Development & Environmental Services Committee Agenda

12 March 2019
To All Councillors

You are hereby notified that the next meeting of the Development & Environmental Services Committee will be held on 12 March 2019 in the Barry Rose Room at 10.00am, for the purpose of transacting the undermentioned business.

The Development & Environmental Services Committee consists of

Cr Lee Watts, Cr Kiwa Fisher, Cr Sue Abbott and Cr Ron Campbell.

STEVE MCDONALD
GENERAL MANAGER

1. APOLOGIES
2. DECLARATIONS OF INTEREST
3. PUBLIC PARTICIPATION
4. SITE INSPECTIONS
5. BUSINESS ITEMS

DEVELOPMENT & ENVIRONMENTAL SERVICES COMMITTEE REPORTS .........................1
DESC.03.1 PLANNING PROPOSAL 1/2018 - ADDITIONAL PERMITTED USE AT 61-79 ABERDEEN STREET, SCON...1

6. COUNCILLOR QUESTIONS
DEVELOPMENT & ENVIRONMENTAL SERVICES COMMITTEE REPORTS

DESC.03.1  

PLANNING PROPOSAL 1/2018 - ADDITIONAL PERMITTED USE AT 61-79 ABERDEEN STREET, SCONE

RESPONSIBLE OFFICER: Steve McDonald - General Manager  
AUTHOR: Mathew Pringle - Director Environmental & Community Services

PURPOSE

Planning Proposal 1/2018 proposes to amend the Upper Hunter Local Environmental Plan 2013 to enable the establishment of a highway service centre at Lots 243 & 244 DP 613258 and Lot 23 DP 562600, 61-79 Aberdeen Street, Scone.

RECOMMENDATION

That Council place Planning Proposal 1/2018 on public exhibition for at least 28 days and consider a further report following the conclusion of the exhibition period.

BACKGROUND

Council has received a planning proposal from the Stevens Group to amend the Upper Hunter Local Environmental Plan 2013 to enable the establishment of a highway service centre at Lots 243 & 244 DP 613258 and Lot 23 DP 562600, 61-79 Aberdeen Street, Scone.

REPORT/PROPOSAL

The land that is the subject of this planning proposal is located on the western side of Aberdeen Street, Scone between Liverpool Street and St Aubins Street and comprises a total area of approximately 2.43 hectares.

The subject land is adjacent to the Scone Bypass which is currently under construction and is impacted by flood events associated with nearby Kingdon Ponds and Parsons Gully.

The site is currently zoned RU4 Primary Production Small Lots under the Upper Hunter Local Environmental Plan 2013. Development for the purposes of a highway service centre is prohibited within the RU4 zone.

The planning proposal intends to enable the development of the site for the purpose of a highway service centre comprising:
Environmental & Community Services

- A rest area with eighteen (18) car spaces and four (4) trailer/RV spaces.
- A service station comprising a 322m² convenience store and 326m² food premises (including indoor and outdoor areas), 6 double bowser stations for standard vehicles and a diesel canopy to accommodate 3 B-doubles and 39 at grade car spaces.
- A free-standing restaurant/takeaway food premises comprising 525m² with double drive-thru lanes and 67 car spaces.

In addition to the highway service centre it is proposed to develop a two storey, 23 room motel with 34 car spaces on the land (noting that a motel is already permissible with consent on the land).

Conceptual plans of the proposed development are provided in Attachment 2.

There are two options available to achieve the objectives of the planning proposal as follows:

Option 1:

Rezoning the subject land to Zone B2 Local Centre or Zone B4 Mixed Use Zone would enable development of the land for the purpose of a highway service centre, however, it would also enable other land uses that are undesirable in this location such as commercial premises (eg shopping centre) that do not necessarily service highway users and directly compete with the existing town centre. Permitting such uses could have significant and adverse economic impacts on the Scone town centre and potentially compromise its long-term viability.

Option 2:

An alternative way of achieving the objective of this planning proposal is to identify highway service centre as an additional permitted use of the land in Schedule 1 of the Upper Hunter LEP 2013. This option would mean that the land would continue to be zoned RU4 Primary Production Small Lots and the uses currently permitted on the land would continue to be permitted. However, highway service centres would also be permitted with consent.

