

# PLANNING PROPOSAL REPORT

IOR HAY

HAY UNMANNED REFUELLING FACILITY PLANNING PROPOSAL



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## PLANNING PROPOSAL REPORT

IOR Hay

Hay Unmanned Refuelling Facility Planning Proposal

**CLIENT:** IOR Pty Ltd (IOR)  
**ADDRESS:** 310 Moama Street, Hay South NSW 2711  
**TFA REFERENCE:** 19297  
**TFA CONTACT:** Damien Mackay

### Document Control

REVISION	DATE	PREPARED BY	REVIEWED BY	COMMENTS
E	6-Dec-2023	D. Mackay	J. Rowell	Amended for Gateway Determination

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## EXECUTIVE SUMMARY

### Applicant

<b>Applicant Details</b>	IOR Pty Ltd
<b>Contact Details</b>	C/- Damien Mackay (Town Planner) TfA Project Group 166 Knapp Street FORTITUDE VALLEY QLD 4006

### Site

<b>Site Address</b>	310 Moama Street, Hay South NSW 2711
<b>Site Details</b>	Lot 2 DP1212081
<b>Site Area</b>	Total Site Area – 42,055 m <sup>2</sup> (Approx.)
<b>Current Land Use</b>	Agricultural production

### Proposal

<b>Proposal Description</b>	Proposed amendment to Hay Local Environmental Plan 2011 to enable a 'service station' (unmanned refuelling facility)
<b>Application Type</b>	Planning Proposal (enabling clause to Schedule 1 of LEP)

### Local Government Policy

<b>Assessing Authority</b>	Hay Shire Council
<b>Local Planning Instrument</b>	<i>Hay Local Environmental Plan 2011</i>
<b>Zone / Precinct</b>	RU1 – Primary Production
<b>Planning Strategies</b>	<ul style="list-style-type: none"><li>Riverina Murray Regional Plan 2041</li></ul>

### State Government Policy

<b>Relevant State Agencies</b>	<ul style="list-style-type: none"><li>Department of Planning and Environment (DPE)</li><li>Transport for NSW (TfNSW)</li><li>Rural Fire Service (RFS)</li><li>Department of Natural Resources Access Regulator (DNRAR)</li></ul>
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## 1.0 INTRODUCTION

This Planning Proposal report has been prepared by TFA Project Group (TFA) on behalf of IOR Pty Ltd (the applicant) and involves a request to the Hay Shire Council (the council) to amend the Hay Local Environmental Plan 2011 (the LEP) to enable a 'service station' (unmanned refuelling facility) over land located at 310 Moama Street, Hay South NSW 2711 and more formally described as Lot 2 DP1212081.

The Planning Proposal has been prepared in accordance with section 3.33 of the *Environmental Planning and Assessment Act 1979* (the EP&A Act) and the NSW Department of Planning and Environment (the DPE) Local Environmental Plan Making Guideline August 2023 (the *LEP Making Guideline*).

The planning proposal is accompanied by the following consultant reports / documentation:

- Appendix A: Conceptual Site Layout, prepared by IOR
- Appendix B: Preliminary Site Investigation Report, prepared by McMahon

To assist in Council's development of the planning proposal, this planning proposal covers the following matters:

- Section 2: a site description including site characteristics and the context of the surrounding area;
- Section 3: a description of the proposed development and details of relevant site history; and
- Section 4: an assessment of the proposal against the relevant statutory provisions and guidelines

## 2.0 THE SITE

### 2.1 Site and Surrounding Area Description

The subject site area comprises Lot 2 DP1212081, located within the Hay Shire local government area. The site is approximately 42,055m<sup>2</sup> in area and is relatively flat in nature. The site currently supports agricultural production activities. The site is located in the Hay Shire Council local government area (LGA).

The subject site has frontages of approximately 200m on Moama Street and 240m on University Road. The site is currently accessed via University Road. Moama Street (which forms part of the Sturt Highway) has a speed limit of 60kmph, and University Road has a speed limit of 80kmph.

Please refer to aerial view in Figure 1 below as well as street view photography in Figure 2.

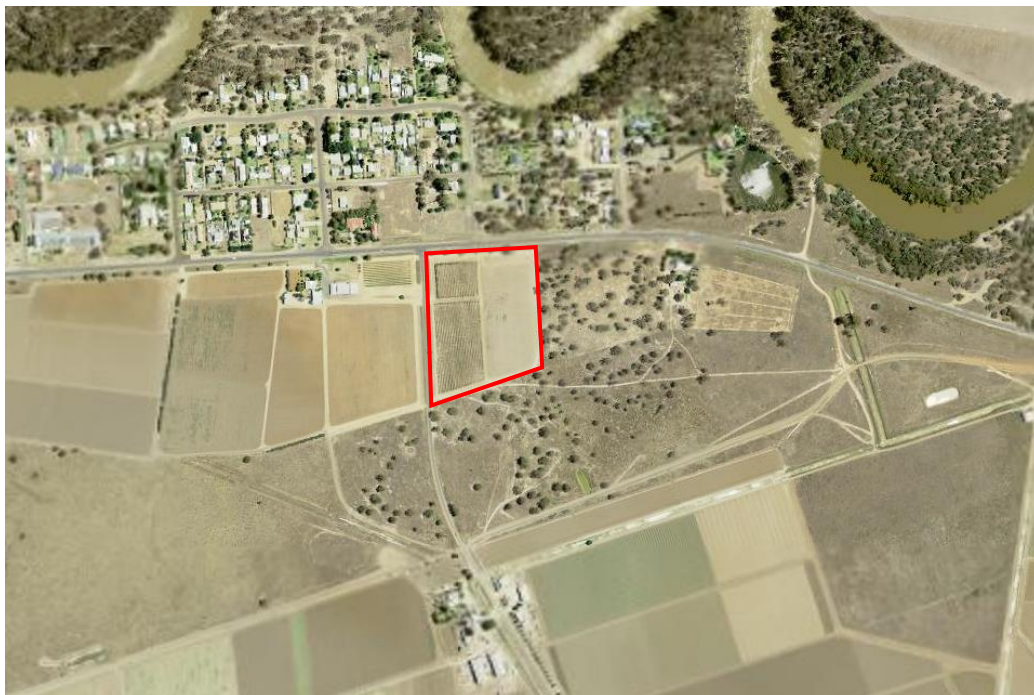


Figure 1: Aerial View (Source: SIX Maps)



Figure 2: Site appearance from corner of Moama St (Sturt Highway) and University Road (Source: Google)





Figure 3: Site appearance from corner of Moama St (Sturt Highway) and University Road (Source: Google)

## 2.2 Services and Utilities

The subject site is adjacent to an estate to the north and the following services and utilities are available either along the site frontage or within proximity to the site:

- Telecommunications;
- Water; and
- Electricity

## 2.3 Existing Site Zoning

The site is zoned RU1 – Primary Production (under the Hay Local Environmental Plan 2011). The Land Use Table under the Hay Local Environmental Plan 2011 for RU1 zone is as below:

### 1 Objectives of zone

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.
- To encourage diversity in primary industry enterprises and systems appropriate for the area.
- To minimise the fragmentation and alienation of resource lands.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.

### 2 Permitted without consent

*Freight transport facility means a facility used principally for the bulk handling of goods for transport by road, rail, air, or sea, including any facility for the loading and unloading of vehicles, aircraft, vessels, or containers used to transport those goods and for the parking, holding, servicing or repair of those vehicles, aircraft, or vessels or for the engines or carriages involved.*

### 3 Permitted with consent

*Air transport facilities; Airstrips; Animal boarding or training establishments; Aquaculture; Bed and breakfast accommodation; Boat launching ramps; Boat sheds; Building identification signs; Business identification signs; Cellar door premises; Cemeteries; Community facilities; Correctional centres; Depots; Dual occupancies (attached); Dwelling houses; Eco-tourist facilities; Environmental facilities; Extractive industries; Farm buildings; Farm stay accommodation; Forestry; Freight transport facilities; Helipads; Home businesses; Home industries; Home occupations (sex services); Industrial training facilities; Information and education facilities; Intensive livestock agriculture; Intensive plant agriculture; Jetties; Landscaping material supplies; Open cut mining; Plant nurseries;*



*Recreation areas; Recreation facilities (major); Recreation facilities (outdoor); Roadside stalls; Rural industries; Rural workers' dwellings; Veterinary hospitals; Water recreation structures; Water supply systems*

#### **4 Prohibited**

*Any development not specified in item 2 or 3*

Refer to Figure below for an extract of the relevant zone map in relation to the site.

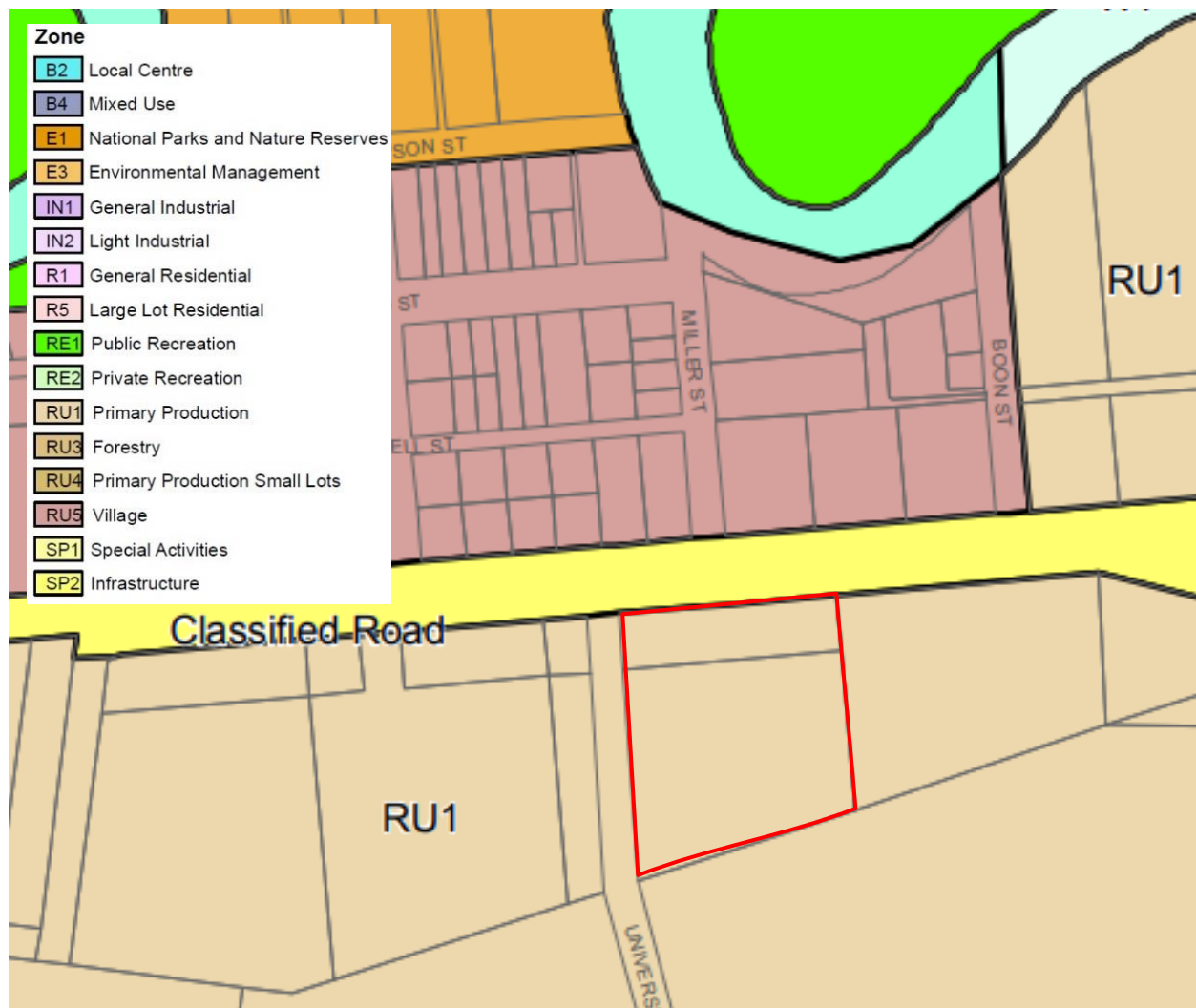


Figure 4: Zone map extract (source: Hay LEP 2011)

## **2.4 Pre-Gateway Determination Comments**

Pre-gateway determination comments have been sought from both the Department of Planning and Environment (DPE) and the Transport for NSW (TfNSW) by the council. The following sections provides a summary of the comments received and the applicant responses.

