

BOWNING SERVICE CENTRE

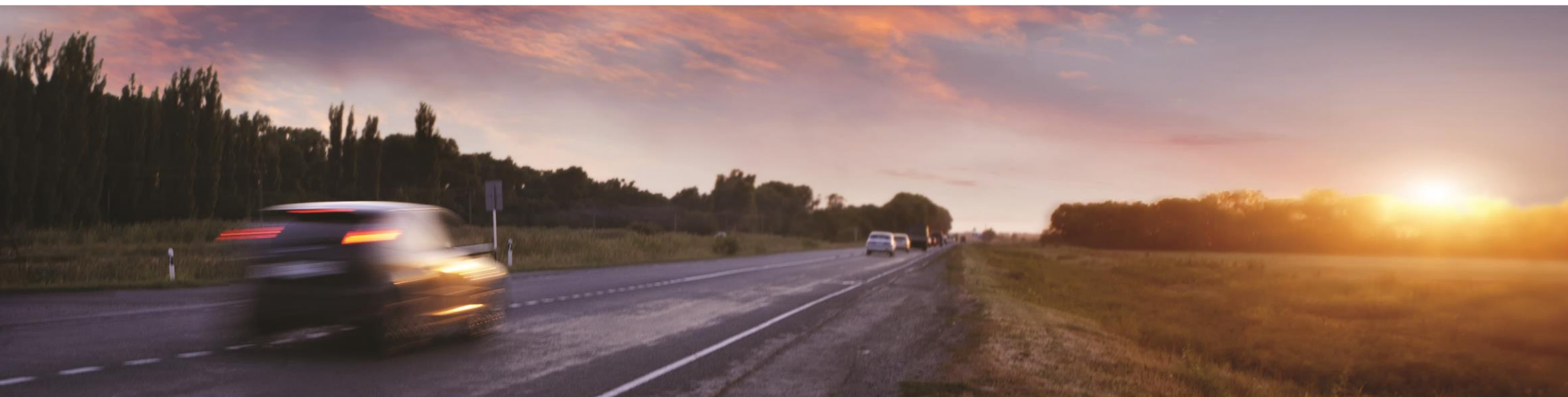


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Executive Summary

The intended outcome of this planning proposal is to accommodate a highway service centre (HSC) in the south west corner of the subject lands by way of a specific inclusion to 'Schedule 1 – Additional Permitted Uses' of the Yass Local Environmental Plan 2013. It is intended that the HSC will be excised from the remainder of the lands in the future.

The subject lands include part Lots 16 and 18 of DP: 246891 and part Lot 172 of DP: 649063 Hume Highway, Bowning. In total, the existing lots comprise approximately 60ha of land that is zoned RU1 Primary Production, with the proposed site for the HSC occupying approximately 19.63ha including access.

The analysis undertaken in support of the planning proposal demonstrates a clear need for additional highway service facilities along the Hume Highway, especially between Marulan and Gundagai and a range of positive benefits associated with such provision.

Currently, there are only 3 highway-facing HSCs located over the 100km stretch of the Hume Highway between Yass and Gundagai (at Gundagai South, at Gundagai north and at the Yass Valley Way turnoff) and no HSCs between Yass and Marulan.

Regional planning strategies for Yass and surrounding districts recognise the underlying economic importance of the region's arterial road network in supporting growth in tourism and in accommodating an increasing visitor and freight load. Safely providing for the users of the Hume Highway is an appropriate planning response to this recognition.

The addition of a new HSC facility will improve the range of services available to travelling motorists and provides a needed stop-over for those seeking refreshments and fuel.

The proposed facility will:

- Provide employment opportunities, especially for the area's youth.
- Provide valuable part-time employment opportunities for residents.
- Strengthen the area's tourism base through the range of services offered.
- Facilitate competitive fuel pricing.
- Help to rebalance the area's employment participation levels, which are otherwise expected to deteriorate through population ageing.

Notably, the role of HSCs in assisting with driver fatigue and road safety awareness has been recognised by RMS. A strategy to accommodate such uses exists for the Pacific Highway but has not been prepared for the Hume Highway, despite its role as the state's busiest inter-capital road corridor.

As the planning proposal relates to the subject lands only, it will not set a precedent for other rural lands to be developed for similar purposes.

The nature of HSCs is such that they are required to meet the demands of passing traffic / highway users and are not likely to replicate across neighbouring land or throughout the whole of the RU1 zoned areas of Yass.

It is noted also that the subject lands are not agriculturally productive, nor are they likely to become so. The proposed land use therefore will not impact the viability of other agricultural land uses in its vicinity and will therefore not compromise the underlying intent and objectives of the RUI Primary Production zone.

It is also noted that HSCs are permissible with consent in the RU1 Primary Production zone in other local government areas including Goulburn Mulwaree, Camden and Gundagai.

The planning proposal is consistent with both regional and local planning strategies for the area and is recommended for Council and State Government endorsement.

1 Introduction

1.1 The Site

This planning proposal seeks to allow for the use and future excision of part Lots 16 and 18 in DP: 246891 and part Lot 172 in DP: 649063, Hume Highway, Bowning for a 'HSC'. The proposed site for the HSC will occupy approximately 19.63ha including access (identified as Lot 1 in Figure 2). The site is located within the Yass Valley Local Government Area.

There are no dwellings located on the subject site. However, there are several structures associated with the previous use of the site for agricultural on the site, it is proposed that these be retained. The site is also located adjacent to a council pumping station, the proposal will not impede access to, or operation of the station (Refer attached Traffic Report).

Figure 1 Subject Land of Planning Proposal



SUBJECT SITE

Source: Google 2016

Figure 2 Indicative Development Layout - Note Lot One is the subject of the rezoning request



Source: DPS, 2017

1.2 Planning Proposal Structure

This planning proposal has been prepared in accordance with the NSW “A Guide to Preparing Local Environmental Plans” and “A guide to preparing planning proposals”. It consists of four parts:

Part 1 Introduction

Part 2 Statement of Intended Outcomes

Part 3 Explanation of Provisions

Part 4 Justification for Planning Proposal

Part 5 Consultation

Part 6 Key findings

The proponent of this planning proposal is Barker Group Pty Ltd.

1.3 Yass Valley LEP 2013

The land is currently zoned RUI Primary Production under the Yass Valley Local Environmental Plan 2013 as indicated on the following zoning map extract.

The structure and characteristics of the zone are outlined below.

RU1 – Primary Production, Yass Valley LEP 2013

Zone Objectives:

- *Encourage sustainable primary industry production by maintaining and enhancing the natural resource base.*
- *Encourage diversity in primary industry enterprises and systems appropriate for the area.*
- *Minimise the fragmentation and alienation of resource lands.*
- *Minimise conflict between land uses within this zone and land uses within adjoining zones.*
- *Protect and enhance the biodiversity of Yass Valley.*
- *Protect the geologically significant areas of Yass Valley.*

- *Maintain the rural character of Yass Valley.*
- *Encourage the use of rural land for agriculture and other forms of development that are associated with rural industry or that require an isolated or rural location.*
- *Ensure that the location, type and intensity of development is appropriate, having regard to the characteristics of the land, the rural environment and the need to protect significant natural resources, including prime crop and pasture land.*
- *Prevent the subdivision of land on the fringe of urban areas into small lots that may prejudice the proper layout of future urban areas.*

