

Planning Proposal – 606-608 Fishery Point Road, Draft Amendment No. RZ/4/2014 to Lake Macquarie Local Environmental Plan (LM LEP) 2014

Local Government Area:	Lake Macquarie City Council (LMCC)
Name of Draft LEP:	Lake Macquarie Local Environmental Plan (LMLEP) 2014 Draft Amendment No. RZ/4/2014 LEP Amendment - Additional permitted use service station at 606 and 608 Fishery Point Road, Morisset
Subject Land:	Lot 1 DP 723285 – No. 606 Fishery Point Road, Morisset Lot 1 Sec 25 DP 758707 – No. 608 Fishery Point Road, Morisset
Tables:	Table 1: Proposed changes to the LMLEP 2014 map and instrument Table 2: Comparison of the Planning Proposal against the Draft Centres Policy Table 3: Comparison of the Planning Proposal to relevant SEPPs Table 4: Consistency with applicable Section 117 Ministerial Directions Table 5: Additional Map Layers that will not be altered by this Planning Proposal
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Part 1 – Objectives or Intended Outcome

The subject land is currently zoned RU6 Transition under the Lake Macquarie Local Environmental Plan 2014 (LMLEP 2014), as shown on the existing zone map in Attachment 3. In Lake Macquarie, the RU6 zone is used to identify land that requires environmental studies to substantiate the capability and suitability of land prior to rezoning.

The LEP Amendment is intended to facilitate the expansion of the existing service station at No. 606 Fishery Point Road to No. 608 Fishery Point Road for the purposes of an ancillary car wash¹.

Land to the immediate north of the service station site, No's. 6 and 6A Pulbah Street, contain a church of different denominations on each lot. It was intended to include the adjoining lands as a component of this amendment given that the lands are also zoned as RU6 Transition. However, the Department of Planning and Environment in correspondence to Council dated 27 May 2015, have suggested that the Church lands be excluded from this amendment, and that the amendment should proceed on the basis of an Additional permitted use "service station" to the current RU6 zoned land. The LEP amendment is therefore submitted on that basis.

Part 2 – Explanation of Provisions

The subject land is located to the southeast of Morisset town centre on the edge of the existing urban area, as shown on the Locality Map in Attachment 1. The land associated with proposed LEP Amendment is approximately 4,486m² in size and contains the following existing development:

- No. 608 Fishery Point Road contains an existing service station.
- No. 606 Fishery Point Road is located adjacent to No. 608 Fishery Point Road, is currently undeveloped, and is under the same ownership.

The landowner of the service station would like to expand the existing service station to include an ancillary car wash facility, which is to be predominantly located on vacant land at No. 606 Fishery Point Road. As service stations are not permitted in the RU6 zone, the proponent is seeking an LEP Amendment.

It is proposed to add an Additional permitted use "service station" to No.'s 606 and 608 Fishery Point Road, Morisset.

Table 1 outlines the changes proposed to the LMLEP 2014 Map and Instrument under this Planning Proposal.

Table 1: Proposed changes to the LMLEP 2014 map and instrument

Amendment Applies to:	Explanation of Provision
Instrument – Schedule 1 – Additional permitted uses	Include 606 and 608 Fishery Point Road, Morisset as an item in Schedule 1 of the LMLEP 2014, to enable development for the purpose of a service station as permitted with development consent on the site.
Map – Additional Permitted Uses Map	Include 606 and 608 Fishery Point Road, Morisset on the Additional permitted uses Map, as shown in

¹ **Note:** Council has requested the applicant to lodge a Development Application (DA) at such a time that it can be jointly exhibited for public comment with this LEP Amendment, in accordance with Division 4B of the Environmental Planning and Assessment Act 1979 (EP&A Act 1979). This will allow the public to view and comment on the LEP Amendment and DA at the same time, while also ensuring that all issues associated with the proposed expansion of the service station, such as bushfire, flora and fauna, contamination, traffic, noise, setbacks and other planning and building requirements can be adequately addressed before proceeding with the LEP Amendment. If a DA is lodged, Council will exhibit the Planning Proposal and advertise the DA at the same time if practical or as closely together as possible, in accordance with Clause 72K of the EP&A Act.

For information on Additional Map Layers that will not be affected by this Planning Proposal refer to Table 5.

Part 3 – Justification

A. NEED FOR THE PLANNING PROPOSAL

1. Is the Planning Proposal a result of any strategic study or report?

The Planning Proposal is not the result of any strategic study or report. The proponents for the service station LEP Amendment provided a Planning Proposal prepared by Daly Smith Pty Ltd, dated June 2014 that seeks an LEP Amendment to retain the existing RU6 Transition Zone on No. 606 and No. 608 Fishery Point Road, Morisset and add an additional permitted use for a service station. The Proposal was submitted without any detailed studies or investigations.

The Lower Hunter Regional Strategy 2006 (LHRS), Council's Citywide strategic planning document Lifestyle 2030 (LS2030), and the Morisset Structure Plan identify the subject site and surrounding RU6 Transition zoned land as a potential future urban area, subject to investigation. Morisset is also identified as an Emerging Regional Centre by these documents. It is evident that the site is intended to be rezoned at some time in the future as part of wider investigations into RU6 Transition zoned land. See Part B5 of this Planning Proposal for more information about the LHRS, LS2030 and Morisset Structure Plan.

While it would be ideal to consider the LEP Amendment in the context of a rezoning of other adjoining RU6 Transition zoned land to the west and south of the subject site, the timeframes for such investigations are not apparent. Given the existing use of the service station, it is logical to consider an LEP Amendment that specifically caters to the needs of the service station rather than waiting for the investigations to be undertaken of adjacent RU6 Transition zoned land at an unknown time in the future.

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

Council considered a number of LEP Amendment options for the subject site before concluding that the Planning Proposal is the best means of achieving the objectives and intended outcomes for the site to enable expansion of the service station. Some of the LEP Amendment options considered are described below.

Option 1 – Adding 'service stations' as an additional permitted use to the RU6 zone

A service station is a prohibited use in the RU6 zone under the LMLEP 2014. The proponent requested that an Additional permitted use of a service station be added to Schedule 1 of LMLEP 2014 to allow expansion of the service station for a carwash and ongoing operation of the service station on No.'s 606 and 608 Fishery Point Road, Morisset. Under LMLEP 2014, the definition of 'service station' is:

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

(a) the ancillary sale by retail of spare parts and accessories for motor vehicles,

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

As the proposed car wash would be used for “the cleaning of motor vehicles” and would be an extension of the “service station”, the proposed use is consistent with the definition of a “service station” under LMLEP 2014.

Option 1 is considered to have merit because:

- The RU6 Transition zone is an “investigation zone” that seeks to limit the extent of development until detailed studies are undertaken to determine the suitability for rezoning. As a result, the list of land uses permitted with consent in the RU6 Transition Zone are very limited. Given the above, each land use that is permitted within each zone requires a merit assessment in accordance with s.79(c) of the EP& A act 1979. Therefore, it is unlikely that a precedent would be set by inclusion of service stations to this land as the LEP Amendment is site specific.
- Although, the proposed LEP Amendment is not entirely consistent with the Objectives of the RU6 Transition Zone particularly the objective to “*limit development that will prejudice or have the potential to prejudice future conservation and/or development of the land*”, allowing an additional permitted use for a ‘service station’ is consistent with the current use of the land given that the use of the land as a service station has occurred on one of the lots since the 1970’s. The LEP amendment would allow a minor expansion to the current use of a service station for a car wash facility onto the adjoining lot, and allow a Development Application when submitted to be fully considered on merit for the site.
- The future long-term zoning of the land can be considered once a rezoning is proposed which is compatible with the Morisset Structure Plan i.e. rezoning the land for urban purposes.
- Option 2 – Rezone the subject land to a Business Zone

A service station is permissible with consent in Business Zones (B1, B2, B3, B4, and B7) and Industrial Zones (IN1 and IN2). The alternative LEP Amendment option presented by the proponent is to zone the land B1 Neighbourhood Centre. All business zones under LMLEP 2014 permit service stations with development consent.

Rezoning the subject site to B1 is not considered to have merit for the following reasons:

- The B1 zone is intended to provide for retail, business and community needs of the surrounding neighbourhood however, the subject site:
 - is within 800m drive of the Morisset Regional Centre, and additional business zoned land in this area is not shown to be necessary in accordance with the Lake Macquarie Employment Lands Study (LMELS), and

- is located on the periphery of urban development in Morisset and does not have a large surrounding residential catchment to service.
- The suitability of the site as a neighbourhood centre cannot readily be ascertained in isolation without further investigation and consideration of surrounding RU6 zoned land.
- The B1 business zone permits a number of land uses additional to a service station that could be redeveloped on the site if it is rezoned, and compete with the Morisset Regional Centre.
- The Morisset Structure Plan and the Lake Macquarie Employment Lands Study, do not identify the need for a business zone in proximity to the subject site (refer to Part B5 of this Planning Proposal for more detail).
- The proponent has not provided substantial justification for a B1 zone, including an economic analysis identifying demand for the business zone and an assessment of any potential impacts on the Morisset Regional Centre.

