

## **Proposed Maclean Highway Service Centre - Submissions analysis -**

### **Planning Proposal REZ2020/004**

A total of 7 submissions have been received. 1 in support (with qualifications) and 6 raising concerns about the potential impacts of a highway service centre in this location. The key issues raised include:

- The need for promotion of the Maclean/Clarence Valley within the new service centre, as this may be the only stopping point for visitors
- The need to make the Highway Service Centre an attractive place with landscaping and treatment consistent with the 'gateway' to Maclean and the Clarence Valley
- Concern about flooding impacts on nearby properties and nearby roads and access
- Concern about potential impacts on the environment from spills and contaminants associated with the highway service centre
- Stormwater treatment and the need to incorporate best practice water sensitive urban designed stormwater quality
- Potential precedent for rezoning and development in this vicinity
- Potential impacts on nearby residents from light (both service centre and trucks/vehicles) along with noise from braking and accelerating trucks, especially through the 24/7 operation.
- Concern about the proliferation of fast-food outlets and associated impacts on health and wellbeing of residents and the nearby high school, obesity, roadside littering and the like

Each of these issues raise legitimate concerns that need to be addressed before the proposed highway service centre should be allowed to be constructed. However, the concerns raised have either been addressed through the information provided and assessed by Councils Engineers, Water Cycle section (flooding), Transport for NSW, Environmental Protection Agency (EPA) or Councils Trade Waste Officer, or will be addressed through development application stage. The concerns have been raised with the applicant and they are confident they can be addressed at the DA stage. Council officers will continue to work with the applicant to ensure the best possible outcomes for the Clarence Valley for this important 'gateway' or 'window' into the Clarence Valley for passing traffic.

Councils existing LEP, particularly the RU2 Rural Landscape zone provisions, together with our Rural Zones Development Control Plan (DCP), and Councils more recent Local Strategic Planning Statement (LSPS), provide regulatory direction regarding the need for landscaping, aesthetic treatment, environmental protection and considerations of noise, lighting, flooding, contamination and other planning matters. There is also a requirement to consider the

proliferation of fast food outlets and ensure the detailed design makes the most of the opportunity to tell the story about the Clarence Valley to those visiting the Highway Service Centre, rather than just left with a “Big M” impression of what Maclean and the Clarence Valley stand for.

Below is a copy of the submissions in full and an officer comment and Council recommendation:

No.	Support or oppose	Submitter and Issues Raised	Office comment & Recommendation
1	Support	<p><b>Denise Worrill – Cameron Street, Maclean</b></p> <p>I think it is most important that this proposal goes ahead, otherwise most highway travellers will just drive straight past our area without stopping. This proposal will put a significant piece of infrastructure in our area and inject an identity into the highway position. It will also create employment positions, particularly to our youth.</p> <p>The only problem would be that visitors to the service centre could never realise that our town was actually just beyond the hill. Indeed, as most people are right-handed, and also think most people live on the beach side of the highway, there would need to be significant tourist information provided at the service centre to make people realise the town is there.</p>	<p>Agree – there are some advantages to providing infrastructure at the Maclean South Interchange, as per the Ministers Directions. Councils Economic Development and Planning teams will work with the developer to make the most of these opportunities</p> <p><b>Recommend no change to the planning proposal – details will be considered with any development application</b></p>
2	Oppose	<p><b>Peter Maslen – King Parrot Parade, Gulmarrad</b></p> <p>Due to the poor public notification having only found out about it through Clarence Valley Council's Noticeboard today, this submission is very superficial. I have not had a response to my request for an extension. I will submit a more comprehensive submission next week when I have read the extensive reports.</p> <p>My main concerns are:</p> <ol style="list-style-type: none"> <li>1. stormwater treatment prior to discharge from the site using contemporary water sensitive urban designed stormwater quality improvement devices; and</li> <li>2. landscaping around the site to rehabilitate the wetlands and screen the site (given the inadequacies of the state's habitat offset policy which results in a net loss of native vegetation this is an opportunity to redress the local losses).</li> </ol>	<p>Officer discussions with Mr Maslen have confirmed that a further submission will not be made. The two points made have been discussed productively and agreed that any future development application needs to address these issues.</p> <p>Comments from the EPA and Councils Trade Waste Officer have raised the same issue, and these will be required at the DA stage.</p> <p>Agree – the site is one of the ‘gateways’ to Maclean and within the RU2 Rural Landscape zone and appropriate landscaping will need to be detailed at the DA stage.</p>