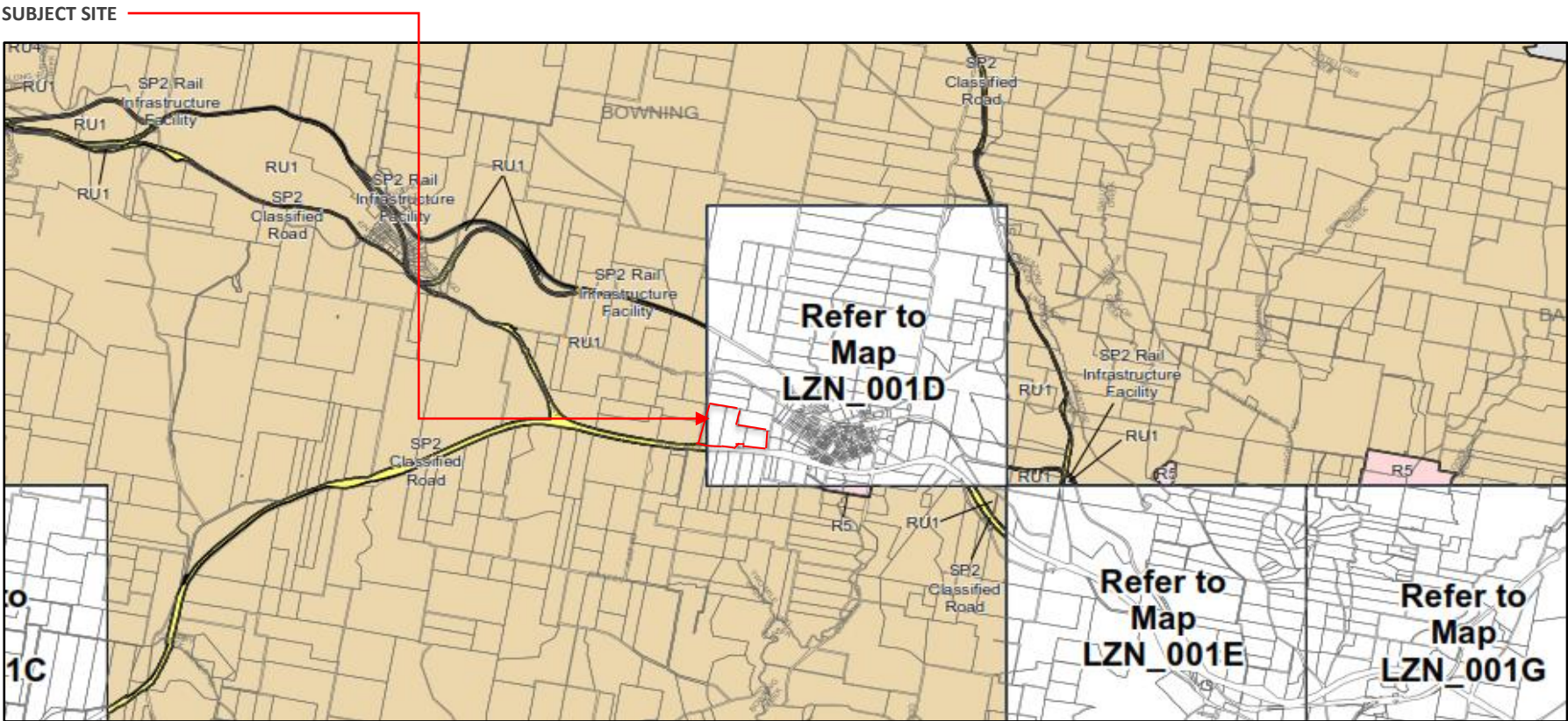
Permitted development:

Air transport facilities; Airstrips; Animal boarding or training establishments; Aquaculture; Bed and breakfast accommodation; Boat launching ramps; Boat sheds; Camping grounds; Caravan parks; Cellar door premises; Cemeteries; Charter and tourism boating facilities; Community facilities; Correctional centres; Crematoria; Depots; Dual occupancies; Dwelling houses; Eco-tourist facilities; Environmental facilities; Extractive industries; Farm buildings; Farm stay accommodation; Flood mitigation works; Function centres; Helipads; High technology industries; Home industries; Industrial retail outlets; Industrial training facilities; Information and education facilities; Intensive livestock agriculture; Landscaping material supplies; Markets; Open cut mining; Places of public worship; Recreation areas; Recreation facilities (major); Recreation facilities (outdoor); Restaurants or cafes; Roads; Roadside stalls; Rural industries; Rural supplies; Rural workers' dwellings; Serviced apartments; Signage; Timber yards; Transport depots; Truck depots; Turf farming; Waste or resource management facilities; Water recreation structures; Water supply systems

Service stations and HSCs are not expressly permitted under the LEP and are therefore prohibited development.

Nonetheless the various forms of permitted development include several traffic generating or traffic dependent land use types that are expected to require access to fuel stations. These types of land uses are highlighted in the above 'permitted development' list.

Figure 3 Current Yass Valley LEP Zoning Map Extracts



Source: Yass Valley LEP 2013

Legend

- E2 Environmental Conservation
- E3 Environmental Management
- E4 Environmental Living
- IN1 General Industrial
- IN2 Light Industrial
- R1 General Residential
- R2 Low Density Residential
- R3 Medium Density Residential
- R5 Large Lot Residential
- RE1 Public Recreation
- RE2 Private Recreation
- RU1 Primary Production
- RU2 Rural Landscape
- RU3 Forestry
- RU4 Primary Production Small Lots
- RU5 Village
- SP1 Special Activities
- SP2 Infrastructure
- W1 Natural Waterways