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

The proponent of the rezoning submits that the proposal will have a net community benefit by providing a net positive economic impact on the Scone township. An Economic Impact Assessment (EIA) of the planning proposal prepared by HillPDA has found that the proposal would have a range of positive economic impacts on the locality and the Shire as a whole both during the construction and operational phases of the highway service centre (HSC) development. Some of the benefits would include the creation of new employment opportunities, introducing new opportunities for commercial development and expanded levels of household expenditure on a wide range of retail and other services. The planning proposal would also facilitate development that would capture passing trade on the bypass and provide a conduit between the highway and the town centre. Whilst the proposal would introduce some additional competition to businesses within the town centre, the EIA contends that estimating this impact is difficult and it's important to note that if businesses experience a decline in trade, it is likely to be the result of the impact of the bypass itself.
A peer review of the EIA has been undertaken by an independent planning consultant commissioned by Council. The review found that the conclusion of the EIA, that the proposal will deliver a net benefit to Scone, is likely to be correct. The review did highlight a number of shortcomings with the EIA such as the lack of consideration of mitigation measures that could ameliorate potential negative impacts and the impacts of the HSC on other highway service towns such as Aberdeen. The EIA has subsequently been amended to address these issues and other matters identified by the peer review.

The planning proposal is generally consistent with the Upper Hunter Land Use Strategy 2017, the Hunter Regional Plan and the applicable State Environmental Planning Policies. There are a number of inconsistencies with the relevant Ministerial Directions under Section 9.1 of the Environmental Planning and Assessment Act 1979, however these inconsistencies, with the exception of Direction 4.3 Flood Prone Land, are considered to be of minor significance.

In relation to Direction 4.3, a Flood Assessment of the planning proposal has been undertaken by GHD which involved modelling of the pre and post bypass scenarios. The assessment has been peer reviewed by an independent consultant commissioned by Council. The peer review identified a number of issues with the assessment particularly in relation to the impact of the development on flood heights at nearby properties and the high residual flood risk issues regarding evacuation. The proponent has submitted a response to these issues including a flood emergency response plan. However, concerns remain in relation to the suitability of the site given its susceptibility to high hazard flooding and potential impacts to surrounding development.

On this basis, further information needs to be provided by the proponent to demonstrate that the proposal is consistent with the terms of Direction 4.3.

A traffic assessment report has been prepared for the proposal which considers the impact of the proposed development on the operation of the local road network, taking into account the existing traffic environment and the Scone Bypass. The report recommends the proposed highway service centre as being a suitable development on the site as it would have no impact on the operation of St Aubins Street, Aberdeen Street or Liverpool Street and will provide a safe convenient rest area for traffic bypassing the Scone township and additional amenities for residents of Scone.

The planning proposal will be referred to the RMS for comment during the public exhibition period.

Whilst there are a number of matters that require further consideration including flood impacts and traffic movements, it is recommended that Council proceed to place the planning proposal on public exhibition for at least 28 days to gauge the community’s views before making a decision on whether the proposal should proceed.

**OPTIONS**

1. That Council place Planning Proposal 1/2018 on public exhibition for at least 28 days and consider a further report following the conclusion of the exhibition period.

CONSULTATION

Consultation with the community and government agencies has not been undertaken at this stage.

STRATEGIC LINKS

a. Community Strategic Plan 2027

This report links to the Community Strategic Plan 2027 as follows:

Goal 4 – Plan for a Sustainable future.

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

Goal 5 – A sustainable and prosperous economy.

CS19 “Encourage retail and commercial business to locate and prosper within our Shire”

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

We are working to achieve the following Community Priorities:

- Rural lifestyle and Country feel are valued and protected and the Upper Hunter Shire remains quiet, safe, healthy and welcoming.
- A stronger economic base to attract and retain residents, particularly our young people.

b. Delivery Program

- Assessment of planning applications.
- Preparation of planning proposals, flood studies and associated management plans.

c. Other Plans

The Upper Hunter Land Use Strategy 2017 recognises that the role and function of Scone’s existing town centre (Kelly Street) is expected to change when highway traffic is diverted around the town via the Scone Bypass. This may also lead to pressure for commercial developments along the new bypass corridor. The Strategy supports precinct-level planning to establish priorities for planning and development controls (Direction 2.2).
One of the strategic actions of Direction 2.2 is to review the potential and demand for commercial development potential along the proposed Scone bypass route and develop a strategy for responding to rezoning requests prior to the completion of the bypass, particularly at the northern and southern intersection accesses to the town. This strategy is yet to be developed by Council.