The B1 zone in Lake Macquarie has generally been applied to small neighbourhood centres in suburbs that do not have a local or regional centre, such as Bonnells Bay, Dora Creek and Cooranbong rather than to spot rezonings designed to suit the existing land use.

Option 3 – Rezone the subject land to an Industrial Zone

This is an alternative option considered by Council staff. Service stations are permitted with consent in the IN1 General Industrial and IN2 Light Industrial zones under LMLEP 2014. However, the option is not considered to have merit for the following reasons:

- The industrial zones permit a number of land uses additional to a service station, including Bottle shops, Depots; Hardware and building supplies; Heavy and light industries; Medical centres; Take away food and drink premises; Warehouse or distribution centres; and Vehicle sales or hire premises. The site could be redeveloped in the future for one of the above uses including an industrial use, which may conflict with existing and future land uses in the area.
- The Morisset Structure Plan, Lake Macquarie Employment Lands Study and other studies and strategies do not identify the need for an industrial zone in proximity to the subject site.
- The applicant would need to provide substantial justification for an industrial zone, including an economic analysis identifying demand for additional employment lands in this location and an assessment of any potential impacts on the Morisset Regional Centre.

Option 4 – Rezone the subject land to a Residential zone

This option is consistent with the strategic land use plan for the area, the Morisset Structure Plan, which identifies the subject site and surrounding land as having potential for residential use subject to detailed studies. However, this option is not the preferred LEP Amendment option because:

- Further studies are required to confirm whether the subject land and surrounding RU6 zoned land to the east, south and west are suitable for residential or environmental purposes. Land west of the subject site zoned RU6 has the potential for significant biodiversity values, which must be

resolved before residential use could be considered. There is no indication that these studies will be undertaken any time in the near future.

- The subject site has the potential for land contamination due to the use of the site as a service station since the 1970s. Therefore, further substantial investigation would be required to determine if the land is suitable for residential purposes.
- 'Service stations' are prohibited in residential zones.

Option 5 – No change

Morisset is an emerging regional centre surrounded by a substantial amount of land that requires further investigation to determine the most appropriate future land use. Retaining the existing RU6 zoning would ensure that the subject land is not rezoned for uses that are inconsistent with Council's adopted plans for the area; and is not rezoned in isolation from the broader surrounding area.

This option would not limit the proponent from investigating the potential to develop the proposed carwash under 'existing use rights' provisions or undertaking a broader rezoning investigation, in conjunction with the adjacent landowners, for the subject land and surrounding area. However, existing use rights have not been demonstrated therefore, this option is not a preferred option.

Option 6 – Rezone the land to RU2 Rural Landscape and add a service station as an additional permitted use

This option was considered because the subject site was zoned 1(a) Rural "A" under LMLEP 1984 prior to becoming an investigation zone under LMLEP 2004.

This option is not recommended as the site is 800m from the Morisset town centre and train station and therefore, is unsuitable for a rural zone. This option is inconsistent with the LHRs and LS2030, which identifies Morisset as an Emerging Regional Centre.

A service station is not consistent with a rural landscape and are not permitted with consent in the RU2 zone.

Option 7 – Rezone the subject lands inclusive of the adjoining church lands to RE2 Private Recreation, and add 'service station' as an additional permitted use to 606 and 608 Fishery Point Road

This option was considered to have merit as an LEP Amendment given that:

- It would include rezoning the adjoining Church lands as RE2 making the use of a *place of assembly* a permitted use in the zone;
- an additional permitted use could be added to 606 and 608 Fishery Point Road lands to allow for expansion of the *service station* use, without allowing other business and industrial land uses to be permissible with consent.

However, given the Department of Planning and Environment's response as cited in Part 1 – Objectives or Intended Outcome of this Planning Proposal, this option has been reconsidered.

Consideration of Clause 7.9 Service stations in certain zones of LMLEP 2014

Clause 7.9 of LMLEP 2014 contains provisions relating to service stations in certain zones. The objective of the clause is to ensure that service stations on land other than land in business zones do not detract from the trading performance of

commercial centres. As the subject site is not a business zone, Clause 7.9 applies to the proposed additional permitted use for a service station.

Clause 7.9 provides limits on the gross floor area of a service station building and on ancillary retail areas for selling general merchandise. The limits on gross floor area exclude car parking, refuelling, and vehicle access areas and any ancillary car wash areas. Therefore, the gross floor area limits will not apply to any future Development Application for a car wash. There are no additional amendments required to the LEP because of Clause 7.9.

Consideration of Schedule 1 – Additional permitted uses of LMLEP 2014

Additional permitted uses 6 and 7 in Schedule 1 of LMLEP 2014 permit development of service stations on two sites located on the F3 Freeway in Cooranbong. These additional permitted uses contain provisions relating to maximum floor areas for any shop associated with the service stations and requirements for subdivision of the sites into no more than 2 lots with no dwelling entitlements resulting from the subdivision.

Such requirements are not necessary for this Planning Proposal because Clause 7.9 of LMLEP 2014 limits the gross floor area of any service station building to 30% of the total site area and limits retail space to no more than 50% of the gross floor area of the building. Given the comparatively smaller size of the subject site and smaller scale of the existing service station compared to what is likely on a Freeway service station site, it is unnecessary to provide additional development standards in Schedule 1 of LMLEP 2014 as part of this Planning Proposal.

3. Is there a net community benefit?

Table 2 below assesses the Proposal against the relevant criteria for determining a proposal's merit listed in the Draft Centres Policy. Table 2 demonstrates that overall, there is a net community benefit associated with the Planning Proposal.

Table 2: Comparison of the Planning Proposal against the Draft Centres Policy

Draft Centres Policy Criteria	Comparison against the Planning Proposal
Will the LEP be compatible with agreed State and regional strategic direction for development in the area (e.g. land release, strategic corridors, development within 800 metres of a transit node)?	Yes. The subject site is located in an area identified for potential residential development by the LHRS, LS2030 and the Morisset Structure Plan. The proposal to maintain the subject sites as RU6 Transition zoned land and add an Additional permitted use as a service station is not inconsistent with the future residential and / or conservation use of adjacent RU6 Transition zoned land. The preferred zoning option avoids a business or industrial zone at the subject site, in which a service station is permitted with consent, but which would be inconsistent with the LHRS, LS2030, the Morisset Structure Plan, and the Lake Macquarie Employment Lands Study.
Is the LEP located in a global/regional city, strategic centre or corridor nominated within the Metropolitan Strategy or other regional/subregional strategy?	Yes. The LEP is located in Morisset, which is identified as an Emerging Regional Centre. Morisset regional centre has significant potential to develop further, which is reflected in the substantial number of potential urban release areas identified around Morisset. The subject lands and surrounding area are identified as having potential for future residential and / or conservation purposes, subject to detailed investigations.
Is the LEP likely to create a precedent, or create or change the	No. The option to add an Additional permitted use "service station" to the RU6 Transition zone is a site specific amendment to the LEP.