			<b>Recommend no change to the planning proposal – details will be considered with any development application</b>
3	Oppose	<p><b>Rob Jones – 5208 Bug River Way, Gulmarrad</b></p> <p>Thank you for writing with the opportunity of commenting on the Planning Proposal for rezoning of land for the new Maclean Service Centre. I've attempted to read the materials but as you can imagine its quite a task for someone not involved in this type of work on a regular basis.</p> <p>My primary concern is that the rezoning of this lot will lead to other applications for similar rezoning within the Edwards Creek catchment and potential future impacts on flood behaviour.</p> <p>While the documentation argues that the filling of the site will have negligible impact on flood flows and levels, if multiple future developments involve the relocation of up to 80,000 cubic metres of spoil to achieve a flood free floor height, at some point it will have a negative effect on the basin's capacity to hold and absorb flood waters. I note the documentation is based on modelling and it is in good faith that we accept that these predictions are correct, but as the nearest neighbour to the Edwards Creek outlet, I am naturally concerned that any development within the basin may lead to deep and more long-lasting flood waters on my land. I note also the documentation acknowledges the drainage gates on Edwards Creek only relieve flood waters from the flood plain once river levels drop low enough to allow the gates to open. Given we already have a sea level rise of 20cm, with further rises predicted in our lifetime, flood water retention and increased flow rates under higher loads is a concern.</p> <p>I also note the preliminary descriptions of the Service Centre mention hydrocarbon capture technologies and sediment basins as mean to prevent the escape of contaminated water from the site. It's interesting though, that the fueling areas and pavements will be lower in height and more frequently at risk from flooding. My concern here is that these systems may become compromised in a flood event and lead to contamination of surrounding lands, including my own.</p>	<p>Ministerial Local Planning Direction 5.4 - <i>Commercial and Retail Development along the Pacific Highway, North Coast</i> provides direction to local councils and a table of suitable locations for new service centres where these are 'out of town' and not already zoned for urban uses. This list includes Maclean (southern interchange). Further rezoning or development of the RU2 zone in this vicinity is unlikely, given the low demand and potential issues with surrounding sites, environmental impacts and costs involved in upgrading roads, infrastructure and overcoming flooding and other issues.</p> <p>Refer to comments above. If any future development is proposed the cumulative impacts will be considered. Advice from Councils Engineers have confirmed that there will be negligible impacts on surrounding land.</p> <p>Advice from the EPA and Councils Environmental Health Team have not raised any concerns and they are confident the issues will be properly considered and addressed at the DA stage, including any impacts from a major flood.</p>