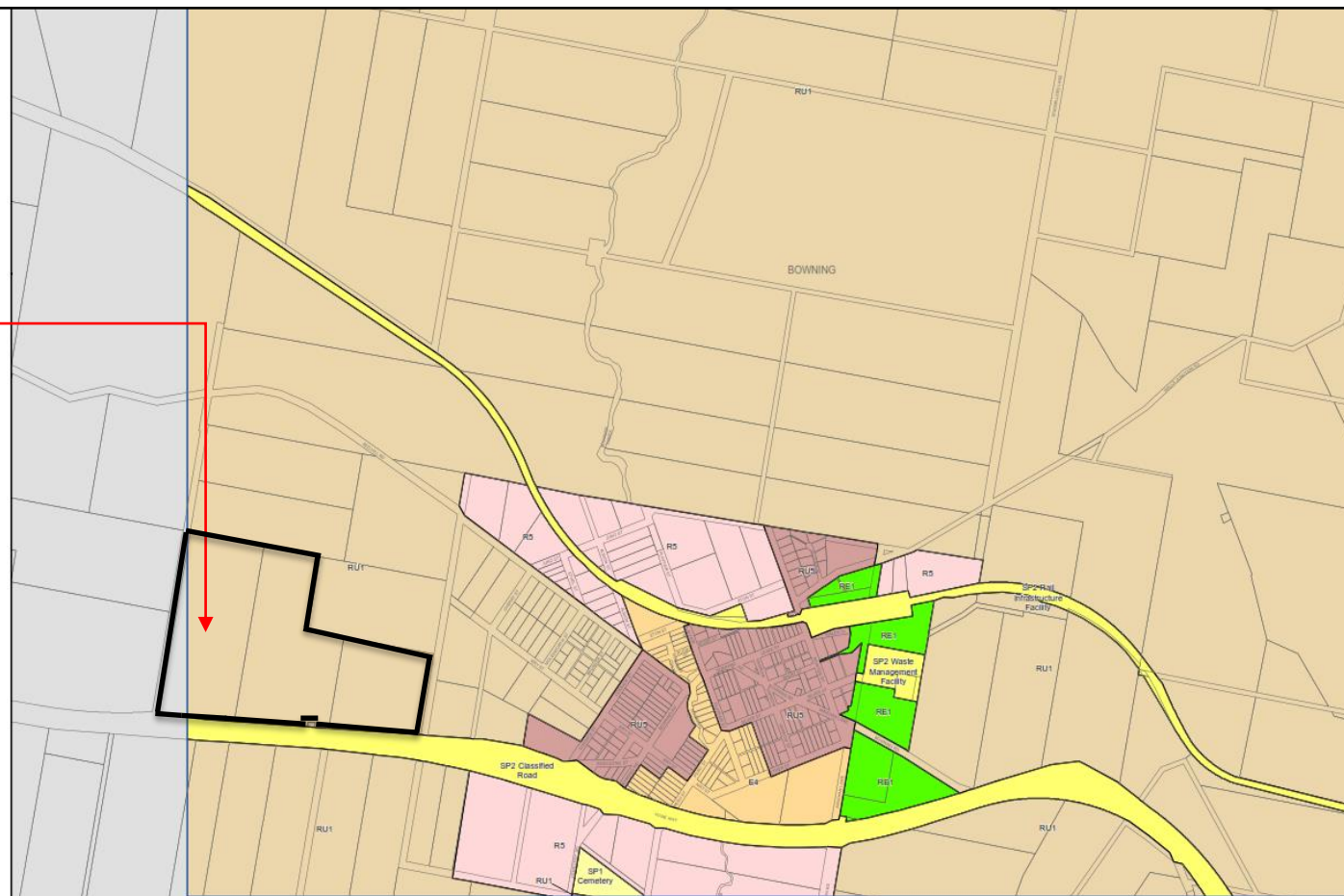
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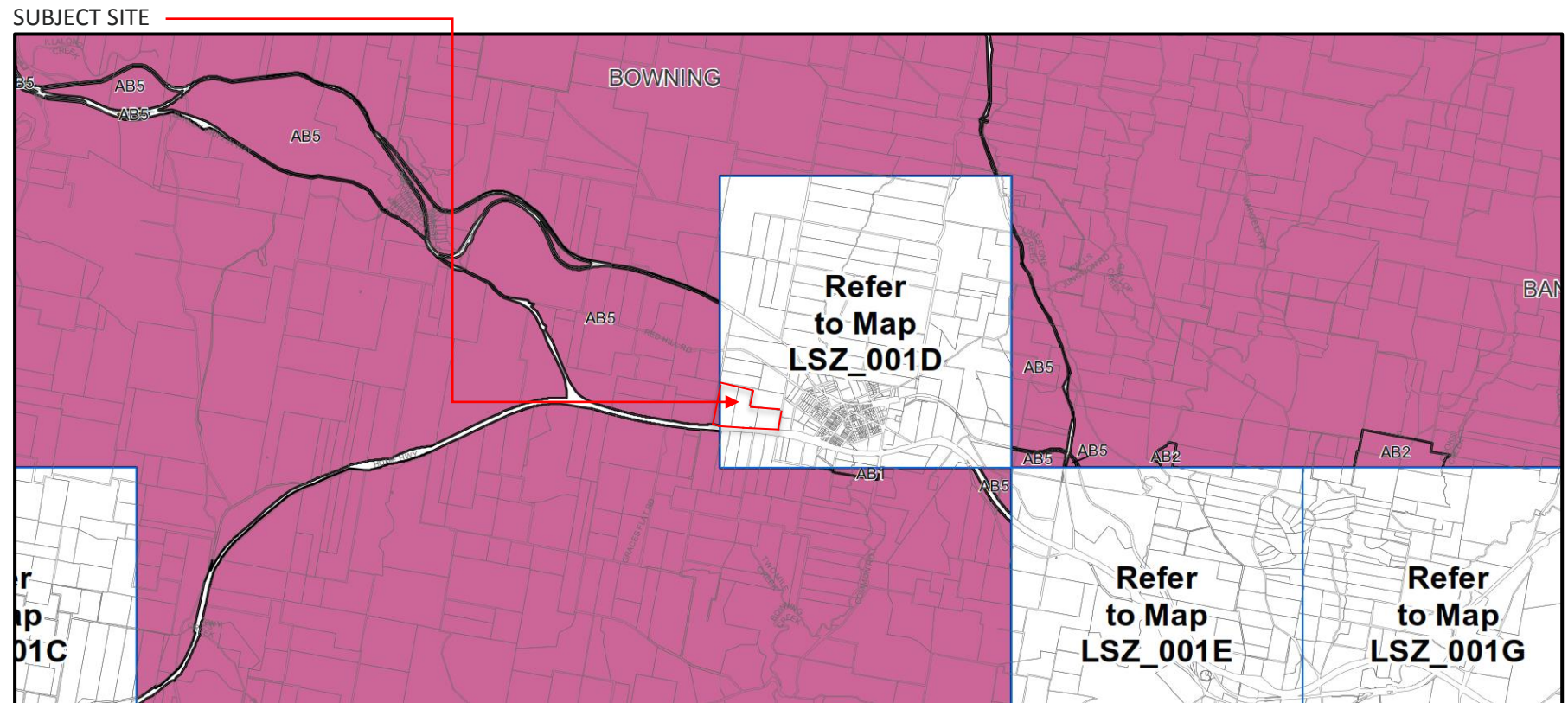
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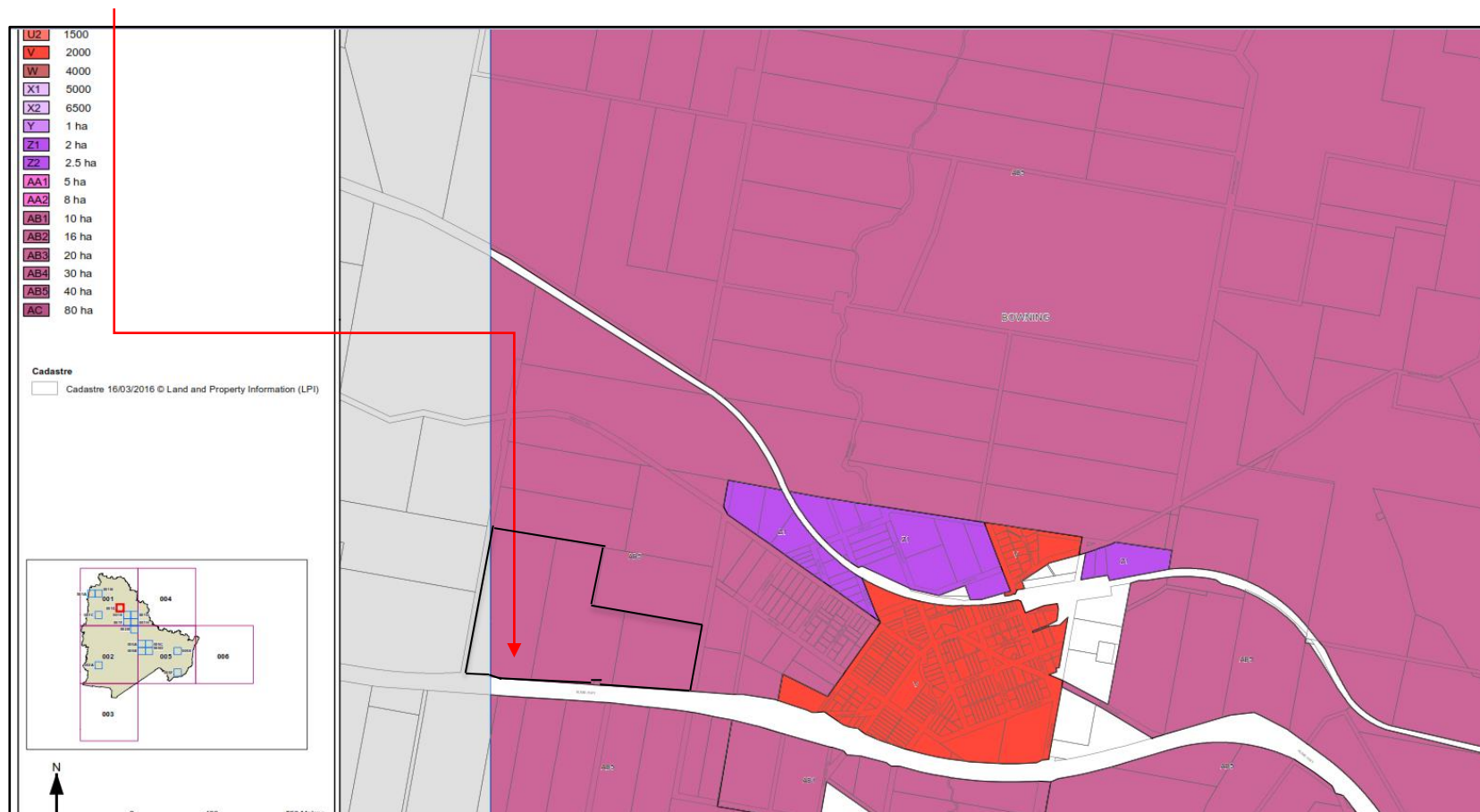
Pursuant to Yass Valley LEP 2013 the minimum lot size for the RU1 zones is 40ha. There are several existing smaller allotments proximate to the township of Bowning along Red Hill Road. The subject properties have frontage to this road.

Figure 4 Current Yass Valley LEP Lots Size Map Extracts



Source: Yass Valley LEP 2013, Lot Size Map 001 – AB5

SUBJECT SITE



Source: Yass Valley LEP 2013, Lot Size Map 001D – AB5

1.4 Yass Valley LEP 2013

This planning proposal outlines the objectives and intended outcomes of rezoning the subject land to amend *YLEP 2013* and enable development and future excision of land for a HSC on the subject site. It is proposed to incorporate the proposed use by inserting a site-specific clause under ***Schedule 1 – Additional Permitted Uses*** of the LEP.

‘Schedule 1 – Additional Permitted Uses’ is prescribed in the *NSW Standard Instrument LEP Order 2006*.

The planning proposal does not seek to alter any other provisions of the Yass Valley LEP 2013. It seeks to alter the permissibility of development on the identified parcels (the subject site) only.

This planning proposal articulates the intended purpose of the rezoning of the land and explains the relevant provisions to bring into effect an amendment to the Yass Local Environmental Plan 2013.

The planning proposal is a key initiative in making economically productive use of land that does not currently support any viable rural land uses but is strategically positioned to support a HSC. The proponent is committed to meeting an increasing demand for additional highway services and has chosen the subject site based on its suitability for the proposed use. The planning proposal identifies the demand for the proposed land use and addresses its potential impacts on and benefits to the rural community of Bowning and the neighbouring township of Yass.

The planning proposal seeks to amend the *Yass Valley LEP 2013*.

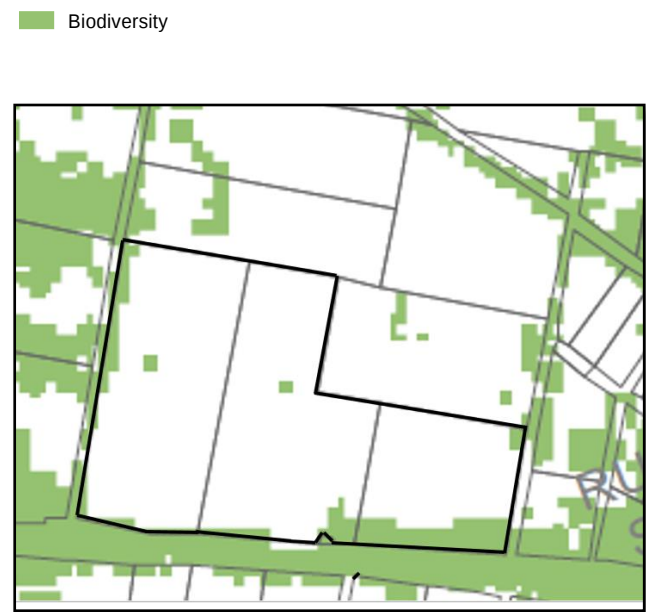
Under Yass Valley LEP 2013, the site is partially identified within the *Terrestrial Biodiversity* and also the *Groundwater Vulnerability* Map, shown in Figures 5 and 6 respectively and addressed in ‘4.9 Environmental Effects’.