expectations of the landowner or other landholders?	There are many existing examples of site specific Additional permitted uses within the LGA. Each land use is assessed on merit and it is therefore unlikely that a negative precedent would be created for other RU6 zoned land in Lake Macquarie. The list of land uses permitted with consent in the RU6 zone is very limited. Adding an Additional permitted use in the RU6 zone is unlikely to undermine the objective of the zone, to limit development to avoid prejudicing the future land use of the zone, given that detailed studies need to be undertaken to determine the suitability and capability of the land for any future rezoning.
Have the cumulative effects of other spot rezoning proposals in the locality been considered? What was the outcome of these considerations?	Yes. Detailed investigations to determine the suitability and capability of land are required for RU6 zoned land prior to rezoning. Land in Morisset that is zoned RU6 needs to be considered in relation to adjoining RU6 zoned land to ensure the best urban / conservation outcomes. Therefore, the potential for spot rezonings in the area is limited. The subject lands differ from other RU6 zoned land around Morisset in that one of the lots is already developed with a service station. There are examples of other RU6 zoned land around Morisset that contain existing development. Many of these sites contain residential dwellings, but they are generally isolated dwellings surrounded by bush and / or rural residential type development. The majority seem to have been included in the RU6 zone because of their potential to be considered for higher density residential development, the need to investigate and provide infrastructure appropriate to a residential area, and the need to investigate and resolve biodiversity issues. Therefore, a large-scale rezoning investigation is much more likely than a spot rezoning for these locations.
Will the LEP facilitate a permanent employment generating activity or result in a loss of employment lands?	Yes. The service station is an existing employment generating activity on the land. The LEP Amendment will permit expansion of the service station, which may generate a small amount of additional employment. No. The Proposal will not result in a loss of employment lands. It also will not create additional employment land (business or industrial zone).
Will the LEP impact upon the supply of residential land and therefore housing supply and affordability?	No. The LEP Amendment does not create or alter a residential zone. The site does not contain existing residential development.
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?	Yes. The site is within 800 metres or a 10 minute walking distance of the Morisset Regional Centre. The service station does have reasonable pedestrian and cycling access, however given the nature of the business, customers would generally be driving a vehicle. It is likely that most customers will visit the site on their way to another destination rather than making special trips. The service station site has access from Fishery Point Road, which is a main road providing access between Morisset and other suburbs on the Morisset Peninsula such as Bonnell's Bay and Morisset Park. Fishery Point Road has been earmarked as a potential classified road. Access to Fishery Point Road from the north is from Macquarie Street / Dora Street (MR 217), which is the main road through Morisset, and is a classified road. A traffic study would be required as part of any Development Application (DA) for the site, but would be unlikely required for the LEP Amendment. The Gateway Determination will determine whether a Traffic Study is required for the LEP Amendment. Existing utility infrastructure services the site. Consultation will be required with Hunter Water Corporation and other utility providers

	following Gateway Determination to ascertain whether there is suitable capacity to accommodate the proposed LEP Amendment. Given the minor nature of the LEP Amendment and the existing use of the site, it is likely that most utility requirements will relate to the DA to expand the service station rather than the LEP Amendment.
Will 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?	No. It is unlikely that the planning proposal will result in a significant change to the existing levels of greenhouse gas emissions, operation costs or road safety resulting from existing development. Most service station customers will be on a journey to another destination and will use the business when travelling to or from the Morisset town centre.
Are there significant Government investments in infrastructure or services in the area whose patronage will be affected by the Proposal? If so, what is the expected impact?	No – none identified.
Will the Proposal impact on land that the Government has identified a need to protect (e.g. land with high biodiversity values) or have other environmental impacts? Is the land constrained by environmental factors such as flooding?	No. The subject site is not land that the Government has identified as having a need to protect. The study lands are developed. There are some remnant native trees on the southern boundary of the service station lands, adjoining bushland to the south that will require assessment as part of any Development Application to expand the service station. Land to the south of the service station contains bushland and both the service station and church lands are identified as bushfire prone land. A bushfire assessment is required as part of any Development Application. The Gateway Determination is also likely to require consultation with the Rural Fire Service (RFS). The land is not considered to have any other significant environmental factors that constrain the development of the land. The site is not affected by SEPP 71, is not flood prone, and does not contain acid sulfate soils or other geotechnical constraints. The site is not located near and does not contain any heritage items, and is not within a sensitive Aboriginal landscape, as identified by the Lake Macquarie Sensitive Aboriginal Land Strategy. However, given the use of the land as a service station, there is the potential for site and possible adjoining site contamination from vehicle refuelling, and potential underground leakage associated with in-ground fuel tanks. A Phase 1 Site Contamination Report will be required post Gateway Determination and prior to public exhibition.
Will the LEP be compatible/ complementary with surrounding land uses? What is the impact on amenity in the location and wider community? Will the public domain improve?	Yes. The service station exists on the subject site, although the LEP Amendment would permit an expansion of this land onto No. 606 Fishery Point Road. A service station has existed on the site since the 1970s and the LEP Amendment may provide an opportunity to upgrade the facility to comply with the current standards for service stations. A noise and vibration assessment would be required as part of any DA to expand the service station to ensure that the impact on the residential and church land uses to the north is acceptable.
Will the Proposal increase choice and competition by increasing the number of retail and commercial premises operating in the area?	No. While a service station is a commercial premises, the planning proposal will not increase the number of retail and commercial premises in the area. The proposal allows the ongoing use of an existing service station and permits it's expansion, possibly to include a car wash facility ancillary to the use of the service station.
If a stand-alone proposal and not a	Unlikely. The study lands are surrounded by land zoned RU6, which

centre, does the Proposal have the potential to develop into a centre in the future?	will be investigated for potential residential and conservation purposes in the future. If the subject site is surrounded by a substantial amount of residential development in the future, there may be a need for a small neighbourhood centre to service the residents. This could potentially be located near the subject site given the adjoining existing church and service station uses. However, such a proposal would need to be considered in relation to role and function of the Morisset town centre and a review of the commercial floor space requirements of Morisset. There is currently no need or justification for a business zone at the subject site.
What are the public interest reasons for preparing the draft plan? What are the implications of not proceeding at that time?	The planning proposal allows the existing service station at the subject site to be expanded onto the adjoining property. This will allow the services offered at the service station to increase, and may help to facilitate an upgrade of the facilities in line with current standards. If the planning proposal does not proceed the service station cannot be expanded as it currently occupies the whole of 608 Fishery Point Road.

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 (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

Lower Hunter Regional Strategy (LHRS) 2006

The Lower Hunter Regional Strategy 2006 (LHRS) identifies Morisset as an Emerging Major Regional Centre. A regional centre is identified as having a concentration of business, higher order retailing, employment, professional services and generally includes civic functions and facilities. A regional centre is a focal point for subregional road and transport networks and may service a number of districts.

There are a number of significant urban release areas identified around Morisset by the LHRS. The subject site is within the proposed urban area to the south of Morisset identified on the LHRS Map. The LHRS states that the boundaries of the proposed urban areas are to be defined by local planning, which is addressed by Lifestyle 2030, as described below.

The planning proposal is consistent with the objectives of the strategy to provide for population and employment growth in the Hunter.

5. Is the Planning Proposal consistent with the local council's Community Strategic plan, or other local strategic plan?

Lifestyle 2030 Strategy (LS 2030)

Lifestyle 2030 (LS2030) is Council's citywide strategic planning document that informed preparation of LMLEP 2014. The Emerging Major Regional Centre of Morisset is identified as containing some of the attributes of a Major Regional Centre and is expected to grow and encompass all the attributes of major centres in the future.

There are a number of significant urban release areas identified around Morisset under LS2030, which will help to contribute to growth of the emerging regional centre if they are developed in the future. The Urban Structure Map (p32) shows a growth and expansion corridor all around the existing Morisset township and extending north along Freemans Drive to Cooranbong.

The Urban Structure Map (p33) provides an overview of the major urban development directions of LS2030 and shows land south of Morisset as an LMCC Investigation Area. The Investigation Area is based on land zoned RU6 Transition which may be suitable for urban development pending detailed investigations. The subject site is included in the RU6 zone and is surrounded by land in the RU6 zone. Therefore, the proposal is consistent with the Lifestyle 2030.

Morisset Structure Plan

The Morisset Structure Plan is a co-ordinated framework for urban expansion in Morisset. The Structure Plan identifies the subject site for residential development, subject to resolving biodiversity issues, as shown in Attachment 8.

The structure plan contains a number of planning principles for Morisset, including P4.4 which states that 'no commercial or retail development should be permitted outside the centre except ancillary retail/commercial development within employment areas, appropriately sited bulky goods retail uses and general stores (which are acceptable within residential areas).' Therefore, avoiding a business or industrial zone at the subject site is consistent with the planning principles of the Morisset Structure Plan.

Lake Macquarie Employment Lands Study

This study was undertaken to guide preparation of LS2030 and provides guidance on the estimated floor space demand to the year 2031 for town centres and industrial areas within the City. The study indicates that additional commercial land is not needed outside of the Morisset town centre.

The study estimates that the Morisset town centre has approximately 17,500m² of occupied commercial floor space, which is anticipated to increase by around 40,000m² by 2031. The study also estimates that the Morisset town centre has an adequate supply of commercially zoned land to meet this demand (approximately 240,000m² of potential floor space). The Study recommends re-evaluating supply and demand for commercial floor space within Morisset in 2020.

The Employment Lands Study found that rezoning to create additional industrial lands is not required in the short to medium term. Morisset accounts for the majority of vacant unconstrained industrial lands in Lake Macquarie. The Study recommends that demand for industrial land in Morisset should be monitored as the population grows, with the existing and future employment lands identified to the southwest of Morisset town centre.

Morisset regional centre has significant potential to develop further. Council should focus on residential growth in the area which, with a larger population, will create demand for commercial and retailing activities.

Overall, a business or industrial zoning at the subject site would be inconsistent with the findings of the Lake Macquarie Employment Lands Study.

