



STATEMENT OF ENVIRONMENTAL EFFECTS

Hungry Jacks Restaurant

Proposed Food & Drink Premises

Lot 4 DP 38230; Lot 5A DP 38704 & Lot 52 DP 517948

254-256 Goonoo Goonoo Road TAMWORTH NSW 2340

Revision: D

Project: C24 856

Report No: 184 Rpt



1.0 DOCUMENT CONTROL

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254-256 Goonoo Goonoo Road, Tamworth, NSW 2340.

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APPENDIX D: LANDSCAPE PLAN – CSO Engineers C24856 Sheet G02

APPENDIX E: TRAFFIC ASSESSMENT REPORT – Colston Budd Rogers & Kafes P/L Ref 12410/2

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APPENDIX G: WASTE MANAGEMENT PLAN – CSO Engineers Pty Ltd

3.0 INTRODUCTION

This Statement of Environmental Effects (SoEE) has been prepared by CSO Engineers on behalf of [REDACTED] to accompany a Development Application (DA) for Lot 4 DP 38230, Lot 5A DP38704 and Lot 52 DP517948, located at No. 254-256 Goonoo Goonoo Road South Tamworth, NSW 2340.

Development consent is sought for the construction and use of a food and drink premises in the form of a Hungry Jacks Restaurant. The following works are proposed:

- Demolition of existing buildings in Lot 4 DP38280.
- Construction works including:
 - Freestanding building (264m²) with 38 internal seats.
 - Carparking accommodating 19 vehicles (including 1 accessible space).
 - Drive-thru service lane accommodating twelve (12) vehicles.
 - Loading bay.
 - Site landscaping.
 - Signage.
 - Service infrastructure.
 - Other minor works as identified on the Architectural Plans attached as Appendix B.

To assist Council in the assessment of this development, this SoEE describes the site, its environs, and the proposed development, and provides an assessment of the proposal under the *Environmental Planning and Assessment Act 1979 (EP&A 1979)* and relevant Environmental Planning Instruments (State & Local). The following information and plans are provided:

- Site overview.
- Proposed development.
- Planning & Environmental assessment.
- Accompanying reports; and
- Design plans including:
 - Architectural Plans.
 - Service Plan.
 - Landscaping Plan.

Within this report, references to “the site” mean the land to which this DA relates, and “Council” refers to Tamworth Regional Council.

4.0 SITE OVERVIEW

4.1 Site Details

- Property Identification: Lot 4 & 5A DP38704 and Lot 52 DP517948
- Property Address: 254-256 Goonoo Goonoo Road South TAMWORTH NSW 2340
- Registered Owner: [REDACTED]
- Applicant: CSO Engineers Pty Ltd
- Local Authority: Tamworth Regional Council
- Total Site Area: 1998.2 m² (Combined Lots)

A copy of the Deposited Plans is included as Appendix A.

4.2 Land Zoning

Under the provisions of the Tamworth Regional Local Environmental Plan 2010 (TRLEP 2010), the development site is zoned MU1 Mixed Use.

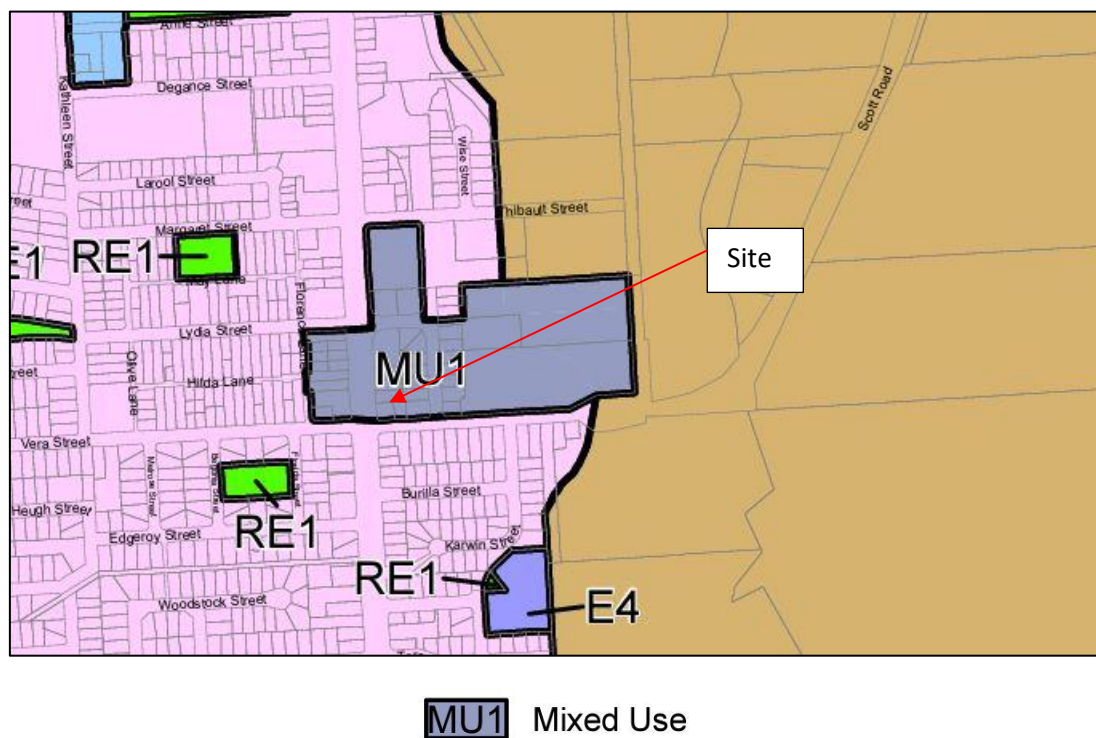


Figure 1 Land Zoning (Source; TRLEP 2010)

4.3 Property Description

The proposed development is located on the corner of Goonoo Goonoo Road and Scott Road in South Tamworth, approximately 3.0 km south of the Tamworth CBD.

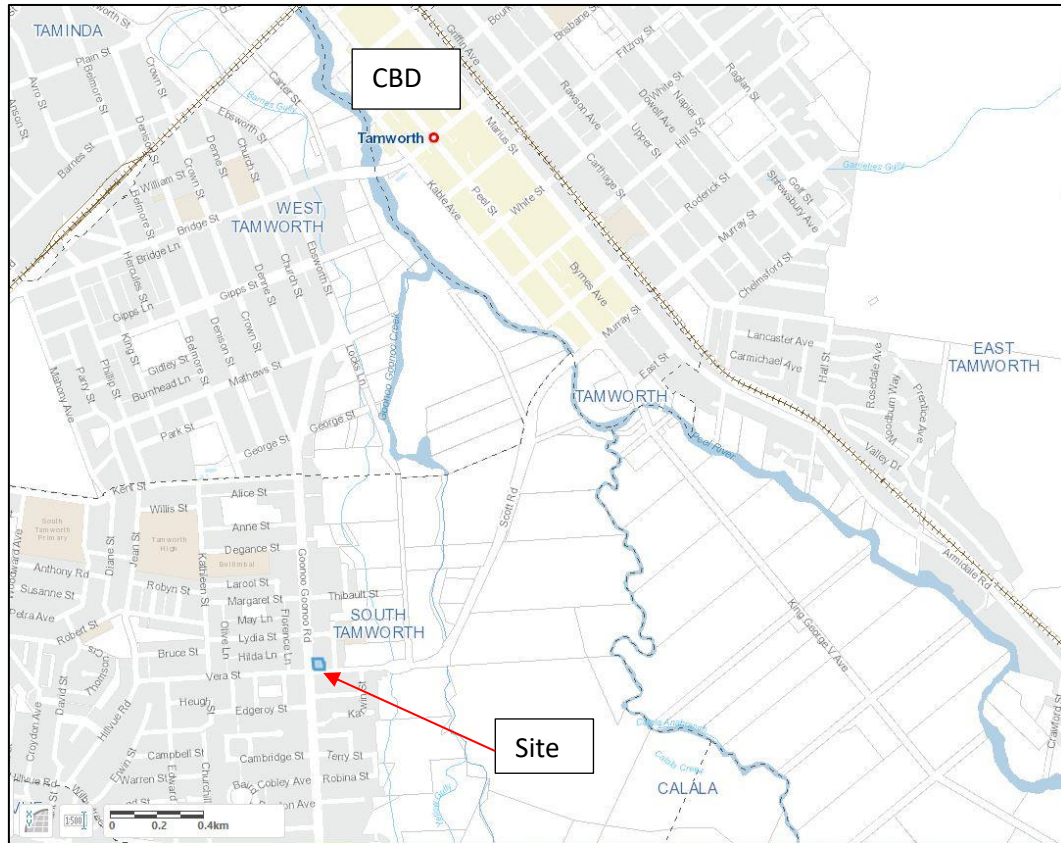


Figure 2 Site Location – 254-256 Goonoo Goonoo Rd South Tamworth (Source; TRC MYMAPS 09/09/24)

The site is surrounded by established residential development immediately to the north and east and south of Scott Road, and the Tamworth Central Motel is located to the west off Goonoo Goonoo Road (Refer Figures 3 & 4).

Lots 5A (DP38704) and 52 (DP517948) are currently vacant land while Lot 4 (DP38280) contains an existing dwelling consisting of a fibro clad building with a galvanised iron roof and a shed of similar construction. Access is provided to the lot via a concrete driveway off Goonoo Goonoo Road some 30 metres north of the roundabout.

The combined lots have frontages to both Goonoo Goonoo Road and Scott Road of approximately 42.1m and 43.0m respectively (Refer Figure 5 & 6).

Goonoo Goonoo Road and Scott Road form part of the New England Highway and are defined as ‘classified roads’ which are maintained by Transport for NSW (TfNSW).

Goonoo Goonoo Road is generally aligned in a north-south direction in the vicinity of the site and is a two-way divided road with two lanes in each direction. Scott Road is a two-way undivided road configured with one lane in each direction.

The Goonoo Goonoo/Scott Road roundabout is a two-laned intersection, and a speed limit of 60km/h applies. All residential streets surrounding the site are within 50km/h zones. A 1.2m pedestrian footpath is located around the frontage of all lots.