### **2.4.1 Department of Planning and Environment – 31 May 2023**

The council received preliminary comments from the Department of Planning and Environment (DPE) via email on 31 May 2023 with regards to this Planning Proposal. A response against the pre-referral comments is provided in Table 1 below.

Table 1: Response against Pre-Gateway Comments from the DPE – 31 May 2023

Comment	Response
<ul style="list-style-type: none"> <li>Noting the Hay Structure Plan identifies the subject land within a broader precinct for future employment lands, it would be useful for the planning proposal to include comments about why it is not proposing to rezone the site to E1 General Industrial to align with the Structure Plan. Ideally, it would be good to have the site rezoned to be consistent with the Structure Plan. An APU would also be satisfactory, if it is the intention of Council to rezone the identified precinct later. However, if Council is relying on developer-led rezonings for individual lots, then it may not reach the intended outcome of the Structure Plan. Our preferred approach would be to align the zoning and the use together as a spot rezoning. At DA stage, the use will still need to be consistent with the objectives of the zone, which is difficult to achieve with an APU.</li> </ul>	<p>A meeting was held in June 2023 between TFA Project Group, Hay Shire Council, and the NSW Department of Planning to discuss these pre-gateway comments in further detail and determine the preferred approach from the council and the department for this Planning Proposal.</p> <p>It is understood the council currently have funding to carry out the rezoning for the future housing precinct of the Structure Plan with further funding still required to carry out the rezoning for the future general industrial precinct of the Structure Plan. Thereby, it is considered that the intention of the council is to rezone the identified future industrial precinct, that the subject land is located within, at a later stage.</p> <p>Given the uncertain timeframe for the council to rezone the future industrial precinct, it is considered that the most appropriate approach would be a proposed amendment to Schedule 1 of the Hay LEP 2011. This would allow for the intended 'service station' (unmanned truck refuelling facility) use to be permitted over the individual lot under an LEP amendment to Schedule 1 instead of the entire site being rezoned for E1 general industrial land and subsequently being surrounded by rural / agricultural zoned land prior to the rezone for the future general industrial precinct by the council once funding has been obtained.</p> <p>It is further noted the council do not have preference with either the APU or spot rezoning approach for this Planning Proposal when discussed during the meeting.</p>
<ul style="list-style-type: none"> <li>The planning proposal provides a detailed assessment against the Riverina Murray Regional Plan 2036 however, it was superseded in January 2023 by the Riverina Murray Regional Plan 2041. The planning proposal will need to be updated to include an assessment against the current regional plan. Objectives 14 and 18 of the RMRP 2041 are particularly relevant to this proposal.</li> </ul>	<p>A detailed assessment against Riverina Murray Regional Plan 2041 has been provided in Section 4.3.2 of this Planning Proposal report.</p>
<ul style="list-style-type: none"> <li>The s9.1 Direction assessment needs to be updated with the correct Direction numbers (they were changed on 20 February 2023).</li> </ul>	<p>Noted. The s9.1 Direction assessment has been updated with the correct Direction numbers (changed 20 February 2023) in Section 4.3.2 of this Planning Proposal report.</p>
<ul style="list-style-type: none"> <li>The planning proposal should be updated to include greater consideration of consistency with s9.1 Direction 1.4 Site Specific Provisions as it applies to additional permitted use provisions.</li> </ul>	<p>An assessment against s9.1 Direction 1.4 Site Specific Provisions has been provided in Table 6, Section 4.3.2 of this Planning Proposal report.</p>
<ul style="list-style-type: none"> <li>The planning proposal mentions the subject land is identified as 'groundwater vulnerable.' It should provide further explanation (incl mapping and cl 6.9 of the LEP) relevant to this issue.</li> </ul>	<p>An assessment against groundwater vulnerable land has been included in Section 4.3.2 of this Planning Proposal report.</p>
<ul style="list-style-type: none"> <li>The planning proposal should be updated to include an assessment of bushfire prone land as it is affected by bushfire mapping and would be inconsistent with s9.1 Direction 4.3 Planning for Bushfire Protection.</li> </ul>	<p>An assessment against bushfire prone land has been carried out in Section 4.3.2 of this Planning Proposal report.</p>

Comment	Response
<ul style="list-style-type: none"> <li>Part of the subject area is identified to contain terrestrial biodiversity, despite the site being predominantly cleared land for agricultural use. The mapping of terrestrial biodiversity should be addressed in the planning proposal to justify the appropriateness of development.</li> </ul>	While the site has been predominantly cleared land for agricultural use, the terrestrial biodiversity mapping has been addressed in Section 4.3.2 of this Planning Proposal report.
<ul style="list-style-type: none"> <li>A preliminary contamination assessment should be completed as part of the planning proposal. The assessment should include consideration of State Environmental Planning Policy (Resilience and Hazards) 2021 – Chapter 4 Remediation of Land and s9.1 Direction 4.4 Remediation of Contaminated Land. While we don't expect major issues to arise from the development, it is a requirement for the technical study to be completed as part of the planning proposal. Any issues identified by the technical study may be addressed at DA stage.</li> </ul>	<p>A preliminary site investigation (PSI) has been carried out over the subject site by McMahon in to determine the status of any contamination.</p> <p>The results of the PSI found that the identified potential contamination sources are assessed to be of low significance in terms of risk to current and future site users and the site is suitable for the proposed development.</p> <p>For further details, refer to the PSI report in <b>Appendix B</b>.</p>

## 2.4.2 Transport for NSW – 4 July 2023

The council received preliminary comments from the Transport for NSW (TfNSW) via email on 4 July 2023 with regards to the Planning Proposal. A response against the pre-referral comments is provided in Table 2 below.

Table 2: Response against Pre-Gateway Comments from TfNSW – 4 July 2023

Comment	Response
<ul style="list-style-type: none"> <li>The subject site is located on the south eastern corner of the intersection of University Road and Moama Street. Moama Street forms part of the Sturt Highway, which is a classified "state" road. The frontage to the Sturt Highway is located within a 60 km/h speed zone;</li> </ul>	Noted.
<ul style="list-style-type: none"> <li>A planning proposal report prepared by TfA Project Group dated March 2023 has been submitted to Council for comment;</li> </ul>	This Planning Proposal report will supersede the previous report dated March 2023 (revision C) submitted to council for comment.
<ul style="list-style-type: none"> <li>The proposal wishes to make a "service station" as one of the permissible uses on the site – through an additional permitted use within Schedule 1. The site is currently zoned RU1 – Primary Production;</li> </ul>	No change is proposed to the purpose of this planning proposal to make a "service station" permitted with consent under the additional permitted use provisions of Schedule 1.
<ul style="list-style-type: none"> <li>As access is available to the local road network, TfNSW will require that the access driveway to the site be to University Road. Access to Moama Street will be denied. This is consistent with Clause 2.119 of State Environmental Planning Policy (Transport and Infrastructure) 2021;</li> </ul>	Access is proposed via new entry only and exit only crossover points on University Road being the local road. No access is proposed to Moama Street (the Sturt Highway).
<ul style="list-style-type: none"> <li>Any existing driveway to the subject site from the Sturt Highway will need to be removed and the road reserve reinstated to match the surrounding roadside landform in accordance with Council requirements as part of a future development application;</li> </ul>	The subject site does not include any existing or new access to Moama Street (the Sturt Highway). Access is proposed to University Road being the local road.
<ul style="list-style-type: none"> <li>TfNSW will expect supporting documents to accompany any subsequent development application,</li> </ul>	Noted.

Comment	Response
<i>such as a Statement of Environmental Effects (SEE) and a Traffic Impact Assessment Report (TIAR).</i>	

### 2.4.3 Department of Planning and Environment – 27 October 2023

The council received additional preliminary comments from Department of Planning and Environment (DPE) via email on 27 October 2023 with regards to the amended Planning Proposal. A response against the additional pre-referral comments is provided in Table 3 below.

Table 3: Response against additional Pre-Gateway Comments from the DPE – 27 October 2023

Comment	Response
<ul style="list-style-type: none"> <li><i>The planning proposal should be updated to address s9.1 Direction 9.1 Rural Zones to justify industrial use (and future rezoning) at the site. This can be addressed by reference to the Hay Structure Plan and its identification of this site for industrial use.</i></li> </ul>	<p>This amended Planning Proposal has provided an updated response to s9.1 Direction 9.1 Rural Zones which provides further justification on the industrial use (and future rezoning) at the site.</p> <p>It noted the Hay Structure Plan has been endorsed by the council and identified the site to be rezoned for future industrial use.</p> <p>For further details, refer to Section 4.3 in this report.</p>
<ul style="list-style-type: none"> <li><i>The Project Timeline should be updated. Please use the attached LEP Making Guideline (August 2023) as the benchmark for the timeframes associated with each milestone. Please be advised that exhibitions must either end by Friday 15 December 2023 or run until at least Friday 12 January. This means that the final date to commence an exhibition in order to complete before Christmas is Friday 17 November 2023, while the final pre-Christmas starting date for any exhibition is Thursday 14 December 2023. Any exhibitions that span the Christmas period (25 Dec – 5 Jan) must run for at least seven weeks for standard planning proposals. If Council elects to exhibit a planning proposal over the Christmas period, Council will be required to manage exhibition. New exhibitions can commence in the new year from 11 January 2024.</i></li> </ul>	<p>This amended Planning Proposal has been updated to reference the benchmarks for the timeframes associated with each milestone.</p> <p>For further details, refer to Section 4.6 in this report.</p>
<ul style="list-style-type: none"> <li><i>The site is referenced in the Hay and Maude Flood Study (June 2023) as being impacted by the 1% AEP event and Extreme flood.</i></li> </ul>	<p>It is acknowledged the site is identified on flood prone land as identified on council's Hay and Maude Flood Study (June 2023) and bushfire prone land as identified on council's mapping.</p>
<ul style="list-style-type: none"> <li><i>The planning proposal seeks to place a potentially hazardous industry (fuel storage) on flood prone land. Therefore, the planning proposal should be updated to address the appropriateness of the proposed use and further consider the flood risk identified in the Hay and Maude Flood Study by addressing:</i> <ul style="list-style-type: none"> <li><i>Updated Section 9.1 Ministerial Direction - 4.1 Flooding - for planning proposals that create, remove or alter a zone or a provision that affects flood prone land.</i></li> </ul> </li> </ul>	<p>It is acknowledged the site is identified to be partially located over flood prone land as identified on council's Hay and Maude Flood Study (June 2023) and bushfire prone land as identified on council's mapping.</p> <p>With regards to placing a 'potentially hazardous industry' on flood prone land and bushfire prone land, it is noted under Section 7.1 (page 16) of the former <i>Applying SEPP 33 Guideline</i> (now Resilience and Hazards SEPP) states that "If combustible liquids of class C1 are present on site and are stored in a separate bund or within a storage area where there are no flammable materials stored they are not</p>

