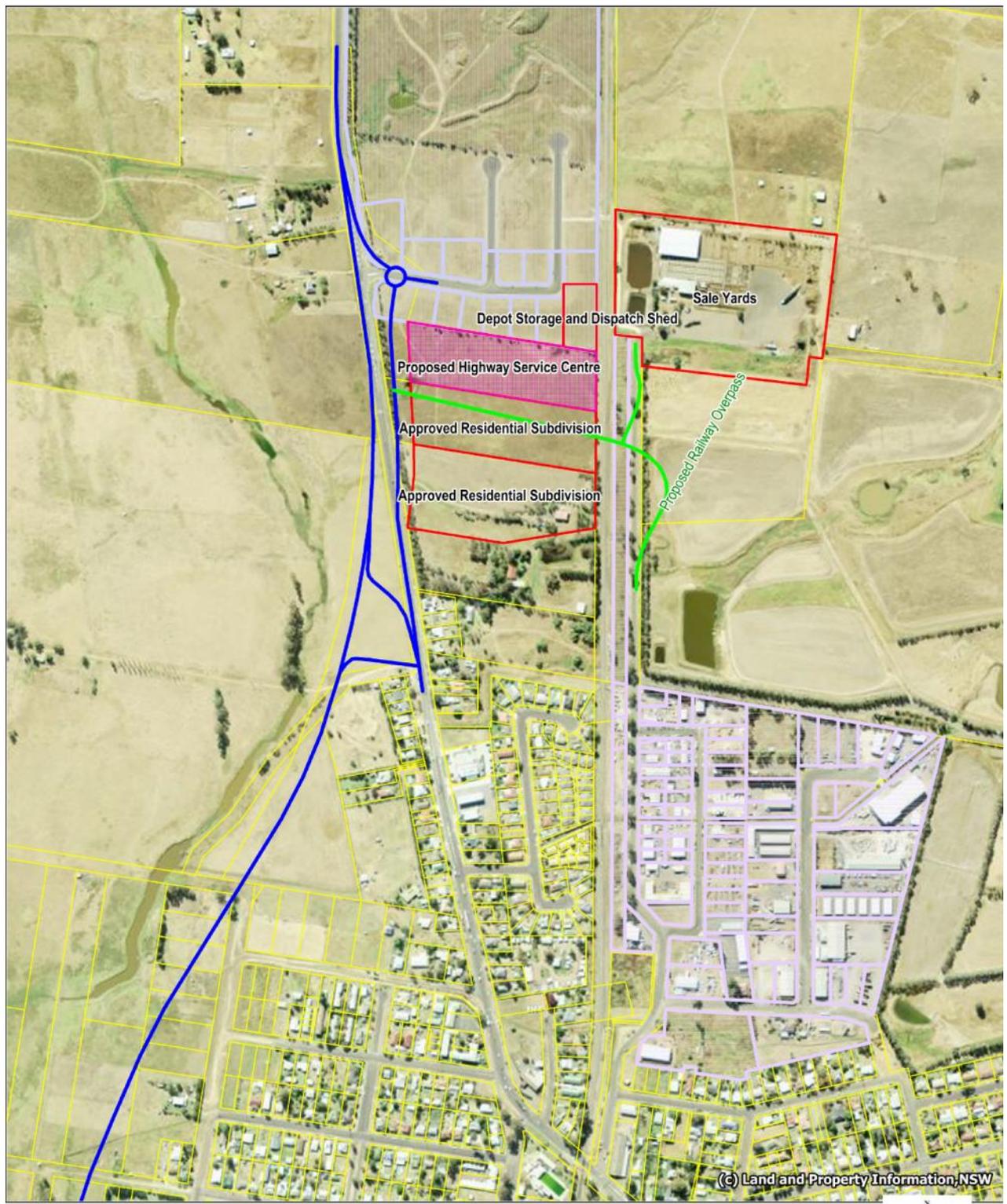
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# Annexure 2: Indicative Layout Only for Future Site Development



# Annexure 3: Map Showing Approved and Possible Land Uses to the south



## Legend

-  Proposed Rail Overpass
-  Scone Bypass
-  Proposed Service Station
-  Development Application
-  LEP IN2 Zone
-  LEP IN1 Zone

Date 5/06/2020



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## Annexure 4: Net Community Benefit Test

### **Net community benefit assessment criteria**

In determining the net community benefit or cost, the following **assessment criteria** must be considered:

#### ***The degree to which the policy and its objectives can be satisfied:***

The planning proposal for the highway service centre and warehouse or distribution centre uses are located approximately 1.6km from the Scone town centre. However it is located adjacent to the existing industrial estate. It is also located adjacent to major transport infrastructure – the New England Highway. In this regard it helps to maximise the community investment in transport infrastructure and facilities.