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

**IMPLICATIONS**

a. **Policy and Procedural Implications**

NIL

b. **Financial Implications**

NIL

c. **Legislative Implications**

Section 3.31 of the Environmental Planning and Assessment Act 1979 provides that a local plan-making authority (which can be a Council) may make environmental planning instruments for the purpose of environmental planning. Section 3.34 of the Act provides after preparing a planning proposal, the planning proposal authority may forward it to the Minister.

d. **Risk Implications**

NIL

e. **Other Implications**

NIL

**CONCLUSION**

Whilst there are a number of matters that require further consideration including flood impacts and traffic movements, it is recommended that Council proceed to place the planning proposal on public exhibition for at least 28 days to gauge the community’s views before making a decision on whether the proposal should proceed.
ATTACHMENTS

1 Planning Proposal 1/2018
2 Planning Proposal 1/2018 - Conceptual Plans
Planning Proposal 1/2018 – Proposed Amendment to Upper Hunter Local Environmental Plan 2013.

Lots 243 & 244 DP 613258 and Lot 23 DP 562600, 61-79 Aberdeen Street, Scone

Version 01
PART 1: OBJECTIVES AND BACKGROUND

The objective of this planning proposal is to amend the Upper Hunter Local Environmental Plan 2013 to enable the establishment of a highway service centre at Lots 243 & 244 DP 613238 and Lot 23 DP 502000, 61-79 Aberdeen Street, Scone.

The land that is the subject of this planning proposal is located on the western side of Aberdeen Street, between Liverpool Street and St Aubins Street and comprises a total area of approximately 2.43 hectares. The land has a very gentle gradient of approximately 1% falling to the west.

A residential dwelling with detached garage currently occupies the northern part of the site (Lot 23) while two dwellings and a separate garage occupy the southern part of the site (Lot 244). One of the dwellings within Lot 244 appears to have previously been used as a corner store. The middle section of the site (Lot 243) is currently vacant.

Surrounding land uses include residential development to the east, north and south, rural land to the west (including the Scone Bypass which is under construction adjacent to the western boundary), tennis courts and a football field to the northeast.

The subject land is located within the floodplain of Kingdon Ponds and Parsons Gully and is currently impacted by flooding.

The land that is the subject of this planning proposal is identified in Figure 1 below.

The site is currently zoned RU4 Primary Production Small Lots under the Upper Hunter Local Environmental Plan 2013. Development for the purposes of a highway service centre is prohibited within the RU4 zone.

The planning proposal intends to enable the development of the site for the purpose of a highway service centre comprising:

- A rest area with eighteen (18) car spaces and four (4) trailer/RV spaces.
- A service station comprising a 322m² convenience store and 328m² food premises (including indoor and outdoor areas), 6 double boweres for standard vehicles and a diesel canopy to accommodate 3 B-doubles and 39 at grade car spaces.
- A free-standing restaurant/takeaway food premises comprising 525m² with double drive-thru lanes and 63 car spaces.

In addition to the highway service centre it is proposed to develop a two storey, 23 room motel with 34 car spaces on the land (noting that a motel is already permissible with consent on the land).

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

1) to amend the zoning of the subject land to B2 Local Centre or B4 Mixed Use. The proposed land uses are permissible in both of these zones; and

2) to identify the proposed use of the land as an additional permitted use pursuant to Clause 2.5 of the Upper Hunter LEP 2013.
Figure 1. – Locality Map
PART 2: EXPLANATION OF PROVISIONS

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

Option 1

Rezone the subject land to **Zone B2 Local Centre or Zone B4 Mixed Use** as follows:

**Zone B2 Local Centre**

1 **Objectives of zone**

- To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area.
- To encourage employment opportunities in accessible locations.
- To maximise public transport patronage and encourage walking and cycling.

2 **Permitted without consent**

Environmental protection works; Home occupations

3 **Permitted with consent**

Amusement centres; Boarding houses; Boat sheds; Car parks; Centre-based child care facilities; Commercial premises; Community facilities; Crematoria; Educational establishments; Emergency services facilities; Entertainment facilities; Environmental facilities; Flood mitigation works; Function centres; **Highway service centres**; Home-based child care; Home businesses; Home industries; Information and education facilities; Jetties; Medical centres; Mortuaries; Passenger transport facilities; Places of public worship; Public administration buildings; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Research stations; Respite day care centres; Restricted premises; Roads; Seniors housing; Service stations; Sex services premises; Shop top housing; Signage; **Tourist and visitor accommodation**; Veterinary hospitals; Water recreation structures; Water supply systems; Wharf or boating facilities; Wholesale supplies

4 **Prohibited**

Any development not specified in item 2 or 3

**Zone B4 Mixed Use**

1 **Objectives of zone**

- To provide a mixture of compatible land uses.
- To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.

