

Meeting notes & Questions on Notice

NSW Government – Independent Planning Commission review of Gateway Determination (refusal) re: ‘Additional Permitted Use’ to allow a Highway Service Centre, Lot 100 DP 1139447, Pacific Highway, Bulahdelah

Date	21 January 2020	Time	2pm
Venue	Bulahdelah School of Arts Hall, 76 Crawford Street, Bulahdelah		
Meeting organiser & record-taker:	NSW Government – Independent Planning Commission		
Present	<p>NSW Government Independent Planning Commission</p> <p>Commission Members: John Hann (Chair) Dr Peter Williams</p> <p>Commission Secretariat: Brad James, Senior Planning Officer Helen Mulcahy, Planning Director</p> <p>MidCoast Council: Richard Pamplin, A/Manager Strategic Planning Louise Morris, Strategic Planner</p>		
Agenda	<p>Introductions</p> <p>Opening Statement – Panel Chair</p> <p>Council views on the Planning Proposal</p>		

Meeting items

Item	Key points/actions
1	The meeting was recorded and a transcript made available on the NSW Independent Planning Commission’s website.
2	The Commission is primarily seeking comment on how Council’s position has changed, starting with the 2004 Great Lakes Highway Service Centre Strategy, which essentially prohibits Highway Service Centres within the previous Great Lakes Council area, up to the present day where MidCoast Council is supporting the Planning Proposal for a Highway Service Centre on the near the Highway at Bulahdelah.

3	<p>The Commission asked for details on the United Petroleum service station located on Lot 1 DP 558001, 1 Wootton Way, Bulahdelah. The land is owned by NSW Roads and Maritime Services (RMS) and the service station is visible from the highway.</p> <p><i>Council advised that the service station was operating under 'existing use' rights.</i></p> <p>Note: A subsequent check of Council's records show that the service station was closed during the construction of the bypass due to access issues. During this time United Petroleum paid a reduced lease fee (50%) to the RMS. This confirmed that there was always an intention to recommence trading once the bypass was complete and therefore established 'existing use' rights. This was supported by independent legal advice provided by United Petroleum and information from the RMS on the lease arrangements.</p>
4	<p>What community consultation was undertaken prior to the Gateway Determination being sought?</p> <p><i>Council advised that community consultation is not undertaken until after a positive Gateway Determination has been issued. This is because the determination can include specific requirements for public and other government agency consultation, as well as the potential for the Gateway being refused.</i></p>
5	<p>Given that Council has included details of a planning agreement that mitigates negative impacts of the highway service centre on the township of Bulahdelah, does Council feel that the proposed highway service centre will have an overall negative/positive impact or both positive and negative outcomes on the town?</p> <p><i>Council advised that it understands that there will be an overall net benefit of a HSC but that there will be some negative impacts, hence the need for a planning agreement to mitigate impacts.</i></p>
6	<p>There is more development proposed for the site than just the highway service centre, also mentioned is a brewery, tourist visitor accommodation and other residential opportunities. Has Council considered the proposal as a whole, or just the highway service centre?</p> <p><i>Council advised that while it is helpful to have a general overview for what the developer's intentions are for the whole site, the planning proposal specifically deals with the highway service centre and this is what Council has considered.</i></p>
7	<p>What evidence is there that the community has 'changed its opinion' to support the proposed highway service centre? Especially as it seems to the Commission that the positive sentiment is based more on the further development of the site rather than the highway service centre itself.</p> <p><i>Council attended community briefings held by the proponent which indicated a change in attitude from the community on this issue. The Councillors supporting the planning proposal application is also indicative of such a change.</i></p>
8	<p>Does Council feel that the negative impacts of the highway bypass has now been felt within the township of Bulahdelah and the community is looking for new economic opportunities?</p> <p><i>Council understands that the negative impacts of the highway bypass have concluded but that businesses will continue to change to adapt to market</i></p>

<p><i>opportunities. It is obvious to Council that the community supports additional economic activity and jobs.</i></p>
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Questions on Notice

1 Council to confirm number of service stations in Bulahdelah township pre-bypass?

Council's understanding is, there were 3 dedicated service stations operating in the town prior to the bypass and 1 associated with the Bulahdelah Cabin and Van Park. There are currently 2 dedicated service stations.

2 Council to confirm number of house boat operators pre and post bypass?

Council records show that there is currently one lease arrangement for use of the land along the waterway, this is for an associated business that services the houseboat rentals. Council understands that there were 2 house boat operators pre-bypass and currently there is 1. This may not be related to the highway bypass but due to unrelated issues such as the floods that occurred in recent years. Roads and Maritime Services are the managers of the waterway itself and should be consulted on current and past operators.

3 What date did Oliver's open in Bulahdelah township?

Council's records show that Oliver's commenced operation in December 2018.

4 Did Council attend the community meetings run by the Applicant?

These meetings were held prior to Council merging to form MidCoast Council. The then, Great Lakes Council, Manager of Strategic Planning attended both community meetings. The Senior Strategic Landuse Planner also attended the initial community meeting.