Figure 3: Aerial Photo – 254-256 Goonoo Goonoo Road South Tamworth (Source; Six Maps 09/09/24)

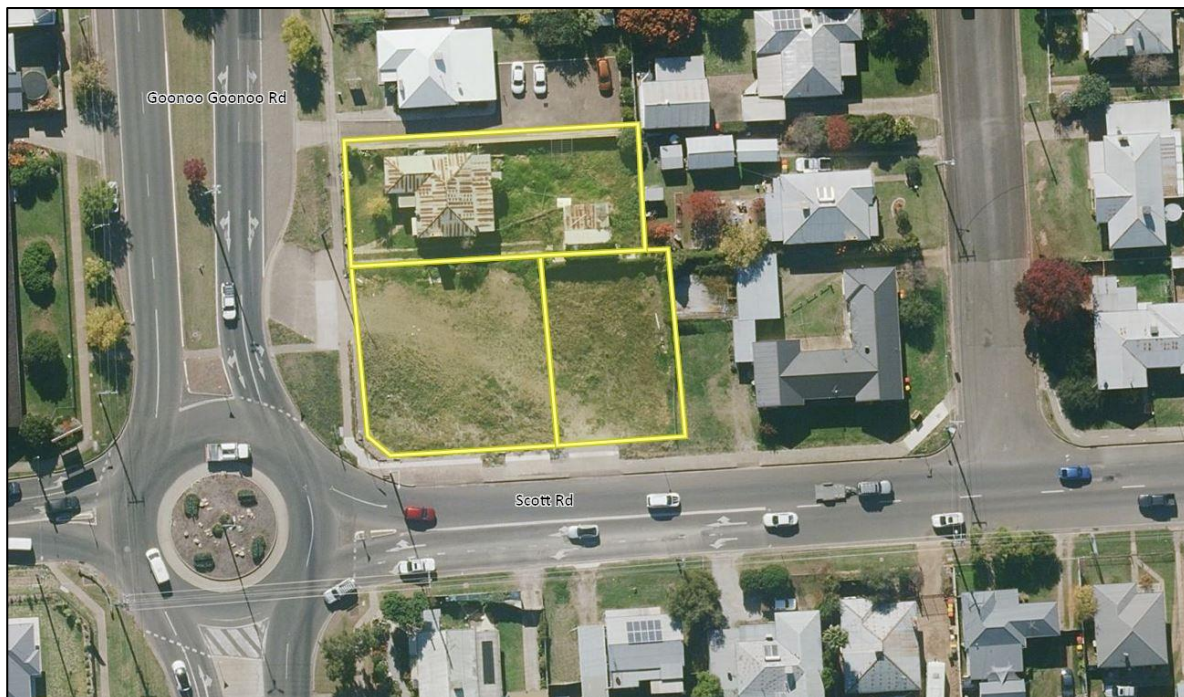


Figure 4: Aerial Photo – 254-256 Goonoo Goonoo Road South Tamworth (Source; TRC MYMAPS 09/09/24)

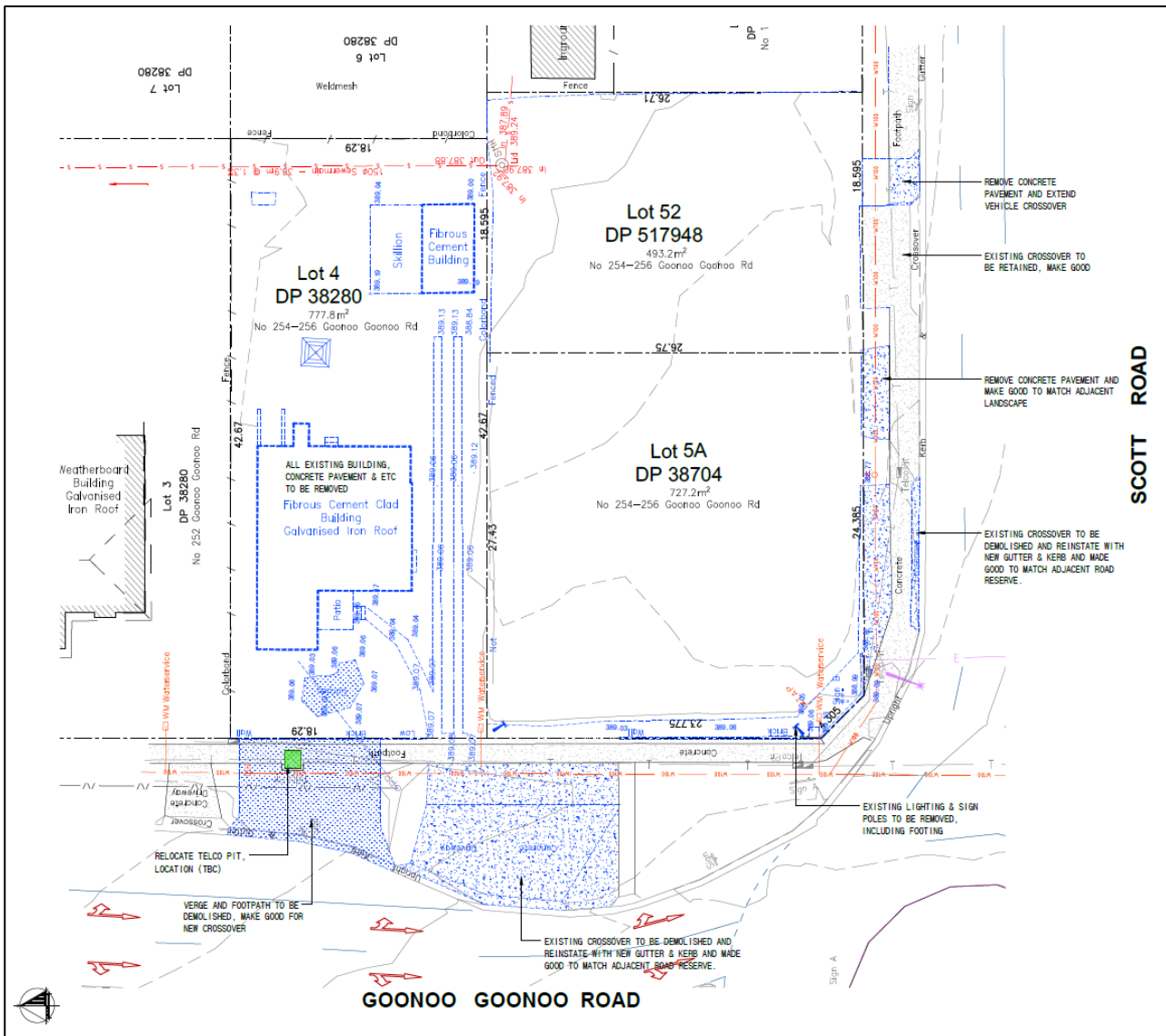


Figure 5: Site Plan - Corner of Goonoo Goonoo Rd & Scott Road South Tamworth.

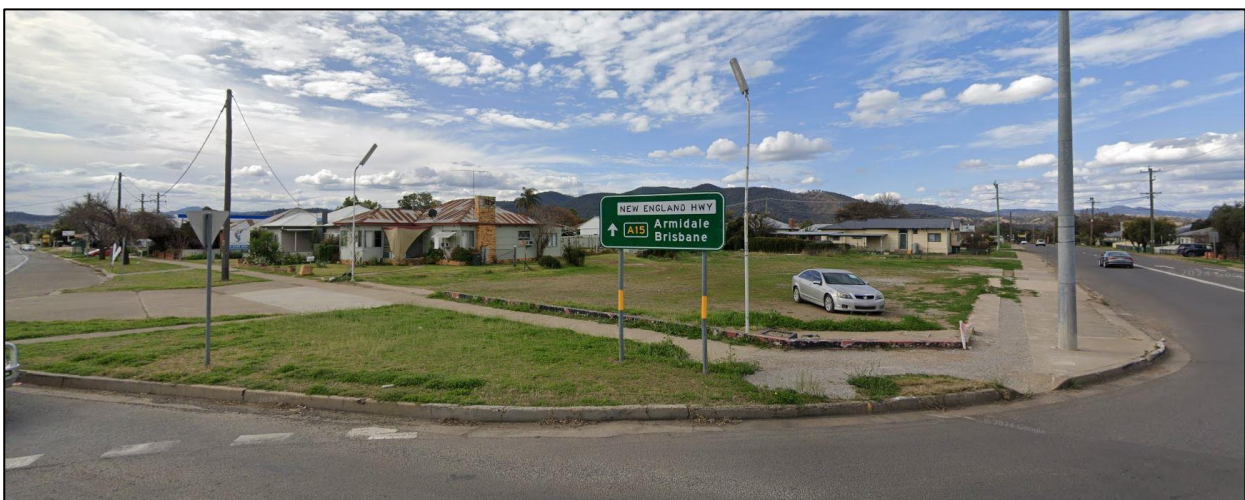


Figure 6: Site Frontage - Corner of Goonoo Goonoo Rd & Scott Road South Tamworth.

4.4 Site History

The subject site and surrounding area have been subdivided for residential development from the early 1900's. Historical photos (Refer Figures 7 to 9) show the site was developed for residential use up until approximately 1980 until Lots 5A and 52 were redeveloped for a service station. The existing dwelling in Lot 4 still exists and the service station was demolished, and the site rehabilitated around 2010. Lots 5A and 52 have since remained vacant.

A review of the NSW Environment Protection Authority public registers indicates the former service station site was notified with the NSW EPA under Section 60 of the *Contaminated Land Management Act 1997* (CLM Act). In accordance with the notification, the NSW EPA has completed an assessment of the contamination and decided that regulation under the CLM Act is not required.

In 2015, development approval was granted on the site by Council for the construction of a fast-food restaurant (Carls Jr.) with a drive through facility and access to Scott Road and Goonoo Goonoo Road in similar locations to that proposed in this report.



Figure 7. Aerial Photo 1976



Figure 8. Aerial Photo 1988



Figure 9. Aerial Photo 1998

4.5 *Topography and Drainage*

The site is generally flat and has been previously cleared for development such that there are no discernible topographical features or natural drainage systems.

Drainage from the previous commercial development in Lots 5A & 52 was sheet flow to the Scott Road kerb while the roof drainage from the residential building in Lot 4 is piped to the kerb in Goonoo Goonoo Road kerb.

Site contours are shown in Figure 5 and Architectural Plan Sheet DA01 in Appendix B.

4.6 *Flora and Fauna*

The site has been cleared of all native vegetation with previous commercial and residential development.

4.7 *Heritage*

4.7.1 Indigenous Heritage

A search of the Environment and Heritage AHIMS (Aboriginal Heritage Information Management System) has shown that there are no Aboriginal sites in or near (50m) of the subject site.

4.7.2 Environmental Heritage

A search of the *Tamworth Regional Local Environmental Plan 2010 Heritage Map* identified that the subject site is not deemed to have any Heritage classification.

4.8 Existing Site Servicing Infrastructure

Councils GIS Map of the site is reproduced in Figure 10. The following Council services are located on or near the site:

4.8.1 Sewer

A 150mm sewer main with an access manhole is located on the northern boundary of Lot 52 (DP 517948).

4.8.2 Water

A 100mm ductile water main is located in the Goonoo Goonoo Road and Scott Road frontage around the site. A hydrant is located along the southern boundary of Lot 5A (DP38704) in Scott Road.

4.8.3 Stormwater

There is no piped stormwater infrastructure in the roads surrounding the site. Stormwater generated from previous development drains to the roadside kerb as sheet flow.



Figure 10- Existing Servicing Infrastructure (Source TRC GIS Service 09/04/2024)

5.0 PROPOSED DEVELOPMENT

Development consent is sought for the construction and use of a food and drink premises in the form of a Hungry Jacks Restaurant. Hungry Jack's Pty. Ltd. are an Australian owned company and are highly experienced in the management and operation of fast-food restaurants since 1971. Currently it operates some 435 stores nationally.