Comment	Response
<ul style="list-style-type: none"> <li>○ <i>Planning Circular PS21-006 – Considering flooding in land use planning: guidance and statutory requirements.</i></li> <li>○ <i>Considering flooding in land use planning guideline (2021). This guideline is triggered under the updated local planning direction.</i></li> </ul>	<p>considered to be potentially hazardous.” This is further discussed in Section 4.3.2 of this report.</p> <p>It is further noted that the proposed development will be used for unmanned purposes. The fuel tank and fuel equipment will be appropriately designed to ensure flood immunity and minimise risk to life and property. Any building floor levels for ablutions block would be any 1% AEP event.</p> <p>It is acknowledged that any detailed flood and/or bushfire assessment studies can be provided as part of the future DA lodgement package for a more-refined assessment.</p>
<ul style="list-style-type: none"> <li>• <i>We also recommend early consultation is undertaken with the following agencies:</i> <ul style="list-style-type: none"> <li>○ <i>TfNSW (included)</i></li> <li>○ <i>BCD re. flooding</i></li> <li>○ <i>RFS</i></li> <li>○ <i>DPI Agriculture</i></li> <li>○ <i>NRAR re. groundwater</i></li> </ul> </li> </ul>	<p>To date the proponent has received early consultation comments from the DPE and TfNSW on 31 May 2023 and 4 July 2023 respectfully with responses from the proponent provided in this section above and amendments to the report incorporated within this amended Planning Proposal report.</p> <p>It is understood the additional comments from the DPE now suggest the proponent should carry out further early consultation with additional agencies.</p> <p>It is noted the proponent has previously received council endorsement to proceed with the Gateway Determination stage and provided the amended Planning Proposal with supporting PSI study on 20 September 2023.</p> <p>In the interest of avoiding further delays, appreciating the time it has taken from the beginning of this Planning Proposal from April 2021 up until this point, the preference of the proponent is to proceed with the formal lodgement and carry out Gateway Determination acknowledging these additional agencies will be required to provide their comments and assessment responses during the referral period under the Gateway Determination stage.</p>
<ul style="list-style-type: none"> <li>• <i>Some minor administrative comments you may also wish to consider when updating the planning proposal:</i> <ul style="list-style-type: none"> <li>○ <i>‘A guide to Preparing Local Environmental Plans and a Guide to Preparing Planning Proposals’ are superseded versions of the current guideline attached.</i></li> </ul> </li> </ul>	<p>Noted. This reference has now been updated throughout this report.</p>
<ul style="list-style-type: none"> <li>○ <i>SEPP 33 has been repealed and replaced by the Resilience and Hazards SEPP.</i></li> </ul>	<p>Noted. This reference has now been updated throughout this report where applicable.</p> <p>It is understood the NSW Government prepared a guideline titled ‘Applying SEPP 33’ (Jan 2011) for Hazardous and Offensive Development. The guideline referenced the formerly known SEPP 33 (now Resilience and Hazards SEPP); however, it is acknowledged this guideline can be generally applied to Hazardous and Offensive Development under the replaced Resilience and Hazards SEPP.</p>

Comment	Response
<ul style="list-style-type: none"> <li>○ <i>The planning proposal claims the development footprint is &gt;750m from any bushfire hazard. This should be amended as part of the site is bushfire prone.</i></li> </ul>	<p>Noted. This response has been updated in Section 4.3.2 of this report.</p>
<ul style="list-style-type: none"> <li>○ <i>References throughout the PP to the 'draft LSPS' and 'draft Structure Plan' should be updated, noting that the LSPS and the Structure Plan have been adopted by Council.</i></li> </ul>	<p>Noted. This reference has now been updated throughout this report.</p>

## 3.0 PROPOSED DEVELOPMENT

### 3.1 Description of the Proposal

The overall intent is for the eventual development of the subject site for a service station (unmanned refuelling facility). The facility will operate 24 hours per day, seven days per week and payment of diesel fuel will be made via swipe card technology. The facility will be for the refuelling of heavy vehicles only and, as a result, only diesel fuel (combustible and non-flammable) and the related AdBlue product (non-combustible / non-flammable) will be available.

A conceptual site layout of the proposed unmanned refuelling facility is included in **Appendix A**. The unmanned truck refuelling facility would obtain access from University Road off Moama Street (Sturt Highway).

Generally, the facility will involve the following main features:

- 1 x 92kL above-ground, self-bunded tank for the storage of diesel (combustible and non-flammable) and AdBlue (non-combustible / non-flammable);
  - Diesel tank 85,000L;
  - AdBlue tank 7,000L;
    - AdBlue is a diesel exhaust fluid used in modern trucks to reduce oxides / nitrogen levels;
- Ablution block comprising of one toilet and shower facilities which will connect to the proposed onsite sewerage treatment system and dispersed to 40m<sup>2</sup> dispersal area for treated water;
- Fuel dispensing area allowing for up to two heavy vehicles to refuel at any one time;
- Fuel dispensing area to be located on a concrete hardstand rollover bunded area;
- Fuel dispensing area to be drained to an enclosed oily water treatment separator;
- Site access and on-site manoeuvrability will cater for B-Triples being the largest anticipated heavy vehicle accessing the site;
- General on-site manoeuvring areas will consist of the part-existing / part-new all weathered gravel paths and new concrete bunded area; and
- Erection of one 6m high pylon sign close to the University Road frontage and entry / exit signage close to the access point.

The proposed development is essentially a response to the perceived demand for these services within this locality and is considered the type of use which can integrate effectively within the rural landscape, particularly one located on a major highway.

### 3.2 Background

TFA Project Group act on behalf of IOR Pty Ltd with respect to the proposed development to erect a new service station (unmanned truck refuelling facility). The subject site is considered to be a prime location for a truck refuelling facility use owing to its proximity to the Sturt Highway (Moama Street) and rural production areas.

The applicant provides refuelling services to many heavy vehicles and related agricultural production vehicles and machinery which support the local agricultural industry.

### 3.3 Local Strategic Planning Statement

The Local Strategic Planning Statement (LSPS) was prepared by the Hay Shire Council in 2020 and sets the framework for Hay Shire's economic, social, and environmental land use needs over the next 20 years. The LSPS also gives effect to the Riverina Murray Regional Plan 2036, implementing the directions and actions at a local level. It is noted the Riverina Murray Regional Plan 2036 was superseded in January 2023 by the Riverina Murray Regional Plan 2041.

The LSPS has been developed in consultation with the local community and Department of Planning, Industry



and Environment. It has identified certain areas within the Hay Shire LGA area, typically those in rural-zoned areas, that could be potentially rezoned for residential or industrial purposes.

### 3.4 Hay Structure Plan

The Hay Structure Plan (the Structure Plan) provides further detail on the manner in which the areas identified in the LSPS could be rezoned.

The subject site is located within the area of the Structure Plan referred to as South Hay. The Structure Plan identifies no supply of industrial-zoned land in South Hay and recommends certain areas be rezoned for industrial purposes.

Key aspects of the Structure Plan as they relate to the subject site are as follows:

- Proposed Land Zoning Map (Figure 44 of Structure Plan – copy below) showing the site within the proposed IN1 zone.

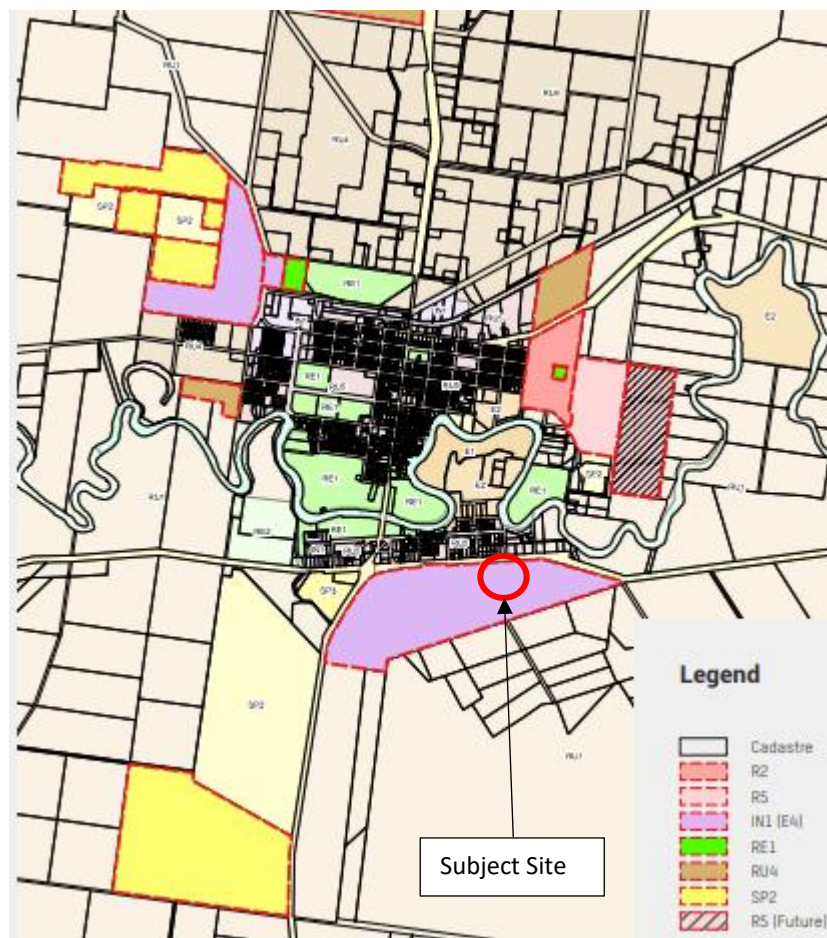


Figure 5: Proposed Zone map extract (source: Hay Structure Plan, 2022)

- Proposed Staging Plan (Figure 45 of Structure Plan – copy below) showing the site within “Stage A” of the plan (i.e. Envisaged to occur first).



Figure 6: Proposed Staging Plan extract (source: Hay Structure Plan, 2022)

- Amended Terrestrial Biodiversity Map (Figure 46 of Structure Plan – copy below) showing the development footprint is wholly outside of any mapped area for Terrestrial Biodiversity. When considering part of the overall site within the terrestrial biodiversity area, it is noted that the site contains no significant vegetation as identified on the State Vegetation Map (Figure 22 of Structure Plan – copy overleaf).

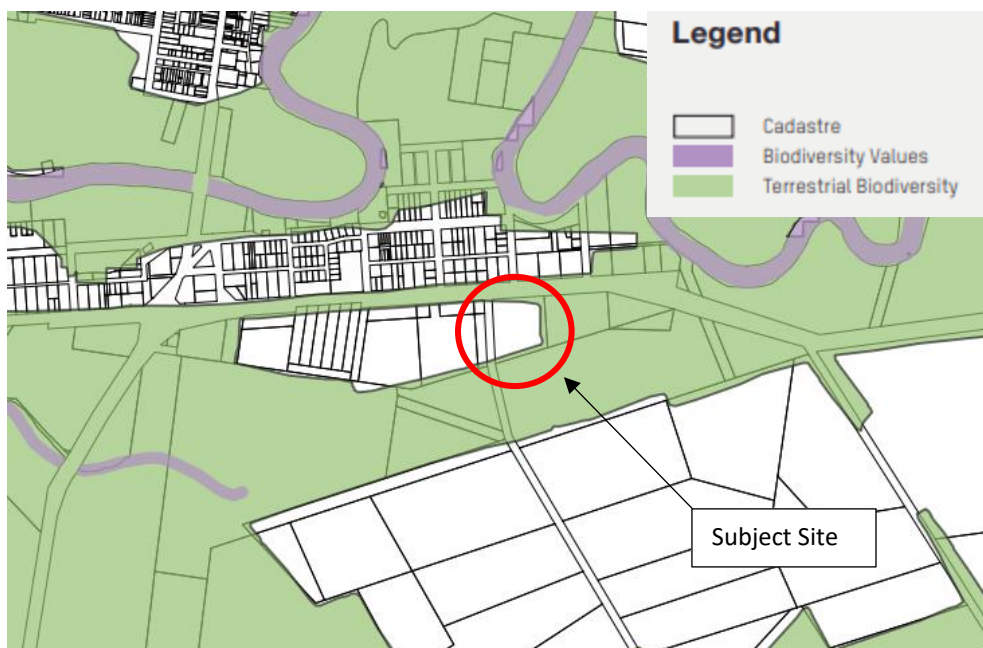


Figure 7: Amended Terrestrial Biodiversity map extract (source: Hay Structure Plan, 2022)