2 **Permitted without consent**

Environmental protection works; Home occupations

3 **Permitted with consent**
Amusement centres; Boarding houses; Boat sheds; Car parks; Centre-based child care facilities; Commercial premises; Community facilities; Correctional centres; Educational establishments; Emergency services facilities; Entertainment facilities; Environmental facilities; Exhibition homes; Flood mitigation works; Function centres; Highway service centres; Home-based child care; Home businesses; Hotel or motel accommodation; Information and education facilities; Jetties; Light industries; Medical centres; Mortuaries; Passenger transport facilities; Places of public worship; Public administration buildings; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Research stations; Residential accommodation; Respite day care centres; Restricted premises; Roads; Seniors housing; Service stations; Shop top housing; Signage; Tourist and visitor accommodation; Veterinary hospitals; Water recreation structures; Water supply systems; Wharf or boating facilities; Wholesale supplies

4 Prohibited

Farm stay accommodation; Rural workers’ dwellings: Any other development not specified in item 2 or 3

Under Option 1, the Land Zoning Map Sheet LZN_008A would need to be amended to show the revised zoning of the land as B2 Local Centre or B4 Mixed Use.

In addition, the following LEP maps should be amended to ensure appropriate development standards are in place to minimise impacts on the surrounding area and to ensure consistency with the development standards typically applied to the B2 and B4 zones.

- Floor Space Ratio Map (Sheet FSR_008A) to provide for a maximum floor space ratio of 1:1, and
- Height of Buildings Map (Sheet HOB_008A) to provide for a maximum building height of 10 metres.

OR

Option 2

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

9 Use of certain land at Aberdeen Street, Scone

(1) This clause applies to land at Aberdeen Street, Scone, being Lots 243 & 244 DP 613258 and Lot 23 DP 562600.

(2) Development for the purpose of a highway service centre is permitted with development consent.
PART 3: JUSTIFICATION

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

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

SECTION A – NEED FOR THE PLANNING PROPOSAL

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

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

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

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

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

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

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

Option 1

Rezoning the subject land to Zone B2 Local Centre or Zone B4 Mixed Use Zone would enable development of the land for the purpose of a highway service centre, however, it would also enable other land uses that are undesirable in this location such as commercial premises (eg shopping centre) that do not necessarily service highway users and directly compete with the existing town centre. Permitting such uses could have significant and adverse economic impacts on the Scone town centre and potentially compromise its long-term viability.

Option 2

An alternative way of achieving the objective of this planning proposal is to identify highway service centre as an additional permitted use of the land in Schedule 1 of the Upper Hunter LEP 2013. This option would mean that the land would continue to be zoned RU4 Primary Production Small Lots and the uses currently permitted on the land would continue to be permitted. However, a highway service centre would also be permitted with consent.
In view of the above, should the planning proposal be supported by Council, Option 2 is the preferred option to achieve the objectives of the proposal.

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

The proponent of the rezoning submits that the proposal will have a net community benefit by providing a net positive economic impact on the Scone township. An Economic Impact Assessment (EIA) of the planning proposal prepared by HillFPA has found that the proposal would have a range of positive economic impacts on the locality and the Shire as a whole during the construction and operational phases of the highway service centre (HSC) development. Some of the benefits would include the creation of new employment opportunities, introducing new opportunities for commercial development and expanded levels of household expenditure on a wide range of retail and other services. The planning proposal would also facilitate development that would capture passing trade on the bypass and provide a conduit between the highway and the town centre. Whilst the proposal would introduce some additional competition to businesses within the town centre, the EIA contends that estimating this impact is difficult and it’s important to note that if businesses experience a decline in trade, it is likely to be the result of the impact of the bypass itself.

A peer review of the EIA has been undertaken by an independent planning consultant commissioned by Council. The review found that the conclusion of the EIA, that the proposal will deliver a net benefit to Scone, is likely to be correct. The review did highlight a number of shortcomings with the EIA such as the lack of consideration of mitigation measures that could ameliorate potential negative impacts and the impacts of the HSC on other highway service towns such as Aberdeen. The EIA has subsequently been amended to address these issues and other matters identified by the peer review.