The proposed development site plan is shown in Figure 11 below and in Architectural Plan Sheet DA02 included as Appendix B. Site works are to proceed in three stages comprising the following:

Stage 1: Demolition of the residential building and shed in Lot 4 DP 38280 and existing driveway crossovers on all sites.

Stage 2: Construction of new building, carpark, and associated infrastructure.

Stage 3: The frontage of the site is located within a Windfarm Transit Zone until 2027, the extent to of which is shown by the blue dashed in in Figure 11 below. Stage 3 will include the removal of concrete pavement and reinstating with landscaping and business signage after this transit zone expires.

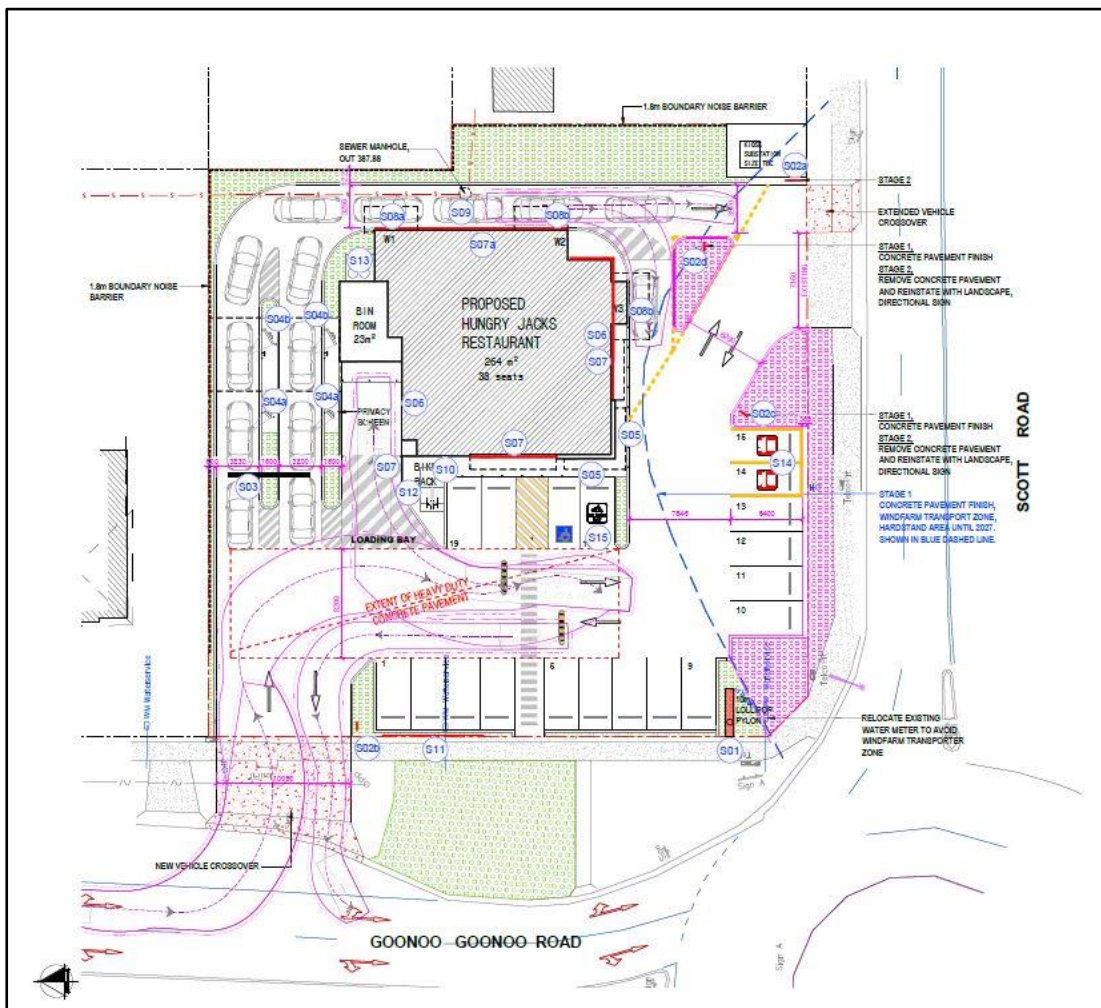


Figure 11- Proposed Development Site Layout

5.1 Site Demolition.

The extent of demolition works is shown in the Demolition Site Plan, (Sheet DA01 in Appendix B) and includes the removing the existing buildings in Lot 4 DP 38280 and redundant driveway crossovers to all lots.

Site demolition is to be carried out by a licenced contractor in accord with Safework NSW and *Australian Standard 2601- The Demolition of Structures*. The proposed demolition works will address erosion and dust control, the proximity to the adjoining landowners and the potential for recycling of and reuse of demolished materials if practical.

The existing dwelling is a timber framed structure with clad lining and an iron roof. The subfloor system is bearers and joists over piers and strip footings. Dwelling construction is estimated before 1987 and as such, there is a likelihood of the use of bonded asbestos products in building linings. Approximate quantities of demolition materials are provided in the Resource Waste management Plan included as Appendix G.

Prior to demolition works occurring, it is recommended an asbestos inspection audit be undertaken by a licenced asbestos assessor to determine the presence, type and amount of asbestos material used in the construction.



Figure 12- Existing Buildings in Lot 4 DP 38280

Should asbestos material be identified onsite, all demolition and disposal of asbestos is to be undertaken in accordance with the requirements of the Work Health and Safety Regulation 2017, Construction Safety Act, EPA and SafeWork NSW.

If, in the event that any friable asbestos or more than 10 square metres of bonded (non-friable) asbestos needs to be removed, this is to be undertaken by a professional asbestos contractor who is licensed by SafeWork NSW.

Asbestos and asbestos-containing waste must be transported and safely disposed of in accordance with the NSW Environment Protection Authority (EPA) requirements. Asbestos waste can only be disposed of at a waste facility authorised to receive it and in accordance with the *Protection of the Environment Operations (Waste) Regulation 2014*. The Tamworth Waste Management Facility is an authorised facility licenced to accept asbestos waste.

Disposal of larger quantities of asbestos to the Tamworth facility will require a waste disposal permit in advance of disposal.

For specific precautions and procedures of commonly encountered asbestos work, see Australian Government National Occupational Health & Safety Commission Code of Practice for the Safe Removal of Asbestos [NOHSC: 2002 (2005)] and Code of Practice for the Management and Control of Asbestos in Workplaces [NOHSC:2018 (2005)].

5.2 Proposed Construction Development

Development consent is sought for the construction and operation of a Hungry Jacks Food & Drink premises inclusive of the following components:

- Restaurant building (Area 264.0m²) including:
 - Kitchen.
 - Service area.
 - Storage, cool and bin rooms.
 - Indoor dining area.
 - Unisex & Accessible Toilets
- Covered drive- thru service area.
- Sealed carparks, loading areas and access roads.
- Servicing infrastructure.
- Business identification signage including a pylon and building signs.

The proposed development floor plan is shown in Figure 13 and the Architectural Plans (Sheet DA03) included as Appendix B.

5.3 Hours of Operation & Staff Numbers

It is proposed to seek approval for a 24-hour, 7-days a week operation of the development. Peak days are generally Thursday to Saturday and peak dining periods are:

- Breakfast – 7am to 9.30am.
- Lunch - 11am to 2pm.
- Dinner – 5pm to 7.30pm.

The Hungry Jack's employ approximately 50 staff per store, both full and part time. Employment levels at the store vary depending customer volumes and on time of day and day of the week.

They typically range from:

- Mornings - 1 manager and 1 to 4 crew.
- Lunch – 1 to 2 managers and 4-7 crew.
- Dinner – 1 to 2 managers and 4 to 8 crew.
- Nights - 1 manager 1 to 2 crew.

Trading hours will meet the needs of the location whilst having due regard to neighbouring properties. It is not anticipated that any significant issues will result with respect to the trading hours at the Hungry Jacks site.

5.4 External Materials & Finishes

An external finishes schedule and 3-D views of the site are included on plans DA10 and DA11 in Appendix B. The proposed materials and finishes include compressed fibrous cement exterior walls with applied finishes and colours, aluminium framed glazing, and featured timber-look weathertex cladding. The colour palette follows the standard for the Hungry Jacks Restaurant franchise.

The modern design of the building is complemented by high quality materials and finishes that will not be out of character with similar commercial development on Goonoo Goonoo Road.

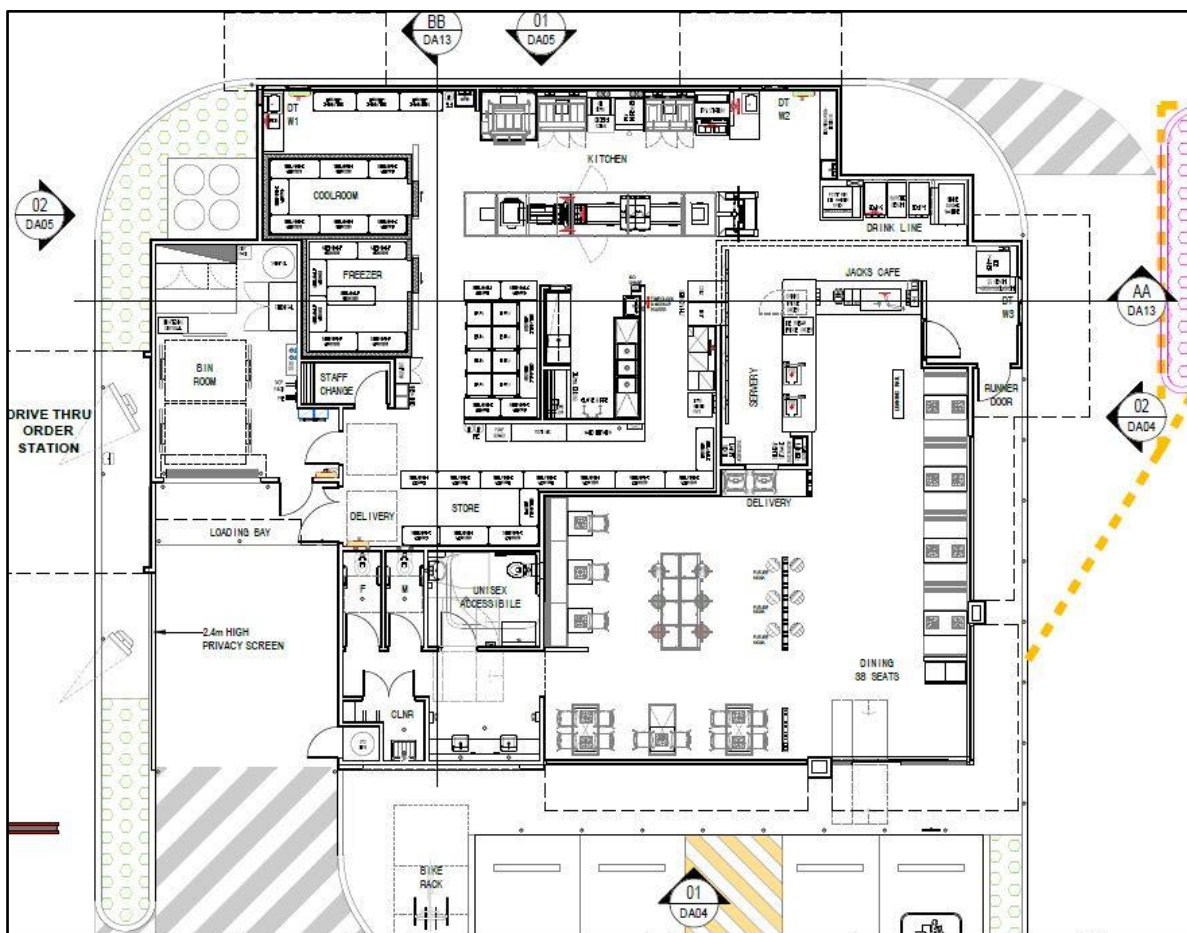


Figure 13 - Proposed Development Floor Plan

5.5 Signage

The details and location of proposed building, pylon and directional signage are shown in Plans DA06 to DA08 included in Appendix B. All proposed signage is standard for the Hungry Jacks Restaurant franchise.