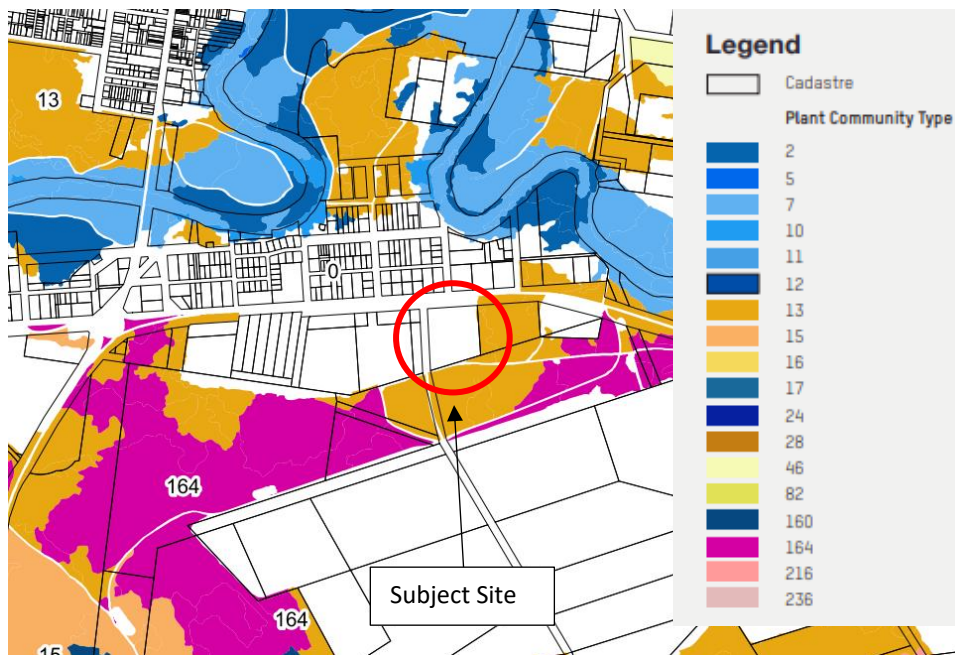


Figure 8: State vegetation map extract (source: Hay Structure Plan, 2022)

- Waterway Map (Figure 25 of Structure Plan – copy below) showing the site is partially within the mapped area for groundwater vulnerability.

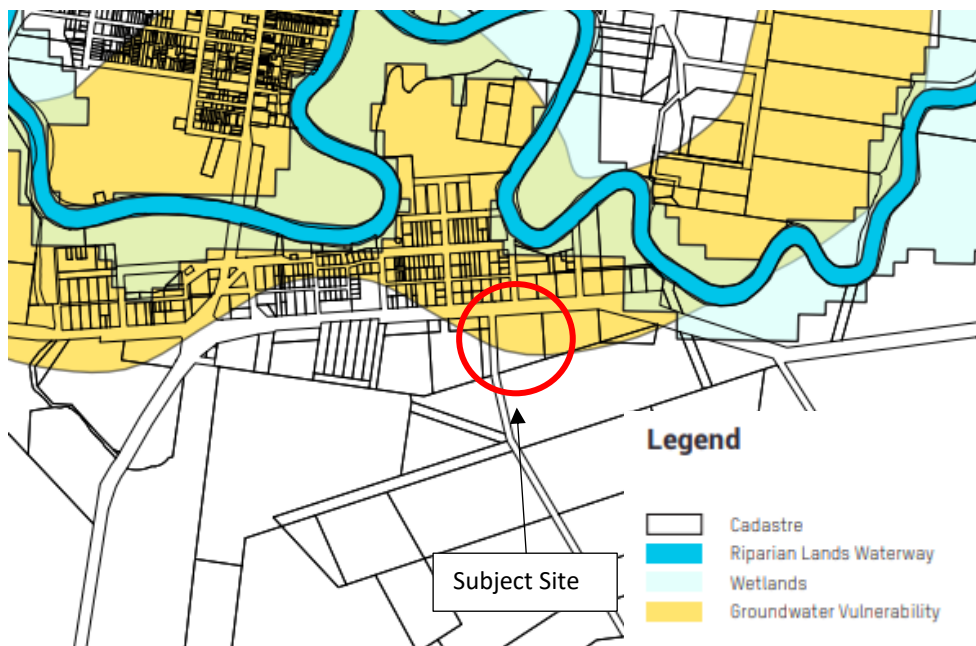


Figure 9: Waterway area map extract (source: Hay Structure Plan, 2022)

- Bushfire Prone Land Map (Figure 26 of Structure Plan – copy below) showing the development footprint is wholly outside of the mapped area for bushfire prone land.



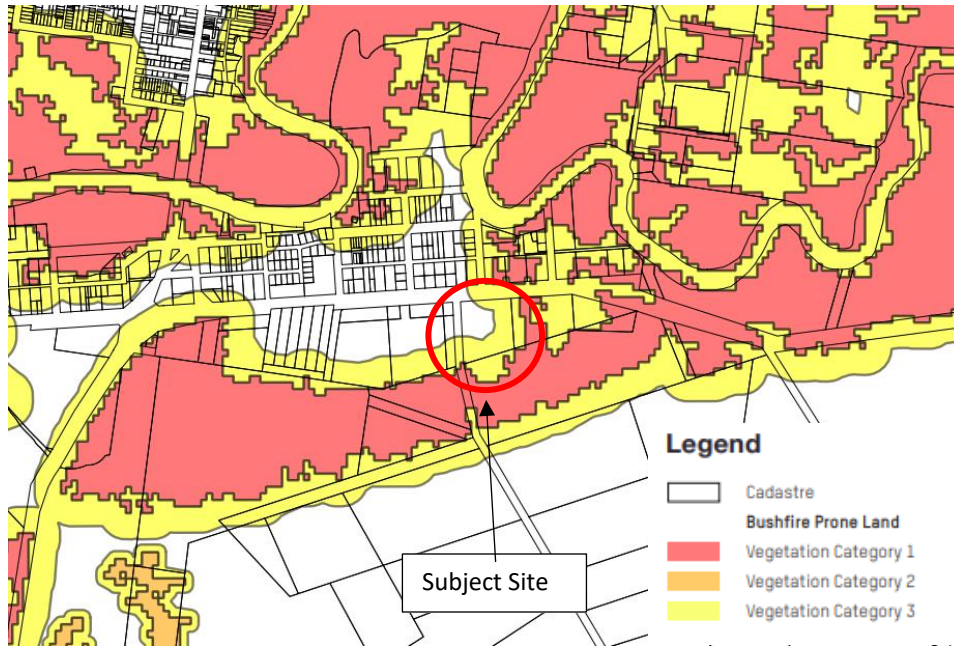


Figure 10: Bushfire prone area map extract (source: Hay Structure Plan, 2022)

It is understood both the LSPS and Structure Plan now form the basis of council's Planning Proposal with the Department to finalise the re-zoning of the relevant sites.

## 4.0 STATUTORY PARTS OF A PLANNING PROPOSAL

The following section of this report is consistent with section 3.33 of the EP&A Act and includes those mandatory provisions the planning proposal must include.

### 4.1 Part 1 – Objectives of the proposed instrument

The objective of this planning proposal is to enable a ‘service station’ the subject site. This is via an amendment to the Hay Local Environmental Plan 2011 (the LEP) and more specifically, via enabling clause to Schedule 1 of the LEP.

### 4.2 Part 2 – Explanation of the provisions

#### 4.2.1 Schedule 1 Amendment

The proposed outcome will be achieved by inserting the following into Schedule 1 ‘Additional permitted uses’ of the Hay Local Environmental Plan 2011:

SCHEDULE 1 ADDITIONAL PERMITTED USES	
Item 1	Use of certain land at University Road, Hay
	(1) This clause applies to land at 310 Moama Street, Hay South, being Lot 2 DP1212081
	(2) Development for the purposes of ‘service station’ is permitted with development consent.

#### 4.2.2 LEP Use Definitions

The use referred above is defined under the LEP as follows:

*“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.”*

#### 4.2.3 Amending The Additional Permitted Uses Map

Prepare an additional map within the CL1 mapping series to apply the additional permitted uses to the subject site.

### 4.3 Part 3 – Justification for the Planning Proposal

The following section of the report provides justification for the proposal in line with the *A Guide to Preparing Planning Proposals* document.

In summary, the proposed service station (unmanned truck refuelling facility) is considered a logical form of development to be located over rural production land which is located over a site with frontage to a major highway. Further, there is an identified shortage of similar facilities within the immediate surrounding area and, also a lack of refuelling capability (partly heavy vehicle) along the eastbound side along the Sturt Highway within the vicinity.

#### 4.3.1 Section A – Need for the Planning Proposal

*Q1. Is the planning proposal a result of an endorsed local strategic planning statement, strategic study, or report?*

**Response** – The Planning Proposal is a direct result of the council's endorsed LSPS and Structure Plan. These policy instruments recommend the re-zoning of the subject site to IN1 industrial zone purposes.

*Q2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?*

**Response** – A clause to enable the additional use on the land by way of proposed LEP amendment to Schedule 1 is considered the most appropriate way to achieve the objective / intended outcome. This is in part due to the certainty the applicant has over the proposed use within the site (thereby not seeking broad flexibility with a whole-of-site rezoning).

The proposed unmanned refuelling facility does not have the typical characteristics of a 'service station' development. However, under the majority of LEP's this type of facility will typically be considered to fall within a 'service station' use, due mainly to the absence of a more appropriate definition.

In this instance, a 'service station' use is prohibited under the RU1 Rural Zone of the Hay LEP 2011. A planning proposal is therefore considered the most appropriate means of establishing this particular type of 'service station' (unmanned truck refuelling facility) over the subject land.

Notwithstanding above, it is understood the council currently have funding to carry out the rezoning for the future housing precinct of the Structure Plan with further funding still required to carry out the rezoning for the future general industrial precinct of the Structure Plan. Thereby, it is considered that the intention of the council is to rezone the identified future industrial precinct, that the subject land is located within, at a later stage.

Given the uncertain timeframe for the council to rezone the future industrial precinct, it is further considered that the most appropriate approach would be a proposed amendment to Schedule 1 of the Hay LEP 2011. This would allow for the intended 'service station' (unmanned truck refuelling facility) use to be permitted over the individual lot under an LEP amendment to Schedule 1 instead of the entire site being rezoned for E1 general industrial land and subsequently being surrounded by rural / agricultural zoned land prior to the rezone for the future general industrial precinct by the council once funding has been obtained.

#### 4.3.2 Section B – Relationship to Strategic Planning Framework

*Q3. Will the planning proposal give effect to the objectives and actions of the applicable regional, or district plan or strategy (including any exhibited draft plans or strategies)?*

**Response** – In addition to the above responses on the LSPS and Structure Plan, the proposal has been assessed against the Riverina Murray Regional Plan 2041. Comments in relation to the proposal and any impact on the policy intent of the relevant plan are discussed under separate heading below.

##### Riverina Murray Regional Plan 2041

The Riverina Murray Regional Plan 2041 (the RMRP) is a regional plan prepared by the State government which establishes a framework to grow the region's cities and local centres, supports the protection of high-value environmental assets and makes developing a strong, diverse, and competitive economy central to building prosperity and resilience in the region.

Figure 11 below provides an extract from the RMRP map showing the approximate location of the subject site within.