6. Is the Planning Proposal consistent with applicable state environmental planning policies (SEPPs)?

The Proposal is compared to the provisions of the relevant SEPPs in Table 3 below.

Table 3: Comparison of the Planning Proposal to relevant SEPPs

SEPP	Relevance	Implications
SEPP 19 —	This SEPP applies to land in Lake	Clause 9 of the SEPP applies to land adjoining

Bushland in Urban Areas	Macquarie.	a public open space zone. Land zoned RE1 Public Recreation is located to the southeast of the subject site, on the opposite side of Fishery Point Road. Under Clause 9 a public authority shall not grant approval or development consent on land adjoining a public open space unless it has taken into account the need to retain any bushland on the land, and the effect of the proposed development on bushland zoned or reserved for public open space purposes. In particular, the public authority should consider the erosion of soils, the siltation of streams and waterways and the spread of weeds and exotic plants within the bushland. Given that Fishery Point Road separates the subject site and the public open space, the impacts of LEP Amendment and subsequent development on the public open space are likely to be minimal. Stormwater management controls will be applied to any development on the service station site to prevent soil erosion and the siltation of streams and waterways. It is therefore considered that the planning proposal is consistent with SEPP 19.
SEPP 33 – Hazardous and Offensive Development	SEPP 33 is a systematic approach for assessing development proposals for potentially hazardous and offensive industry or storage. SEPP 33 introduces performance-based definitions of 'hazardous' and 'offensive' and sets out specific assessment requirements for such proposals.	The <i>Applying SEPP 33</i> Guideline, 2011 identifies industries that may be potentially hazardous. The list includes LPG storage and handling facilities and petrol stations, which may have gas or liquid fuel leaks and spills leading to fires and explosion. Therefore, SEPP 33 would need to be considered as part of any DA that involved these industries.
SEPP 44—Koala Habitat Protection	SEPP 44 applies to the Lake Macquarie local government area.	The southern boundary of the service station contains scattered native trees that adjoin bushland on the southern boundary. A flora and fauna assessment is likely to be required as part of any DA within the subject lands and would need to consider, among other things, the potential for koala habitat on the site.
SEPP 55 – Remediation of Land	The SEPP provides planning controls and provisions for the remediation of contaminated land. Clause 6 of the SEPP provides that, when preparing an environmental planning instrument, a planning authority is not to change the use of land, unless: (a) the planning authority has considered whether the land is contaminated, and (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	Phase 1 Contamination Assessment would need to be provided as part of the LEP Amendment for the service station lands, and the potential for off-site contamination to the adjoining church lands. The service station has existed on the site since the 1970s. Clause 6 of SEPP 55 requires 'a preliminary investigation' for LEP Amendments for 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. The land uses in Table 1 of the guidelines include a service station and therefore, a preliminary contamination assessment is required for the subject site as part of this Planning Proposal. The preliminary contamination assessment for the service station lands requires a history of

	zone concerned is permitted to be used, and (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. Note. In order to satisfy itself as to paragraph (c), the planning authority may need to include certain provisions in the environmental planning instrument.	site use and site ownership including aerial photos. It will also require invasive sampling to determine whether there is contamination on the site and whether the existing fuel tanks are leaking. The information provided in the preliminary contamination assessment will need to indicate the groundwater flows at the site and testing will need to be undertaken to determine whether contaminants are leaking into the groundwater and off the site. To comply with the provisions of SEPP 55, the preliminary investigations are to be 'carried out in accordance with the contaminated land planning guidelines'. The report will be required following Gateway determination and prior to the commencement of community consultation under section 57 of the Act. Depending on the outcomes of the preliminary contamination assessment, further contamination investigations may be required prior to finalising the LEP Amendment, or at the DA stage. Once the preliminary contamination assessment has been undertaken, this Planning Proposal will be updated.
SEPP (Infrastructure) 2007	This policy requires the RMS to be consulted in relation to certain types of traffic generating development. It also contains provisions relating to the development of infrastructure.	The Proposal qualifies as traffic generating development, as listed in Schedule 3 of the SEPP. Service stations with a capacity of 200 or more motor vehicles that are located on any road are traffic generating development to be referred to the Roads and Maritime Services (RMS). Fishery Point Road is also a proposed regional road. Any application for a service station on a regional road should be referred to the RMS for comment. Therefore, consultation with the RMS is required prior to undertaking community consultation in satisfaction of section 57 of the EP&A Act 1979.

7. Is the Planning Proposal consistent with applicable Ministerial Directions (s.117 directions)?

An assessment of the Planning Proposal against the applicable Ministerial Directions is provided in Table 4. The table addresses whether the Proposal is consistent with 'what a relevant planning authority must do' if a direction applies.

Table 4: Consistency with applicable Section 117 Ministerial Directions

Ministerial Direction & Relevance	What a relevant planning authority must do if this direction applies	Consistency / Comment
1.1 - Business and Industrial Zones This direction applies when a relevant planning authority prepares a planning proposal that will affect land within an existing	When this direction applies, a planning proposal must: (a) give effect to the objectives of this direction, (b) retain the areas and locations of existing business and industrial zones, (c) not reduce the total	Consistent: This direction would only apply if the LEP Amendment proceeded as a rezoning from RU6 to a business or industrial zone. Rezoning land to a business zone should be consistent with a strategy approved by the Department of Planning. The Morisset Structure Plan identifies the subject site and

or proposed business or industrial zone.	potential floor space area for employment uses and related public services in business zones, (d) not reduce the total potential floor space area for industrial uses in industrial zones, and (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.	surrounding RU6 land as having potential for residential development, subject to resolving biodiversity issues. The Lake Macquarie Employment Lands Study indicates that additional commercial land is not required outside of the Morisset town centre. Therefore, any rezoning to B1 would need to be justified by a study prepared to support the planning proposal or demonstrated to be of 'minor significance'. Such a study would need to address the objectives of this direction by demonstrating that a business or industrial zone would 'encourage employment growth in suitable locations' and 'support the viability of identified strategic centres'. A business or industrial zone is not the preferred LEP Amendment option for this site and therefore, this direction is not applicable.
1.3 – Mining, Petroleum Production and Extractive Industries The aim is to protect the future extraction of State or regionally significant reserves of coal, minerals, petroleum and extractive industries.	A relevant planning authority is required to consult with the Department of Primary Industries (DPI) to identify any mineral, petroleum and extractive resources in the area subject to the Planning Proposal.	Consistent: The site is not located on the Mineral Resource Audit of Lake Macquarie Map conducted by NSW Trade and Investment (Resources and Energy) and dated 11 September 2012. The subject site is located on the edge of existing urban development in Morisset and existing development, it is therefore unnecessary to consult with the DPI. The Planning Proposal is consistent with this direction.
2.2 – Coastal Protection This direction applies to the coastal zone.	A Planning Proposal must include provisions that give effect to and are consistent with relevant NSW Government coastal policy.	Consistent: The study lands are not located within the coastal zone, therefore this direction is not applicable.
2.3 – Heritage Conservation This direction aims to conserve items and places of heritage significance.	The Direction provides that a Planning Proposal must contain provisions that facilitate the conservation of Aboriginal areas, objects or places with heritage significance to Aboriginal culture and people.	Consistent: The planning proposal is consistent with this direction given that the study area is not mapped as a sensitive Aboriginal landscape area under LMLEP 2014. There are no known heritage items or places of heritage significance in the vicinity of the site or on the subject site.
3.4 – Integrating Land Use and Transport The direction requires consistency with State policy in terms of positioning of urban land use zones.	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).	Consistent: This direction applies when a relevant planning authority prepares a planning proposal that will create, alter or remove a zone or a provision relating to urban land, including land zoned for residential, business, industrial, village or tourist purposes. This provision would apply to a rezoning to a business or industrial zone however, not to an additional permitted use for a service station in the RU6 Transition Zone. Therefore, this direction is not applicable.
4.1 – Acid Sulfate Soils The direction applies	A relevant planning authority must not prepare a planning proposal that proposes an	Consistent: The subject site is not identified as containing ASS and therefore, this direction