Assessment of the proposed signage in accord with NSW State Planning instrument (*SEPP (Industry & Employment)2021*) is provided in Section 6.3.1.

5.6 Landscaping

Preliminary Landscaping plans are included as Appendix D and have nominated plant species in accordance with the publication '*Australian Plants Suitable for Tamworth Regional Council Area*'. Landscaping will be incorporated around carparks islands, drive thru and property boundaries and the road reserve fronting the development will be turfed.

5.7 Waste Management

Waste generated from the restaurant operation will be stored in the bin room area shown in the Floor Plan DA03 in Appendix B. The bin room has sufficient capacity for general and recyclable waste.

Waste collection will be undertaken by a private waste collection contractor and will depend on store volumes once operational. The waste collection trucks will be approximately 8.8m in length, will attend the site approximately three times per week and will be onsite for approximately 15 minutes. Pick-ups will be scheduled outside of peak times so that minimal traffic conflicts between customers, employees and waste collection trucks are expected.

Trade waste collection at the site will be in accordance with the Trade Waste approval issued by Council and all waste will be handled by registered pump contractors on behalf of Hungry Jacks. It is expected waste collection will occur in non-peak times and will not occur during night-time hours.

All waste resulting from construction activities will be managed onsite and disposed of by the building contractors as required. A Resource Waste Management Plan for the construction and ongoing operation of the development is included as Appendix G.

5.8 Traffic Management

5.8.1 Road Capacity

A Traffic & Parking Assessment Report was conducted by Colston Budd Rogers & Kafes P/L to assess the traffic impacts of the proposed development, including predicted traffic generation and its impact on the surrounding road and intersection capacities.

The report, attached as Appendix E, concludes that the additional traffic generated from the development will not adversely impact on the state and local road network, and the Goonoo Goonoo Road and Scott Road roundabout will continue to operate with an acceptable level of service in morning and afternoon peak periods.

5.8.2 Site Access

Driveway Crossovers

Access to the site will be via two (2) modified vehicular driveways to Goonoo Goonoo Road and Scott Road. The Goonoo Goonoo Road crossover is approximately 10.0m wide and will operate as a left in/left due to the median island. The Scott Road crossover is 7.0m wide and will also be limited to left in/left out with appropriate signage. Both driveways have been designed to allow vehicles to enter and depart in a forward direction at the same time.

All access driveways and aisle widths shown are in accordance with *AS/NZS 2890.1 Parking Facilities Part 1: Off-street parking*.

Site access is assessed in the Traffic Report included in Appendix E and concludes that proposed access arrangements are considered satisfactory for the proposed development.

Pedestrian Access

All existing footpaths in Goonoo Goonoo and Scott Roads are to remain. Pedestrian access to the restaurant building entry is provided by a path connection and marked crossing as shown in the Site Plan DA02 (Appendix B).

Pavement

All internal access driveways, loading/unloading areas and parking spaces are to be of concrete finish suitable for design traffic. Heavy duty pavement design will be incorporated into the loading maneuvering areas as detailed in Architectural Plan DA02 in Appendix B.

Drive-thru Queue Lengths

Under Councils Development Control Plan (TRCDP 2010), the following queue lengths apply for drive-thru facilities:

An exclusive area for queuing cars for a drive through facility is required (queue length of 5 to 12 cars measured from pick-up point). There should also be a minimum of 4 car spaces for cars queued from the ordering point.

The proposal affords the site 12 car queuing spaces behind the service window and six spaces behind the ordering point which is compliant with the DCP requirements. Drive-through lanes will be a minimum of 3.0 metres wide and be designed to AS2890.1.

5.8.3 Site Deliveries

There will be two types of heavy vehicles accessing the Hungry Jacks site:

1. Light vehicles – customers and staff
2. Delivery vehicles – delivery and waste collection trucks.
 - a) Waste collection trucks; and
 - b) Supply delivery trucks (generally between 5-9m in length).

Hungry Jacks restaurants receive deliveries from 3 to 4 supply vehicles daily, depending on store volume. Deliveries take approximately 10 to 15 minutes (with the exception of the frozen food delivery which take approx. 25 minutes).

Deliveries are scheduled to avoid peak service times, with no deliveries scheduled before 7.30am, 11.30am to 2pm and after 6pm. The expected number of deliveries will be approximately 2-3 times per week, subject to need on the commencement of operations. Deliveries will be scheduled to occur outside of peak hours to avoid conflict with customer traffic.

A loading bay is located next to the service entry and bin room and is shown in Floor Plan DA03 in Appendix B. The bay will be line marked to delineate use and is of sufficient size for the largest expected service vehicle (HRV truck) to enter, make deliveries/pick up waste and exist in a forward direction. Swept paths for delivery & waste collection trucks are detailed in the Traffic Report (Appendix E) and in Plans DA02 (Appendix B).

5.8.4 Parking

As shown in the Site Plan DA02 in Appendix B, a total of 19 car parking spaces have been provided with the proposal. All parking space dimensions shown are in accordance with AS/NZS 2890.1 *Parking Facilities Part 1: Off-street parking*.

An assessment of site carparking has been undertaken within the Traffic Report included as Appendix E. In accordance with Councils Development Control Plan (TRCDP 2010) the most relevant definition for carparking requirements is:

Drive-In Take-Away Food Shop - 1 space per 8.5m² GFA PLUS 1 space per 3 seats

The resulting peak parking demand is:

$$\text{Carparking} = (264/8.5) + (38/3) = 44 \text{ spaces}$$

This definition does not account for a takeaway food and drink premises with drive-thru facilities and is considered in the report to significantly overestimate the peak parking demand. As such, the parking requirements have been assessed against the car parking requirements under the TfNSW's *RTA's Guide to Traffic Generating Development* which distinguishes premises with a drive-thru component.

The rates provided in the TfNSW Guide are based on extensive surveys of drive-in take away food outlets and are considered most appropriate in calculating car parking demand for the proposal.

The TfNSW RTA Guide recommends a parking supply rate for take-away food out with drive through as:

Greater of 1 space per 2 seats (internal) and 1 space per 3 seats (internal and external)

Using this assessment, the development provides 38 internal seats which equates to $(38/2) = 19$ car spaces. The number of parking spaces provided is therefore compliant with the RTA's Guide and considered appropriate for the proposal.

5.9 Service Strategy

The proposed service strategy for the development is included as Appendix C. All proposed services are to utilise existing Council junctions where available. Specific requirements for each service are detailed as follows:

5.9.1 Stormwater

Due to the lack of street drainage infrastructure, it is proposed to pipe minor storm events from the new building and carpark area to the Scott Road kerb via a suitable kerb adapter and where grade permits. Major storms will be conveyed to the surrounding roads as sheet flow.

The proposed internal drainage system as shown in Appendix C will be designed & installed in accordance with *AS3500.3:2003 and Councils Engineering Standards for Subdivisions and Developments*.

5.9.2 Water Supply

The existing water service and meter located on the southwestern corner of the site will require relocating and be upgraded to meet pressure and flow requirements for cold water and fire design.

The proposed internal water reticulation will be designed and constructed in accordance with *AS 3500.1:2021*.

5.9.3 Sewerage

All sewerage generated from the development will be directed to the existing sewer main along the eastern boundary via a suitably sized grease arrestor. A review of existing invert levels of the main indicate gravity flow can be achieved in accordance with *AS 3500.2:2021*.

The manhole cover will need to be replaced with a heavy Duty (Type D) trafficable lid given the location within the proposed drive through lane.

The proposal will require a grease arrestor appropriately sized for the intended use and will be located under the loading bay for maintenance access. In accordance with Councils *Liquid Trade Waste Policy*, a trade waste application will be submitted with the application for Construction Certificate in accord with *Section 68 of the Local Government Act*. Refer Section 5.7 for further detail.

The proposed internal sanitary drainage system will be designed and constructed in accordance with *AS3500.2:2021* and manufacturers specifications where required.

5.9.4 Telecommunications & Electricity

Underground telecommunications (NBN) and electrical utility services currently service the site from Goonoo Goonoo Road. These services can be readily extended to service the new development with appropriate design.

5.10 Site Earthworks

Based on existing site levels, major earthworks will not be required as part of the construction. However, all site earthworks as required will be undertaken in accordance with *AS3798 (As Amended)- Guidelines for Earthworks for Commercial & Residential Developments*.

Structural certification for building footings and Sediment Erosion Management Plans are expected to be supplied with the application for Construction Certificate.

6.0 ASSESSMENT OF ENVIRONMENTAL & PLANNING INSTRUMENTS

A thorough investigation of the site has been undertaken to identify relevant constraints and opportunities for the proposed development. This section contains our assessment of the potential environmental impacts of the proposed development in consideration of relevant legislation and local planning instruments:

- *Environmental Planning & Assessment Act (EP&A Act 1979)*
- *Other Acts*
- *State Environmental Planning Policies (SEPPS)*
- *Tamworth Regional Local Environmental Plan 2010 (TRLEP 2010)*
- *Tamworth Regional Development Control Plan 2010 (TRDCP 2010)*
 - *Step 2 Commercial/Retail Development Controls*
 - *Step 3 General Development Specifications*

6.1 *Environmental Planning and Assessment Act 1979*

The relevant planning legislation in New South Wales (NSW) is the *Environmental Planning & Assessment Act 1979 (EP&A Act As amended)*. The objectives of the EP&A Act are:

- (a) *to encourage:*
 - (i) *the proper management, development, and conservation of natural and artificial resources, including agricultural land, natural areas, forests, minerals, water, cities, towns, and villages for the purpose of promoting the social and economic welfare of the community and a better environment,*
 - (ii) *the promotion and co-ordination of the orderly and economic use and development of land,*
 - (iii) *the protection, provision and co-ordination of communication and utility services,*
 - (iv) *the provision of land for public purposes,*
 - (v) *the provision and co-ordination of community services and facilities, and*
 - (vi) *the protection of the environment, including the protection and conservation of native animals and plants, including threatened species, populations and ecological communities, and their habitats, and*
 - (vii) *ecologically sustainable development, and*
 - (viii) *the provision and maintenance of affordable housing, and*
- (b) *to promote the sharing of the responsibility for environmental planning between the different levels of government in the State, and*
- (c) *to provide increased opportunity for public involvement and participation in environmental planning and assessment.*

The preparation of this DA has been undertaken with consideration of the relevant criteria listed in *Section 4.15 of the Environmental Planning and Assessment Act 1979*, as amended. The following sections are considered relevant to this development application.