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

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

It is considered that the proposal is consistent with Direction 4: ‘Enhance inter-regional linkages to support economic growth’, Direction 9: ‘Grow tourism in the region’ and Direction 23: ‘Grow centres and renewal corridors’ of the Hunter Regional Plan 2036.

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

In accordance with Direction 9, the proposal will support tourism in the Upper Hunter by capturing a portion of the tourists travelling on the New England Highway that would otherwise bypass Scone and encourage them to stop and visit the township. The development of an associated motel on the site would also provide accommodation for tourists that are passing through and others that are visiting local attractions or attending local events such as Scone Horse Festival, Air shows, King of the Ranges, Festival of the Fleece, Scone Literary Festival, Highland Games and events held at White Park. The motel would help to address the current shortage of accommodation that occurs when these events are being held.

The proposal is consistent with Direction 23 as it will support the long-term viability of Scone as a strategic centre of the Upper Hunter region. As indicated by the Economic Impact Assessment the proposal will generate employment opportunities to support a growing population and will contribute to local economic growth.

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

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

CS13 “Implement and regularly review Strategic Land Use Plans, Environmental Planning instruments and Development Control Plans, which reflect the needs and expectations of the broad community”
CS19 “Encourage retail and commercial business to locate and prosper within our Shire”

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

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

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

**SEPP No 55 Remediation of Land**

Historically, the land has been used predominantly for rural (grazing) and residential purposes and there is no evidence of any contaminating activities having been carried out on the land. Council does not hold any information which suggests that the land is contaminated or is land specified in Clause 6(4) of SEPP No. 55. Should the rezoning proceed, the proponent has advised that a detailed contamination investigation would be carried out to confirm any base line contamination levels.

### SEPP (Infrastructure) 2007

The planning proposal will facilitate traffic generating development as prescribed by Schedule 3 of the SEPP. In accordance with Clause 104 of the SEPP, the consent authority, before determining a development application for the highway service centre and motel, must:

(a) give written notice of the application to RMS within 7 days after the application is made, and

(b) take into consideration:

(i) any submission that RMS provides in response to that notice within 21 days after the notice was given (unless, before the 21 days have passed, RMS advises that it will not be making a submission), and

(ii) the accessibility of the site concerned, including:

(A) the efficiency of movement of people and freight to and from the site and the extent of multi-purpose trips, and

(B) the potential to minimise the need for travel by car and to maximise movement of freight in containers or bulk freight by rail, and

(iii) any potential traffic safety, road congestion or parking implications of the development.

A traffic assessment report has been prepared for the proposal which concludes that the proposed development would have no impact on the operation of St Aubins Street, Aberdeen Street or Liverpool Street and will provide a safe and convenient rest area for traffic bypassing the Scone township and additional amenities for the residents of Scone. The planning proposal has been referred to RMS for comment, however, a response had not been received at the time of writing this report.
<table>
<thead>
<tr>
<th>Relevant SEPP</th>
<th>Consistency of Planning Proposal</th>
</tr>
</thead>
<tbody>
<tr>
<td>SEPP No. 33 Hazardous and Offensive Development</td>
<td>The establishment of a service station will require an assessment of the proposal under SEPP 33. A multi-level risk assessment of the proposal has been carried out which concludes that the societal risk associated with the storage of hazardous materials at the service station is negligible. Therefore, only a level one qualitative risk analysis is required (Preliminary Hazard Analysis). This hazard analysis has also been undertaken and accompanies the proposal. It is considered that the proposal satisfies the provisions of SEPP 33.</td>
</tr>
</tbody>
</table>