to land that has been identified as containing potential Acid Sulfate Soils (ASS)	intensification of land uses on land identified as having a probability of containing ASS unless the relevant planning authority has considered an ASS study.	is not applicable.
4.2 – Mine Subsidence and Unstable Land This seeks to prevent damage associated with mine subsidence	The direction requires consultation with the Mine Subsidence Board (MSB) where a draft LEP is proposed for land within a mine subsidence district.	Consistent: This direction applies as the subject land is located within a mine subsidence district therefore, consultation with the MSB is required. The proposal is otherwise consistent with this direction, pending an update to the planning proposal following consultation with the MSB.
4.3 – Flood Prone Land Development of flood prone land should be consistent with the NSW Government's Flood Prone Land Policy	This direction applies when a relevant planning authority prepares a planning proposal that creates, removes, or alters a zone or a provision that affects flood prone land.	Consistent: This provision is not applicable given that the subject land is not identified as flood prone land or low lying land on Council's property conditions.
4.4 – Planning for Bushfire Protection This direction applies to bushfire prone land	Under this direction, a planning proposal must: (a) have regard to <i>Planning for Bushfire Protection 2006</i> , (b) introduce controls that avoid placing inappropriate developments in hazardous areas, and (c) ensure that bushfire hazard reduction is not prohibited within the APZ. (6) A planning proposal must, where development is proposed, comply with the following provisions, as appropriate: (a) provide an Asset Protection Zone (APZ) incorporating at a minimum: (i) an Inner Protection Area bounded by a perimeter road or reserve which circumscribes the hazard side of the land intended for development and has a building line consistent with the incorporation of an APZ, within the property, and (ii) an Outer Protection Area managed for hazard reduction and located on the bushland side of the perimeter road, (b) for infill development (that is development within an already subdivided area), where an appropriate APZ cannot be achieved, provide for an appropriate performance standard, in consultation with the NSW	Inconsistent: This direction applies to the study area, as it is bushfire prone. Consultation is required with the Commissioner of the NSW Rural Fire Service following receipt of a gateway determination under section 56 of the Act, and prior to undertaking community consultation in satisfaction of section 57 of the Act The proponent has not provided a bushfire assessment with their planning proposal and therefore the proposal is currently inconsistent with this direction. A bushfire asset protection zone may be required to the adjoining bush, which given the narrow configuration of No. 606, and the extent of existing development on the subject site, may be difficult to provide. A Bushfire Assessment will be required following Gateway determination that addresses all of the requirements of this s117 direction and <i>Planning for Bushfire Protection 2006</i> . This planning proposal will be updated when the bushfire assessment is received.

	Rural Fire Service. If the provisions of the planning proposal permit Special Fire Protection Purposes (as defined under section 100B of the Rural Fires Act 1997), the APZ provisions must be complied with, (c) contain provisions for two-way access roads which links to perimeter roads and/or to fire trail networks, (d) contain provisions for adequate water supply for fire fighting purposes, (e) minimise the perimeter of the area of land interfacing the hazard which may be developed, (f) introduce controls on the placement of combustible materials in the Inner Protection Area.	
5.1 – Implementation of Regional Strategies	Planning proposals must be consistent with a regional strategy released by the Minister for Planning.	Consistent: The LHRS identifies land to the south of Morisset as a proposed urban area. The planning proposal seeks to create an additional permitted use of a service station which 'achieves the overall intent of the regional strategy and does not undermine the achievement of its vision, land use strategy policies, outcomes or actions'. The Proposal is consistent with the LHRS.
6.1 – Approval & Referral Requirements The objective of this direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development.	This direction seeks to minimise the inclusion of provisions in planning instruments that require the concurrence, consultation, or referral of development applications to a Minister or public authority (a). It also sets out consultation and approval requirements, if such provisions are to be included in a planning instrument (b), or if a planning instrument identifies development as designated development (c).	Consistent: The Proposal is consistent with the direction as follows: (a) consultation is being undertaken with government agencies at the LEP Amendment stage of the development to reduce the need for concurrence, consultation, and referrals at the DA stage. None of the provisions outlined in Tables 2 or 3 at the start of this document will create excessive concurrence, consultation, or referral requirements. (b) N/A – No Ministerial or public authority concurrence, consultation or referral requirements are generated by the Planning Proposal. (c) N/A – The Planning Proposal does not identify any development as designated development.
6.3 – Site Specific Provisions The objective of this direction is to discourage unnecessarily restrictive site specific planning controls.	This direction applies when a relevant planning authority prepares a planning proposal that will allow a particular development to be carried out.	Under this direction, a particular development should be permitted on a site by amending the LEP to: (a) <i>allow that land use to be carried out in the zone the land is situated on, or</i> Response: As discussed in Part 3, A2 of this Planning Proposal, it is proposed to add an additional permitted use to Schedule 1 of the LEP for service stations within the current

		RU6 Transition Zone. Given that the proposed use will only apply to the land the subject of the planning proposal, the planning proposal is inconsistent with this part of the Direction. (b) <i>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</i> <u>Response:</u> Consistent - The Morisset Structure Plan, Lake Macquarie Employment Lands Study, LHRs and Lifestyle 2030 clearly indicate that there is no need for additional business or industrial zoned land in Morisset in the short to medium term. The business and industrial zones also permit a variety of land uses with development consent that would be inappropriate at the subject site given the potential for surrounding RU6 zoned land to be zoned residential and / or conservation in the future. Therefore, not rezoning the site to a business or industrial zone maintains consistency with this part of the Direction. (c) <i>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.</i> <u>Response:</u> Consistent - The planning proposal seeks to provide an additional permitted use of a service station on the relevant land without imposing any additional development standards or requirements. <u>Comment:</u> Although there is an inconsistency with subclause 4(a) of this Direction, it is considered to be a minor inconsistency, in that it will allow the current use of the site as a service station to continue and expand onto the adjoining land, and provide a car wash facility which is currently a prohibited use on the land. This s117 direction also requires that a planning proposal must not contain or refer to drawings that show details of the development proposal. The planning proposal does not contain any development drawings and is therefore consistent with this direction. However, Council has requested the applicant to lodge a Development Application at such a time that it could be jointly exhibited for public comment with this LEP Amendment, in accordance with Division 4B of the EP&A Act 1979. This will allow the public to comment on both the LEP Amendment and DA at the same time, while also ensuring that all issues associated with the proposed expansion of the service station, such as bushfire, flora and fauna, contamination, traffic, noise, setbacks and
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		other planning and building requirements can be adequately addressed before proceeding with the LEP Amendment. If a DA is lodged, Council will exhibit the Planning Proposal and advertise the DA at the same time if practical or as closely together as possible, in accordance with Clause 72K of the EP&A Act.

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?

The *Lake Macquarie Native Vegetation & Corridors Map 2011* shows a 'crossing point' over Fishery Point Road to the southeast of the subject site. There is an electricity transmission easement on the eastern side of Fishery Point Road that runs in a northeast / southwest orientation and is cleared of vegetation. Land surrounding the easement is bush and the 'crossing point' is located on either side of the transmission line. A 'crossing point' is described by the Map as a 'cleared potential barrier of 10-70 metres width that interrupts native vegetation but could be crossed by mobile fauna', and in this case appears to refer to the crossing of Fishery Point Road.

A 'crossing point' does not impact the subject site itself but the vegetation on the southern boundary of the site is identified as a corridor of 'partially cleared remnant native vegetation'. The vegetation consists of scattered native trees with limited understorey. It is unlikely that the LEP Amendment would impact on critical habitat or threatened species considering the trees are 'partially cleared' and are located on the edge of a larger stand of remnant vegetation to the south.

A flora and fauna assessment would be required as part of any future DA on the site.

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

A summary of the environmental issues is provided below.

Hydrology and Water Quality

The study lands are not flood prone land. Stormwater management and design can be investigated as part of any future Development Application.

Traffic

The service station site has access from Fishery Point Road, which is a main road providing access between Morisset and other suburbs on the Morisset Peninsula such as Bonnells Bay. Fishery Point Road has been earmarked as a potential classified road. Approximately 200m to the north, Fishery Point Road intersects with Macquarie Street / Dora Street (MR 217), which is the main road through Morisset and is a classified road. The intersection has separate right hand turning bays.

A traffic study would be required as part of any Development Application (DA) to expand the service station site, but would be unlikely to be required for the LEP Amendment. The Gateway Determination will determine whether a Traffic Study is required for the LEP Amendment.

Any traffic study prepared for the site should refer to the RTA Guide to Traffic Generating Development, which contains formulas for determining the number of trips to a service station per day based on the gross floor area, the use of the site and the site area. The Guide also contains provisions relating to car parking, driveways, the design of internal roads and parking areas, and design requirements for a car wash that would apply to any future DA.

Under the SEPP (Infrastructure), a service station located on any road that generates 200 trips or more per day is referred to the Roads and Maritime Services (RMS) for comment. Therefore, this LEP Amendment should be referred to the RMS for comment following Gateway Determination and prior to undertaking public consultation under s57 of the EP&A Act.

Bushfire

The service station lands are identified as bushfire prone land. The remnant trees on the southern boundary of the service station site are identified as Category 1 bushfire vegetation. The remainder of the study lands are identified as a bushfire vegetation buffer. Adjoining land to the south and east contains vegetation that is Category 1 bushfire vegetation.