		<p>From what I can determine, the Planning Proposal is the first step in the approvals process with a DA to follow that will provide further specific details of the actual development. If this is the case, I'm hoping that this latter stage will address issues around truck noise and light pollution. There is a significant difference in noise between passing traffic and the slowing of b-double trucks as they enter the off-ramp to the north of my property, often using exhaust breaks, and the additional noise as they travel over to Goodwood St. With the precited number of vehicles and opening of the service station 24 hours a day, it's likely that this additional noise will become an annoyance if not intolerable. It would be good to see this addressed properly with noise studies and abatement plans. I am also concerned about the levels of light possibly emitting from the floodlight car parks and signage and whether that will be visible into my house of a night and what amelioration might be planned for that for myself and other surrounding homes.</p>	<p>Correct. Concerns about noise, light from vehicles and the service centre and other impacts will be considered in detail at the DA stage.</p> <p>Noise studies and abatement plans will be required with the DA.</p> <p><b>Recommend no change – details will be considered with any development application</b></p>
4	Oppose	<p><b>Jeremy Hare</b></p> <p>I would like to make a submission in regard to the above proposed development. My wife and I have recently bought a block of land at the other side of the highway and are planning to build a small home there. We are both concerned that with a new service station:</p> <ul style="list-style-type: none"> <li>❖ there will be more localised traffic</li> <li>❖ there will be more compression braking noise coming from vehicles using the roundabout to access the service centre</li> <li>❖ there will be more pollution in the area due to patrons potentially discarding rubbish</li> <li>❖ there will be an increase in noise and air pollution I am happy to talk through these issues with you.</li> </ul>	<p>Additional impacts from traffic and noise will be considered in more detail at the development application stage.</p> <p><b>Recommend no change to the planning proposal – details will be considered with any development application</b></p>
5	Oppose	<p><b>Greta Boyd</b></p> <p>I am writing to express my concerns over the Planning Proposal to facilitate a highway service centre as an additional permitted use on Lot 2 DP 634170, Schwonberg Street, Townsend. My property 64 Jubilee Street, Townsend, Lot 8/816172 borders the proposed site and I wish to bring my concerns to the submission. While I have no issue with the expansion of development in the council area, I do have huge concerns about the prehistoric infrastructures that are</p>	<p>The assessment by Councils Engineers and Water Cycle team have confirmed that the proposal will be able to be adequately serviced, without compromising the nearby owners or the environment. There are multiple ways of addressing</p>