The proposal does not present any issues in relation to:

- Heritage items or land,
- Acid sulfate soils,
- Flooding or Natural resources, and
- Height of Buildings or Floor Space Ratios

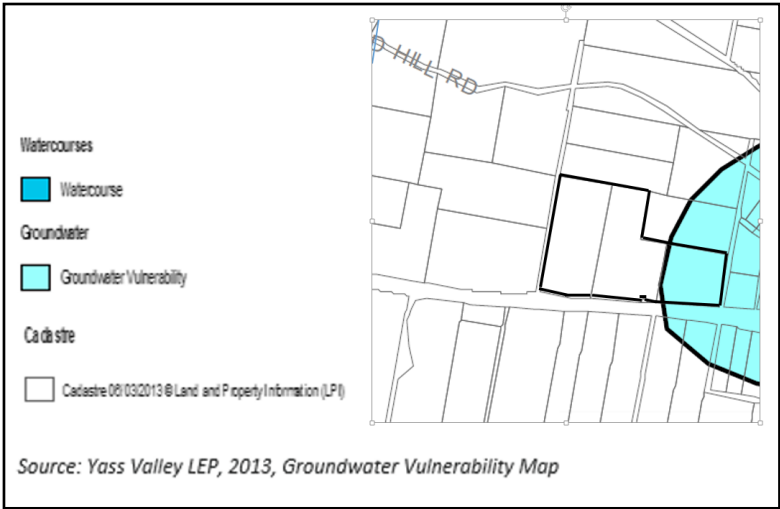
Site specific studies have been carried out to address likely measures arising from biodiversity, traffic, access and contamination and Aboriginal heritage consideration. The justification for the proposed land use as a Schedule 1 inclusion to Yass Valley LEP 2013 provided in Section 4 of this report addresses all relevant Section 117 Ministerial Directions and is in accordance with NSW State Environmental Planning Instruments.

Figure 5 Current Yass Valley LEP Natural Biodiversity Map Extract



Source: Yass Valley LEP, 2013, Natural Resources – Biodiversity Map

Figure 6 Current Yass Valley LEP Groundwater Vulnerability Map



Source: Yass Valley LEP, 2013, Groundwater Vulnerability Map

2 Statement of Intended Outcomes

The intended outcomes of this planning proposal are:

- To identify a specific land use defined as a 'Highway Service Centre' as a permitted land use on the subject land.

Specifically, the planning proposal seeks to nominate the land use and the land upon which it will be located under 'Schedule 1 – Additional Permitted Uses' of the LEP. This is necessary as it is not intended to make HSC permissible throughout the RUI Primary Production zone, but merely to allow the development of a HSC on the subject lands.

By virtue of its proposed setting on the subject land, the planning proposal meets the aims of Yass Valley LEP 2013, specifically in relation to:

- (a) to establish planning controls that promote sustainable development,*
- (b) to protect high quality agricultural land and encourage emerging agricultural industries, ...*
- (d) to promote employment-generating tourism,*
- (e) to provide for commercial and industrial development, ...*
- (g) to protect and enhance the character of each of the villages in Yass Valley,*
- (h) to enhance service provision in each of the villages in Yass Valley,*
- (i) to protect and conserve the cultural heritage and history of Yass Valley,*
- (j) to protect and enhance the environmental and biodiversity values of Yass Valley,*
- (k) to minimise land use conflicts.*

The proposal also supports the following objectives of the Environmental Planning and Assessment Act, 1979:

- (a) to encourage:*
 - (i) the proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forests, minerals, water, cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment,*

(ii) the promotion and co-ordination of the orderly and economic use and development of land,

...

As the proposal relates to the subject lands only, it will not set a precedent for other rural lands to be developed for similar purposes. This is because it is intended to accommodate the proposed land use as a 'Schedule 1 - Additional Permitted Use'. Further, the nature of HSC is such that they are required to meet the demands of passing traffic / highway users and are not likely to replicate across neighbouring land or throughout the whole of the RU1 zoned areas of Yass. Currently, there are only 3 service centres located over the 100km stretch of the Hume Highway between Yass and Gundagai (1 at Gundagai South, 1 at Gundagai north and 1 at the Yass Valley Way turnoff)¹.

It is noted also that the subject lands are not agriculturally productive, nor are they likely to become so. The proposed land use therefore will not impact the viability of other agricultural land uses in its vicinity.

The proposal therefore also supports the following objectives of the **RUI Primary Production zone** under the Yass Valley LEP:

Zone RU1 Primary Production

1 Objectives of zone

- *To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.*
- *To minimise the fragmentation and alienation of resource lands.*
- *To minimise conflict between land uses within this zone and land uses within adjoining zones.*
- *To maintain the rural character of Yass Valley.*
- *To encourage the use of rural land for agriculture and other forms of development that are associated with rural industry or that require an isolated or rural location.*
- *To ensure that the location, type and intensity of development is appropriate, having regard to the characteristics of the land, the rural environment and the need to protect significant natural resources, including prime crop and pasture land.*
- *To prevent the subdivision of land on the fringe of urban areas into small lots that may prejudice the proper layout of future urban areas.*

¹ There are other service stations in Gundagai and in Jugiong but these are within the townships, without direct/indirect access to the highway.

3 Explanation of Provisions

3.1 Local Environmental Plan (LEP) Amendment

In accordance with the *Standard Instrument LEP Order 2006*, this planning proposal affects land at 27782 Hume Highway, being part Lots 16 and 18 in DP: 246891 and part Lot 172 in DP: 649063.

The land is currently zoned RU1 Primary Production pursuant to *Yass Valley Local Environment Plan 2013*.

The planning proposal seeks to add the following reference under 'Schedule 1 – Additional Permitted Uses' of the LEP and allow for its future excision:

1 Use of certain land at Hume Highway, Bowning

*(1) This clause applies to land in Zone RU1 Primary Production at 27782 Hume Highway, Bowning that is identified as "1" on the **Additional Permitted Uses Map**.*

(2) Development for the purposes of a Highway Service Centre is permitted with development consent.

4 Justification for Planning Proposal

4.1 Development Concept

A summary of the proposed development's component land uses is shown in Table 1.

Table 1: Development Schedule

Use	Size (GFA)
Convenience Shop	260m ²
Truck Dining (restaurant)	176m ² (35 seats)
Retail Tenancies (fast food)	627m ²
Dining Area (fast food)	672 m ² (188 seats)
Total	1,735m²

The proposal also includes 12 double sided car fuel dispensers (2x2 configuration), 7 double sided high-flow heavy vehicle fuel dispensers and 3 x waiting bays for the two fast food drive-through areas and 5 x spaces for the recharging of electric vehicles. The drive-through areas for the fast-food outlets will incorporate a queuing lane, with a passing lane to allow through vehicles to pass should any overflow occur in peak periods.

The proposed HSC is will not generate additional or 'new' vehicular trips. Rather, the facility will accommodate vehicles already on the Hume Highway passing the site. Anticipated site usage is summarised below:

Table 2: Anticipated Peak Hour Use

Land Use	GFA	Vehicle Trips
Convenience Store	260m ²	170
Truck Dining (Restaurant)	176m ²	10
Tenancy 1(assumed KFC)	240m ²	180
Tenancy 4(assumed McDonalds)	229m ²	100
Tenancy 2 & 3 (Restaurant)	158m ²	10
Total		470

4.2 Planning Analysis

To consider the potential impacts of the proposed HSC, it is necessary to understand the environment in which it will operate.

The proposed development will function as a typical HSC in that it will be predominantly focused on serving the fuel and convenience food needs of passing motorists. This includes truck drivers, with appropriate facilities provided on site to cater for their needs.

The passing traffic along the Hume Highway represents a catchment which is specific and separate to the resident catchment of the nearby Bowning village or the Yass township. Accordingly, it is expected that the Bowning village and Yass townships will continue to serve the needs of their local resident catchment in the manner in which they are presently accustomed.

Bowning Village

Bowning has a population of 295 (2011 census).

Bowning is a quiet rural village that is supported by a limited complement of retail and commercial services. Current services include:

- The Bowning Hotel
- Rollonin Café
- Bowning Antique Centre
- Mayfield Mews (general store, plants, homewares and café)
- Mayfield House (a private residence that is occasionally used to host community events)
- The Crisp Galleries

Other higher order shopping and services for Bowning's residents are provided for at Yass.

Fuel services are not currently available at Bowning, the closest fuel service station being an existing HSC (Caltex) located on Yass Valley Way and situated on the southern side of the Hume Highway. This facility is accessible to vehicles travelling west on the highway via a left turn into Yass Valley Way. It is also accessible to vehicles travelling east via the Yass Valley Way off-ramp.