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

Each s9.1 Ministerial Direction is listed below with an annotation stating whether it is relevant to the Planning Proposal and confirming consistency.
<table>
<thead>
<tr>
<th>s.9.1 Direction Title</th>
<th>Applies</th>
<th>Consistency of Planning Proposal</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.1 Business and Industrial Zones</td>
<td>Yes</td>
<td>Direction 1.1 is not strictly relevant to the planning proposal (Option 2) as it will not affect land within an existing or proposed business or industrial zone. The proposal does not intend to change the RU4 zoning of the land but rather allow the establishment of a highway service centre on the land as an additional permitted use. Notwithstanding, the planning proposal is not inconsistent with the objectives of Direction 1.1 as the proposal will encourage employment growth in a suitable location, is unlikely to significantly impact on employment land in business and industrial zones and will support the viability of Scone as a strategic centre by capturing passing trade that would otherwise bypass Scone. It is noted that the proposal is not in accordance with a strategy that is approved by the Secretary of the Department of Planning &amp; Environment. However, the inconsistency with this particular term of the direction is considered to be of minor significance.</td>
</tr>
<tr>
<td>1.2 Rural Zones</td>
<td>Yes</td>
<td>The proposal does not seek to rezone land from rural to another zone but rather to enable the establishment of a highway service centre on the land as an additional permitted use. Nevertheless, the proposal will have minimal impact on the agricultural production value of rural land in Scone given that the development potential of the land for agricultural production is very limited due to its small land area, its proximity to existing residential development and the fact that it will be separated from other rural land by the Scone Bypass.</td>
</tr>
<tr>
<td>1.3 Mining, Petroleum Production and Extractive Industries</td>
<td>NA</td>
<td>Not Applicable</td>
</tr>
<tr>
<td>1.4 Oyster Aquaculture</td>
<td>NA</td>
<td>Not Applicable</td>
</tr>
<tr>
<td>1.5 Rural Lands</td>
<td>Yes</td>
<td>The planning proposal is inconsistent with Clause 4 of the Direction as it is not consistent with the rural planning principles listed in SEPP (Rural Lands) 2008. Notwithstanding, it is noted that SEPP (Rural Lands) 2008 has now been repealed and the inconsistency is considered to be of minor significance for the reasons given in the response to Direction 1.2 above.</td>
</tr>
<tr>
<td>2.1 Environment Protection Zones</td>
<td>NA</td>
<td>Not Applicable</td>
</tr>
<tr>
<td>2.2 Coastal Protection</td>
<td>NA</td>
<td>Not Applicable</td>
</tr>
<tr>
<td>2.3 Heritage Conservation</td>
<td>NA</td>
<td>Not Applicable</td>
</tr>
<tr>
<td>2.4 Recreation Vehicle Areas</td>
<td>NA</td>
<td>Not Applicable</td>
</tr>
<tr>
<td>3.1 Residential Zones</td>
<td>NA</td>
<td>No Applicable</td>
</tr>
<tr>
<td>3.2 Caravan Parks and Manufactured Home Estates</td>
<td>NA</td>
<td>Not Applicable</td>
</tr>
<tr>
<td>3.3 Home Occupations</td>
<td>NA</td>
<td>Not Applicable</td>
</tr>
<tr>
<td>s.9.1 Direction Title</td>
<td>Applies</td>
<td>Consistency of Planning Proposal</td>
</tr>
<tr>
<td>-----------------------------------------------------------</td>
<td>---------</td>
<td>----------------------------------</td>
</tr>
<tr>
<td>3.4 Integrating Land Use and transport</td>
<td>NA</td>
<td>Not Applicable</td>
</tr>
<tr>
<td>3.5 Development Near Licensed Aerodromes</td>
<td>NA</td>
<td>Not Applicable</td>
</tr>
<tr>
<td>4.1 Acid Sulfate Soils</td>
<td>NA</td>
<td>Not Applicable</td>
</tr>
<tr>
<td>4.2 Mine Subsidence and Unstable Land</td>
<td>NA</td>
<td>Not Applicable</td>
</tr>
<tr>
<td>4.3 Flood Prone Land</td>
<td>Yes</td>
<td>A Flood Assessment of the planning proposal has been undertaken by GHD which involved modelling of the pre and post bypass scenarios. The assessment has been peer reviewed by an independent consultant commissioned by Council. The peer review identified a number of issues with the assessment particularly in relation to the impact of the development on flood heights at nearby properties and the high residual flood risk issues regarding evacuation. The proponent has submitted a response to these issues including a flood emergency response plan. However, concerns remain in relation to the suitability of the site given its susceptibility to high hazard flooding and potential impacts to surrounding development. On this basis, further information needs to be provided by the proponent to demonstrate that the proposal is consistent with the terms of Direction 4.3.</td>
</tr>
<tr>
<td>4.4 Planning for Bushfire Protection</td>
<td>NA</td>
<td>Not Applicable</td>
</tr>
<tr>
<td>5.1 Implementation of Regional Strategies</td>
<td>NA</td>
<td>Not Applicable</td>
</tr>
<tr>
<td>5.2 Sydney Drinking Water Catchments</td>
<td>NA</td>
<td>Not Applicable</td>
</tr>
<tr>
<td>5.3 Farmland of State and Regional Significance on the NSW Far North Coast</td>
<td>NA</td>
<td>Not Applicable</td>
</tr>
<tr>
<td>5.4 Commercial and Retail Development along the Pacific Highway, North Coast</td>
<td>NA</td>
<td>Not Applicable</td>
</tr>
<tr>
<td>5.9 North West Rail Link Corridor Strategy</td>
<td>NA</td>
<td>Not Applicable</td>
</tr>
<tr>
<td>5.10 Implementation of Regional Plans</td>
<td>Yes</td>
<td>The planning proposal is consistent with the Hunter Regional Plan as discussed in Section B4 of this planning proposal report.</td>
</tr>
<tr>
<td>6.1 Approval and Referral Requirements</td>
<td>NA</td>
<td>Not Applicable</td>
</tr>
<tr>
<td>6.2 Reserving Land for Public Purposes</td>
<td>NA</td>
<td>Not Applicable</td>
</tr>
<tr>
<td>6.3 Site Specific Provisions</td>
<td>Yes</td>
<td>The planning proposal is consistent with the terms of Direction 6.3 as it will allow a land use without imposing any development standards or requirements in addition to those already contained in the Upper Hunter LEP 2013.</td>
</tr>
<tr>
<td>7.1 Implementation of the Metropolitan Strategy</td>
<td>NA</td>
<td>Not Applicable</td>
</tr>
</tbody>
</table>
SECTION C – ENVIRONMENTAL, SOCIAL AND ECONOMIC IMPACT