	<p>continued to be used for areas they were never designed. These infrastructures are under huge amounts of pressure and are not being upgraded or even maintained to comply with the vast rate of new developments going in.</p> <p>Number one concern is the issue of water/drainage management on the Clarence Valley Council and Flood Litigations behalf. The drainage systems are prehistoric and the refusal of the Councils' behalf to maintain or upgrade them to deal with the new planning developments is inadequate. Originally cane drains are now expected to maintain drainage water flows in higher proportions from new developments that never existed when these systems were first designed and built.</p> <p>If new housing allotments and developments are going to be added to this prehistoric drainage system that drainage system also needs to be upgraded and maintained to meet the new requirements of more drainage water being pushed down this system. The people behind the new developments also need to take this on board and work with council in the cost and development of upgrades to the existing systems so that they work in accordance with the new proposal.</p> <p>The drains that border each side of Schwonberg Street have never been maintained and are now pretty much non-existent and full of fully grown trees and weeds which continually fall over onto fencing because they are continuously rotting in water. This water will not drain because of Flood Litigations flood gate that is also not maintained and not working correctly to allow flood water to drain out which adds to the issue of water constantly laying on the site for longer than necessary. The flood gate, which is not functioning and has no access to be manually operated, which is located adjacent to the back corner of my property on Goodwood Street, Townsend lets water flow back through from Edwards Creek into the drain along Goodwood Street which then fills the 'drains' along Schwonberg Street which in turn then floods the existing properties surrounding including the new proposed development.</p> <p>I have concerns if there is fuel that is to be kept on site it will then leach into this water system and become a toxic threat in the water ways. The waterways around this site now are full of toxic levels of Sulphuric Acid amongst many other high levels</p>	<p>the concerns which can all be considered in detail at the development application stage.</p> <p>Refer to comments above.</p> <p>Refer to comments above.</p>
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	<p>of damaging toxins to the waterways. The water in the drains around this site is bright orange and eats through metal as quick as anything and as soon as it gets into the waterways it causes fish kills in the waterway system. This water in these drains and on this site needs to be tested and addressed so they can return to healthy systems. The site is also the prehistoric water/sewer treatment plant which leaches old toxins into waterways because of flood waters sitting there for vast periods of time. This also needs addressing.</p> <p>This toxic problem is added to by the continuing illegal dumping of rubbish along Goodwood Street that is also never addressed. The flood waters and runoffs will exit through this prehistoric drainage system and not through the new drainage systems set up by the Pacific Highway as the water levels have to be a certain height to use their system leaving all the excess water to sit around trying to escape through the old rundown system.</p> <p>The road is also an issue along Schwonberg Street, I am assuming it will have to be used as a secondary emergency exit. At the minute trucks are dumping excess mud onto the road making it hard for vehicles to then access Goodwood Street. The road is never maintained or graded and at the beginning off Jubilee Street the drains are not functioning properly to cope with the stormwater runoff from the new housing developments that have gone in recently and over the years. The water runs across Jubilee Street gets stuck in the drain in Schwonberg Street that is not able to cope with the amount of water going down it. So the water then runs across the top of Schwonberg Street and into a non-existent drain on the other side of the road where it sits because it cant get away. Schwonberg Street is damaged from this and vehicles have to drive off the road into the nature strip to avoid water and potholes that are continuously getting bigger because nothing is ever addressed.</p> <p>Goodwood Street is cut in half where water flows through so no exit is possible through to Brooms Head Road. In the last 2 years Schwonberg and Goodwood Streets as well as the proposed site have been under 2 feet of water numerous times. This water takes months to drain because they use the old system with the non-functioning floodgate on Goodwood street. What will happen in these periods</p>	<p>Advice from the EPA and Councils Environmental Health Team have not raised any concerns and they are confident the issues will be properly considered and addressed at the DA stage, including any impacts from a major flood.</p> <p>Consideration of the use of Schwonberg Street will be addressed at the DA stage. It is unlikely that access along Schonberg street will be encouraged and an alternative 'emergency' access is not required.</p> <p>Agree, however this is not a concern for the planning proposal.</p>
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		of flood – the roads will not be able to be accessed and there will be no secondary access from the new site. Will they be built up?	<b>Recommend no change to the planning proposal – details will be considered with any development application</b>
6	Oppose	<p><b>Christine Hopes – Platers Road, Gulmarrad</b></p> <p>Planning for drive through fast food from two outlets? You don't have to be a genius to figure out that will end up as McDonald's and KFC and the consequences are - further obesity, roadside littering and tired drivers on the road. Is this the best today's planners can come up with? The purpose of a service centre is to get drivers to stop. Why put in drive through? especially for both restaurants. There must be an impact study which compares these drive through outlet provision to non drive through in regard to driver rest. People are fundamentally lazy and instead of stopping and resting will use the drive thru and eat on the road and toss it out the window. Do not create a preventable problem.</p>	<p>Agree. The development application will need to further consider the appropriateness of a drive thru.</p> <p>There are numerous Council policies, such as the LSPS, which require consideration of the proliferation of fast-food outlets and their impacts.</p> <p><b>Recommend no change to the planning proposal – details will be considered with any development application</b></p>
7	Oppose	<p><b>R &amp; P Osmond – Cameron Street, Maclean</b></p> <p>Given the amount of filling that would be required to raise the site to meet the 1 in 100 year flood level, this will no doubt increase the amount of water that will flow through Maclean and on down the river to other populated areas</p> <p>The increase in noise that will be generated 24/7 from this enterprise will affect us and other residents in the vicinity. Currently our way of life has been significantly impacted by the construction and opening of the M1. In our opinion the Service Centre development would add considerably to that.</p> <p>Another issue from us from this proposed 24/7 enterprise will be amount of light from the enterprise itself and vehicles at night who enter and exit the site on the eastern side of our home.</p>	<p>Refer to comments above, Councils Engineers have not raised concerns.</p> <p>As noted above, noise and other impacts will be considered in detail at the DA stage.</p> <p>As noted above, light and other impacts will be considered in detail at the DA stage.</p> <p><b>Recommend no change to the planning proposal – details will be considered with any development application.</b></p>

## Advice from Transport for NSW

I refer to Clarence Valley Council's referral from the NSW Concurrence and Referrals Portal of 10 August 2021 requesting comment from Transport for NSW (TfNSW) in relation to the abovementioned proposal. Roles and Responsibilities Our key interests are the safety and efficiency of the transport network, the needs of our customers and the integration of land use and transport in accordance with Future Transport Strategy 2056.

The Pacific Highway (HW10) is a classified (State) road under the. Clarence Valley Council is the Roads Authority for all public roads (other than freeways or Crown roads) in the local government area pursuant to Section 7 of the Roads Act 1993. TfNSW is the Roads Authority for Freeways and can exercise roads authority functions for classified roads in accordance with the Roads Act. Any proposed works on a classified (State) road will require the consent of TfNSW and consent is provided under the terms of a Works Authorisation Deed (WAD) or other suitable agreement as required by TfNSW.