The main market for services provided at Bowning comprises its residents and highway travellers who choose to divert from the highway for refreshments or for other shopping and resting purposes.

The Hume Highway acts as a major barrier for economic and social flows between the development site and Bowning. Although both are situated on the northern side of the highway, direct access to HSC will not be available for vehicles travelling west on the highway. Residents of Bowning that might visit the service centre will need to travel approximately 7km west along Red Hill Road to its junction with Burley Griffin Way and then a further 5km east along Burley Griffin Way and the highway to enter the site, a total distance of 12km. The township of Yass is located approximately 14km south of Bowning. The

township, of course, provides a much larger range of fuel, automotive and refreshments services than what will be provided at the service centre. Most 'shopping' and 'refuelling' trips undertaken by Bowning residents therefore are expected to mainly involve travel between Bowning and Yass. Bowning residents may also access the existing Caltex branded site located on the road into Yass (Yass Valley Way). This service centre is around 10km from Bowning and around 11km from the subject site.

The proposed HSC will have a limited operational relationship with Bowning village as it sits west of, and is somewhat isolated from, the village. The service centre will be located approximately 2.5km west of the Bowning Road which provides direct access to the village from the Hume Highway. As mentioned, Bowning does not presently offer fuel services. Accordingly, highway users that might stop at the proposed service centre would not ordinarily consider stopping at Bowning to refuel.

Some highway travellers, however, might choose to stop at Bowning for refreshments. This choice will still be available but might be impacted upon by the inclusion of refreshment services within the HSC, although the highway offer that is proposed at the subject site is quite different to that which would be enjoyed by visitors to the quaint rural village of Bowning. For this reason, the visitors to the HSC are expected to represent a different customer segment to those that would normally choose to visit Bowning's facilities. Hence the new development is considered unlikely to impact on the trading capacity of the Bowning village.

To address the potential impact that may be perceived on Bowning, however, it is proposed to install a 'village notice board' within the HSC complex, alerting motorists to the attractions of the nearby Bowning village. The proponent has indicated a willingness to work directly with the Bowning Progress Association regarding the free use of this notice board and the type of material that might be appropriately displayed on it. It is expected that such liaison will form part of the management arrangements for the service centre and could be expected to have a positive impact on visitation levels to Bowning.

Caltex Service Centre, Yass

An existing Caltex HSC is located on Yass Valley Way on the southern side of the Hume Highway. This facility is accessible to vehicles travelling west on the highway via a left turn into Yass Valley Way. It is also accessible to vehicles travelling east via the Yass Valley Way off-ramp.

The Caltex service centre on Yass Valley Way station is situated 11km east of the subject site. It contains a Caltex petrol station and 'Coolabah Tree' café, a McDonalds and a KFC restaurant with take-away facilities.

The centre is a popular roadside stop for motorists, being the only highway-fronting service centre, albeit with indirect highway access, between the 250km stretch of highway between Marulan and Gundagai.

Other Existing Service Stations

There are other existing service stations located on or near the Hume Highway between Marulan and Gundagai.

Other service stations/centres, other than the facility at Yass Valley Way, include:

- 2 x BP HSCs (both south and northbound) at Marulan. Each service centre has associated restaurant uses.
- Shell Service Station Complex – Hume Street, Goulburn – large service station with associated refreshment and accommodation facilities, not with direct highway access.
- BP – Riverside Drive, Jugiong – traditional service station and auto service facility located within township without highway frontage.
- Shell Service Centre – ‘Dog on the Tuckerbox’ Centre, North Gundagai – large mixed precinct with service station and adjacent KFC, Subway, Olivers and Tuckerbox facilities.
- Moreton’s Caltex Service Station, Sheridan Street, Gundagai – traditional service station located within township without highway frontage.
- Shell Service Station and Hungry Jacks – Middle Street / Hume Highway, South Gundagai.

The proposed redevelopment of the site would offer the first northbound (highway fronting) service centre on the Hume Highway between the ‘Dog on the Tuckerbox’ precinct at North Gundagai and Marulan.

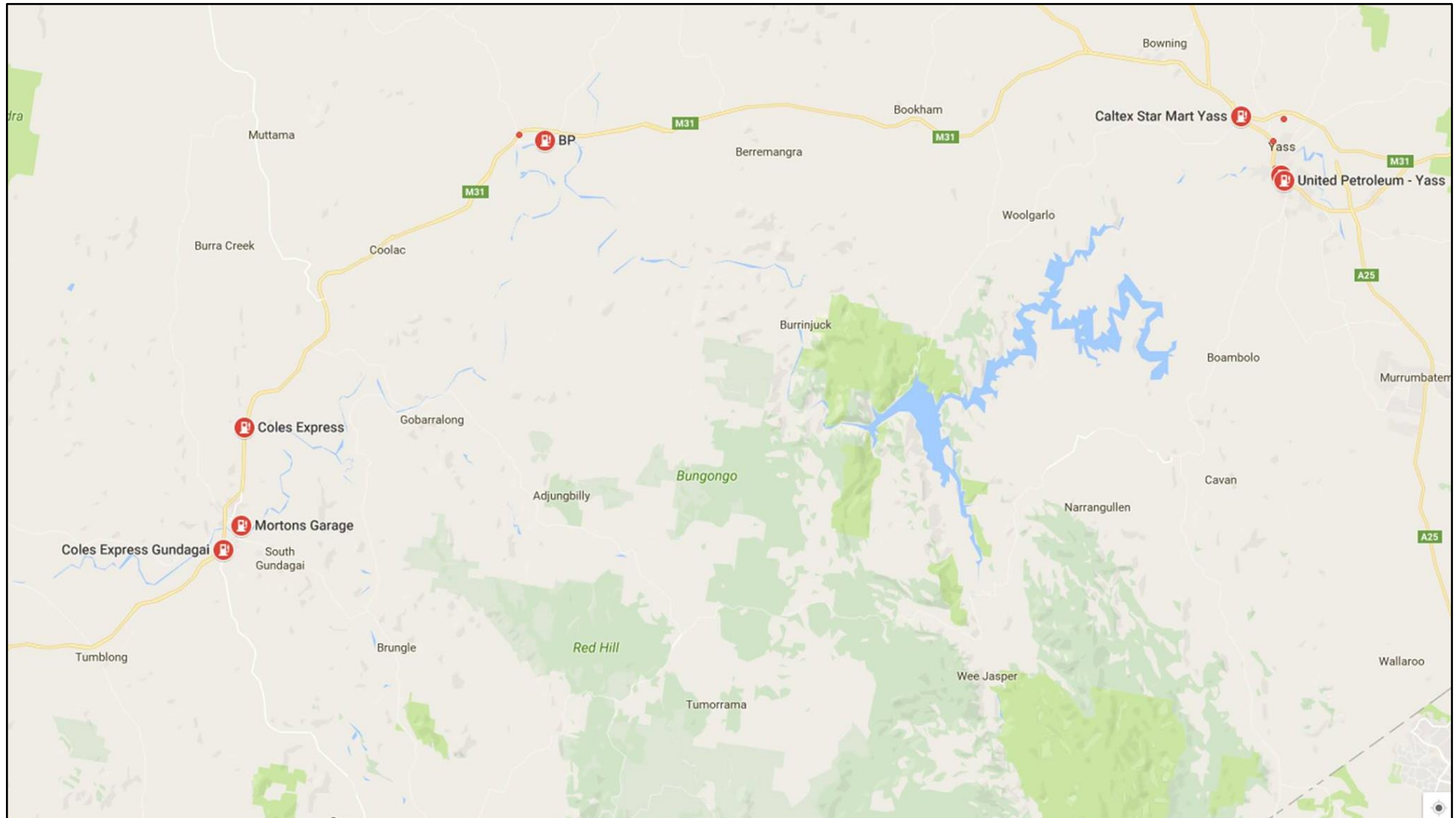
The following map shows the location of fuel service facilities situated between Yass and Gundagai.

Servicing

From a servicing perspective, the proposed HSC at Bowning will have access to electricity, water, telecommunications and sewer services. Where necessary services will be augmented in consultation with local service providers to supply the future HSC development.

It is intended that sewer will be provided through an on-site treatment plant designed to ensure sufficient capacity to accommodate expected flows. It is not expected that the future development of the site as a HSC will warrant upgrades to existing public infrastructure. The technical details of all proposed servicing infrastructure will be addressed at the detailed design stage of the proposal.

Figure 7 Existing Fuel Service Facilities,, Gundagai to Yass



Source: Google Earth, 2016

4.3 Highway and Local Economies

The proposed HSC seeks to capture passing trade for fuel and associated convenience/refreshment retailing.

RMS AADT (2016) confirms that the M31 Hume Highway (at Station 6135-PR, to the east of Lachlan Valley Way, between Bowning and Yass) carries approximately 1,200-1,300 vehicles during the AM peak hour and 1,800-2,000 vehicles during the PM peak hour. This equates to almost 15,000 vehicles per day (vpd) two-way. Up to 27% or approximately 3,800 trips were recorded as being heavy vehicles.