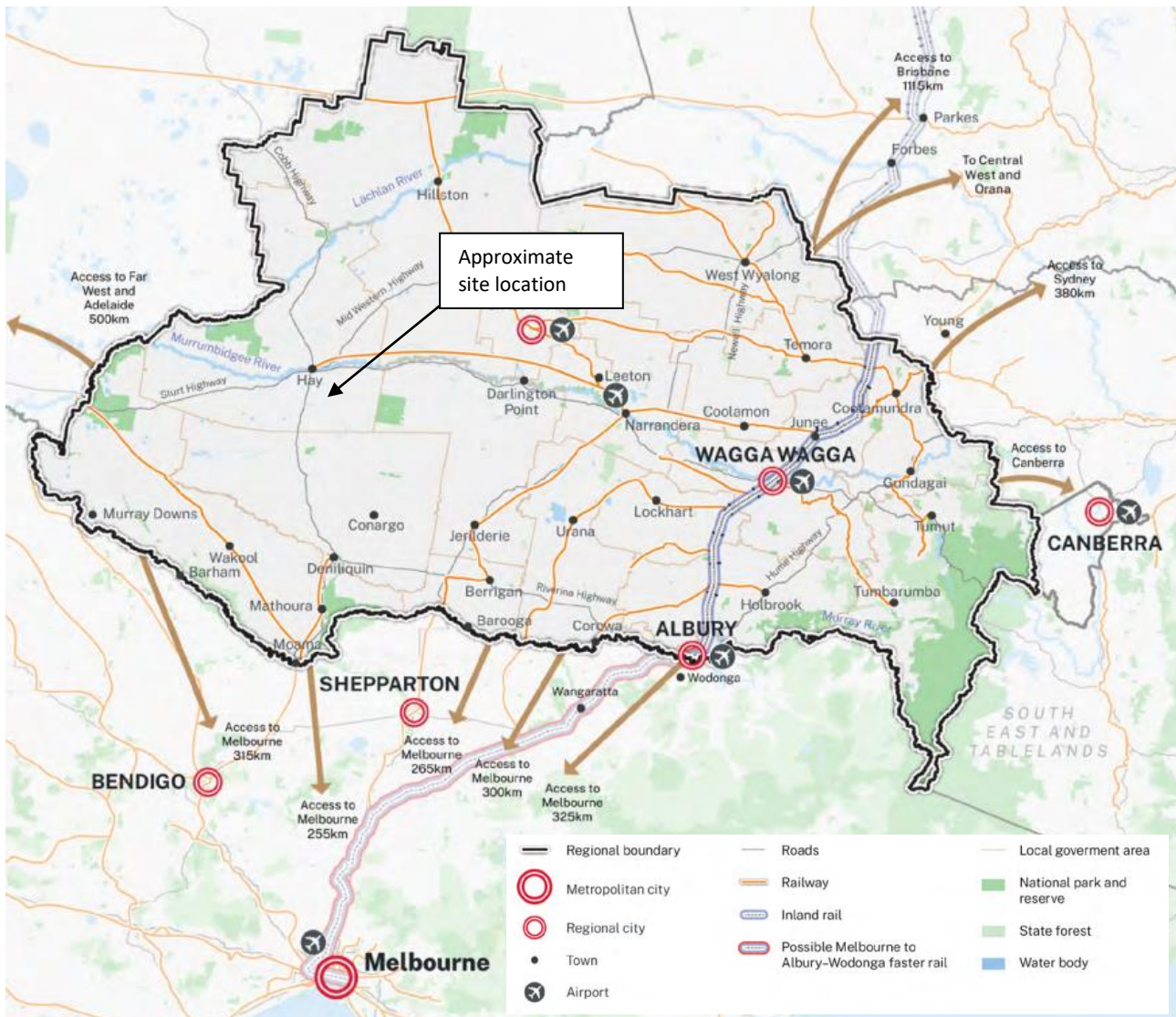


Figure 11: Riverina Murray Region context extract (source: Dept Planning & Environment)

The proposed development is consistent with the objectives and strategies of the Regional Plan. In particular the proposal will assist in achieving the relevant actions identified for the Riverina Murray Regional Plan 2041 as outlined in the table below.

Table 4: Assessment of the proposal against the Riverina Murray Regional Plan 2041

OBJECTIVE AND STRATEGY	CONSISTENCY
<b>PART 3 ECONOMY</b>	
<b>Objective 14: Protecting and promoting industrial and manufacturing land</b>	
<b>Strategy 14.1</b> Local strategic planning statement will: <ul style="list-style-type: none"> <li>include an overview of the LGA's key industrial land areas, industries (including major employers) and location and significance of strategic assets (such as supply and distribution chain infrastructure, key freight routes, supporting services and natural attributes)</li> </ul>	The proposed development will provide economic benefits in the local area.



OBJECTIVE AND STRATEGY	CONSISTENCY
<ul style="list-style-type: none"> <li>recognise trends and opportunities for industrial and/or employment land uses</li> <li>commit to preparing or updating local strategies for industrial and/or employment land.</li> </ul>	
<p><b>Strategy 14.2</b> Strategic planning for existing employment lands and new opportunities will:</p> <ul style="list-style-type: none"> <li>locate new industrial land in areas accessible to inter-regional networks or in areas that could allow rail transport, unencumbered by natural hazards or environmental constraints while accessible to businesses and communities</li> <li>provide flexible and simplified planning controls that support the changing needs of industry, emerging industries and diversification, adaptation and innovation</li> <li>provide for the supply of diverse industrial land to meet the changing demands of industry</li> <li>encourage co-location and clustering of compatible industries to improve efficiencies and productivity, reduce land use conflict, maximise infrastructure investment and capitalise on supply networks</li> <li>drive competitive advantage by leveraging strengths, assets and attributes while maintaining integrity of existing industrial precincts</li> <li>investigate bespoke industrial precinct planning using targeted responses.</li> </ul>	<p>The proposed development will be consistent with the future industrial zoning by supporting the region in the long-term. The proposed development for an unmanned truck refuelling facility will provide a direct fuelling service to the local and regional freight and transport networks.</p> <p>The proposal will support industrial employment and industrial land within the region by providing a refuelling service to heavy vehicles.</p>
<p><b>Strategy 14.3</b> Strategic and statutory planning will protect industrial land from potential land use conflicts arising from inappropriate and incompatible surrounding land uses.</p>	<p>The proposed use being a service station is considered to be a consistent use within the industrial zones. It is noted that the land subject to this planning proposal is identified as being within future industrial zoned land.</p>
<b>Objective 18: Integrate transport and land use planning</b>	
<p><b>Strategy 18.1</b> Local strategic planning statements will:</p> <ul style="list-style-type: none"> <li>overview strategic transport assets, including road, rail, air and freight</li> <li>identify existing or potential strategic projects or policies to improve transport, including heavy vehicle or town bypasses</li> <li>identify transport issues requiring further strategic investigation or funding.</li> </ul>	<p>The proposal is considered to be consistent with the future intent of the site for industrial purposes under the Local Strategic Planning Statement (LSPS) adopted by Council which is currently undergoing Gateway Determination by the Department of Planning.</p>
<p><b>Strategy 18.2</b> Strategic and statutory planning will realise land use planning and transport integration by:</p> <ul style="list-style-type: none"> <li>identifying and activating employment lands near freight infrastructure, using planning controls that support supply chain oriented land uses and limit incompatible land uses</li> <li>in consultation with Transport for NSW, identifying and investigating opportunities to reserve future</li> </ul>	<p>The proposed development is appropriately located within proximity to a major road (Sturt Highway) being an unmanned truck refuelling facility that supports local and regional freight and transport networks.</p>

OBJECTIVE AND STRATEGY	CONSISTENCY
<p><i>heavy vehicle and town bypasses and associated road corridors</i></p> <ul style="list-style-type: none"> <li>ensuring development proposals for supply chain or logistics hub uses address urban amenity impacts, including the application of buffers where appropriate</li> <li>addressing first mile and last mile freight limitations, including off-street loading docks, kerbside space, formal de-coupling sites, alternative last mile delivery vehicles, appropriate access for vehicles on local road networks and accommodating larger vehicle combinations</li> <li>incorporating flexible planning controls to support new and emerging technology-driven land uses.</li> </ul>	
<p><b>Strategy 18.3</b></p> <p><i>Strategic and statutory planning will strengthen connectivity and amenity in centres and across the region by:</i></p> <ul style="list-style-type: none"> <li>planning and designing streets that prioritise walking, cycling and public transport as attractive transport choices, especially in brownfield and greenfield sites</li> <li>establishing connected and accessible green walking and cycling networks supported by appropriate user facilities and integrated with public transport</li> <li>balancing the needs of pedestrians and cyclists, and vehicle traffic on main streets and prioritising pedestrians in town centres</li> <li>requiring major traffic-generating development proposals to demonstrate how the proposal will effectively integrate with existing walking, cycling and public transport networks, where appropriate</li> <li>promoting redevelopment and higher densities within walking distance to town centres, public spaces and transport interchanges</li> <li>ensuring land use planning creates opportunities for new and emerging transport technologies and services, such as autonomous and electric vehicles and on demand transport.</li> </ul>	<p>The proposed development for an unmanned truck refuelling facility will provide a direct fuelling service to the local and regional freight and transport networks.</p>
<p><b>Strategy 18.4</b></p> <p><i>Strategic and statutory planning will protect supply chains, freight corridors and logistics facilities from future development impacts by identifying measures to mitigate associated noise and air emissions, encouraging off-road freight or connections between heavy vehicle routes that do not involve local roads, and identifying and maintaining buffers between freight infrastructure and incompatible land uses areas.</i></p>	<p>The proposal is considered to be consistent with the future intent of the site for industrial purposes under the Local Strategic Planning Statement (LSPS) adopted by Council which is currently undergoing Gateway Determination by the Department of Planning.</p>
<p><b>Strategy 18.5</b></p> <p><i>Strategic and statutory planning will need to ensure development outcomes near the Inland Rail corridor or near the road/rail interfaces of Inland Rail do not undermine the function of the Inland Rail.</i></p>	<p>The proposed development is not considered to undermine the function of the Inland Rail given the location of the proposal being within the Hay Shire in the Riverina area of southwest NSW.</p>
<p><b>Strategy 18.6</b></p> <p><i>Strategic and statutory planning for airport and aerodrome upgrades will adopt a precinct-based planning approach to complement the expanded or emerging role of the airports and</i></p>	<p>While the proposed use is generally inconsistent with primary production zoned land, it is noted that the land subject to this planning proposal is identified as being within</p>

OBJECTIVE AND STRATEGY	CONSISTENCY
<p>aerodromes. This includes protection from encroachment of incompatible development by:</p> <ul style="list-style-type: none"> <li>managing and protecting associated land uses and airspace, including potential future operations</li> <li>limiting the encroachment of incompatible development</li> <li>avoiding development that penetrates the Obstacle Limitation Surface</li> <li>identifying and activating employment lands in surrounding areas.</li> </ul>	<p>future industrial zoned land under the Local Strategic Planning Statement and Structure Plan.</p> <p>The proposed development is an appropriate scale and intensity that will not prejudice the continuation and expansion of the airport and aerodrome upgrades within the Hay Shire.</p>

**Q4.** Will the planning proposal give effect to a council's endorsed local strategic planning statement, or another endorsed local strategy or strategic plan?

**Response** – The proposal is consistent with the intended industrial zoning for the site, as captured under the LSPS and Structure Plan. An application for "service station" would be "permitted with consent" under the IN1 zone and generally in accordance with the objectives of that zone. Further, the development footprint is located outside of the amended terrestrial biodiversity map. When considering part of the overall site within the terrestrial biodiversity area, it is noted that the site contains no significant vegetation as identified on the State Vegetation Map. It is considered wholly consistent with all relevant provisions of the LSPS and Structure Plan.

**Q5.** Is the planning proposal consistent with applicable State Environmental Planning Policies?

**Response** – There are no existing or draft State Environmental Planning Policies (SEPPs) that prohibit or restrict the proposed development as outlined in this planning proposal. Those SEPPs that were considered and addressed as potentially relevant to the proposal are detailed in Table 5 below.

