

JRPP No:	2012NTH001
DA No:	62/2011
LOCAL GOVERNMENT AREA:	Liverpool Plains Shire Council
PROPOSED DEVELOPMENT:	Highway Service Centre (Truck Stop/ Service Station, Fast Food restaurant, Truck Repairs and Café)
STREET ADDRESS	Duke Street, Quirindi
APPLICANT/OWNER:	Mosca Pserras Architects
NUMBER OF SUBMISSIONS:	Eight (8)
RECOMMENDATION:	Approval with Conditions
REPORT BY:	Liverpool Plains Shire Council

Assessment Report and Recommendation

Owner:	Liverpool Plains Shire Council
Lodgement Date:	28 October 2011
Capital Investment Value:	\$5,280,000.00 (\$5.28 million)
Land Zoning:	4(a) Industrial (General) Zone & 2(v) Village Zone Quirindi Local Environmental Plan 1991 R1 General Residential & IN1 General Industrial Liverpool Plains Local Environmental Plan 2011
Current use & Development:	Vacant land

EXECUTIVE SUMMARY:

Brief Description of the Proposal:

This report considers a Development Application for a Highway Service Centre operating 24 hours at Lot 3 DP1125557 Duke Street, Quirindi within the Liverpool Plains Shire Council Local Government Area (LGA). The submitted plans are attached to this report as **Annexure 1**.

Reason for Consideration by Joint Regional Planning Panel:

The application is being reported to the Joint Regional Planning Panel (JRPP) as it is classified as “Council related development over \$5 million” pursuant to Schedule 4A 4(b) of the Environmental Planning and Assessment Act 1979, being development in which Council is the land owner and that has a capital investment value (CIV) of more than \$5 million.

Compliance with Planning Controls:

The subject site is split-zoned with the majority of the site falling within Zone 4(a) Industrial (General) Zone and the northern portion of the site zoned 2(v) Village Zone pursuant to the provisions of *Quirindi Local Environmental Plan 1991* (QLEP1991). Under the *Liverpool Plains LEP 2011* (LPLEP2011) the site is also split-zoned with the majority of the site zoned IN1 General Industrial and the northern part of the site zoned R1 General Residential (see Diagram 3).

It is considered that the development is a suitable landuse in an industrial zone in accordance with the QLEP. Development for the purpose of a service station, fast food restaurant, truck repairs and Café are all permitted with consent.

Development for the purposes of a service station, fast food restaurant, truck repairs and Café are not prohibited within the 2(v) Village zone and are thus considered to be permitted with consent under the QLEP 1991.

The proposed development of a Service Station, Restaurant, Café and public amenities are not prohibited within the IN1 Industrial Zone of the LPLEP2011, a Highway Service Centre, however, of which the definition includes is prohibited.

Service Stations, Highway Service Centres and Truck Depots are prohibited within the R1 General Residential area. However, clause 1.8A of the LPLEP2011 also provides a transitional provision for the prohibited land uses as follows:

1.8A Savings provision relating to development applications

If a development application has been made before the commencement of this Plan in relation to land to which this Plan applies and the application has not been finally determined before that commencement, the application must be determined as if this Plan had not commenced.

As the lodgement of this application was before the formal gazettal of the LPLEP2011 the application must be determined under the Quirindi LEP 1991, which is still in effect.

Notwithstanding the provisions of clause 1.8A the consideration has been given to the condition 5.3 of the Liverpool Plains Local Environmental Plan. The clause states:

5.3 Development near zone boundaries

- (1) The objective of this clause is to provide flexibility where the investigation of a site and its surroundings reveals that a use allowed on the other side of a zone boundary would enable a more logical and appropriate development of the site and be compatible with the planning objectives and land uses for the adjoining zone.*
- (2) This clause applies to so much of any land that is within the relevant distance of a boundary between any 2 zones. The relevant distance is 50 metres.
Note: Diagram 3 shows the 50 metre line.*

- (3) *This clause does not apply to:*
- (a) *land in Zone RE1 Public Recreation, Zone E1 National Parks and Nature Reserves, Zone E2 Environmental Conservation, Zone E3 Environmental Management or Zone W1 Natural Waterways, or*
 - (b) *land within the coastal zone, or*
 - (c) *land proposed to be developed for the purpose of sex services or restricted premises.*
- (4) *Despite the provisions of this Plan relating to the purposes for which development may be carried out, development consent may be granted to development of land to which this clause applies for any purpose that may be carried out in the adjoining zone, but only if the consent authority is satisfied that:*
- (a) *the development is not inconsistent with the objectives for development in both zones, and*
 - (b) *the carrying out of the development is desirable due to compatible land use planning, infrastructure capacity and other planning principles relating to the efficient and timely development of land.*
- (5) *This clause does not prescribe a development standard that may be varied under this Plan.*

The above clause is also applicable to the proposed application as the development is consistent with the objectives listed within the clause.