#### ***The proposed level of accessibility to the catchment of the development by public transport, walking and cycling***

The highway service centre is in a location that makes it accessible to public transport using the New England Highway. It is unlikely to be easily accessible to pedestrians given its distance from the Scone residential areas and town centre.

#### ***The likely effect on trip patterns, travel demand and car use***

The highway service centre is unlikely to specifically generate additional trips. It is likely to provide a facility for people who have already commenced a trip (eg Newcastle to Tamworth).

The site provides 14 heavy vehicle parking spaces according to the Conceptual Site Layout (Annexure 2). Transport NSW (formerly RMS) have advised that there is a need for more heavy vehicle rest stops along the New England Highway. The provision of more truck rest area along the New England Highway has a broader community benefit by providing accessible locations to encourage truck drivers to take breaks and thereby help improve road safety.

#### ***The likely impact on the economic performance and viability of existing centres (including the confidence of future investment in centres and the likely effects of any oversupply in commercial or office space on centres — see section B of the explanatory notes)***

The *Economic Impact Assessment* (HillPDA Consulting, October 2019) acknowledges the highway service centre has the potential to have some impact on the town centre of Scone as it will include a fast-food/dining premises and as such provide an alternative food outlet to the existing cafes/restaurants/take-away outlets in Scone. However as the site is accessed from the northern exit point from the New England Highway it may be beneficial as it could encourage patrons to then drive into Scone and make use the town centre. The warehouse/distribution centre component is unlikely to impact on the town centre because such uses are not permitted in the B2 Local Centre or B4 Mixed Use Zones.

#### ***The amount of use of public infrastructure and facilities in centres, and the direct and indirect cost of the proposal to the public sector***

Council is seeking to upgrade the Scone town centre through the Scone Town Centre Master Plan to encourage greater use. Although the proposed development is on the edge of Scone, it has the potential to attract visitors to come further into the town. Notwithstanding the development is not likely to have additional direct and indirect costs to Council or the public sector.

#### ***The practicality of alternative locations which may better achieve the outcomes the policy is seeking***

There are a number of possible locations where a highway service centre could be established along the New England Highway within the Upper Hunter Shire. It is considered that this type of development is not suitable within the Scone town centre, particularly given the inclusion of a truck stop and the warehouse/distribution centre component. It should also be noted that Council currently has a planning proposal application for consideration to rezone land at 69-71 Aberdeen Street Scone to allow for a highway service centre and motel accommodation – this site is less desirable for such a development due to its close proximity to an existing residential area.

***The ability of the proposal to adapt its format or design to more likely secure a site within or adjoining a centre or in a better location.***

The proposed could be adapted to fit into another site. Notwithstanding the site as proposed is considered to be appropriate given the nature of the development.

## Annexure 5: Accessible Development Principals

<b>Principal</b>	<b>Objective</b>	<b>Consideration</b>
Principle 1. Concentrate in centres	Develop concentrated centres containing the highest appropriate densities of housing, employment, services and public facilities within an acceptable walking distance — 400 to 1000 metres — of major public transport nodes, such as railway stations and high frequency bus routes with at least a 15 minute frequency at peak times.	The proposal to development the highway service centre is on the edge of Scone and away from the commercial centre. This is considered the appropriate location.
Principle 2. Mix uses in centres	Encourage a mix of housing, employment, services, public facilities and other compatible land uses, in accessible centres.	The development in not in a centre.
Principle 3. Align centres within corridors	Concentrate high density, mixed use, accessible centres along major public transport corridors within urban areas.	The site is close to a major public transport corridor – the New England Highway. However it is not a high density mixed use development.
Principle 4. Link public transport with land use strategies	Plan and implement public transport infrastructure and services in conjunction with land use strategies to maximise access along corridors, and to and from centres.	The highway service centre component is considered a transport service in the sense that it provides fuel and refreshment services to people using the public transport network. It maximises the use of the transport corridor, while at the same time maintaining a close link to the Scone township.
Principle 5. Connect streets	Provide street networks with multiple and direct connections to public transport services and efficient access for buses.	Not relevant in relation to this planning proposal.
Principle 6. Improve pedestrian access	Provide walkable environments and give greater priority to access for pedestrians, including	No major provision is being made. It is likely the majority of users will access the site using motor vehicle.