Table 5: SEPPs

SEPP	POLICY DIRECTION / PRINCIPAL AIMS	COMMENT ON RELEVANCE AT PLANNING PROPOSAL STAGE
SEPP – (Resilience and Hazards) 2021	<ul style="list-style-type: none"> <li><b>Hazardous and Offensive Development</b> – Chapter 3 of the Resilience and Hazards SEPP aims to ensure that in determining whether a development is a hazardous or offensive industry, any measures proposed to be employed to reduce the impact of the development are taken into account</li> </ul>	<p>At this stage the planning proposal is for the purposes of amending the Hay Local Environmental Plan 2011 to enable an additional permitted use 'service station' (unmanned refuelling facility) over the site. Should the proponent be successful in amending the LEP for an additional permitted use, the next stage in the approval process would be to lodge a development application to obtain local development consent for the proposed service station (unmanned truck refuelling facility).</p> <p>The future unmanned truck refuelling facility DA will seek approval for one aboveground tank storing approximately 85,000L of diesel (a combustible / non-flammable liquid) and 7,000L AdBlue (a non-combustible / non-flammable liquid).</p> <p>A review of the former 'Applying SEPP33' (Jan 2011) guideline (now Resilience and Hazards SEPP) document prepared by the State government provides the following key points:</p> <ul style="list-style-type: none"> <li>Section 2.1 (page 3) of the guideline suggests that a hazardous storage</li> </ul>

SEPP	POLICY DIRECTION / PRINCIPAL AIMS	COMMENT ON RELEVANCE AT PLANNING PROPOSAL STAGE
		<p>establishment is included in the definition of 'potentially hazardous industry'.</p> <ul style="list-style-type: none"> <li>Section 7.1 (page 16) of the guideline states that "If combustible liquids of class C1 are present on site and are stored in a separate bund or within a storage area where there are no flammable materials stored they are not considered to be potentially hazardous. If, however, they are stored with other flammable liquids, that is, class 3PGI, II or III, then they are to be treated as class 3PGIII, because under these circumstances they may contribute fuel to a fire."</li> </ul> <p>In this instance it is considered that Resilience and Hazards SEPP is not applicable as the proposed storage of diesel is not considered 'potentially hazardous'.</p> <p>The tank is manufactured to comply with Australian Standard AS1692 (Steel tanks for flammable and combustible liquids) and, once installed, will comply with Australian Standard AS1940 (The storage and handling of flammable and combustible liquids).</p>
	<ul style="list-style-type: none"> <li><b>Remediation of Land</b> – Chapter 4 of the Resilience and Hazards SEPP aims to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment</li> </ul>	<p>While the subject site does not have a history of being used as a fuel depot or service station, a preliminary site investigation has been carried out by McMahon in <b>Appendix B</b> to determine whether the premises has any concerns of contamination. The PSI report found that the site is suitable for use as an unmanned refuelling facility.</p>
SEPP – (Industry and Employment) 2021	<ul style="list-style-type: none"> <li><b>Advertising and Signage</b> – Chapter 3 of the Industry and Employment SEPP aims to ensure that signage and advertising, particularly in road corridors, are appropriate to the location and setting of a proposed development</li> </ul>	<p>This policy will need to be considered in the design and assessment of the future development application for the service station (unmanned refuelling facility) proposal.</p>
SEPP (Transport and Infrastructure) 2021	<ul style="list-style-type: none"> <li><b>Infrastructure</b> – Chapter 2 of the Transport and Infrastructure SEPP aims to facilitate the effective delivery of infrastructure throughout NSW. Namely, this chapter promotes the regulation and design of infrastructure provision and provides statutory considerations to be applied in the assessment of development application.</li> </ul>	<p>In relation to utility services and whether the proposal will trigger the upgrade of any of these services, this is considered most appropriately assessed at development application stage.</p> <p>Consultation with TfNSW can be undertaken following a gateway determination as required.</p> <p>Any forthcoming application for development consent will demonstrate the site can be accessed safely and conveniently by the intended number and size of vehicles accessing the site with the support of a Traffic Impact Assessment Report (TIAR).</p>

SEPP	POLICY DIRECTION / PRINCIPAL AIMS	COMMENT ON RELEVANCE AT PLANNING PROPOSAL STAGE
	<ul style="list-style-type: none"> <li><b>Traffic Generating Development</b> – Section 2.121 of the Transport and Infrastructure SEPP applies to new or enlarged premises that comprises a size or scale in excess of the traffic generation thresholds outlined within schedule 3 of the SEPP. In accordance with Schedule 3, the proposed land use of 'service station' is identified as a relevant land use under this schedule</li> </ul>	It is understood TfNSW will expect supporting documents to accompany a future development application, such as a Statement of Environmental Effects (SEE) and a Traffic Impact Assessment Report (TIAR).
SEPP (Primary Production) 2021	<ul style="list-style-type: none"> <li><b>Primary Production and Rural Development</b> – Chapter 2 of the Primary Production SEPP aims to facilitate the orderly economic use and development of lands for primary production</li> </ul>	<p>The proposal is seen as providing a supporting role to the rural production lands within the immediate vicinity rather than significantly impacting the viability of employment within the business zoned land.</p> <p>The size of the intended development is not considered of the type or scale which will significantly impact the surrounding areas generally.</p> <p>Notwithstanding above, the Local Strategic Planning Statement (LSPS) prepared and endorsed by the Hay Shire Council has identified the subject land as being within future industrial zoned land.</p> <p>Further, the proposed development for an unmanned refuelling facility is considered to be consistent with the relevant provisions within the LSPS.</p> <p>For details of the LSPS refer to section 4.3.2 above.</p>

Q6 Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

**Response** – An assessment of relevant section 9.1(2) Directions against the planning proposal is provided in the Table 6 below.

Table 6: Relevant s.9.1(2) Ministerial Directions

MINISTERIAL DIRECTION	AIM/S OF DIRECTION	APPLICABILITY AND/OR COMMENT
<b>FOCUS AREA 1: PLANNING SYSTEMS</b>		
<b>1.1 Implementation of Regional Plans</b>	<ul style="list-style-type: none"> <li>To give legal effect to the vision, land use strategy, goals, directions, and actions contained in Regional Plans</li> </ul>	The proposed request for an additional permitted use is considered to be generally consistent with the Riverina Murray Regional Plan 2041, particularly objective 14 & objective 18.
<b>1.2 Development of Aboriginal Land Council land</b>	<ul style="list-style-type: none"> <li>To provide for the consideration of development delivery plans prepared under chapter 3 of the State Environmental Planning Policy (Planning Systems) 2021 when planning proposals are prepared by a planning proposal authority</li> </ul>	Not applicable to the site.

MINISTERIAL DIRECTION	AIM/S OF DIRECTION	APPLICABILITY AND/OR COMMENT
<b>1.3 Approval and Referral Requirements</b>	<ul style="list-style-type: none"> <li>To ensure that LEP provisions encourage the efficient and appropriate assessment of development</li> </ul>	The proposal is not considered to compromise the intent of this objective.
<b>1.4 Site Specific Provisions</b>	<ul style="list-style-type: none"> <li>To discourage unnecessarily restrictive site-specific planning controls</li> </ul>	<p>This Planning Proposal seeks to amend Schedule 1 of the Hay LEP 2011 to allow 'service station' (unmanned truck refuelling facility) to be permitted over the subject land.</p> <p>A site-specific provision is considered the best approach to facilitate the proposed use as opposed to an individual spot rezoned lot being changed to industrial zoned land while surrounded by rural / agricultural land prior to the identified future industrial precinct of the Structure Plan being ultimately rezoned by the council at a later stage.</p>
<b>FOCUS AREA 1: PLANNING SYSTEMS – PLACE-BASED</b>		
<b>1.5 Parramatta Road Corridor Urban Transformation Strategy</b>	<ul style="list-style-type: none"> <li>To facilitate development within the Parramatta Road Corridor that is consistent with the Parramatta to road Corridor Urban Transformation Strategy (November 2016) and the Parramatta Road Corridor Implementation Tool Kit</li> <li>To provide a diversity of jobs and housing to meet the needs of a broad cross-section of the community</li> <li>To guide the incremental transformation of the Parramatta Road Corridor in line with the delivery of necessary infrastructure</li> </ul>	Not applicable to the site.
<b>1.6 Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan</b>	<ul style="list-style-type: none"> <li>To ensure development within the North West Priority Growth Area is consistent with the North West Priority Growth Area Land Use and Infrastructure Strategy (the Strategy)</li> </ul>	Not applicable to the site.
<b>1.7 Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan</b>	<ul style="list-style-type: none"> <li>To ensure development within the Greater Parramatta Priority Growth Area is consistent with the Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan dated July 2017 (the interim Plan)</li> </ul>	Not applicable to the site.
<b>1.8 Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan</b>	<ul style="list-style-type: none"> <li>To ensure development within the Wilton Priority Growth Area is consistent with the Wilton Interim Land Use and Infrastructure</li> </ul>	Not applicable to the site.

MINISTERIAL DIRECTION	AIM/S OF DIRECTION	APPLICABILITY AND/OR COMMENT
	Implementation Plan and Background Analysis	
<b>1.9 Implementation of Glenfield to Macarthur Urban Renewal Corridor</b>	<ul style="list-style-type: none"> <li>To ensure development within the precincts between Glenfield and Macarthur is consistent with the plans for these precincts</li> </ul>	Not applicable to the site.
<b>1.10 Implementation of the Western Sydney Aerotropolis Plan</b>	<ul style="list-style-type: none"> <li>To ensure development within the Western Sydney Aerotropolis is consistent with the Western Sydney Aerotropolis Plan dated September 2020</li> </ul>	Not applicable to the site.
<b>1.11 Implementation of Bayside West Precincts 2036 Plan</b>	<ul style="list-style-type: none"> <li>To ensure development within the Bayside West Precincts (Arncliffe, Banksia and Cooks Cove) is consistent with the Bayside West Precincts 2036 Plan (the Plan)</li> </ul>	Not applicable to the site.
<b>1.12 Implementation of Planning Principles for the Cooks Cove Precinct</b>	<ul style="list-style-type: none"> <li>To ensure development within the Cooks Cove Precinct is consistent with the Cooks Cove Planning Principles.</li> </ul>	Not applicable to the site.
<b>1.13 Implementation of St Leonards and Crows Nest 2036 Plan</b>	<ul style="list-style-type: none"> <li>To ensure development within the St Leonards and Crows Nest Precinct is consistent with the St Leonards and Crows Nest 2036 Plan (the Plan).</li> </ul>	Not applicable to the site.
<b>1.14 Implementation of Greater Macarthur 2040</b>	<ul style="list-style-type: none"> <li>To ensure that development within the Greater Macarthur Growth Area is consistent with: <ul style="list-style-type: none"> <li>Greater Macarthur 2040 dated November 2018,</li> <li>the Greater Macarthur Growth Area Structure Plan 2022 (Structure Plan), and</li> <li>the Guide to the Greater Macarthur Growth Area (Guide)</li> </ul> </li> </ul>	Not applicable to the site.
<b>1.15 Implementation of the Pyrmont Peninsula Place Strategy</b>	<ul style="list-style-type: none"> <li>To facilitate development within the Pyrmont Peninsula that is consistent with the Pyrmont Peninsula Place Strategy (Place Strategy) and the Economic Development Strategy,</li> <li>To align the planning framework with the Eastern City District Plan Planning Priority E7 Growing a Stronger and More Competitive Harbour CBD and actively support the consistent delivery of</li> <li>objectives in the Eastern City District Plan and Greater Sydney Region Plan, and</li> <li>To guide growth and change balanced with character, heritage</li> </ul>	Not applicable to the site.