The proponent has not provided a bushfire assessment with their planning proposal. A bushfire asset protection zone is required to the adjoining bush, which given the narrow configuration of No. 606, and the extent of existing development on the subject site, may be difficult to provide. For infill development in an already subdivided area, where it is not possible to achieve an appropriate APZ, it may be possible to provide an alternative performance standard. However, this must be determined in consultation with the NSW Rural Fire Service (RFS). Therefore:

- It is likely that a Bushfire Assessment will be required following Gateway determination that addresses all of the requirements of the s117 direction relating to bushfire.
- Consultation is required with the Commissioner of the RFS following receipt of a gateway determination under section 56 of the Act, and prior to undertaking community consultation in satisfaction of section 57 of the Act.

This planning proposal will be updated when the bushfire assessment is received and the consultation has been undertaken.

Contamination

As discussed in Table 3 of this report with regards to SEPP 55 – Remediation of Land, a Phase 1 preliminary contamination assessment will be required for this LEP Amendment following Gateway determination and prior to commencing community consultation in accordance with section 57 of the Act.

The preliminary contamination assessment for the service station lands requires a history of site use and site ownership including aerial photos. It will also require invasive sampling to determine whether there is contamination on the site and whether the existing fuel tanks are leaking. The information provided in the preliminary contamination assessment will need to indicate the groundwater flows at the site and testing will need to be undertaken to determine whether contaminants are leaking into the groundwater and off the site.

Further contamination assessment may be required for both or either of the sites in order to demonstrate that it is possible to remediate the site before the LEP Amendment can be completed.

This Planning Proposal may need to be referred to the NSW Environmental Protection Agency following Gateway Determination regarding potential contamination issues associated with the service station.

Noise

A Noise and Vibration Impact Assessment will be required as part of any future DA to determine the impact of the existing and proposed development on the existing adjoining churches and residential lands to the north, and identify whether any mitigation is required.

Geotechnical

The site is not identified as having any significant geotechnical constraints.

Mines Subsidence

The site is located within a Mine Subsidence District and consultation is required with the Mines Subsidence Board as part of this LEP Amendment and as part of any future DA.

Heritage

The site does not contain and is not within proximity to any known heritage or Aboriginal heritage items. The site is not within a sensitive Aboriginal landscape.

Summary

In summary it is recommended that a Phase 1 Contamination Assessment and a Bushfire Assessment be required for the site as part of the Gateway Determination.

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

Social

The LEP Amendment is intended to facilitate the expansion of the existing service station from No. 606 Fishery Point Road to No. 608 Fishery Point Road for the purposes of an ancillary car wash.

The LEP Amendment will not significantly impact on the existing operation of the adjoining land uses as place of assembly, therefore the social impact of the Proposal is minimal.

Economic

Clause 7.9 of the LMLEP 2014 addresses service stations in certain zones. The objective of the clause is to ensure that service stations on land other than land in business zones do not detract from the trading performance of commercial centres. The clause provides that the gross floor area of the building (excluding parking, refuelling areas, vehicle access areas and any ancillary car wash areas) must not comprise more than 30% of the site area. It also states that any floor area used for the ancillary retail selling of general merchandise comprises no more than 50% of the gross floor area of the building.

Therefore, there is no need to add additional provisions as part of this LEP Amendment limiting the retail space of the service station to ensure that it does not compete with the Morisset Regional Centre.

A service station is permissible with consent in Business Zones (B1, B2, B3, B4, and B7) and Industrial Zones (IN1 and IN2). However, rezoning the subject site to a business or industrial zone is not considered to have merit because the site is within 800 metres of the Morisset Regional Centre and train station. The Morisset Structure

Plan and Lake Macquarie Employment Lands Study do not identify the need for a business zone in proximity to the subject site (refer to Part B5 of this Planning Proposal for more detail). The proponent has not provided substantial justification for a business or industrial zone at the site, including an economic analysis identifying demand for the business zone and an assessment of any potential impacts on the Morisset Regional Centre.

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

The site is serviced by reticulated water, sewer, as well as gas, electricity and telecommunications services. Further consultation should be undertaken with service providers to ensure that there is adequate capacity available to expand the service station.

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

It is considered that consultation is required with the following authorities prior to public exhibition of the Planning Proposal:

- Roads and Maritime Services (RMS)
- Rural Fire Service (RFS)
- Mines Subsidence Board (MSB)
- Hunter Water Corporation (HWC)
- NSW Environmental Protection Agency (EPA)

This planning proposal will be updated once the consultation has been undertaken.

Part 4 – Details of Community Consultation

The public will have the opportunity to view and comment on the Planning Proposal once the Gateway determination is issued requiring public exhibition in accordance with section 57 of the EP&A Act.

The Proposal fits within the definition of a 'low' impact Planning Proposal and it should therefore be exhibited for a minimum of 14 days. A 'low' impact Planning Proposal is:

- consistent with the pattern of surrounding land use zones and/or land uses,
- consistent with the strategic planning framework,
- presents no issues with regard to infrastructure servicing,
- not a principal LEP, and
- does not reclassify public land.

Potential for joint exhibition of the Planning Proposal and Development Application

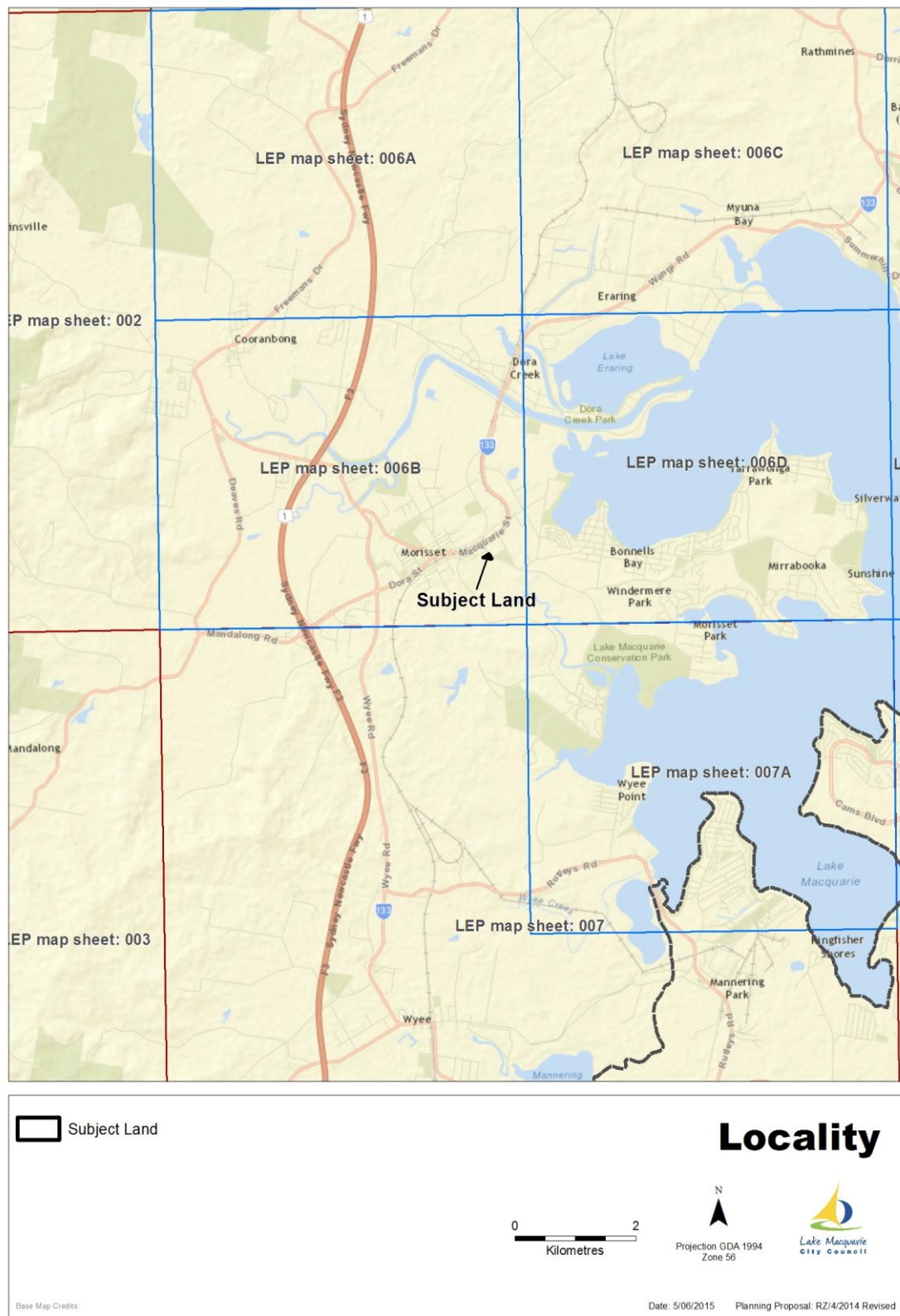
Council has requested the applicant to lodge a Development Application (DA) so that it can be jointly exhibited for public comment with this LEP Amendment, in accordance with Division 4B of the EP&A Act 1979. This will allow the public to view and comment on the LEP Amendment and DA at the same time, while also ensuring that all issues associated with the proposed expansion of the service station, such as bushfire, flora and fauna, contamination, traffic, noise, setbacks and other planning and building requirements can be adequately addressed before proceeding with the LEP Amendment.