6.2 Other Acts

Consideration was afforded to other legislation concerning whether the proposal is integrated development. Integrated development is development that, for it to be carried out, requires development consent and one or more of the following approvals:

- Fisheries Management Act 1994.
- Heritage Act 1977.
- Mine Subsidence Compensation Act 1961.
- National Parks and Wildlife 1974.
- Petroleum Act 1991.
- Protection of the Environment Operations Act 1997.
- Roads Act 1993.
- Rural Fires Act 1997.
- Water Management Act 2000.

It is our interpretation that the proposed development is not regarded as integrated Under Division 4.8 of the *EP&A Act 1979 (as amended)* and will therefore not require referral to any NSW State Government departments.

Due to the proximity of the development to the New England Highway and its status as a 'Classified Road', Transport for NSW (TfNSW) have been consulted in relation to any potential impact of the proposal on the continued operation of the highway and with the future replacement of the roundabout with traffic signals. These points have been addressed in the Traffic Assessment included as Appendix E.

6.3 State Environmental Planning Policies (SEPP)

The following State Environmental Planning Policies (SEPPs) are triggered by the proposed development.

6.3.1 SEPP (Industry and Employment) 2021 – Chapter 3 Advertising & Signage

The proposal includes business identification and product signage on the building façade and pylon sign to be erected at the entrance of the carparking. The locations & size of the building signs and pylon are detailed in the Signage legend included in Sheet DA02 and plans DA06 to DA08 in Appendix B. All proposed signage is consistent with the Hungry Jacks franchise and aims to identify the site use and provide visual product interest to the local public and passing motorists.

The aims of the SEPP are to ensure that signage:

- is compatible with the desired amenity and future visual character of an area.
- provides effective communication in suitable locations; and
- is of high quality and finish.

The proposed signage on the building and pylon is considered to be compatible with the scale and proportion of the development and visual character of the area. Illuminated signage will not result in unreasonable glare affecting the safety of pedestrians and vehicular traffic on Goonoo Goonoo Road or Scott Road, nor will it detract from the amenity of nearby residential premises given its site orientation and location adjacent to the classified road.

The proposed signage is deemed compliant with *SEPP (Industry & Employment) 2021* Assessment Criteria Schedule 1 as follows:

Schedule 1: Assessment Criteria – Advertising and Signage

Assessment Criteria	Design Requirement	Development Compliance
1 Character of Area	Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?	The development is consistent with the zoning and desired future character of the locality and is consistent with similar uses on Goonoo Goonoo Road.
	Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	Proposed signage is consistent with signage on Commercial developments in the local area.
2 Special Areas	Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes, or residential areas?	No, the proposal does not detract from any amenity or visual quality of sensitive areas.
3 Views and Vistas	Does the proposal obscure or compromise important views?	No
	Does the proposal dominate the skyline and reduce the quality of vistas?	No
	Does the proposal respect the viewing rights of other advertisers?	Yes, there is no impact on surrounding businesses or dwellings.
4 Streetscape, setting or landscape	Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?	Yes, proposed signs are consistent with this scale of development, surrounding development and the proposed franchise.
	Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	Yes, the proposed sign identifies the business operations and contributes the current landscape.
	Does the proposal reduce clutter by rationalising and simplifying existing advertising?	NA
	Does the proposal screen unsightliness?	No
	Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	No
	Does the proposal require ongoing vegetation management?	No
5 Site and Building	Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?	Yes. Proposed signage consistent with the type and scale of development and is standard for the proposed franchise.
	Does the proposal respect important features of the site or building, or both	Yes. Proposed signage consistent with the type and scale of development.
	Does the proposal show innovation and imagination in its relationship to the site or building, or both?	Yes, signage layout is consistent with development franchise.
6 Associated devices and logos with advertisements and advertising structures	Have any safety devices, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?	No
7 Illumination	Would illumination result in unacceptable glare?	No.
	Would illumination affect safety for pedestrians, vehicles, or aircraft?	No

	Would illumination detract from the amenity of any residence or other form of accommodation?	No
	Can the intensity of the illumination be adjusted, if necessary?	No, the proposed illuminated signage is to highlight the franchise letter set and directional signage.
	Is the illumination subject to a curfew?	No
8 Safety	Would the proposal reduce the safety for any public road?	No.
	Would the proposal reduce the safety for pedestrians or bicyclists?	No
	Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?	No.

6.3.2 SEPP (Transport and Infrastructure)2021

Clause 2.118 of this SEPP requires consideration of development with frontage to a classified road, as follows:

The consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that:

- *Vehicular access is provided by a road other than a classified road.*

Response – Access to the site is only available via Goonoo Goonoo Road and Scott Road which form a part of the New England Highway. In consultation with TfNSW, access to both Goonoo Goonoo Road and Scott Road are restricted to left in/left out and the Goonoo Goonoo Road access has been located to the northern boundary. Refer to the Traffic Report included as Appendix E (Section 3.23) for further detail.

- *The safety, efficiency and ongoing operation of the adjacent classified road will not be adversely affected by the development.*

Response - The likely traffic generated from the development has been assessed in the Traffic Assessment included in Appendix E. The assessment concludes that the local and state road network will not reach its technical capacity, and the roundabout will continue to operate with an acceptable level of service in morning and afternoon peak periods.

- *The development is not considered sensitive to traffic noise or vehicle emissions arising from the adjacent classified road.*

Response - The proposed development is located next to a main access route into Tamworth for ease of access and to generate business interest. The development is not considered sensitive to noise or emissions generated from a classified road.

6.3.3 SEPP (Resilience and Hazards)2021 – Remediation of Land

This Policy requires consideration of whether land is suitable for a proposed use having regard to any known or potentially contaminating land use activities, as follows:

Clause 7: Contamination and need for remediation to be considered in determining development applications.

As indicated in Section 4.4, the site has been historically used for residential and commercial development in the form of a service station on Lots 5A and 52. In relation to the former service station, the site has been notified to the NSW EPA under Section 60 of the Contaminated Land Management Act 1997 (CLM Act). In accordance with the notification, the NSW EPA has completed an assessment of the contamination and decided that regulation under the CLM Act is not required. It is assumed the rehabilitation of the site has been completed to the EPA requirements and is suitable for future use as a commercial development. A recent inspection of the site revealed no evidence of surface contamination, chemical scouring/erosion, odour, or any signs of stressed vegetation.

Based on the review of previous land use, the approval of similar commercial development in 2015, and noting proposed development will reinstate hardstand areas over the entire site, it is our recommendation that the site is not likely to be contaminated and is not likely to pose a risk to human health. The site is regarded as suitable for the proposed development.

If any (at present unknown) contamination comes to light during site works, the appropriate actions shall be taken in accordance with the SEPP, work health and safety and environmental protocols to address any issues relating to human health and environmental protection.

6.4 Tamworth Regional Local Environmental Plan 2010 (TREL P 2010)

This TRLEP 2010 aims to make local environmental planning provisions for land in the Tamworth Regional Council area in accordance with the relevant standard environmental planning instrument under Section 3.20 of the Act. The following clauses have been deemed to be relevant to the proposed development.

6.4.1 Zoning

As indicated in Section 4.2, the site is affected by the following land zones under the TREL P 2010.

Zone MU1 – Mixed use.

The objectives of this zone under the TRLEP 2010 are:

- *To encourage a diversity of business, retail, office and light industrial land uses that generate employment opportunities.*
- *To ensure that new development provides diverse and active street frontages to attract pedestrian traffic and to contribute to vibrant, diverse and functional streets and public spaces.*
- *To minimise conflict between land uses within this zone and land uses within adjoining zones.*
- *To encourage business, retail, community and other non-residential land uses on the ground floor of buildings.*

Under the MU1 zoning, commercial premises are listed as 'permitted with consent'. Commercial premises are defined in the TRLEP 2010 as business, office, or retail premises, and retail premises are further defined as food or drink premises. The proposed development falls under this definition and is acceptable development within this zone.

6.4.2 Other Relevant Clauses

The following clauses from TRLEP 2010 are considered relevant to the development proposal:

Standard	Design Requirement
Clause 2.7 Demolition	<i>Demolition of a building or work may be carried out only with development consent</i> Site demolition is included as part of this development proposal. Refer Section 5.1.
Clause 4.4 Floor Space Ratio	<i>The Maximum Floor Space Ratio for the site is (n:1) where N=1</i> <i>The proposal is in accordance with this clause.</i>
Clause 5.10 Heritage Items	NA - The site is not identified as containing any heritage listed items.
Clause 5.21 Flood Planning	NA – The site is not identified as being within Councils Flood Planning Area.
Clause 7.4 Development in Zones E1, E3 and MU1	Does not apply to subject site. The proposal does not have a gross floor area (GFA) greater than 2500m ² .

6.5 Tamworth Regional Development Control Plans 2010 (TRDCP2010)

The *Tamworth Development Control Plan 2010 (TRDCP2010)* provides the key criteria for specific types of development that occurs in the Tamworth Regional Local Government area. The aims of the plan are to:

- *Define development standards that deliver the outcomes desired by the community and Council.*
- *Provide clear and concise development guidelines for various form of development.*
- *Expedite development approvals by providing clear direction on Council's intent and criteria; and*
- *Provide certainty of development outcomes for developers and the community.*

Development controls relevant to the proposal include:

- *Step 2: Commercial/Retail*
- *Step 3: General Development Specifications which are environmental controls relating to all developments.*
- *Other Development Controls*

The relevant subdivision and site-specific environmental controls are addressed in the following sections.