MINISTERIAL DIRECTION	AIM/S OF DIRECTION	APPLICABILITY AND/OR COMMENT
	and infrastructure considerations (amongst others) across the Peninsula under the Place Strategy	
<b>1.16 North West Rail Link Corridor Strategy</b>	<ul style="list-style-type: none"> <li>To promote transit-oriented development and manage growth around the eight train stations of the North West Rail Link (NWRL), and</li> <li>To ensure development within the NWRL corridor is consistent with the proposals set out in the NWRL Corridor Strategy and precinct Structure Plans</li> </ul>	Not applicable to the site.
<b>1.17 Implementation of the Bays West Place Strategy</b>	<ul style="list-style-type: none"> <li>To facilitate development within the Bays West precinct that is consistent with the Bays West Place Strategy (Place Strategy) and the Urban Design Framework (which includes the Sustainability Framework and Connecting with Country Framework),</li> <li>To actively support the consistent delivery of objectives in the Eastern City District Plan and Greater Sydney Region Plan, and</li> <li>To guide growth and change balanced with character, Indigenous and European heritage, working harbour and infrastructure considerations across the Bays West precinct under the Place Strategy.</li> </ul>	Not applicable to the site.
<b>1.18 Implementation of the Macquarie Park Innovation Precinct</b>	<ul style="list-style-type: none"> <li>To ensure development within the Macquarie Park Innovation Precinct is consistent with the Macquarie Park Innovation Precinct Place Strategy (Place Strategy) and Macquarie Park Innovation Precinct Strategic Master Plan (Master Plan)</li> </ul>	Not applicable to the site.
<b>1.19 Implementation of the Westmead Place Strategy</b>	<ul style="list-style-type: none"> <li>To facilitate development within the Westmead and Parramatta North precincts that is consistent with the Westmead Place Strategy, and</li> <li>To actively support the consistent delivery of objectives in the Central City District Plan and Greater Sydney Region Plan</li> </ul>	Not applicable to the site.
<b>1.20 Implementation of the Camellia-Rosehill Place Strategy</b>	<ul style="list-style-type: none"> <li>To facilitate development within the Camellia-Rosehill precinct that is consistent with the Camellia Rosehill Place Strategy,</li> <li>To guide growth and change in the Camellia-Rosehill precinct in a coordinated manner, that delivers</li> </ul>	Not applicable to the site.

MINISTERIAL DIRECTION	AIM/S OF DIRECTION	APPLICABILITY AND/OR COMMENT
	<p>appropriate infrastructure and retains the precinct's role as an employment hub, and</p> <ul style="list-style-type: none"> <li>To actively support the consistent delivery of objectives in the Central City District Plan and Greater Sydney Region Plan</li> </ul>	
<b>1.21 Implementation of South West Growth Area Structure Plan</b>	<ul style="list-style-type: none"> <li>To ensure that development within the South West Growth Area (also referred to as the South West Growth Centre) is consistent with Structure Plan and Guide dated December 2022</li> </ul>	Not applicable to the site.
<b>1.22 Implementation of the Cherrybrook Station Place Strategy</b>	<ul style="list-style-type: none"> <li>To facilitate development within the Cherrybrook Station Precinct that is consistent with the Cherrybrook Station Precinct Place Strategy, and</li> <li>To actively support the consistent delivery of objectives in the North District Plan and Greater Sydney Region Plan</li> </ul>	Not applicable to the site.
<b>FOCUS AREA 2: DESIGN AND PLACE</b>		
<b>FOCUS AREA 3: BIODIVERSITY AND CONSERVATION</b>		
<b>3.1 Conservation Zones</b>	<ul style="list-style-type: none"> <li>To protect and conserve environmentally sensitive areas</li> </ul>	Not applicable to the site.
<b>3.2 Heritage Conservation</b>	<ul style="list-style-type: none"> <li>To conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance</li> </ul>	Not applicable to the site.
<b>3.3 Sydney Drinking Water Catchments</b>	<ul style="list-style-type: none"> <li>To provide for healthy catchments and protect water quality in the Sydney drinking water catchment.</li> </ul>	Not applicable to the site.
<b>3.4 Application of C2 and C3 Zones and Environmental Overlays in Far North Coast LEPs</b>	<ul style="list-style-type: none"> <li>To ensure that a balanced and consistent approach is taken when applying conservation zones and overlays to land on the NSW Far North Coast.</li> </ul>	Not applicable to the site.
<b>3.5 Recreation Vehicle Areas</b>	<ul style="list-style-type: none"> <li>To protect sensitive land or land with significant conservation values from adverse impacts from recreation vehicles.</li> </ul>	Not applicable to the site.
<b>3.6 Strategic Conservation Planning</b>	<ul style="list-style-type: none"> <li>To protect, conserve or enhance areas with high biodiversity value.</li> </ul>	Not applicable to the site.
<b>3.7 Public Bushland</b>	<ul style="list-style-type: none"> <li>To protect bushland in urban areas, including rehabilitated areas, and ensure the ecological viability of the bushland, by: <ul style="list-style-type: none"> <li>Preserving: <ul style="list-style-type: none"> <li>biodiversity and habitat corridors,</li> </ul> </li> </ul> </li> </ul>	Not applicable to the site.

MINISTERIAL DIRECTION	AIM/S OF DIRECTION	APPLICABILITY AND/OR COMMENT
	<ul style="list-style-type: none"> <li>▪ links between public bushland and other nearby bushland,</li> <li>▪ bushland as a natural stabiliser of the soil surface,</li> <li>▪ existing hydrological landforms, processes and functions, including natural drainage lines, watercourses, wetlands and foreshores,</li> <li>▪ the recreational, educational, scientific, aesthetic, environmental, ecological and cultural values and potential of the land, and</li> <li>○ mitigating disturbance caused by development,</li> <li>○ giving priority to retaining public bushland</li> </ul>	
<b>3.8 Willandra Lakes Region</b>	<ul style="list-style-type: none"> <li>• To protect, conserve and manage the Willandra Lakes Region World Heritage Property (World Heritage Property) in accordance with a strategic plan of management prepared for World Heritage Property, and</li> <li>• To establish a consultation process for making decisions on conservation and development within the World Heritage Property.</li> </ul>	Not applicable to the site.
<b>3.9 Sydney Harbour Foreshores and Waterways Area</b>	<ul style="list-style-type: none"> <li>• To protect and enhance the natural assets and unique environmental, scenic and visual qualities of Sydney Harbour and its islands and foreshores</li> <li>• To minimise risk to development from rising sea levels or changing flood patterns as a result of climate change</li> <li>• To ensure the protection, maintenance and rehabilitation of watercourses, wetlands, riparian lands, remnant vegetation and ecological connectivity</li> <li>• To protect or enhance terrestrial and aquatic species, populations and ecological communities, including by avoiding physical damage to, or shading of, aquatic vegetation</li> </ul>	Not applicable to the site.

MINISTERIAL DIRECTION	AIM/S OF DIRECTION	APPLICABILITY AND/OR COMMENT
	<ul style="list-style-type: none"> <li>To promote the equitable use of the Foreshores and Waterways Area</li> <li>To protect the cultural heritage significance of Sydney Harbour, its islands and foreshores</li> <li>To ensure a prosperous working harbour and effective transport corridor; and</li> <li>To encourage a culturally rich and vibrant place for people</li> </ul>	
<b>3.10 Water Catchment Protection</b>	<ul style="list-style-type: none"> <li>To maintain and improve the water quality (including ground water) and flows of natural waterbodies, and reduce urban run-off and stormwater pollution</li> <li>To protect and improve the hydrological, ecological and geomorphological processes of natural waterbodies and their connectivity</li> <li>To protect and enhance the environmental quality of water catchments by managing them in an ecologically sustainable manner, for the benefit of all users</li> <li>To protect, maintain and rehabilitate watercourses, wetlands, riparian lands and their vegetation and ecological connectivity</li> </ul>	<p>Part of the site is located on groundwater vulnerability land. The intended development is not considered to significantly impact the environmental constraints and will provide adequate controls for oily water and stormwater management so that the impacts on water quality in receiving waters is minimised.</p> <p>Further details of the oily water and stormwater management controls as well as sediment and erosion controls will be provided at development application stage as part of the engineering matter.</p>

#### FOCUS AREA 4: RESILIENCE AND HAZARDS

<b>4.1 Flooding</b>	<ul style="list-style-type: none"> <li>To ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005, and</li> <li>To ensure that the provisions of an LEP that apply to flood prone land are commensurate with flood behaviour and includes consideration of the potential flood impacts both on and off the subject land</li> </ul>	<p>It is acknowledged the site is identified to be partially located over flood prone land as identified on council's Hay and Maude Flood Study (June 2023).</p> <p>The intended development is not considered to significantly impact the environmental constraints and will provide adequate controls for oily water and stormwater management so that the impacts on water quality in receiving waters is minimised.</p> <p>It is further noted that the intended development will be used for unmanned purposes. The fuel tank and fuel equipment will be appropriately designed to ensure flood immunity and include appropriate tie-down measures as well as raising critical equipment infrastructure above the 1% AEP event to minimise risk to life and property.</p>
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MINISTERIAL DIRECTION	AIM/S OF DIRECTION	APPLICABILITY AND/OR COMMENT
		<p>Any building floor levels for ablutions block would be any 1% AEP event.</p> <p>It is understood that any detailed flood studies can be provided as part of the future DA lodgement package where applicable for a more-refined assessment.</p>
<b>4.2 Coastal Management</b>	<ul style="list-style-type: none"> <li>To protect and manage coastal areas of NSW</li> </ul>	Not applicable to the site.
<b>4.3 Planning for Bushfire Protection</b>	<ul style="list-style-type: none"> <li>To protect life, property and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses in bush fire prone areas, and</li> <li>To encourage sound management of bush fire prone areas</li> </ul>	<p>While the development footprint is located wholly outside any bushfire prone land mapping, the overall site is affected by category 3 (vegetation buffer) mapping.</p> <p>In relation to the intended development, the following is acknowledged:</p> <ul style="list-style-type: none"> <li>The proposed tank location is wholly located outside the bushfire prone land, with all above-ground elements, including bowsters, being located outside the mapped bushfire prone land and &gt;750 metres from any heavily vegetated grasslands;</li> <li>The tank capacity is significantly lower than that for a standard service station or liquid fuel depot;</li> <li>The intended development does not achieve the definition of 'hazardous industry' under State Environmental Planning Policy No 33 – Hazardous and Offensive Development (1992 EPI 129); and</li> <li>All relevant fire mitigation measures will be provided in accordance with Australian Standard 1940 Flammable Liquids Storage &amp; Handling.</li> </ul> <p>It is understood that any detailed bushfire studies can be provided as part of the future DA lodgement package where applicable for a more-refined assessment.</p>
<b>4.4 Remediation of Contaminated Land</b>	<ul style="list-style-type: none"> <li>To reduce the risk of harm to human health and the environment by ensuring that contamination and remediation are considered by planning proposal authorities</li> </ul>	<p>A preliminary site investigation (PSI) has been carried out over the subject site by McMahon in to determine the status of any contamination.</p> <p>The results of the PSI found that the identified potential contamination</p>

MINISTERIAL DIRECTION	AIM/S OF DIRECTION	APPLICABILITY AND/OR COMMENT
		sources are assessed to be of low significance in terms of risk to current and future site users and the site is suitable for the proposed development. For further details, refer to the PSI report in <b>Appendix B</b> .
<b>4.5 Acid Sulfate Soils</b>	<ul style="list-style-type: none"> <li>To avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils</li> </ul>	Not applicable to the site.
<b>4.6 Mine Subsidence and Unstable Land</b>	<ul style="list-style-type: none"> <li>To prevent damage to life, property and the environment on land identified as unstable or potentially subject to mine subsidence</li> </ul>	Not applicable to the site.

