

Kings Forest – Service Station Modification Request (MOD 3)

○ Frequently Asked Questions

February 2017

Background

- The Kings Forest Concept Plan allows the development of up to 4,500 dwellings, with associated retail and commercial uses and environmental rehabilitation works at Kings Forest. The Stage 1 Project Approval (MP 08_0194) allows for:
 - bulk earth works across the whole site
 - residential subdivision of a particular area - Precinct 5 (refer to map)
 - the development of a rural supplies building in Precinct 1 and associated infrastructure works.
- On 23 September 2015, Project 28 Pty Ltd (the Applicant) lodged a modification request to the Stage 1 Project Approval (MP 08_0194 MOD 3). The modification request included replacing the previously approved rural supplies building in Precinct 1 with a 24 hours, 7 days a week, service station/food and drink premises. The proposal included six food tenancies, an outdoor dining area, two truck bowzers, eight car bowzers, car and dog wash, four pylon signs between 7.5-9.5 metres high and removal of the 10 metre vegetation buffer.

Why was the application refused?

- On 18 April 2016, the Department, as delegate of the Minister, refused the modification request. This was based on the following reasons:
 - potential increase in land-use conflicts
 - incompatibility between the increased bulk and scale of the development, and the local rural character
 - increased environmental impacts of the development, such as water, air quality, contamination, traffic and amenity.
- On 10 June 2016, the Applicant lodged a merit appeal against the Department's refusal in the Land and Environment Court (the Court).
- The appeal was referred by the Court for a section 34 conciliation process. The Minister for Planning entered the conciliation on the condition that he could consult with objectors to the development and Government agencies. This enabled the Department to consult with objectors, Council, the Environment Protection Authority, Department of Primary Industry, Rural Fire Service, Office of Environment and Heritage and Roads and Maritime Services throughout the conciliation.
- During the conciliation, the Applicant submitted additional information to address the Department's and stakeholder's concerns in relation to road safety and access, site suitability and environmental and amenity impacts such as noise, light spill, bushfire and impacts to the adjacent wetlands.

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What were the key outcomes from the conciliation process?

- After the conciliation process, the Applicant amended the proposed development by reducing the hours of operation, retaining the building footprint, retaining the 10 metre vegetation buffer to the north of the site and reconfiguring the site to minimise environmental impacts (further details are provided below).
- The amended proposal reduced the intensity of the development, addressed the key issues and included controls to manage the residual impacts.
- The Department prepared detailed conditions of approval that considered the amended proposal, and concerns and comments raised by objectors and government agencies.
- On 31 January 2017, the Court made an order approving the modification request (MOD 3) request, incorporating the draft conditions as amended during the appeal.

What consultation was conducted?

- Throughout the section 34 conciliation process, the Department consulted with objectors, Council, the Environment Protection Authority, Department of Primary Industries, Roads and Maritime Services, Rural Fire Service, and Office of Environment Heritage in relation to the Applicant's additional information provided, the amended proposal and the conditions of consent.

What are the key changes to the development?

- During the conciliation, the Applicant reduced the intensity of the development and made the following key changes to the proposed development:
 - reduction in the operating hours of the service station/food and drink premises, from 24 hours, 7 days a week, as originally proposed, to 6 am to 10 pm
 - reduction in the building footprint by 28 m² and removal of the roof top terrace to reduce bulk and scale of the development and to reduce noise and light impacts
 - retention of the 10 metre vegetation buffer to the north of the site to ensure land use conflicts are minimised
 - reconfiguration of the site to minimise impacts on the environment, such as removal of the two truck bowzers, relocation of the dog/car wash, relocation of car bowzers to ensure bushfire risks are minimised and deletion of two pylon signs
 - increased landscaping and reduction of hardstand to improve amenity and environmental impacts.

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What are the conditions of approval?

- The Court order includes the following conditions of approval to ensure the development is adequately managed and the impacts are minimised:
 - lights and signage to be switched off between 10.30 pm and 6 am to reduce amenity impacts
 - stringent noise limits, reduced operating hours for goods delivery, provision of waste collection and car vacuums, the car wash be designed with automatic doors to ensure noise is reduced and a noise audit be conducted
 - a road safety audit be conducted
 - a Stormwater Management System be designed and operated in accordance with Council's requirements and an additional groundwater well be installed and monitored to monitor any impacts on the adjacent wetlands
 - the design of the development must meet the *Planning for Bushfire Protection 2006* guidelines and the vegetation buffer include native rainforest species
 - spill kits be kept on the site at all times
 - waste management plan which includes a program for litter management be prepared.

What does the facility now look like?

- The site plan can be found in **Attachment 1**.

Where can I find information on the Development?

- To find out more you can:
 - go online to <http://majorprojects.planning.nsw.gov.au>
 - visit the Department's Information Centre, Level 22/320 Pitt Street, Sydney
 - call our Information Centre on 1300 305 695. If English isn't your first language and you require an interpreter, please call 131 450. Ask for an interpreter in your language and then request to be connected to our Information Centre on 1300 305 695
 - email information@planning.nsw.gov.au

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Attachment 1