6.5.1 Step 2 Type Of Development: Commercial & Retail Development Controls

'Deemed to Satisfy' Controls	Design Requirement	Development Compliance (Y-Yes, N-No, C – Yes with Conditions, NA – Not Applicable to Proposal)
Building Setbacks	<i>No minimum setbacks are specified.</i>	NA- Refer Site Plan DA01 Appendix B.
	<i>Side and rear setbacks must meet BCA requirements.</i>	NA- Refer Site Plan DA01 Appendix B.
Height	<i>No height restrictions. Refer LEP for Floor Space Ratio.</i>	Y- Refer Section 6.4.2.
Outdoor Lighting	<i>Demonstrate compliance with AS/NZS 11583.1 Pedestrian Area (Category P) Lighting and AS4282 Control of Obtrusive Effects of Outdoor Lighting.</i>	Y- All internal lighting will be installed in accordance with AS4281.
Outdoor Signage	<i>A single business premises is permitted to have: o one under awning sign, o one top hamper sign, and o one fascia sign, that do not project above or beyond that to which it is attached. One of which may be illuminated, but not flashing, moving, or floodlit.</i>	C- Refer Section 6.3.1 and Plans DA06-DA08 Appendix B. Proposed outdoor signage is consistent with the Hungry Jacks franchise and comparable commercial development in Goonoo Goonoo Road and Scott Road.
	<i>Design and location of signage must be shown on plans with DA.</i>	Y- Refer Section 6.3.1 and Plans DA06-DA08 Appendix B.
	<i>Where there is potential for light spill from signage to adjoining properties, all illuminated signage shall be fitted with a timer switch to dim or turn off the light by 11pm each night.</i>	Y- The proposed illuminated signage will not result in unreasonable glare affecting the safety for pedestrians and vehicles on Goonoo Goonoo Road or Scott Road, nor will it detract from the amenity of nearby residential premises given it is located adjacent to the classified road and orientated away from dwellings on Scott Road.
	<i>Signage must comply with SEPP 64 – Advertising and Signage Schedule 1 Assessment Criteria.</i>	Y- Refer Section 6.3.1 and Plans DA06-08 Appendix B.
Design	<i>Building facades shall be articulated by use of colour, arrangement of elements or by varying materials.</i>	Y- Refer Elevation Plan DA04-05 Appendix B.
	<i>Large expansive blank walls not permitted unless abutting a building on an adjoining allotment.</i>	Y- Refer Elevation Plan DA04-05 Appendix B.
	<i>Plans must show the location of all external infrastructure (including air conditioning units, plant rooms, ducting) and demonstrate how it will be screened from view from a public place or road.</i>	Y- Refer Roof & Section Plans DA12 & DA13 Appendix B. All external plant will be located behind building parapets and effectively screened from public view.
	<i>Development on corner sites shall incorporate splays, curves, building entries and other architectural elements to reinforce the corner as landmark feature of the street.</i>	Y- Refer Architectural Plans Appendix B. The proposed building is set back from the corner to not detract from the street amenity. Refer Plan DA010 Appendix B.
	<i>Roofing Materials should be non-reflective where roof pitch > 17 degrees or not visible from public road</i>	Y- Refer Roof & Section Plans DA12 & DA13, and Elevation Plan DA04-05 Appendix B. Roof material is not visible from the public roads.

Post supported verandas and balconies	<i>Set back a minimum of 1200 mm from the back of the kerb.</i>	NA.
	<i>New verandahs, balconies and awnings must complement the style, materials and character of the building being altered.</i>	NA.
	<i>Under awning support posts shall be of a single or uniform width from top to bottom and be painted black in colour</i>	NA.
	<i>Under awning support posts will only be considered where it has been demonstrated that there is no alternative method available.</i>	NA.
	<i>All posts must be designed to prevent collapse in the event of a collision.</i>	NA.
	<i>Public liability insurance to Council requirements, and a Council license is required for verandah or balcony awning over the public footpath.</i>	NA.
Utilities and Services	<i>Servicing strategy required to demonstrate the availability and feasibility of providing water, sewer and stormwater services appropriate for the scale and nature of development. Evidence of consultation with the Water Supply Authority and Roads Authority is to be provided.</i>	Y- Refer Section 5.8 & Service Strategy Plan Appendix C.
	<i>Applications must demonstrate adequate provision for storage and handling of solid wastes.</i>	Y- Refer Section 5.6, Floor Plan DA03 in Appendix B, and Service Strategy Plan Appendix C.
	<i>Liquid Trade Waste Application and facilities are required where liquid wastes (excluding domestic waste from a hand wash basin, shower, bath or toilet) are to be discharged to Council's sewerage system.</i>	Y- Refer Section 5.8. A Trade Waste application will be provided to Council with the application for Construction certificate.
	<i>Buildings and structures are to be located clear of utility infrastructure.</i>	Y- Refer Site Plan DA02 Appendix B & Service Strategy Plan Appendix C.
	<i>For sewer mains, structures are to be located a minimum of one meter plus the equivalent invert depth, whichever is greater, from the centreline of the main. See Council Policy "Excavating/Filling or Building Adjacent to or Over Existing Sewer Mains" for further detail.</i>	Y- Refer Section 5.6 and Site Plan DA02 Appendix B. The sewer manhole is located 1.5m away from the new building and a new junction will be provided.
	<i>The developer is responsible to consult with Essential Energy, natural gas and a telecommunications carrier regarding the provision of services.</i>	Noted.
Parking ,Traffic and Access	<i>Refer to Step 3: General Development Specifications</i>	Refer Section 5.8 and Traffic Report Appendix E.
Health Consulting Rooms and Medical Centres on land zoned R1 in Tamworth	<i>The proposed site for "health consulting rooms" or a "medical centre" shall not be within 400 meters of the areas bounded by Macquarie Street, Kable Avenue, East Street, and the Great Northern Railway Line. The proposed site for a "medical centre" should be within 400m of a hospital or adjoining a B1 Neighbourhood Centre.</i>	NA

Brothels and Restricted Premises	<p><i>Must be located at least 150m from any of the following:</i></p> <ul style="list-style-type: none"> <i>o Existing dwelling.</i> <i>o Residential zone.</i> <i>o Place of worship.</i> <i>o Any place designated for and utilised by children (e.g., childcare centre, community facility, educational establishment, entertainment facility, recreation area/facility).</i> <p><i>Any other sex services premises.</i></p>	NA
Site Levels & Retaining Walls	<i>Site and/or elevation plans must include existing and finished ground levels at Australian Height Datum (AHD).</i>	NA - No Retaining proposed. Refer Architectural Plans Appendix B.
	<i>Proposals for retaining walls must include top and bottom of wall height details (in AHD) and retaining wall locations and full extent must be shown on plans and associated elevations and cross sections.</i>	NA - No retaining walls proposed
Geology	<i>The design process must give consideration to the potential impact of erosive soils, saline soils, soils of low wet strength, highly reactive soils and steep slopes and document how these constraints are addressed.</i>	Noted. The site will be classified by a Geotechnical Engineer for footing design with the application for Construction Certificate.
Landscaping	<i>Landscaping or shade structures shall be provided in outdoor car parking areas where >10 spaces are required, to provide shading and soften the visual impact of large hard surfaces.</i>	Y – Refer Landscaping Plan Appendix D. Small trees have been detailed in the area >10 spaces.
	<i>Edging to be provided to retain mulch and protect the landscaping from damage from vehicles.</i>	Y – Refer Landscaping Plan Appendix D. All mulched areas are contained within kerbs.
	<i>Landscaping shall comprise only low maintenance, drought, and frost tolerant species.</i>	Y – Refer Landscaping Plan Appendix D. All plant species proposed are listed in Councils approved Tree Species documents.
	<i>Development design shall accommodate the retention of any mature trees and vegetation.</i>	NA - The site has been cleared of all vegetation for previous development.
	<i>Where mature trees and vegetation are removed, replacement landscaping should aim to incorporate local indigenous species from 'Australian Plants Suitable for Tamworth Regional Council Areas' list.</i>	NA – No trees will be removed as part of this application.
	<i>Location and grouping of plant types shall be multi-functional providing privacy, security, shading and recreation functions.</i>	Y – Refer Landscaping Plan Appendix D.
Fire Safety	<i>A development application for a change of building use for an existing building where no building works are proposed. Consideration must be given whether the fire protection and structural capacity of the building will be appropriate to the building's proposed use.</i>	NA – No change of use proposed.
Flood Affected land	<i>Refer to Step 3: General Development Specifications for Development on Flood Affected Land</i>	NA – The site is not identified as being Flood Affected in Councils TRLEP 2010.

<p>Environmental Effects</p>	<p>The application documentation shall identify any potential environmental impacts of the development and demonstrate how they will be mitigated. These impacts may relate to:</p> <ul style="list-style-type: none"> a) Traffic b) Flood liability c) Slope d) Construction impacts e) Solid and Liquid Waste f) Air quality (odour and pollution) g) Noise emissions h) Water quality i) Sustainability 	<ul style="list-style-type: none"> a) Traffic – minimal changes, slight increase in traffic generation. Refer Traffic Report Appendix E. b) Flood Liability – The site is not affected by Flooding under the TRLEP2010. c) Slope – The site is flat. All sediment and erosion measures are to be installed before site excavation. d) Construction Impacts – The construction of the proposed development will be undertaken by a qualified construction company with a demonstrated commitment to quality, safety, and environmental work practices. <p>Construction activities have the potential to generate adverse impacts through construction traffic, noise, surface water and land degradation and dust. In this regard, the following mitigation measures are proposed to ameliorate any adverse impacts (where applicable to proposed developments):</p> <ul style="list-style-type: none"> • Preparation of a Soil and Water Management Plan prior to construction and implementation of the Plan throughout all phases of construction activity. • The adoption of appropriate soil erosion control measures. This would include techniques such as minimising the area of disturbance at any given time, diverting clean runoff away from disturbed areas, treatment of dirty runoff using sediment traps and filters installed to engineering design standards and rehabilitating disturbed areas as soon as practicable following construction. • Preparation and implementation of a traffic management plan where required during construction works. • All plant and equipment would be operated and maintained in accordance with the manufacturer's specifications. • Works would be undertaken in accordance with standard daytime hours recommended by Council: that is, 0700-1700 Monday to Friday and 0800-1300 on Saturday, with no works on Sunday or Public Holidays. Any variation to these hours would first be negotiated in consultation with Council and adjoining landowners. Refer Noise Assessment included as Appendix F. • Undertake strategic watering as required and stabilise exposed surfaces with a vegetative cover as soon as is practicable. • Any damage sustained to Council infrastructure during construction will be the responsibility of the site building contractor to repair at no cost to Council.
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Environmental Effects		<p>e) Solid and Liquid Waste – Refer Section 5.7. The solid waste from the proposed development once completed will be via private garbage collection service. The proposed development will provide a Trade Waste agreement with Council with the application for Construction Certificate.</p> <p>f) Air Quality (odour and pollution where applicable) – Earthworks during initial construction will generate dust which will be monitored on site and suppressed using water carts as necessary. It is not anticipated that pollution will be an issue once initial earthworks are completed.</p> <p>The proposal will have minimal impact on surrounding premises from the potential odours associated with cooking and waste storage on the premises. Cooking, storage areas and operation of the kitchen will be in accordance with the Food Standards Code in The Food Act 2003 and The Food Regulation 2004, Food Standards Australia and New Zealand – Food Standards Code 2003: and Council's Food Premises Code.</p> <p>g) Noise Emissions – Works are to occur within standard construction hours prescribed by Council and work noise management and mitigation measures are recommended during noise intensive construction activities to limit impact on surrounding receivers.</p> <p>Refer to section 6.5.4 and Acoustic Report in Appendix F in relation to operational noise assessment.</p> <p>h) Water Quality – To be managed in accordance with the sediment and erosion control measures where applicable, detail below.</p> <p>i) Sustainability – It is intended that the proposed development will implement measures such as (but not limited to):</p> <ul style="list-style-type: none"> ○ Provide a lot layout to maximise solar access to buildings. ○ Cater for the safe and efficient passage of stormwater through the site, ○ Provide for efficient vehicle access to allotments.
Soil and Erosion Control	Runoff shall be managed to prevent any land degradation including offsite sedimentation.	Controls will be maintained during and post construction to limit any potential sedimentation of stormwater runoff from the development where applicable.
	Reference shall be made to the NSW Governments <i>Managing urban stormwater: soils and construction, Volume 1</i> (available from Landcom), commonly referred to as "The Blue Book".	The likelihood of erosion and sedimentation during construction will be managed in accordance with the NSW Governments publication " <i>Managing Urban Stormwater: Soils & Construction Vol. 1 (The Blue Book)</i> ". Where applicable.
	Cut and fill will be minimised, and the site stabilised during and after construction.	All proposed cut and fill will be kept to the minimum required to create a viable shape for construction and operation of the proposed development. Refer Section 5.9.