	access for people with disabilities.	
Principle 7. Improve cycle access	Maximise cyclists' accessibility to centres, services, facilities and employment locations.	The site is accessible directly from Kelly Street. It would be accessible to cyclists.
Principal 8. Manage parking supply	Use the location, supply and availability of parking to discourage car use.	The nature of the development is such that it does not directly discourage car use.
Principal 9. Improve road management	Improve transport choice and promote an integrated transport approach by managing road traffic flow and priority of transport modes.	The planning proposal does not specifically promote transport choice.
Principal 10. Implement good urban design	Design with an emphasis on the needs of pedestrians, cyclists and public transport users.	Not applicable as the development is not oriented around pedestrian.

## Annexure 6: Submission: NSW Roads and Maritime Services



CR2019/002686  
SF2019/124002  
MJD

22 July 2019

General Manager  
Upper Hunter Shire Council  
PO Box 208  
Scone NSW 2337

**Attention: Paul Smith**

**NEW ENGLAND HIGHWAY (HW9): PLANNING PROPOSAL 1/2019, REZONE LAND TO ENABLE HIGHWAY SERVICE CENTRE, LOT: 22 DP: 1235763, 2912 NEW ENGLAND HIGHWAY SCONE**

Reference is made to Council's letter dated 11 June 2019, regarding the abovementioned application which was referred to Roads and Maritime Services (Roads and Maritime) for comment in accordance with Clause 104 / Schedule 3 of the *State Environmental Planning Policy (Infrastructure) 2007*.

Roads and Maritime understands the draft Planning Proposal to be to rezone 2912 New England Highway from R1 General Residential to IN2 Light Industrial to allow the construction of a Highway Service Centre. The Service Centre will comprise:

- Service Station, including car and truck refuelling,
- Fast food restaurant,
- Truck parking area,
- Distribution centre.

**Roads and Maritime Response**

Transport for NSW and Roads and Maritime's primary interests are in the road network, traffic and broader transport issues. In particular, the efficiency and safety of the classified road network, the security of property assets and the integration of land use and transport.

The New England Highway fronting the site is currently a classified State road. The road is being realigned as part of the Scone Bypass project, with the documentation indicating that it will be named Kelly Street. The status of this road (local or regional) following the opening of the Scone Bypass is not known at this time.

Roads and Maritime have reviewed the submitted documentation, including the Planning Proposal Report by TFA Project Group dated 7 December 2018, and consider there is insufficient information to allow Roads and Maritime to make an informed decision regarding the proposal. The following comments are made:

NSW GOVERNMENT | TRANSPORT ROADS & MARITIME SERVICES | LOCAL GOVERNMENT

### **Traffic impact**

- A Road Safety Audit should be conducted by a qualified team to review safety on the roads surrounding the proposed HSC and for the increased traffic accessing the bypass from Kelly Street.
- No intersection modelling has been carried out to confirm delay times, queue lengths and intersection performance of the bypass with Kelly Street. The suitability and safety of the seagull intersection within the proposed bypass corridor, with the additional traffic from the HSC is to be assessed.
- If Council supports the draft planning proposal, it is requested that the next referral to Roads and Maritime include a Traffic Impact Assessment prepared in accordance with the Roads and Maritime's *Guide to Traffic Generating Developments 2002*. Roads and Maritimes minimum requirements for a traffic and transport study is to include (but not be limited to) the following:
  - Assessment of all relevant vehicular traffic routes and intersections for access to / from the subject land.
  - Current traffic counts for all of the traffic routes and intersections.
  - The anticipated additional vehicular traffic generated from both the construction and operational stages of the project.
  - The distribution on the road network of the trips generated by the proposed development. It is requested that the predicted traffic flows are shown diagrammatically to a level of detail sufficient for easy interpretation.
  - Consideration of the traffic impacts on existing and proposed intersections, and the capacity of the local and classified road network to safely and efficiently cater for the additional vehicular traffic generated by the proposed development during both the construction and operational stages. The traffic impact shall also include the cumulative traffic impact of other proposed developments in the area.
  - Identify any the necessary road network infrastructure upgrades that are required to maintain existing levels of service on both the local and classified road network for the development. In this regard, preliminary concept drawings shall be submitted with the EIS for any identified road infrastructure upgrades. However, it should be noted that any identified road infrastructure upgrades will need to be to the satisfaction of Roads and Maritime and Council. A Transport Infrastructure Plan should be considered in this regard.
  - Traffic analysis of any major / relevant intersections impacted, using SIDRA or similar traffic model, including:
    - Current traffic counts and 10 year traffic growth projections
    - With and without development scenarios
    - 95<sup>th</sup> percentile back of queue lengths
    - Delays & Degree of Saturation on all legs for the relevant intersections
    - Submission of data files (eg Sidra) for Roads and Maritime review.
  - Any other impacts on the regional and state road network including consideration of pedestrian, cyclist and public transport facilities and provision for service vehicles. This is to include a pedestrian plan to ensure that pedestrian connectivity across the state roads is appropriate.

### **Other comments**

The Council maintained rest stop facility at Murrurundi provides parking for an estimated eight heavy vehicles (shared between northbound and southbound). The estimated current and future demands for this section of the highway (between Muswellbrook and the Kamilaroi Highway) have been estimated at 19 parking spaces. This indicates that there is a deficit of eleven parking spaces for heavy vehicles on this section of the New England Highway.

In considering the suitability of the site, Roads and Maritime recommend that the following also be considered:

- Suitability of required need to increase the number of parking spaces for heavy vehicles, and can accommodate 30 metre PBS 2B heavy vehicles,
- Consider the location of the heavy vehicle parking area, in regards to the proximity to noise generating impacts for resting heavy vehicle drivers, including the surrounding land uses (though currently vacant).

#### **Environmental Social and Economic Impact**

Further investigation needs to be made regarding the negative impacts on the Scone Town Centre, such as the loss of trade from other similar businesses as a direct impact of this development proposal.

#### **Stormwater**

Discharged stormwater from the development shall not exceed the capacity of the New England Highway (existing or proposed) stormwater drainage system. Council shall ensure that drainage from the site is catered for appropriately and should advise Roads and Maritime of any adjustments to the existing system that are required prior to final approval of the development.

On Council's Gateway determination of this matter, please forward a copy of the Notice of Determination to Roads and Maritime for record and / or action purposes. Should you require further information please contact Marc Desmond on 0475 825 820 or by emailing [development.hunter@rms.nsw.gov.au](mailto:development.hunter@rms.nsw.gov.au).

Yours sincerely



Peter Marler  
**Manager Land Use Assessment  
Hunter Region**



21 November 2019

General Manager  
Upper Hunter Shire Council  
PO Box 208  
Scone NSW 2337

**Attention: Paul Smith**

**NEW ENGLAND HIGHWAY (HW9): PLANNING PROPOSAL 1/2019, REZONE LAND TO ENABLE HIGHWAY SERVICE CENTRE, LOT: 22 DP: 1235763, 2912 NEW ENGLAND HIGHWAY SCONE**

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On 22 July 2019, Roads and provided comment on the Planning Proposal, requesting a Traffic Impact Statement be prepared to demonstrate the impact of the proposal on the proposed intersections associated with the Scone bypass. Roads and Maritime have reviewed the submitted Traffic Impact Statement by SECA Solution, dated 4 October 2019, and raise no objection to the proposed rezoning. In making this

recommendation, it is noted that the detail of the proposal can be further assessed following submission of a DA following rezoning.

On Council's Gateway determination of this matter, please forward a copy of the Notice of Determination to Roads and Maritime for record and / or action purposes. Should you require further information please contact Marc Desmond on 0475 825 820 or by emailing [development.hunter@rms.nsw.gov.au](mailto:development.hunter@rms.nsw.gov.au).

Yours sincerely

A handwritten signature in black ink, appearing to read 'Peter Marler', with a stylized flourish at the end.

Peter Marler  
**Manager Land Use Assessment**  
**Hunter Region**