The amount of traffic on the Hume Highway has steadily increased over time. RMS AADT traffic counts show that traffic at Station 6145-PR has increased from 12,500 vpd in 2009 to almost 15,000 today, at an average annual increase of around 2.5%.

Motorists will typically travel for a set driving period or base their stops on fuel capacity. As there is no set departure and arrival point for all travellers along the highway, it is not possible to account for where 'stops' might be planned to occur. Clearly, there are several locations for travellers that are accessible, convenient and/or sufficiently pleasant to attract motorists to stop for fuel or convenience food.

Notwithstanding, with annual traffic numbers increasing and given the sparsity of stops on the highway at present that allow for refuelling, the addition of a further eastbound facility at Bowning provides further opportunity for the safe stopping of vehicles to refuel and refresh from highway driving.

We know that service centre proprietors will not invest in new projects unless an expected amount of fuel sales can be achieved. Fuel sales are the basis for new investment by the oil companies and drive the proponent's request for the rezoning of the subject site.

New projects provide competition to existing operations but new opportunities are rare given planning restrictions. Mostly, new opportunities are limited to pre-determined service centre locations adjacent to specific town bypasses or to those sites that benefit from existing use rights but are typically in need of significant overhaul and modernisation. There are few such sites on the Marulan to Gundagai stretch of the Hume Highway, hence the need to find appropriate sites where traffic can be safely managed and which are suited to highway trade. The subject site presents as a suitable site for additional services to be provided.

Based on our experience with similar projects and the nature of retail dynamics we estimate the percentage capture of the various market segments at the redeveloped Bowning service centre will be:

Customer Segment	% of Trade	
	HSC	Bowing & Yass
Local residents	Incidental trade (5%)	Majority trade (80-90%)
Tourists/motorists	Majority trade (45-50%)	Incidental trade (5-10%)
Truck drivers/freight transport	Majority trade (40-45%)	Incidental trade (5-10%)

As can be seen, the different market groups which drive the turnover spend within Bowning and Yass and at the proposed development site have minimal market crossover.

The site will mostly capture trade from travelling motorists who do not plan to visit or stop at Bowning or Yass.

A proportion of highway traffic that might otherwise visit the existing facility at Yass Valley Way will be attracted to the site. It is noted that the existing Caltex centre at Yass Valley Way is very popular, being the only highway-fronting centre between Marulan and North Gundagai.

The proposed HSC will trade only to eastbound highway traffic but is positioned on the northern side of the highway and offers the first northbound (highway fronting) HSC between the 'Dog on the Tuckerbox' precinct at North Gundagai and Marulan.

Both sites have distinct advantages and will compete for a growing passing trade market.

As noted, the availability to service the refuelling needs of a growing number of motorists has driven the planning proposal. The fuel industry considers that there are sufficient traffic volumes at the subject site to support the new facility. This is evidenced by interest from several fuel companies to locate at the site, including interest from Caltex which operates the existing Yass Valley Way facility.

The addition of a new service centre facility will improve the range of services available to travelling motorists and provides a useful stop-over for those seeking refreshments and fuel.

The service centre will trade to the same level of passing traffic that serves other service centres along the highway, of which, over the full stretch of the highway, there are relatively few.

The proposed facility will also:

- Provide employment opportunities, especially for the area's youth.
- Provide valuable part-time employment opportunities for residents.
- Strengthen the area's tourism base through the range of services offered.
- Facilitate competitive fuel pricing.
- Help to rebalance the area's employment participation levels, which are otherwise expected to deteriorate through ageing.

4.4 State and Regional Policies

Regional Plan

The draft **South East and Tablelands Regional Plan** will replace the *Sydney Canberra Corridor Strategy* once finalised. The draft Plan applies to 14 local government areas extending from the Southern Highlands and Tablelands to the Victorian border, surrounding the Australian Capital Territory (ACT), and incorporating the Snowy Mountains and South Coast.

The Plan provides a 25 year land use planning framework to manage growth of housing and employment in the region. The region captures a significant domestic tourism base. The Strategy states:

“Population growth is mainly occurring within commuting distance of Canberra and Sydney, in regional centres and along the coast. By 2033, the combined population of the ACT and the three surrounding local government areas is projected to increase to 601,000.

There are opportunities to focus development in and around existing regional centres and towns to create vibrant and attractive places for residents to live and work. ...

Access to the capital cities – Canberra and Sydney – and strong tourism assets, will help to broaden the economic base of the region, enhancing its long term resilience. Important economic sectors for the region are tourism, public administration, health and aged care services, education and training, agriculture, resources and energy, and freight and logistics”.

Yass Valley is part of the Greater Capital subregion, comprising Queanbeyan City, Yass Valley and Palerang Councils. The Greater Capital is characterised by both productive rural and rural residential uses. Canberra provides a full range of higher-order services and activities, as well as major tertiary education and health facilities. The Greater Capital contains high-value grasslands and woodlands, with important biodiversity corridors linking to the ACT and beyond.

Relevant goals and actions arising from the Plan that are relevant to the current planning proposal include:

ACTION 1.2.1 Work with the ACT Government to make travelling to and from Canberra easier and more convenient

Travel to the ACT is integral to the economic growth and prosperity of the southern region. Some communities in the region access employment, education, health, air travel and higher-order services in Canberra. The main strategic transport routes connecting the two jurisdictions are the **Hume**, Federal, Monaro, Barton and Kings highways, and Pialligo and Canberra Avenues.

ACTION 3.1.1 Improve tourism related transport services

Tourism at any time of the year, and the influx of visitors particularly during holiday periods, puts pressure on the region's transport systems and services.

An efficient transport system is necessary so that the region remains a key tourist destination.

ACTION 3.2.1 Identify regionally important agricultural lands and reflect the outcomes in local planning controls

In January 2014, Biophysical Strategic Agricultural Land maps for NSW were released that identified land with high quality soils and water resources that are capable of sustaining high levels of productivity in the region and subject to pressure from mining/coal seam gas activity, as such, there was no such land identified in the Yass Valley Council local government area.

The Strategy also states that the identification of '*regionally important agricultural land will be used to guide government when making planning decisions, preparing local plans, and investing in infrastructure*', this land has not been identified at the time of preparing this proposal.

The subject site is not identified as being agriculturally significant. This is reflected in the fact that the lands are not currently used for agricultural purposes, as such, the use of this site for the intended HSC purpose will not compromise the rural integrity of the area.

DIRECTION 3.4 Grow regional strategic assets to support economic growth across the region

The South East and Tablelands region includes the busiest interstate, road freight corridor in Australia (Hume Highway) and proximity to two major markets – Sydney and Canberra.

With the ***Hume Highway*** duplication now complete, the focus for the region is undertaking safety improvements and overtaking lanes on [other roads]. ... Significant projects are being undertaken to improve commercial and private transport linkages around the region, such as the Barton Highway (***linking the ACT and Southern Tablelands with western NSW***), the Kings Highway (between Queanbeyan and Batemans Bay), and the remaining sections of MR92 (Nerriga Road).

The NSW Government's Southern Regional ***Transport Plan*** makes improving the productivity of the region's freight network a priority. This will be achieved through improvements to road safety and efficiency, and by supporting higher productivity vehicles (including reducing height and weight restrictions on major routes).

Key objectives of the Strategy are to:

- Support and promote the growth of the tourism industry; and to
- Grow regional strategic assets to support economic growth across the region

The intended provision of additional highway services at Bowning is in keeping with the Strategy's intention to support the economic development of the area and to strengthen its major transport routes, whilst at the same time ensuring the protection of agriculturally productive land.

The service centre will predominantly serve the passing trade generated by the Hume Highway traffic volumes and presents a much needed service that will support road safety and help to address driver fatigue. The service centre will also provide facilities for truck drivers, thereby supporting the region's important freight network.

The Bowning service centre's direct access to the Hume Highway, the main transport link through the South East and Tablelands region, allows the site to trade directly to this market, providing improved highway services for travellers.

The ***Sydney-Canberra Corridor Regional Strategy*** further reinforces the planning direction set under the South East and Tablelands Regional Plan. The primary purpose of the Regional Strategy is to accommodate and manage growth while ensuring that the rural landscapes and environmental settings that define the Region's character are not compromised.

Under the Strategy the Hume, Federal and Barton highways and the Main Southern Railway are identified as key pieces of infrastructure and economic investment in the Region, providing a high level of direct access to Sydney and Canberra and a strategic comparative advantage in terms of logistics, warehousing and transport.

The Sydney–Melbourne corridor is the busiest inter-capital road corridor. Interstate freight between Sydney and Melbourne is forecast to increase by nearly 70 percent (average growth around 2.6 percent per year) from 2,900 to 3,500 heavy trucks per day to between 5000 and 6000 heavy trucks per day over the next 20 years.

Further, the Strategy recognises the economic impetus that is driven through investment in transport infrastructure, supporting population growth and tourism in the Region.