If a DA is lodged by the proponent at the appropriate time, Council will exhibit the Planning Proposal and advertise the DA at the same time if practical or as closely together as possible, in accordance with Clause 72K of the EP&A Act.

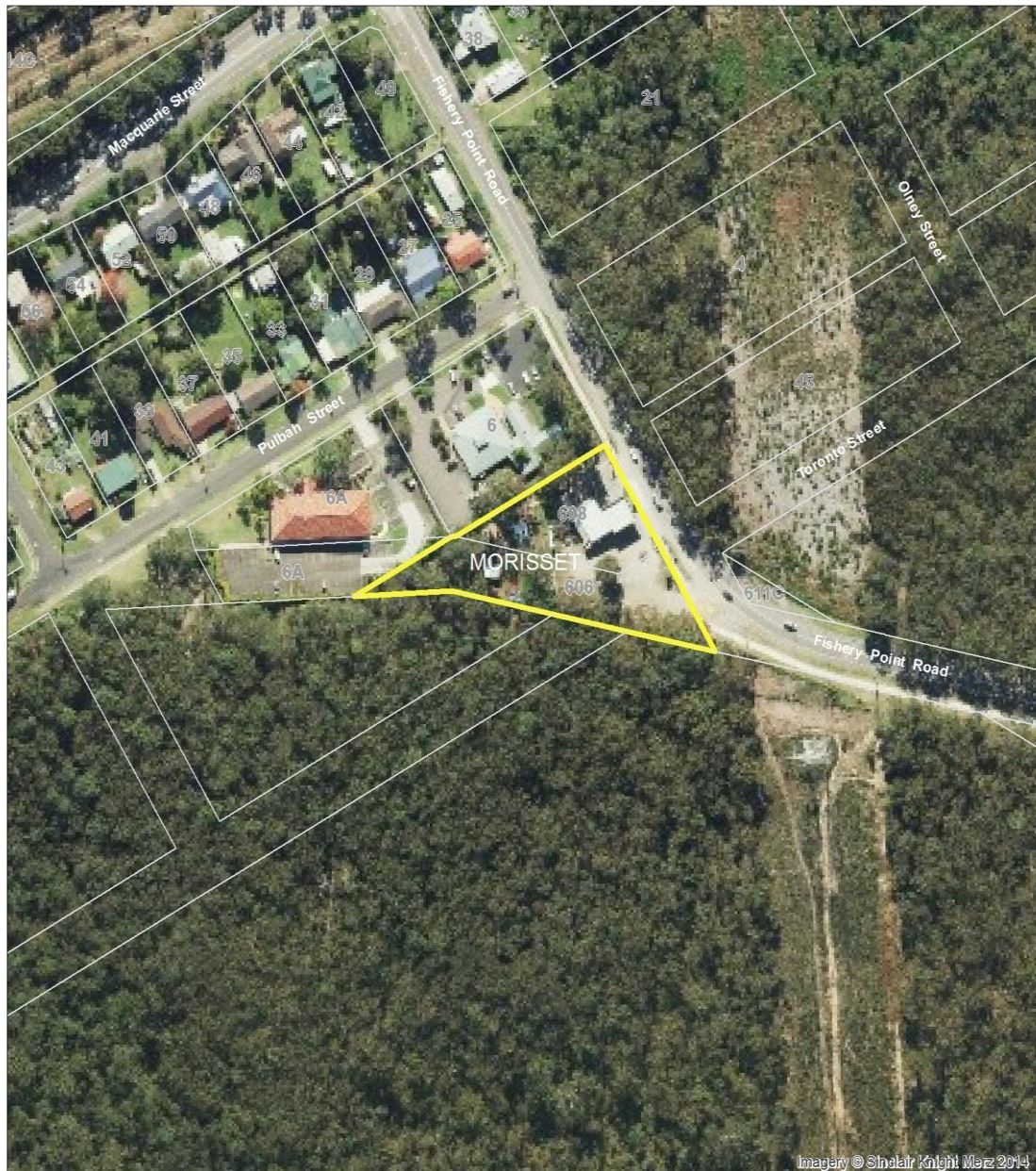
Table 5 - Additional Map Layers that will not be affected by this Planning Proposal

Maps	Explanation of Provision
Land Zoning	No change
Height of Buildings	No change
Minimum Lot Size	No change
Land Reservation Acquisition	No change
Heritage	No change
Acid Sulfate Soils	No change
Environmentally Sensitive Land	No change
Coastal Risk	No change
Foreshore Building Line	No change
Flood Planning	No change
Key Sites	No change
Sensitive Aboriginal Landscape	No change
Terrestrial Biodiversity	No change
Urban Release Area	No change