	Arrangements in place to prompt revegetation of earthworks to minimise erosion.	Where necessary revegetation of earthworks will be conducted to minimise erosion. Refer Landscaping Plan Appendix D.
Construction & Operational Waste Management	<i>All DAs for construction of commercial development must be accompanied by a Resource and Waste Management Plan (RWMP).</i>	Refer RWMP included as Appendix G.
	<i>The RWMP must consider reuse or disposal of existing site waste materials (including demolition materials, earthworks) and construction waste materials.</i>	Refer RWMP included as Appendix G.
	<i>The RWMP must consider operational waste management with consideration of the ongoing waste storage controls</i>	Refer RWMP included as Appendix G.
Ongoing Waste Storage	<i>Provide suitable and sufficient waste storage facilities, this includes DA plans/drawings showing: e) storage space and layout for bins and skips f) waste collection point(s) for the site; g) path of access for users and collection vehicles; and h) layout and dimensions required to accommodate collection vehicles when on-site collection is required</i>	Y – Waste storage area, collection points access arrangements for pick up vehicles is detailed in Section 5.7 and Architectural Plans DA02 and DA03 in Appendix B.
	<i>Ensure the waste storage facilities are easily accessible for all users and have step free and unobstructed access to the collection point(s).</i>	Y – Waste storage area, collection points access arrangements for pick up vehicles is detailed in Section 5.7 and Architectural Plans DA02 and DA03 in Appendix B.
	<i>Locate the waste storage facilities to minimise odour and acoustic impacts on the habitable rooms of the proposed development, adjoining and neighbouring properties.</i>	Y – Waste storage area, collection points access arrangements for pick up vehicles is detailed in Section 5.7 and Architectural Plans DA02 and DA03 in Appendix B.
	<i>Provide sufficient storage space within each commercial/retail space to hold a single day's waste and to enable source separation of recyclables.</i>	Y – Waste storage area, collection points access arrangements for pick up vehicles is detailed in Architectural Plans DA02 and DA03 in Appendix B.
	<i>Consult with Council and the NSW EPA with regards to any proposed storage and collection of special wastes (e.g. medical or hazardous chemical wastes).</i>	NA
Noise	<i>Where relevant, applications are to contain information about likely noise generation and the method of mitigation.</i>	Y – Refer Noise Assessment Report Included as Appendix F.
Urban heat Island Effect	<i>Please refer Urban Heat Island Effect controls in Step 3: General Development Specifications - other Types of Development Controls</i>	NA

6.5.2 Step 3 General Development Specifications 1

Parking, Traffic and Access Controls - Commercial.

'Deemed to Satisfy' Controls	Design Requirement	Development Compliance (Y-Yes, N-No, C – Yes with Conditions, NA – Not Applicable to Proposal)
Parking Requirements - Mapped Areas	<ul style="list-style-type: none"> The Parking Requirements Schedule contained at the end of this chapter includes new parking controls for land in the “Mapped Areas” which are the Tamworth Central Business District (CBD), Bridge Street and North Tamworth localities. The Aim of having reduced parking requirements in the “Mapped Areas” for specific land uses is to promote housing density close to CBD amenities, commercial investment and increase opportunities to provide and promote different modes of transport. Refer to the Maps at the end of this chapter for Tamworth CBD, Bridge Street and North Tamworth to determine whether the subject site is located within a “Mapped Area” and subject to reduced parking requirements for certain land uses. 	NA - The proposal is not identified as being within a prescribed mapped area.
Parking	Where calculation of parking spaces required results in a fraction of a space, the total required number of spaces will be the next highest whole number.	Y - Refer Section 5.8.4 and Traffic Report included as Appendix E.
	Parking and traffic requirements will be based on consideration of: <ul style="list-style-type: none"> likely peak usage times. the availability of public transport. likely demand for off street parking generated by the development. existing traffic volumes on the surrounding street network; and efficiency of existing parking provision in the location. 	Y - Refer Section 5.8.4 and Traffic Report included as Appendix E.
	Comply with AS2890.1 Parking Facilities Off Streetcar Parking and AS2890.6 Parking Facilities Off Street Parking for People with a Disability	Y - Refer Section 5.8.4, Site Plan DA02 in Appendix B and Traffic Report included as Appendix E.
	Manoeuvring areas within the development must be designed to accommodate a B99 vehicle under AS2890.1 Parking Facilities Off Street Parking.	Y - Refer Section 5.8.4, Site Plan DA02 in Appendix B and Traffic Report included as Appendix E.

	<p>Where existing premises are being redeveloped or their use changed, the following method of calculation shall apply: -</p> <ul style="list-style-type: none"> a) Determine the parking requirements of the previous or existing premises in accordance with Appendix A. b) Determine the parking requirement of the proposed development in accordance with Appendix A. c) Subtract the number of spaces determined in (a) from the number of spaces calculated in (b). d) The difference calculated in (c) represents the total number of parking spaces to be provided either in addition to the existing on-site car parking or as a cash-in-lieu contribution to Council where applicable. 	NA.
	The verge for the frontage of the development is to be constructed of hardstand materials to facilitate safe, low-maintenance pedestrian access. Details to accompany the development application.	NA. Existing pedestrian paths fronting the site are to remain. Refer Section 5.8.2 and Plan DA02 in Appendix B showing the location of new crossovers.
	All vehicles must be able to enter and exit the site in a forward direction.	Y - Refer Section 5.8.2, Plan DA02 Appendix B and Traffic Report included as Appendix E.
	Design must demonstrate no conflict between pedestrian, customer vehicles and delivery vehicles.	Y- Refer Section 5.8.2, Plan DA02 Appendix B and Traffic Report included as Appendix E.
	Wearing surfaces for access driveways, parking areas, loading/unloading facilities and associated vehicle manoeuvring areas relative to the design vehicle.	Y- Refer Section 5.8.2 and Plan DA02 Appendix B. Sealed manoeuvring areas to be brushed concrete finish.
	Unsealed vehicle movement areas are not acceptable due to environmental management impacts.	Y- Refer Section 5.8.2 and Plan DA02 Appendix B. Sealed manoeuvring areas to be brushed concrete finish.
	Loading bay(s) must be sited to avoid use for other purposes such as customer parking or materials storage and be line marked and signposted.	Y- Refer Section 5.8.3 and Plan DA02 Appendix B.
	<p>Site access not permitted:</p> <ul style="list-style-type: none"> o Close to traffic signals, intersection, or roundabouts with inadequate sight distances. o Opposite other large developments without a median island. o Where there is heavy and constant pedestrian movement on the footpath. o Where right turning traffic entering the site may obstruct through traffic. 	Y - Refer Section 5.2 and Traffic Report Appendix E. Access is maintained in consultation with TfNSW.
	Separate, signposted entrance and exit driveways are required for developments requiring more than 50 parking spaces or where development generates a high turnover of traffic.	NA – Traffic Directional signs will be provided. Refer Plan DA02 Appendix B and Traffic Report in Appendix E.
	The number of access points from a site to any one street frontage is limited to 1 ingress and 1 egress.	N – Access arrangements have been provided in consultation with Council and TfNSW. Refer Traffic Report included as Appendix E.

	<i>Driveways must be provided in accordance with AS 2890.1 Parking Facilities.</i>	Y- Refer Section 5.8.2 and Plan DA02 Appendix B and Traffic Report Appendix E.
	<i>Nominate that a pedestrian footpath be constructed for the full frontage of a development to a width consistent with any connecting pedestrian footpath or where there is no connecting footpath in accordance with Council's current version of the Engineering Design Minimum Standards.</i>	NA – The existing footpath is to remain.
Development in Residential Zones	<i>Minimum road pavement width for any commercial development in a residential zone is 11 metres.</i>	NA
	<i>Footpath connectivity shall be provided to existing footpath network.</i>	Y- Refer Section 5.8.2 and Plan DA02 Appendix B.
Electric Vehicle Charging	<i>Provision for electric vehicle chargers in accordance with the National Construction Code (Australian Building Codes Board) must be demonstrated and shown on submitted plans (where required).</i>	Y – An EV Charger facility will be provided. Refer Site Plan DA02 Appendix B.
End of Trip Facilities (Bicycle parking and shower facilities)	<i>The location, design and construction of bicycle facilities is to comply with AS2890.3 – Parking facilities – Bicycle parking</i>	Y- Bicycle parking facilities have been provided with the proposal - Refer Plan Da02 in Appendix B.
	<i>Bicycle parking for staff must be located close to building entry/exits and lifts and be given priority over other parking uses to ensure they are well located, designed and used.</i>	Y- Bicycle parking facilities have been provided at the front entrance - Refer Plan Da02 in Appendix B.
	<i>Provisions must be made for suitable facilities including bike rack, storage, shower and changing facilities for staff.</i>	Y –Bike racks have been provided at the front entrance and staff facilities are available for changing. Showers are not considered to be necessary for a fast-food outlet.

6.5.3 Step 3 General Development Specifications 2

Other Types of Development Controls

'Deemed to Satisfy' Controls	Design Requirement	Development Compliance (Y-Yes, N-No, C – Yes with Conditions, NA – Not Applicable to Proposal)
Outdoor Lighting	<i>All developments shall demonstrate compliance with AS4282 Control of Obtrusive Effects of Outdoor Lighting.</i>	Noted.
	<i>Sweeping lasers or searchlights or similar high intensity light for outdoor advertising or entertainment, when projected above the horizontal is prohibited.</i>	NA
	<i>Illuminated advertising signs should be extinguished outside of operating hours, or 11pm, whichever is earlier.</i>	N - Only illuminated signage includes fascia lightbox, Hungry Jacks letterset and directional signage as required for night operations. These are detailed in Plan DA02 Appendix B.