Importantly, in recognising the national significance of the Region's highway system, the Strategy also states that it is necessary to control and manage direct access to the highways and the location of major traffic generating activities. Local planning controls are identified as providing for the efficient and safe movement of people and goods between Sydney, Melbourne and Canberra. The strategy suggests that:

Local environmental plans are to limit inappropriate adjoining development and access points off the Hume Highway, Barton Highway, Federal Highway, Illawarra Highway and the Kings Highway.

As discussed, traffic volumes along the Hume highway are substantial, are increasing and are predicted to further increase over time. The highway is poorly serviced with fuel and refreshment stops, especially between Marulan and Gundagai. Given the national economic importance of this highway network it is equally important to ensure the safety of road users.

As discussed, the site at Bowning provides opportunity for a new service to be provided in a safe traffic environment, in keeping with increased and increasing traffic levels on the Hume Highway. As background growth in traffic volumes occurs, the sharing of this trade will need to occur across new and existing service centres. Given this growth, however, it is not expected that new services will undermine the trading capacity of existing centres. To the contrary, new centres will provide much needed rest and refuelling stops for motorists.

At Bowning, the selected site is not agriculturally productive. Hence, the use of this site for the intended HSC purpose will not compromise the rural integrity of the area.

The Strategy sets out Sustainability Criteria which are a list of matters that each Planning Proposal is assessed against in order for them to be considered by Council. An assessment against relevant criteria is below.

Threshold Sustainability Criteria

1. Infrastructure Provision <i>Mechanisms in place to ensure utilities, transport, open space and communication are provided in a timely and efficient way</i>	The subject site has the ability to access existing road infrastructure and is capable of accessing infrastructure services as addressed in 4.2 <i>Planning Analysis</i>.
2. Access <i>Accessible transport options for efficient and sustainable travel between homes, jobs, services and recreation to be existing or provided</i>	The proposal will contribute to the amenity of the travelling public.
3. Employment Lands <i>Provide regional/local employment opportunities to support the Sydney-Canberra Corridor's expanding role in the wider regional and NSW economies</i>	The proposal will provide local employment opportunities for Bowning and the surrounding area.
4. Avoidance of Risk <i>Land use conflicts, and risk to human health and life, avoided</i>	Normal abatement measures will be employed in the design and operation of the proposal to avoid land use conflict and risk to human life. The proposal will also be required to comply with regulations regarding the design of the proposal and the storage of hazardous chemicals.
5. Natural Resources <i>Natural resource limits not exceeded/ environmental footprint minimised</i>	The proposal will not exceed natural resource limits for the site. Future detailed designs will minimise environmental footprint where possible.
6. Environmental Protection <i>Protect and enhance biodiversity, air quality, heritage and waterway health</i>	The site is identified on the LEP 2013 Biodiversity Map. However, targeted site assessment found that no threatened species or ecological communities were present on site. A search of the AHIMS database confirmed that there are no existing recorded objects or places on or in the immediate vicinity of the subject site. The site has been partially identified as an area of Groundwater Vulnerability on the Natural Resources – Water Map as part of the Yass Valley LEP 2013. The proposed HSC will not be located within the identified groundwater vulnerable lands. All underground fuel storage tanks and the operating procedures will be designed and

Ministerial Direction 5.1

This Direction gives “legal effect to the vision, land use strategy, policies, outcomes and actions” contained in a range of regional strategies, including the Sydney–Canberra Corridor Regional Strategy (to be superseded by the South East and Tablelands Strategy upon finalisation).

Pursuant to the Direction, a planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General), that the extent of inconsistency with the regional strategy:

(a) is of minor significance, and

(b) the planning proposal achieves the overall intent of the regional strategy and does not undermine the achievement of its vision, land use strategy, policies, outcomes or actions.

Whilst the subject case proposes direct access to the Hume Highway it is not inconsistent with the overall intent of the Sydney-Canberra Strategy.

Clearly the Regional Strategy recognises the importance of the region’s arterial road network and the increased levels of traffic that they are expected to accommodate, particularly in truck transport. It is therefore imperative to accommodate the needs of road users and to ensure the safety of the road environment. The strategic location and provision of HSCs is recognised by the RMS as a key strategy in ensuring such safety.

The proposed service centre at Bowning provides a relevant offer to passing motorists, supporting the refuelling and convenience needs of motorists. The facility also proposes facilities to service the needs of truck drivers, including on and off ramps and re-fuelling facilities that will accommodate ‘B Triple’ vehicles.

4.5 Local Policies

The planning proposal has been considered in the context of existing local planning strategies including:

- Yass Valley Community Strategic Plan, 2011 – 2030
- Yass Valley Economic Development Strategy, 2014-2017
- Yass Valley Town & Village Study

These strategies collectively recognise the need to grow the local economy and identify some key actions to do so, viz:

- The local business community should investigate and pursue opportunities for extended trading hours
- Local commercial and industrial space needs to be expanded to promote the establishment of new business and create new employment opportunities
- Promotion of local tourism should be enhanced and new tourism opportunities identified

The proposed HSC at Bowning will contribute to these economic objectives by offering a range of services that seek to enhance the experience of the travelling motorists, many of whom are visitors to the area and many of whom use the Hume Highway to transport goods to and from the region.

Draft Yass Valley Settlement Strategy

The draft Yass Valley Settlement Strategy, on exhibition at the time of preparing the subject Planning Proposal aims to achieve the vision of strong and resilient communities through balancing growth and protecting the region's environment and lifestyles. One of the four goals of the draft Strategy is to *strengthen the economic opportunities of the region*. The draft Strategy also states that *future planning proposals for further development which supports tourism will be considered to allow natural and appropriate growth*.

A HSC in the subject location will provide an opportunity for local employment and will support tourism through provision of services to the visitors/tourists using the Hume Highway.

4.6 Review of State Environmental Planning Policies (SEPPs)

The planning proposal is consistent with all relevant SEPPs as follows:

Table 1. Review of State Environmental Planning Policy

SEPP	Consistency
SEPP (Exempt and Complying Development Codes) 2008	The planning proposal does not recommend any amendments to Part 3, Schedule 2 or Schedule 3 of the LEP affecting exempt and complying development provisions.
SEPP (Rural Lands) 2008	SEPP Rural Lands 2008 aims to facilitate the orderly and economic use and development of rural lands for rural related purposes and provides the below principles to this effect: <i>(a) the promotion and protection of opportunities for current and potential productive and sustainable economic activities in rural areas.</i> - The proposal will provide an opportunity to contribute to the economic activity in the area. <i>(b) recognition of the importance of rural lands and agriculture and the changing nature of agriculture and of trends, demands and issues in agriculture in the area, region or State.</i> -The site is not agriculturally significant, as such the proposal will not impact the demand for agricultural land in the area. <i>(c) recognition of the significance of rural land uses to the State and rural communities, including the social and economic benefits of rural land use and development.</i> - As the subject site is not agriculturally productive, the proposal will not prevent the social and economic benefits of rural land use and development being derived from the subject site. <i>(d) in planning for rural lands, to balance the social, economic and environmental interests of the community,</i> - The proposal will not result in the loss of land that is agriculturally productive, however will provide benefit to the community through local employment opportunities and servicing the needs of the travelling public. <i>(e) the identification and protection of natural resources, having regard to maintaining biodiversity, the protection of native vegetation, the importance of water resources and avoiding constrained land.</i> - The proposal will not adversely impact native vegetation. Standard mitigation measures regarding the design and operation of the facility will ensure the quality of water resources is maintained. <i>(f) the provision of opportunities for rural lifestyle, settlement and housing that contribute to the social and economic welfare of rural communities.</i>

	- The proposal will service the local community and provide local employment opportunities. <i>(g) the consideration of impacts on services and infrastructure and appropriate location when providing for rural housing.</i> - The proposal does not involve the provision of housing. <i>(h) ensuring consistency with any applicable regional strategy of the Department of Planning or any applicable local strategy endorsed by the Director-General.</i> - The proposal is also consistent with the Canberra Corridor Strategy and the draft South East and Tablelands Plan. As such, it is considered that the subject proposal is consistent with, and promotes the principles of the Rural Lands SEPP.
SEPP (Infrastructure) 2007	This Planning Proposal does not contradict or repeat any provisions in SEPP (Infrastructure) 2007.
SEPP (Mining, Petroleum Production and Extractive Industries) 2007	This Planning Proposal does not contradict or repeat any provisions in SEPP (Mining, Petroleum Production and Extractive Industries) 2007.
SEPP No. 55 – Remediation of Land	SEPP 55 makes remediation permissible across the State, defining when consent is required, and requires all remediation to comply with standards. It also ensures land is investigated if contamination is suspected, and requires councils to be notified of all remediation proposals. The subject site has not previously been used for agricultural or industrial uses that may give rise to contamination concerns.
SEPP No. 33 – Hazardous and Offensive Development	No hazardous or offensive development is proposed for the site. Fuel storage and dispensing facilities will be provided at the service centre in accordance with applicable standards.