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

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

The site has been previously developed for rural/residential purposes and as such is significantly disturbed.

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

There will be a range of environmental impacts associated with future development of the site including flooding, noise, traffic, lighting, visual, stormwater and minor vegetation removal. Most of these issues have been considered as part of the planning proposal and a more detailed assessment of these impacts will be undertaken at the development application stage.

Noise

The noise impact assessment accompanying the application considers noise from various sources associated with the proposed development including mechanical plant, traffic and loading/unloading activities. The assessment predicts noise levels at nearby receivers and makes recommendations in relation to hours of operation, deliveries, waste collection, acoustic treatments to mechanical plant, location and orientation of external speaker boxes and erection of acoustic barriers around restaurant drive-thru. The noise assessment concludes that the site is suitable for the intended purpose providing the recommendations outlined in the report are incorporated into the design. With these or equivalent measures in place, noise from the site will be either within the criterion or generally below the existing noise levels in the area for the majority of the time. Provided the recommendations presented in the report are implemented, noise emissions from operation of the site will not have any long term adverse impact upon the acoustical amenity of nearby residents.

Traffic

A traffic assessment report has been prepared for the proposal which considers the impact of the proposed development on the operation of the local road network, taking into account the existing traffic environment and the Scone Bypass. In terms of traffic generation, the proposed highway service centre development is estimated to generate approximately 427 trips in the morning peak period and 694 trips in the evening peak period based on traffic generation data in the RTA Guide to Traffic Generating Developments. Most of those trips are likely to be from passing traffic travelling along or accessing the Scone Bypass via a new seagull intersection with St Aubins Street, likely to be at least 90% of passing traffic on the Scone Bypass. That is, 342 trips in the morning peak and 555 trips in the evening peak are likely to be from traffic travelling along the Scone Bypass.

The proposed development will provide a total of 159 car spaces (including 5 accessible spaces) plus 5 waiting bays for the two take-away food outlets, separate parking for 3 B-Doubles and 5 caravans. The parking provision will exceed the car parking requirement based on Upper Hunter Council’s DCP 2015, Part 12, by 59 spaces.

The report recommends the proposed highway service centre as being a suitable development on the site as it would have no impact on the operation of St Aubins Street, Aberdeen Street or Liverpool Street and will provide a safe convenient rest area for traffic bypassing the Scone township and additional amenities for residents of Scone.

As noted in an earlier section of this report, the planning proposal has been referred to the RMS for comment and a response is yet to be received.
Flooding

The site of the proposed rezoning is flood prone and subject to inundation in the 1% AEP event. Accordingly, a flood assessment has been undertaken by GHD to support the planning proposal. The assessment considered the impact to flood levels following the development of both the bypass as well as the service centre development combined.

The flood assessment shows that the proposed highway service centre does not adversely affect the existing flood level or above either the existing pre-development flood level or the approved post bypass flood level. The proponent submits that the proposed service centre development does NOT increase flood levels at surrounding dwellings compared to existing levels and will have no significant negative impact.