Attachment 1 – Locality Map



Attachment 2 – Aerial



- Subject Land
- Cadastre

Air Photo
2014 Aerial Photography
 Aerial Imagery SKM AusImage 2014

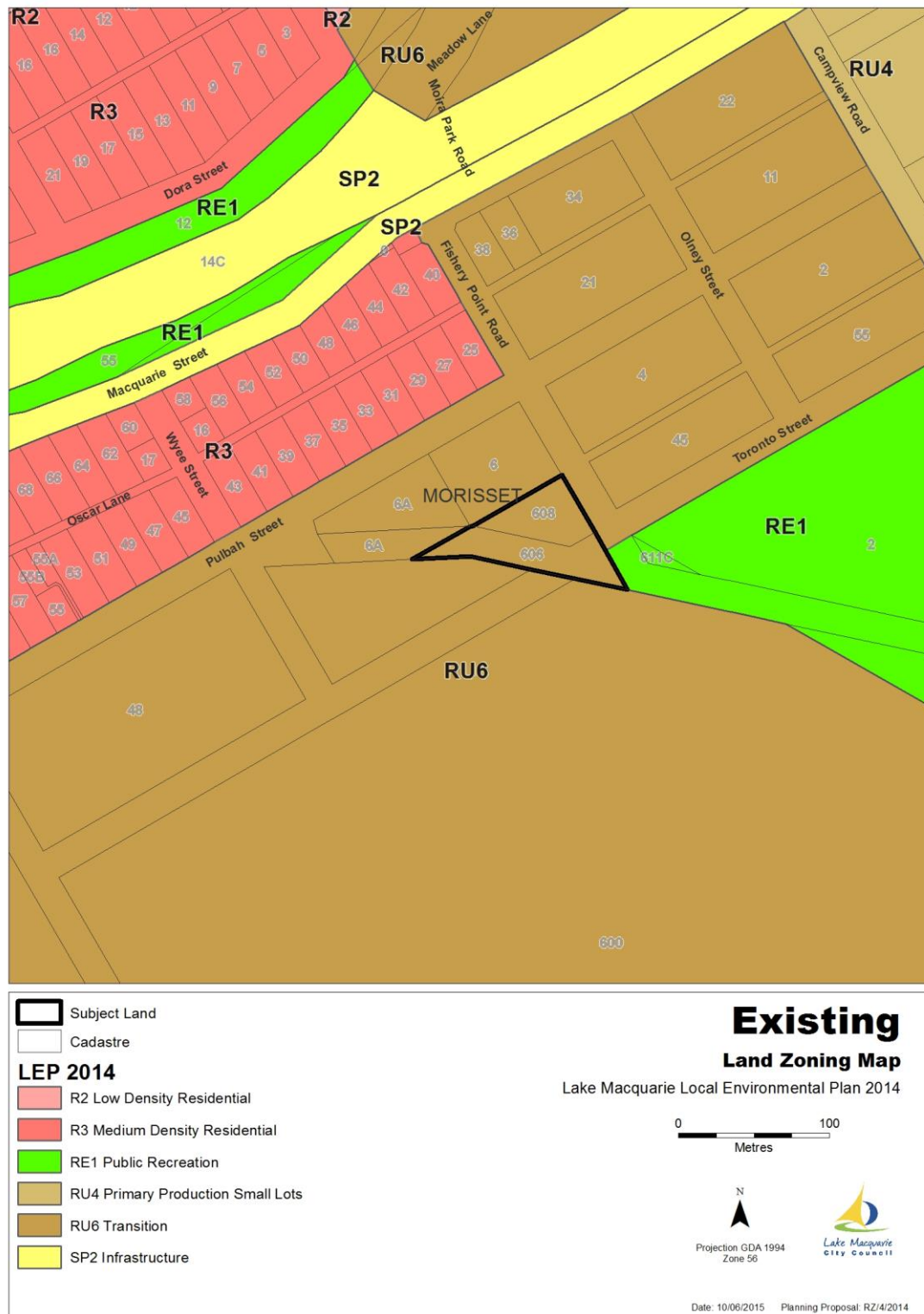
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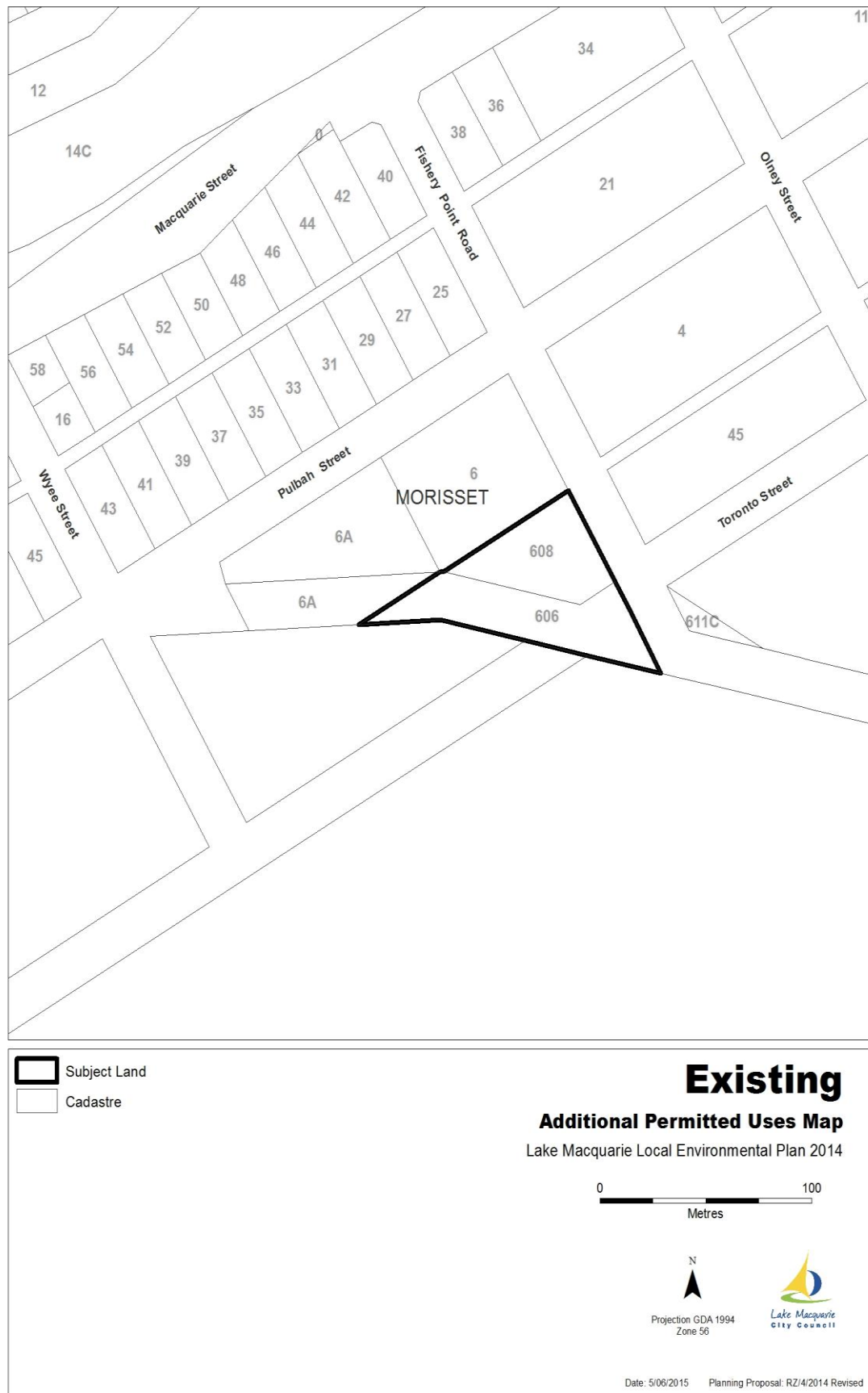


Date: 5/06/2015 Planning Proposal: RZ/4/2014 Revised

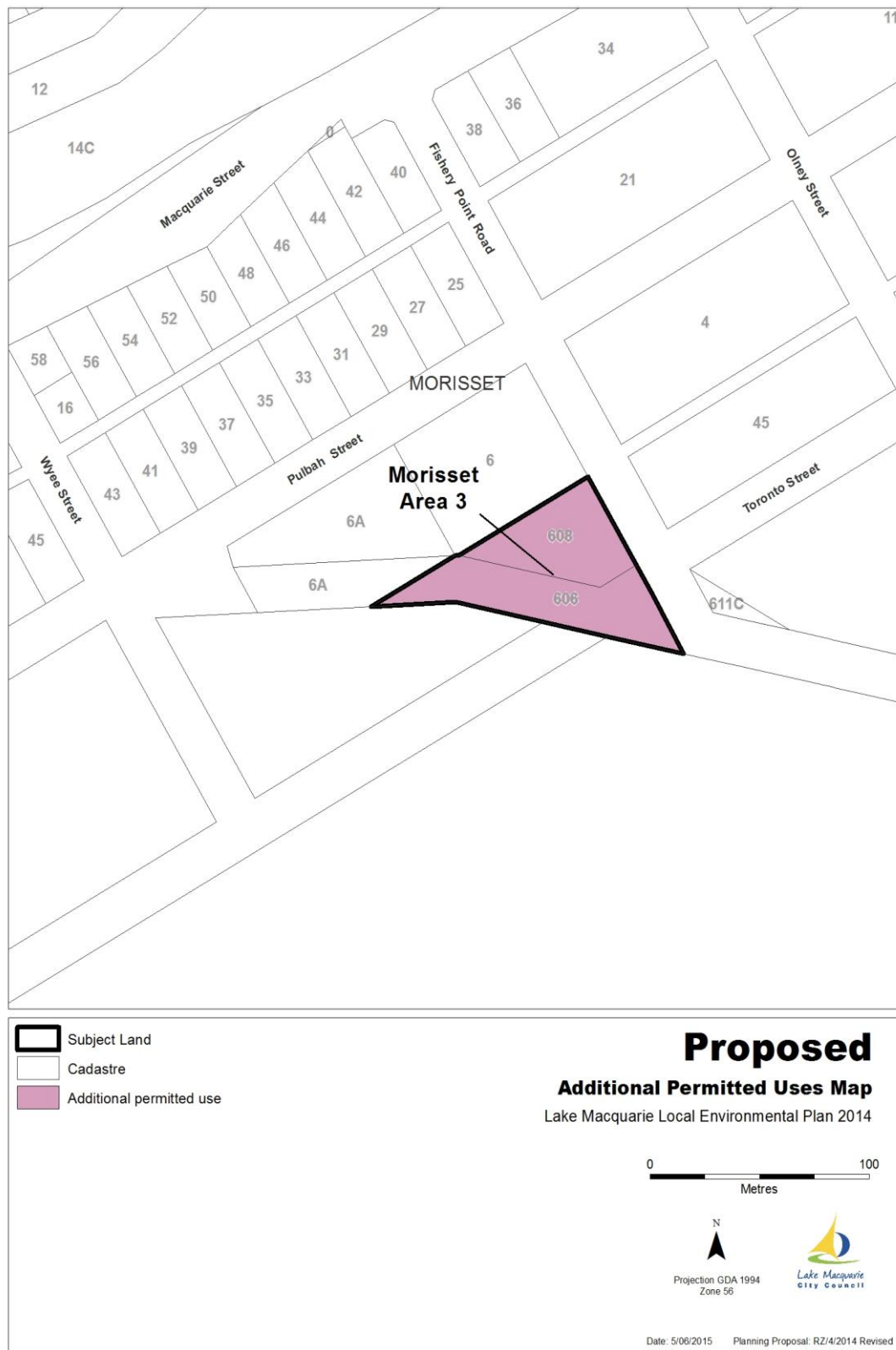
Attachment 3 – Existing Zone Map



Attachment 4 – Existing Additional permitted uses Map



Attachment 5 – Amendment to LMLEP 2014: Additional permitted uses Map



Attachment 6 – Extract from the Morisset Structure Plan