#### FOCUS AREA 5: TRANSPORT AND INFRASTRUCTURE

<b>5.1 Integrating Land Use and Transport</b>	<ul style="list-style-type: none"> <li>To ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives: <ul style="list-style-type: none"> <li>improving access to housing, jobs and services by walking, cycling and public transport, and</li> <li>increasing the choice of available transport and reducing dependence on cars, and</li> <li>reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and</li> <li>supporting the efficient and viable operation of public transport services, and</li> <li>providing for the efficient movement of freight</li> </ul> </li> </ul>	The proposed request for additional permitted use (service station) will create convenient refuelling services that will facilitate the ability to provide for the efficient movement of freight.
<b>5.2 Reserving Land for Public Purposes</b>	<ul style="list-style-type: none"> <li>To facilitate the provision of public services and facilities by reserving land for public purposes, and</li> <li>To facilitate the removal of reservations of land for public purposes where the land is no longer required for acquisition.</li> </ul>	Not applicable to the site.
<b>5.3 Development Near Regulated Airports and Defence Airfields</b>	<ul style="list-style-type: none"> <li>To ensure the effective and safe operation of regulated airports and defence airfields;</li> <li>To ensure that their operation is not compromised by development that constitutes an obstruction,</li> </ul>	Not applicable to the site.

MINISTERIAL DIRECTION	AIM/S OF DIRECTION	APPLICABILITY AND/OR COMMENT
	<p>hazard or potential hazard to aircraft flying in the vicinity; and</p> <ul style="list-style-type: none"> <li>To ensure development, if situated on noise sensitive land, incorporates appropriate mitigation measures so that the development is not adversely affected by aircraft noise.</li> </ul>	
<b>5.4 Shooting Ranges</b>	<ul style="list-style-type: none"> <li>To maintain appropriate levels of public safety and amenity when rezoning land adjacent to an existing shooting range,</li> <li>To reduce land use conflict arising between existing shooting ranges and rezoning of adjacent land,</li> <li>To identify issues that must be addressed when giving consideration to rezoning land adjacent to an existing shooting range</li> </ul>	Not applicable to the site.
<b>FOCUS AREA 6: HOUSING</b>		
<b>6.1 Residential Zones</b>	<ul style="list-style-type: none"> <li>To encourage a variety and choice of housing types to provide for existing and future housing needs,</li> <li>To make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and</li> <li>To minimise the impact of residential development on the environment and resource lands</li> </ul>	Not applicable to the site as no residential development proposed.
<b>6.2 Caravan Parks and Manufactured Home Estates</b>	<ul style="list-style-type: none"> <li>To provide for a variety of housing types, and</li> <li>To provide opportunities for caravan parks and manufactured home estates</li> </ul>	Not applicable to the site as no residential development proposed.
<b>FOCUS AREA 7: INDUSTRY AND EMPLOYMENT</b>		
<b>7.1 Business and Industrial Zones</b>	<ul style="list-style-type: none"> <li>To encourage employment growth in suitable locations,</li> <li>To protect employment land in employment zones, and</li> <li>To support the viability of identified centres</li> </ul>	Not applicable. The proposal is located over rural zoned land and will not compromise the employment protection policies over Business and Employment zones.
<b>7.2 Reduction in non-hosted short-term rental accommodation period</b>	<ul style="list-style-type: none"> <li>To mitigate significant impacts of short-term rental accommodation where non-hosted short-term rental accommodation period are to be reduced, and</li> <li>To ensure the impacts of short-term rental accommodation and</li> </ul>	Not applicable to the site.



MINISTERIAL DIRECTION	AIM/S OF DIRECTION	APPLICABILITY AND/OR COMMENT
	views of the community are considered	
<b>7.3 Commercial and Retail Development along the Pacific Highway, North Coast</b>	<ul style="list-style-type: none"> <li>To protect the Pacific Highway's function, that is to operate as the North Coast's primary inter- and intra-regional road traffic route,</li> <li>To prevent inappropriate development fronting the highway,</li> <li>To protect public expenditure invested in the Pacific Highway,</li> <li>To protect and improve highway safety and highway efficiency,</li> <li>To provide for the food, vehicle service and rest needs of travellers on the highway, and</li> <li>To reinforce the role of retail and commercial development in town centres, where they can best serve the populations of the towns.</li> </ul>	Not applicable to the site.
<b>FOCUS AREA 8: RESOURCES AND ENERGY</b>		
<b>8.1 Mining, Petroleum Production and Extractive Industries</b>	<ul style="list-style-type: none"> <li>To ensure that the future extraction of State or regionally significant reserves of coal, other minerals, petroleum and extractive materials are not compromised by inappropriate development</li> </ul>	Not applicable to the site.
<b>FOCUS AREA 9: PRIMARY PRODUCTION</b>		
<b>9.1 Rural Zones</b>	<ul style="list-style-type: none"> <li>To protect the agricultural production value of rural land</li> </ul>	<p>The Planning Proposal does not propose to rezone any rural zoned land.</p> <p>The objective of this proposal is to enable a service station to be permitted with consent over the subject site. This is via an amendment to the Hay Local Environmental Plan 2011 (the LEP) and more specifically, via enabling clause to Schedule 1 of the LEP.</p> <p>The subject site is located within the area of the Hay Structure Plan referred to as South Hay. The Structure Plan endorsed by the council identifies no supply of industrial-zoned land in South Hay and recommends certain areas be rezoned for industrial purposes. The Proposed Land Zoning Map (Figure 44 of Hay Structure Plan) shows the subject site for the intended development within the proposed IN1 zone. For further details of the Hay Structure Plan, refer to Section 3.4 of this report.</p>

MINISTERIAL DIRECTION	AIM/S OF DIRECTION	APPLICABILITY AND/OR COMMENT
		It is noted that the intended development will be used for refuelling of trucks including those involved in surrounding primary industry enterprises. As such, it is considered the intended development will be consistent with future intent of the site under the Hay Structure Plan.
<b>9.2 Rural Lands</b>	<ul style="list-style-type: none"> <li>To protect the agricultural production value of rural land,</li> <li>To facilitate the orderly and economic use and development of rural lands for rural and related purposes,</li> <li>To assist in the proper management, development and protection of rural lands to promote the social, economic and environmental welfare of the State,</li> <li>To minimise the potential for land fragmentation and land use conflict in rural areas, particularly between residential and other rural land uses,</li> <li>To encourage sustainable land use practices and ensure the ongoing viability of agriculture on rural land,</li> <li>To support the delivery of the actions outlined in the NSW Right to Farm Policy</li> </ul>	<p>The subject land is currently used for agricultural purposes. It is noted that the proposal would involve the refuelling of trucks including those involved in surrounding primary industry enterprises.</p> <p>The proposed development will not fragment surrounding resource land by virtue of its location, close to an intersection with a major highway, and its relatively small development footprint within the context of the surrounding agricultural lands.</p>
<b>9.3 Oyster Aquaculture</b>	<ul style="list-style-type: none"> <li>To ensure that 'Priority Oyster Aquaculture Areas' and oyster aquaculture outside such an area are adequately considered when preparing a planning proposal, and</li> <li>To protect 'Priority Oyster Aquaculture Areas' and oyster aquaculture outside such an area from land uses that may result in adverse impacts on water quality and consequently, on the health of oysters and oyster consumers</li> </ul>	Not applicable to the site.
<b>9.4 Farmland of State and Regional Significance on the NSW Far North Coast</b>	<ul style="list-style-type: none"> <li>To ensure that the best agricultural land will be available for current and future generations to grow food and fibre,</li> <li>To provide more certainty on the status of the best agricultural land, thereby assisting councils with their local strategic settlement planning, and</li> <li>To reduce land use conflict arising between agricultural use and non-agricultural use of farmland as</li> </ul>	Not applicable to the site.

MINISTERIAL DIRECTION	AIM/S OF DIRECTION	APPLICABILITY AND/OR COMMENT
	caused by urban encroachment into farming areas	

#### 4.3.3 Section C – Environmental, Social and Economic Impact

*Q7 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?*

**Response** – The planning proposal relates to land that is used for rural production which has been cleared of any critical habitat or threatened species, populations, or ecological communities.

The proposed additional permitted use is not likely to have an adverse impact on critical habitat or threatened species, populations or ecological communities or their habitats.

It is also noted the development footprint is located outside of the amended terrestrial biodiversity map the overall site is located outside of the state vegetation map under the Structure Plan.

*Q8 Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?*

**Response** – The proposal will respond to the following at development application stage:

- Design and installation of all fuel-related storage and dispensing equipment in accordance with AS1940
- Fill points to drain to an appropriate oily water spill containment to council's satisfaction

*Q9 Has the planning proposal adequately addressed any social and economic effects?*

**Response** – The proposal is expected to generate positive social and economic effects. The proposed additional permitted use will be able to service trucks including those involved in surrounding primary industry enterprises.

#### 4.3.4 Section D – State and Commonwealth Interests

*Q10 Is there adequate public infrastructure for the planning proposal?*

**Response** – The proposal is generally considered to have adequate public infrastructure available. All existing road infrastructure (both access to the site and the ability of the surrounding road network to adequately cater for the site) is considered sufficient for the proposal. This will be further assessed by Council and TfNSW at development application stage.

In relation to utility services and whether the proposal will trigger the upgrade of any of these services, this is considered most appropriately assessed at development application stage. The proposal will effectively manage effluent onsite.

*Q11 What are the views of state and Commonwealth public authorities consulted in accordance with the Gateway determination?*

**Response** – The gateway determination will determine any further consultation requirements with State or Commonwealth public authorities.

### 4.4 Part 4 – Mapping

Amendments to the LEP mapping is not required as the request is for an addition permitted use under Schedule 1.

### 4.5 Part 5 – Community Consultation

It is understood that the standard 28-day public exhibition period will likely apply to the Planning Proposal.

## 4.6 Part 6 – Project Timeline

The following milestone timeframes are anticipated. Timeframes will be revised if any significant delays are encountered.

*Table 7: Indicative Project Timeline*

TASK	ANTICIPATED TIMEFRAME
Consideration by Council	December 2023
Council Decision	December 2023
Gateway Determination	February 2024
Pre-exhibition	April 2024
Commencement and Completion of Public Exhibition Period	May 2024
Consideration of Submissions	May 2024
Post-exhibition Review and Additional Studies	July 2024
Finalisation and Gazettal of LEP Amendment	September 2024

## 5.0 CONCLUSION

This Planning Proposal report has been prepared by TFA Project Group (TFA) on behalf of IOR Pty Ltd (the applicant) and involves a request to the Hay Shire Council (the council) to amend the Hay Local Environmental Plan 2011 (the LEP) to enable a 'service station' (unmanned refuelling facility) over land located at 310 Moama Street, Hay South NSW 2711 and more formally described as Lot 2 DP1212081.

The Planning Proposal has been prepared in accordance with section 3.33 of the *Environmental Planning and Assessment Act 1979* (the EP&A Act) and the NSW Department of Planning and Environment (the DPE) Local Environmental Plan Making Guideline August 2023 (the *LEP Making Guideline*).

The proposal has been assessed against the relevant local and State provisions, guidelines, and regional strategies and from this assessment, the following conclusions are able to be drawn:

- The site is suitably located for the intended use by virtue of its proximity to the state-controlled road network (Sturt Highway);
- The site adjoins existing RU1 zoned land, and the intended additional permitted use would support surrounding rural production land which is located within proximity to a major road off a highway;
- The proposal is considered to be consistent with the policy provisions and intent of the relevant regional strategies, including the council's endorsed LSPS to ultimately rezone the site and surrounding area for industrial purposes;
- The proposed development will not fragment surrounding agricultural land by virtue of its location, close to an intersection with a major highway, and its relatively small development footprint within the context of the surrounding agricultural area; and
- The proposal is not considered to impact adversely on any surrounding receiving environment and any perceived impacts can be managed through appropriate environmental management measures demonstrated at development application stage.

On the basis of the above, it is considered sufficient planning grounds exist to warrant the proposal and the application is recommended for Council's further assessment of the Planning Proposal and Gateway Determination by the Department of Planning.

## APPENDIX A – CONCEPTUAL SITE LAYOUT, PREPARED BY IOR

## **APPENDIX B – PRELIMINARY SITE INVESTIGATION REPORT, PREPARED BY MCMAHON**