4.7 Review of Relevant S. 117 Ministerial Directions

The planning proposal is consistent with all relevant s.117 Directions as follows:

Table 2. Section 117 Relevant Ministerial Directions

Relevant Direction (July 2009)	Consistency	Justification for Inconsistency
Employment and Resources		
1.1 Business and Industrial Zones	The planning proposal is not inconsistent with this direction. The proposed service centre will not displace employment land nor will it compromise the agricultural productivity of the region. Whilst it is employment generating, by its nature, a highway location is required. The planning proposal relates to the subject site only and will not cause any precedence with respect to other rural lands in the LGA. It is acknowledged, however, that further HSCs may be required along the highway over time.	N/A
1.2 Rural Zones	The planning proposal is inconsistent with this direction as it will re-zone the subject lands to allow a HSCs to be located on the site. However, this direction allows for inconsistency provided that the Director General of the Department of Planning or his/her nominated delegate is satisfied that the inconsistency is of minor significance. It is considered that the subject rezoning is of minor significance by virtue of its size and the fact it is not currently used for agricultural purposes.	
1.5 Rural Lands	The planning proposal is not inconsistent with this direction as it is consistent with the Rural Planning Principles listed in <i>State Environmental Planning Policy (Rural Lands) 2008</i> and detailed in 4.6 State Environmental Planning Policies above.	
3. Housing Infrastructure and Urban Development		
3.4 Integrating Land Use and Transport	By its nature the proposed development is highway oriented. The proposal provides services that will assist in ensuring the safety of road users.	N/A
4. Hazard and Risk		
4.4 Planning for Bushfire Protection	The proposal is not located on <i>bushfire prone land</i> and is a minimum of 1km from the nearest identified bushfire prone land. The proposal will be designed and operate in accordance with the relevant regulations and standards regarding pertaining to the operation of the HSC including the safe storage and handling of fuel.	
5. Regional Strategies		

5.1 Implementation of Regional Strategies	The planning proposal is consistent with the Sydney Canberra Regional Strategy, (refer 4.4) and also the draft South East and Tablelands Regional Plan (refer 4.4 above) that will supersede it in its final form.	
5.10 Implementation of Regional Plans	The planning proposal is consistent with the draft South East and Tablelands Regional Plan (refer 4.4).	
Local Plan Making		
6.3 Site Specific Provisions	The planning proposal is supported by this section 117 direction, which discourages unnecessarily restrictive site specific planning controls. Whilst the use of Schedule 1 is not encouraged, it is a relevant planning response to the current proposal as it will limit opportunity for the proliferation of DAs for similar projects in the rural zoning along the highway whilst allowing for residual lands to be used for rural purposes. There are no specific restrictions intended for the site.	N/A

4.8 Is the Planning Proposal the Best Means of Achieving the Intended outcomes?

The Planning Proposal is considered to be the best and only method of achieving the change in use for the site. The existing RU1 Zoning applying to the site prevents the use of the site for a HSC.

There three methods of achieving the intended outcomes:

- a) The insertion of 'highway service centres' as an additional permitted use on the subject site in Schedule 1 of the Yass Valley LEP,
- b) Amending uses 'permitted with consent' in the RU1 Zone, or
- c) Rezoning the subject site to SP1 Special Activities – highway service centre

Method 'a)' is considered to be the best means of achieving the intended outcomes for the site. The planning proposal does not seek to amend the existing zoning so as to maintain the objectives, built form and rural development permitted within the RU1 Zone on the adjoining lands which have not been excised from the proposed HSC site. The addition of 'highway service centre' as an additional permitted use in Schedule 1 will also limit opportunities for HSCs in other RU1 Zones along the highway.

4.9 Environmental Effects

Biodiversity

The site has been subject to substantial clearing as a result of its previous agricultural use. This is reflected in the partial site boundaries and a small internal portion of the site that falls within the Yass Valley LEP 'Terrestrial biodiversity map', (Figure 5).

The objectives of the Yass Valley LEP in regard to maintaining biodiversity are:

- (a) *to maintain terrestrial biodiversity by protecting native fauna and flora*
- (b) *protecting the ecological processes necessary for their continued existence, and*
- (c) *encourage the conservation and recovery of native fauna and flora and their habitats.*

An environmental assessment of the site was undertaken by the Australian *Ethnography Institute* in March 2017. The Assessment found that the ecological value of the site was low and that there are no threatened species, critical habitat, populations or ecological communities or their habitats present. As such, the assessment concluded that the proposal will not have an adverse impact on biodiversity values on the site.

Groundwater

The site is partially located within the Yass Valley LEP 'Groundwater Vulnerability Map' (Figure 6). In regards to groundwater vulnerability, the objectives of the LEP are to *maintain the hydrological functions of key groundwater systems and to protect vulnerable groundwater resources from depletion and contamination as a result of development.*

Before determining a development application for development on land to which this clause applies, the consent authority must consider the likelihood of groundwater contamination from the development including from any on-site storage or disposal of solid or liquid waste and chemicals, adverse impacts the development may have on groundwater dependent ecosystems and the cumulative impact the development may have on groundwater.

Whilst the proposed HSC will require underground fuel storage on site, the proposed HSC will not be located on those lands identified as being groundwater vulnerable. Further all underground fuel storage tanks and the operating procedures will be designed and performed in full compliance with the NSW Protection of the Environment (Underground Petroleum Storage Systems) Regulation 2008, and the EPA Underground Petroleum Storage Systems guidelines issued in September 2016.

The tanks themselves will have the highest equipment rating available which means the installation of double wall tanks, containment sumps and monitoring wells on site. These tanks are fiberglass which are guaranteed for 30 years and are not subject to corrosion as previous steel tanks were. The space between the primary and secondary tanks will be monitored continuously for integrity.

Final design and installation of the proposal will be certified by both the designer and installer, and the integrity of the system is tested and certified by an independent third party.

4.10 Social and Economic Effects

An Aboriginal Heritage Due Diligence Assessment of the subject site was undertaken in March 2017 by Kelleher Nightingale Consulting Pty Ltd including an AHIMS search. The assessment did not find any Aboriginal archaeological objects or areas of archaeological potential within the study area.

The development would produce a net social benefit associated with broadening the range of services available to travellers including the provision of additional services and facilities. The proposal is considered to have positive social and economic impacts, further detailed in '6.00 Key Findings in Support of the Planning Proposal'.

5 Consultation

The Gateway determination will specify the community consultation that must be undertaken on the planning proposal. The consultation will be tailored to specific proposals generally on the basis of a 14 day exhibition period for low impact Planning Proposals and a 28 day exhibition period for all other Planning Proposals.

Council considers this planning proposal should be exhibited for 28 days and a public hearing would not be required.

6 Key Findings in Support of the Planning Proposal

In summary, the analysis undertaken in support of the planning proposal has demonstrated a clear need for an additional northbound HSC along the Hume Highway, between Marulan and Gundagai and a range of positive benefits associated with such provision.

Currently, there are only 3 highway-facing HSCs located over the 100km stretch of the Hume Highway between Yass and Gundagai (at Gundagai South, at Gundagai north and at the Yass Valley Way turnoff) and no HSCs between Yass and Marulan. Regional planning strategies for Yass and surrounding districts recognise the underlying economic importance of the region's arterial road network in supporting growth in tourism and in accommodating an increasing visitor and freight load. Safely providing for the users of the Hume Highway is appropriate planning response to this recognition.

Notably, the role of HSCs in assisting with driver fatigue and road safety awareness has been recognised by RMS. A strategy to accommodate such uses exists for the Pacific Highway but has not been prepared for the Hume Highway, despite its role as the state's busiest inter-capital road corridor.

In the subject case it is proposed to accommodate the intended use by way of inclusion in the Schedule 1 – Additional Permitted Uses of the Yass Valley LEP 2013.

As the planning proposal relates to the subject lands only, it will not set a precedent for other rural lands to be developed for similar purposes.

Further, the nature of HSCs is such that they are required to meet the demands of passing traffic / highway users and are not likely to replicate across neighbouring land or throughout the whole of the RU1 zoned areas of Yass. It is noted also that the subject lands are not agriculturally productive, nor are they likely to become so. The proposed land use therefore will not impact the viability of other agricultural land uses in its vicinity and will therefore not compromise the underlying intent and objectives of the RUI Primary Production zone.

The analysis undertaken for this report demonstrates that the proposed facility will predominantly trade to highway motorists and will therefore not impact on existing retail and service providers in the nearby village of Bowning. To address the potential impact that may be perceived on Bowning, however, it is proposed to install a 'village notice board' within the HSC complex, alerting motorists to the attractions of the nearby Bowning village. This is expected to have a positive impact on visitation levels to Bowning.

In relation to the nearby service centre at Yass Valley Way, the report notes that traffic on the Hume Highway near the subject site has steadily increased over time. The site at Bowning provides an opportunity for a new service to be provided in a safe traffic environment, in keeping with increased and increasing traffic levels on the Hume Highway. As background growth in traffic volumes occurs, the sharing of this trade will need to occur across new and existing service centres. Given this growth, however, it is not expected that new services will undermine the trading capacity of the existing centre