The assessment has been peer reviewed by an independent consultant commissioned by Council. The peer review identified a number of issues with the assessment particularly in relation to the impact of the development on flood heights at nearby properties and the high residual flood risk issues regarding evacuation. The proponent has submitted a response to these issues including a flood emergency response plan. However, concerns remain in relation to the suitability of the site given its susceptibility to high hazard flooding and potential impacts to surrounding development. In this regard, further information needs to be submitted in order for Council to be satisfied that the flood impacts associated with the proposed development are acceptable.

Stormwater Drainage

A concept Stormwater Management Strategy has been developed for the site by Northrop Engineers. The following outcomes in regard to stormwater management are reflected in the report:

- Sedimentation and erosion controls will be implemented during the construction phase of the development. In this regard, it is noted that earthworks across the site will involve filling to an average depth of 1.2 metres. The maximum fill depth is two metres with minor areas of cut, less than 0.5 metres to facilitate stormwater conveyance.

- With regard to water quality, runoff from areas exposed to fuel dispensers and refuelling points will be conveyed to a proprietary device to provide hydrocarbon removal. Clean runoff is then to be discharged to the stormwater system.

- A Water Sensitive Urban Design Strategy has been developed for stormwater runoff from hardstand areas of the development to provide pollutant removal prior to stormwater discharge from the development.

Amenity

A 15 metre minimum setback to Aberdeen Street is provided to any car parking on the site. Extensive landscaping and screening is proposed over the front 5 metres of the site. Proposed landscaping details are incorporated in the landscape plans accompanying the planning proposal.

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

An Economic Impact Assessment has been undertaken by Hill PDA to support the planning proposal. The assessment concludes:

"the proposed Highway Service Centre with a motel and restaurant on the future bypass of Scone is expected to contribute a number of economic benefits in the locality of Scone township and in the wider local government area. Economic impacts, both positive and negative, which are likely to be brought about by the development are summarised as follows:"

- Total capital investment associated with the proposed development is estimated to be in the order of $10m.
- Construction on site would provide 24 job years directly on site and 69 indirect (or flow on) job years in the wider Australian economy.
A further 91 jobs would be provided in retail, hotel operations and food services of which around two thirds would be part time and casual workers.

Total salaries of the workers would amount to $2.04 million per annum (constant 2017$).

Industry value added (contribution to the local economy) would amount to $3.2 million each year.

Visitor expenditure would be derived from the motel. Some $1.2 million per year would be captured in room revenues, while food and retail expenditure from overnight visitors would total a further $1 million per year.

The fast food restaurants and service station will capture around $13 million each year in total retail sales.

Negative impacts on Scone are not likely to be significant and if there are any, would largely be the result of the bypass itself rather than the Highway Service Centre.

Once the bypass is opened, the opportunity will exist for Scone to capture a share of highway expenditure that would otherwise bypass the town, moving onto other highway service centres to the north and south of the shire.

Any adverse impacts on Scone businesses will diminish over time with growth in traffic and tourism in the area.

The proponent submits that the positive economic benefits associated with the proposed rezoning will have associated positive social impacts through the retention of employment opportunities within the shire.

SECTION D – COMMONWEALTH AND STATE INTERESTS

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

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

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

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

PART 5: COMMUNITY CONSULTATION

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

PART 6: PROJECT TIMELINE

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

The anticipated timeframe for the proposed amendment to the Upper Hunter Local Environmental Plan 2013 from submission of the proposal to NSW Planning and Environment to gazetted of the LEP amendment is eleven (11) months.
PROJECT TIMELINE

<table>
<thead>
<tr>
<th>STAGE 1</th>
<th>Community consultation</th>
</tr>
</thead>
<tbody>
<tr>
<td>STAGE 2</td>
<td>Report to Council</td>
</tr>
<tr>
<td>STAGE 3</td>
<td>Submit Planning Proposal to NSW Planning &amp; Environment</td>
</tr>
<tr>
<td>STAGE 4</td>
<td>Anticipated commencement date (Gateway Determination)</td>
</tr>
<tr>
<td>STAGE 5</td>
<td>Consultation – Community/Public Authorities</td>
</tr>
<tr>
<td>STAGE 6</td>
<td>Review/consideration of submissions to public exhibition</td>
</tr>
<tr>
<td>STAGE 7</td>
<td>Report to Council</td>
</tr>
<tr>
<td>STAGE 8</td>
<td>Finalise the Local Environmental Plan using Minister's plan making delegations.</td>
</tr>
</tbody>
</table>

Planning Proposal 1/2013

Page 16 of 17