Outdoor Advertising/Signage	<i>Where there is potential for light spill to adjoining properties, all illuminated signage shall be fitted with a timer switch to dim or turn off by 11pm each night.</i>	Y – Proposed illuminated signage will not affect adjoining properties.
	<i>Signage must comply with State Environmental Planning Policy (Industry and Employment) 2021 Chapter 3 and Schedule 5 Assessment Criteria. "Special promotional advertisements" may be installed in accordance with clause 25 of SEPP 64 – Advertising and Signage provided that the sign does not compromise any Public Art or the integrity of the space in which it is located in the main streets, public parks and gardens and major venues across the region's city, towns and villages.</i>	Y – Refer Section 6.3.1.
	<p>Advertising in rural zones may only:</p> <ul style="list-style-type: none"> • advertise a facility, activity or service located on the land; or • direct travelling public to a tourist facility or building or place of scientific, historical or scenic interest within the area. Cannot include names of proprietary products or services or sponsoring businesses. Each sign must be sited a minimum distance of 1km from each other. 	NA
	<i>External illumination to signs must be top mounted and directed downwards.</i>	Noted.
	<p>The following types of signs are not acceptable:</p> <ul style="list-style-type: none"> • Portable signs on public footways and road reserves including A Frame and Sandwich Boards. • Electronic trailer mounted road signs used for promotional or advertising purposes. • Outdoor furniture (including chairs, bollards, and umbrellas) advertising products such as coffee, alcohol, or soft drink. • A roof sign or wall sign projecting above the roof or wall to which it is affixed. • Flashing or intermittently illuminated signs. • Advertisements on parked motor vehicles or trailers (whether or not registered) for which the principal purpose is for advertising. • Signs fixed to trees, lights, telephone, or power poles. • Signs which could reduce road safety by adversely interfering with the operation of traffic lights or authorized road signs. 	Y – Sign as proposed are considered acceptable.

	<ul style="list-style-type: none"> Any sign which would in the opinion of Council, be unsightly, objectionable, or injurious to the amenity of the locality, any natural landscape, public reserve or public place. Numerous small signs and advertisements carrying duplicate information; and <p>Overhead banners and bunting, except in the form of temporary advertisement.</p>	
Farm Stay Accommodation		NA
Small Scale Renewables		NA
Urban Heat Island Effect		NA

6.6 Other Development Considerations

6.6.1 Social & Economic Impacts

Social

As defined by the NSW Government Office on Social Policy, social impacts are significant events experienced by people as changes in one or more of the following are experienced:

- Peoples' way of life (how they live, work, or play and interact with one another on a day-to-day basis).
- Their culture (shared beliefs, customs, and values); or
- Their community (its cohesion, stability, character, services, and facilities).

The proposed development offers a quality fast food option for consumers and meets the present and future demand for reliable food outlets in the area. The proposal is expected to have an ongoing positive social impact with respect to providing a convenient food and drink outlet to serve residents and passing motorists in the local and wider Tamworth region.

Economic

Economic benefits of the proposal include the local employment and training for approximately 50 people in full time, part time and casual positions.

Further positive economic benefits are derived from business opportunities for local franchisees and the ongoing benefits to local suppliers.

6.6.2 Acoustic Impacts

A Noise Assessment (NA) has been carried out by *Muller Acoustic Consulting Pty Ltd*, and is attached at Appendix F. This assessment took into consideration the construction and operational noise impacts from a 24-hour operation including noise from mechanical plant equipment, customer ordering displays, truck deliveries and onsite light vehicle movements on the nearest residential receivers.

The proposal will be constructed with an acoustic barrier fence (min 1800mm high) along the eastern and northern boundary, and roof top mechanical AC and refrigeration plant will be installed within a solid acoustic barrier.

The results of the NA demonstrate that predicted maximum noise levels from the project would satisfy the relevant Project Noise Trigger Levels at all assessed receivers for all assessment periods once noise attenuation controls are implemented.

Furthermore, sleep disturbance is not anticipated, as emissions from impact noise are predicted to remain below the EPA for maximum noise level screening criterion provided the mitigation controls outlined in the NA are implemented at the site. All noise attenuation assumptions detailed in the NA will be adhered to.

In terms of construction noise, it is noted in the NA that noise levels during standard construction hours, modelled noise emissions from construction activities identify that predicted noise emissions will remain below the applicable construction management levels at all receivers considering the standard mitigation measures detailed in the report.

6.6.3 Crime Prevention Through Environmental Design (CPTED)

Crime Prevention through Environmental Design (CPTED) is a crime prevention strategy that focuses on the planning, design and structure of cities and neighbourhoods. It reduces opportunities for crime by using design and place management principles that reduce the likelihood of essential crime ingredients from intersecting in time and space. CPTED aims to influence the design of buildings and places by:

- Increasing the perception of risk to criminals by increasing the possibility of detection, challenge, and capture.
- Increasing the effort required to commit crime by increasing the time, energy or resources which need to be expended.
- Reducing the potential rewards of crime by minimising, removing, or concealing 'crime benefits'; and
- Removing conditions that create confusion about required norms of behaviour (Department of Planning, Industry and Environment, formerly the Department of Urban Affairs and Planning, 2001).

CPTED employs 4 key principles. These principles are surveillance, access control, territorial reinforcement, and space/activity management.

In accordance with the 4 key strategies, the principals of crime prevention and public safety are addressed in relation to the proposed development in the following sections.

a) Natural Surveillance

Natural surveillance limits the opportunity for crime by increasing awareness that people can be seen. Potential offenders therefore feel increased scrutiny and limitations on their escape routes.

Good surveillance is achieved by:

- Clear sightlines between private and public spaces.
- Effective lighting of public places; and
- Landscaping that makes places attractive, but not a place to hide.

The design of the site affords natural surveillance by the strategic placement of physical features and the building to maximise visibility within the site, particularly across carparking areas the front setback area from drive-thru customers and staff working at the windows. The specific design elements include:

- Clear sight lines between the site, roadways, and adjoining sites, allowing maximum visibility and surveillance.
- Walkways and public thoroughfares provide clear sight lines and comply with AS1680.
- Appropriate lighting will be provided to ensure potential problem areas are well lit.
- No 'hidden spots' have been created within the site.
- 24/7 Operational hours will assist with surveillance at all times of day and night.
- There is no outdoor dining proposed so there are no areas not visible to staff.

- Surveillance Systems will be installed so that internal areas of the restaurant can be viewed as required. The systems act as a deterrent for antisocial behaviour and act to protect customer and staff safety.

b) Natural Access Control

Natural access control limits the opportunity for crime by taking steps to clearly differentiate between public space and private space.

Good access control for the movement of people is achieved by:

- Landscapes and physical locations that channel and group pedestrians into target areas.
- Public spaces that attract rather than discourage people from gathering; and
- Restricted access to internal or high-risk areas (e.g. car parks).

The site has been designed to limit access and control flow by:

- Clear delineation of the property boundary with landscape treatment and fencing.
- Use of landscaping that supports pedestrian access within the site.
- Appropriate lighting and signage; and
- Fencing as proposed.

c) Territorial Reinforcement (Community Ownership)

Territorial reinforcement promotes social control through increased definition of space and improved proprietary concern, i.e., it makes the normal user feel safe and makes the potential offender aware of a substantial risk of apprehension or scrutiny. By using buildings, fences, pavement, signs, lighting, and landscape to express ownership and define public, semi-public and private space, natural territorial reinforcement occurs.

Community ownership (territorial reinforcement) makes people feel comfortable in a place and is achieved by:

- A design that encourages people to gather in public spaces.
- Having a clear transition between boundaries of public and private spaces; and
- Having clear design cues as to who is to use the space and what it is to be used for.

The development has been designed to clearly delineate spaces that are to be used for congregation and areas that are not. This will ensure that any potential intruders will stand out and be easily identified. Elements of territorial reinforcement included in the design and ongoing management of the site include:

- The premises and landscaping will be maintained such that it communicates an alert and active presence occupying the space.
- Clearly defined boundaries of the development; and

- Provision of directional signage that assists in controlling activities and movements throughout the premises (knowing how and where to enter/exit and find assistance can impact on safety).

d) Space Management

Space management strategies such as site maintenance, target hardening, and target removal are included in the development.

Maintenance - Management and maintenance are closely linked to a sense of ownership. Good management and maintenance of a place, or property, is often the difference between it seeming safe or unsafe and it being cared for or uncared for. Deterioration indicates less control by the users of a site and indicates a greater tolerance of disorder.

Hungry Jacks restaurants operate to a Litter and Waste Management Plan which includes details of how and when waste collection trucks would attend the site, trash receptacles and property cleanliness.

The restaurant property must be free of accumulated litter and trash. All litter and trash from the previous day must be picked up prior to opening or no later than 30 minutes after dawn or opening.

Throughout the day, litter and trash will be disposed of on a regular and frequent basis as needed but not less than once per hour during daylight hours.

Staff will also patrol the boundary of the site to remove any rubbish to the extremities of the site. Travel paths will identify exterior areas that need to be cleaned on a consistent basis.

All paved areas, including the drive-thru lane and pad, will be kept free of a significant accumulation of grease, oil, chewing gum, stains, straw wrappers and cigarette butts

All adjoining property must be kept free of Hungry Jack's restaurant identified litter.

Furthermore, robust materials (including graffiti resistant materials) will be used where appropriate. It is a Hungry Jacks policy is that any vandalism or graffiti will be repaired and removed within 24 hours of it being reported.

Target Hardening & Removal - Target hardening and removal is the use of 'design out crime' strategies to make it harder for a crime to be committed and reduces the gains of crime. While this is the most long-established and traditional approach to crime prevention, it can create a 'fortress mentality' and imagery whereby users of the development withdraw behind physical barriers and the self-policing capacity of the built environment is damaged. This is effectively working against CPTED strategies that rely on surveillance, territoriality and positive image management.

The proposal includes the use of some physical barriers associated with target hardening such as 1.8m fencing; however, the site allows opportunities for natural surveillance from within the

building, with clearly defined boundaries, and natural access control. The site design has ensured that there is a safe environment for staff and customers alike.

e) Design Assessment

The above-mentioned measures that have been designed into the development will help create an environment that dissuades offenders from committing crimes by manipulating the built environment in which those crimes proceed from or occur.

The approved food and drink premises is considered to be consistent with the Department of Planning, Industry and Environment (former Department of Urban Affairs and Planning) Crime Prevention and the Assessment of Development Applications, 2001.

7.0 RECOMMENDATION

Development consent is sought for the construction of a food and drink retail premises in the form of the Hungry Jacks Restaurant.

The aim of the development is to provide convenient quality food outlet to meet the growing demand in the South Tamworth area and wider region. The proposed development is consistent with land zoning and surrounding commercial development in the Goonoo Goonoo Road area of South Tamworth.

Based on determination on a similar development on the site in 2015 and the assessment of potential environmental impacts in the above report, we do not believe there are any issues in terms of site suitability for the proposal, and that the proposal satisfies the statutory planning controls which apply to the site.

If any additional information is required to assist with the assessment of this Development Application, please do not hesitate to contact our Tamworth office at your earliest convenience.

Appendix A – Deposited Plan

4. *Journal of the American Medical Association* 212: 1231 (1971).

Appendix B – Architectural Plan Set

Fang Architects Project 230905

Appendix C – Service Strategy Plan

CSO Engineers C24856 Rev A Sheet G01

Appendix D – Landscaping Plan

CSO Engineers C24856 Rev A Sheet G02

Appendix E – Traffic & Parking Assessment

Colston Budd Rogers & Kafes Pty Ltd Ref 12410/2

Appendix F – Noise Assessment

Muller Acoustic Consulting Pty Ltd (MAC)

Appendix G – Resource Waste Management Plan

CSO Engineers Pty Ltd.