The Minister for Planning's Direction No. 5.4 under Section 9.1 of the Environmental Planning and Assessment Act 1979 relates to Commercial and Retail Development along the Pacific Highway, North Coast. In accordance with this Direction, a Highway Service Centre may be permitted at the Maclean interchange provided that Transport for NSW is satisfied that the highway service centre(s) can be safely and efficiently integrated into the Highway interchange at that location. In accordance with Clause 104 of State Environmental Planning Policy (Infrastructure) 2007 (ISEPP), TfNSW is given the opportunity to review and provide comment on the subject development application as it meets the requirements under Schedule 3.

TfNSW has reviewed the Planning Proposal and provides the following comments to assist the consent authority in making a determination;

1. TfNSW understands that the planning proposal is for a schedule 1 additional permitted use enabling consideration for a Highway Service Centre on the subject land. The proposed Highway Service Centre will include three restaurants and the overall floor space will be in the order of 900m<sup>2</sup>. The premises will operate 24 hour 7 day a week services and will provide parking capacity for at least 25 heavy vehicles. The preliminary Traffic Impact Assessment (TIA) suggests that the Maclean interchange is suitably designed and has sufficient capacity to accommodate the demands generated by the development. TfNSW considers the Planning Proposal is generally consistent with TfNSW's Highway Service Centres along The Pacific Highway Policy and the Section 9.1 Direction 5.4(6).
2. TfNSW understands any future development application will need to include an updated TIA, which will be referred to TfNSW in accordance with Clause 104 of the SEPP Infrastructure 2007. TfNSW notes that the subject site is comparatively smaller than sites accommodating HSC uses along the Pacific Highway. Consideration will need to be given to the effective use of available space to manage conflict between light vehicles, heavy vehicles and pedestrians. TfNSW can be contacted for feedback during preparation of any updated TIA.



### Advice from NSW Environment Protection Authority (EPA)

Thank you for consulting with the NSW Environment Protection Authority (EPA) on the Planning Proposal to amend the Clarence Valley Local Environmental Plan 2011. This Planning Proposal seeks to facilitate a highway service centre as an additional permitted use on Lot 2 DP 634170, Schwonberg Street, Townsend (PP-2021-4130, REZ2020/004).

While the EPA does not have regulatory involvement in the Planning Proposal, we recommend that, should the amendment proceed, Council consider setting contemporary development controls for the development of the site to address the following potential issues:

**Air quality** – The site is in close to residential land-uses. Emissions should not adversely impact on human health and amenity and not result in offensive odour.

**Water quality** – The site is close to the Clarence River and wetlands. Service centres typically have large forecourt areas and best management practice in forecourt design can significantly improve environmental outcomes. All practical measures that could be taken to prevent, control, abate or mitigate water pollution and protect human health and the environment from harm should be considered and implemented where appropriate.

**Noise and vibration** – The impact of noise and vibration to protect the amenity and wellbeing of the community must be managed. Potential impacts should be minimised through the implementation of all feasible and reasonable mitigation measures.

**Waste management** – Any Development Application should estimate volumes of waste generated on the site and identify waste streams and disposal options for all waste including liquid waste, wastes classified as hazardous and wastes containing radiation. Waste management should consider the prevention of pollution, minimising resource use, improving the recovery of materials from the waste stream and ensuring the appropriate disposal of waste. The inundation of the site from flood waters should also be considered in relation to waste management.

**Land contamination** – The subject land is the site of the former Townsend Sewage Treatment Facility. EPA records indicate a Site Audit Statement, dated 21 June 2019 was prepared. The consent authority should be satisfied the land is suitable for the proposal or if further remediation is required. The EPA should be notified under section 60 of the Contaminated Land Management Act 1997 of any contamination identified that meets the triggers in the Guidelines on the duty to report contamination under the Contaminated Land Management Act 1997 found at [www.epa.nsw.gov.au/your-environment/contaminated-land/statutory-guidelines](http://www.epa.nsw.gov.au/your-environment/contaminated-land/statutory-guidelines) . The EPA has published guidelines (available at [www.epa.nsw.gov.au](http://www.epa.nsw.gov.au)) relating to the above issues to guide assessment of these matters. Guidelines that relate to the future use of the site as a highway service centre include:

- Practice Note Managing run-off from service station forecourts <https://www.epa.nsw.gov.au/-/media/epa/corporate-site/resources/contaminated-land/19p1681-practice-note-managing-run-off-from-service-station-forecourts.pdf>
- Standards and Best Practice Guidelines for Vapour Recovery at Petrol Service Stations <https://www.epa.nsw.gov.au/-/media/epa/corporate-site/resources/air/standards-best-practiceguidelines-vapour-recovery-petrol-service-stations-170157.pdf>
- Underground Petroleum Storage System Guidelines <https://yoursay.epa.nsw.gov.au/guidelines-underground-fuel-tanks>
- Environmental Action for Service Stations <https://www.epa.nsw.gov.au/~media/EPA/Corporate%20Site/resources/clm/2008552ServStations.ashx>

### Advice from Councils Trade Waste Officer

The initial comments provided by the Senior Environmental Officer indicated that service station forecourt wastewater be managed in accordance with the EPA's practice note "Managing run off from service station forecourts". This is ok but I'd like to advise the proponent specifically of Councils requirements when choosing the management method detailed in the practice note.

The practice note contains three options available for management. They include discharge to the environment via a Class 1 oil separator, discharge to sewer via a trade waste agreement, or, collection in a containment tank that is pumped out via vacuum truck when required with the contents disposed of at an appropriate facility.

Discharge to sewer is not permitted in regional areas including CVC since 2012. Discharge to the environment via pre-treatment equipment can become a regulatory burden with a reactive approach, ie, Council may not be able to act until a pollution event has occurred which is detrimental to the receiving waters. Another issue is ensuring the system has been maintained and is discharging wastewater of the quality that is allowed. Other issues include the quality of the receiving waters, (which, in this case is a wetland) and whether Council should allow levels of pollution be added to the environment. The class 1 separators do not remove all contaminants.

This has resulted in Council Officers considering the containment tank option as the preferred option in any recent service station upgrade or development. This ensures there is no discharge of pollutants to the environment.

Recent developments that have a containment tank system implemented include the BP Red Rooster Sth Grafton, BP Maclean (under construction), Caltex Halfway Creek (under construction), Shell Yamba, Nicholson Page Transport Townsend and the United Big River Roadhouse (not constructed).

Of note is the Shell Yamba. The development consent approved the containment tank option. The proponents were invested in discharging to the environment and installed a Class 1 oil separator in the hope that discharge would be approved via a modification application. The modification went to Council and Council voted in favour of the containment tank option. The class 1 oil separator remains in place but has a capped outlet.

Could you please include in the report and, also advise the proponent of Councils current practice with regards to this matter? Wording such as the following could be used:

*The initial proposal to discharge service station forecourt wastewater via a Class 1 oil separator (Spel Purceptor) to the stormwater system is not supported. Council requires that the wastewater from these areas be managed in accordance Section 4,a,3 of the NSW EPA's Practice Note - Managing run off from service station forecourts, which states: "A containment tank for later disposal. A minimum capture volume is required, being the greater of either; the capacity of the largest compartment of a delivery tanker using the service station or 9000 litres. The pit, tank or sump must have a high level audible and visual alarm fitted. Note: Contaminated water, sludge and oily residues collected in a blind pit, tank or sump is classified as liquid waste and must only be removed off site by a licenced waste transporter and disposed of at a facility lawfully able to accept liquid waste. A person who wilfully or negligently disposes of waste in a manner that harms or is likely to harm the environment is guilty of an offence under s 115 of the Protection of the Environment Operations (POEO) Act 1997."*

#### Department of Planning, Industry and Environment (Biodiversity and Conservation Division)

No response received

#### Yaegl Traditional Owners Corporation

No response received.