- (1) The majority of the site falls into the IN1 Industrial zone and would be more appropriate and logical to use the planning objectives and land uses from this zone than with the adjoining R1 land zone.
- (2) The proposed site under the 50 metre threshold listed in the above point. This is shown in Diagram 3.
- (3) The proposed site does not fall under any of the abovementioned zones listed in clause 5.3.
- (4) The development is inconsistent with the objectives listed with the R1 General Residential zone, however, it is consistent with the objectives listed within the IN1 Industrial Zone. The development on the site is considered desirable due to compatible land use and, the site capacity is considered able to support the proposed infrastructure.

Integrated Development:

The proposal is not categorised as Integrated Development.

Consultation:

Adjoining and adjacent landholders were notified in writing of the application received by Council, a site notice installed and a public advertisement placed in the local newspaper exhibiting the development for a period of twenty eight (28) days. Eight (8) submissions were received by Council in response to the exhibition of the proposal. Copies of the submissions have been previously furnished to the JRPP.

Recommendation:

That DA62/2011 for a Highway Service Centre at Lot 3 DP1125557, Duke Street Quirindi be approved subject to the conditions contained in Annexure 2.

Annexures:

Annexure 1 Plans

Annexure 2 Draft Conditions

Proposal

The proposal seeks consent to the development of a Highway Service Centre operating 24 hours a day. The development includes a fast food restaurant, car wash and café, truck repair station, auto repair facilities, carparking and landscaping. The key aspects of the proposed development are described as follows:

Service Station

The internal floor area of the service station is 200m² and incorporates an enclosed forecourt 5.7 metres high with eight (8) petrol pumps. Fuel storage is to be located underground which includes four (4) tanks of 100,000L. Materials consist of rendered painted walls, steel framed awning and colour bond roof.

Truck Amenities Facilities

The internal floor area of the amenities facilities for truck drivers is 200m² and to be constructed of materials including rendered painted walls, painted express jointed sheeting and colour bond roof.

Fast Food Restaurant

The internal floor area of the fast food outlet is 200m², incorporating four (4) tables and sixteen (16) chairs. Materials consist of rendered and painted brickwork with aluminium framed shopfront glazing and aluminium louvered screen.

Car Wash Café

The café is circular and opens up to the north with outdoor seating facing the Kamilaroi Highway with a total floor area of 200m². The car wash facilities are located to the south of the site with a 7m high canopy over the area.

Auto Repairs Facilities

The building will consist of 5 workshops of 120m² with a total internal floor area of 600m². It is intended that a separate DA would be lodged by future operators for the use of each workshop.

Car Parking

The development includes the provision for 106 car parking spaces and 2 disabled spaces with the majority located to the east and north of the truck amenities and restaurant building. Truck parking is to be provided at the south and east of the site behind the main buildings.

Landscaping

Turf and mass plantings of native grasses and smaller shrubs less than 1m high will front the Kamilaroi Highway while larger shrubs and trees 3-5m high will be planted to the rear of the site on the southern and western boundaries.

1 Site Description

The subject land is located approximately 2km south of the Quirindi CBD and comprises a total area of approximately 1.89 hectares. The site is a battle axe shaped allotment which has direct frontage to the Kamilaroi Highway and Duke Street. The site is well serviced with an existing 3m wide water supply easement on the eastern boundary adjacent to the Kamilaroi Highway. A 3m wide sewer easement crosses the site east/west opposite South Street.

The subject property comprises vacant land adjacent to the Quirindi township environs. The site is surrounded by residential properties to the north. Kamilaroi Highway is located east of the site and the Quirindi Industrial Estate is located to the east of the Kamilaroi Highway. The southern and western site aspect consists of rural-residential activities.

Diagram 1 overleaf identifies the location of the development site relevant to adjacent properties.

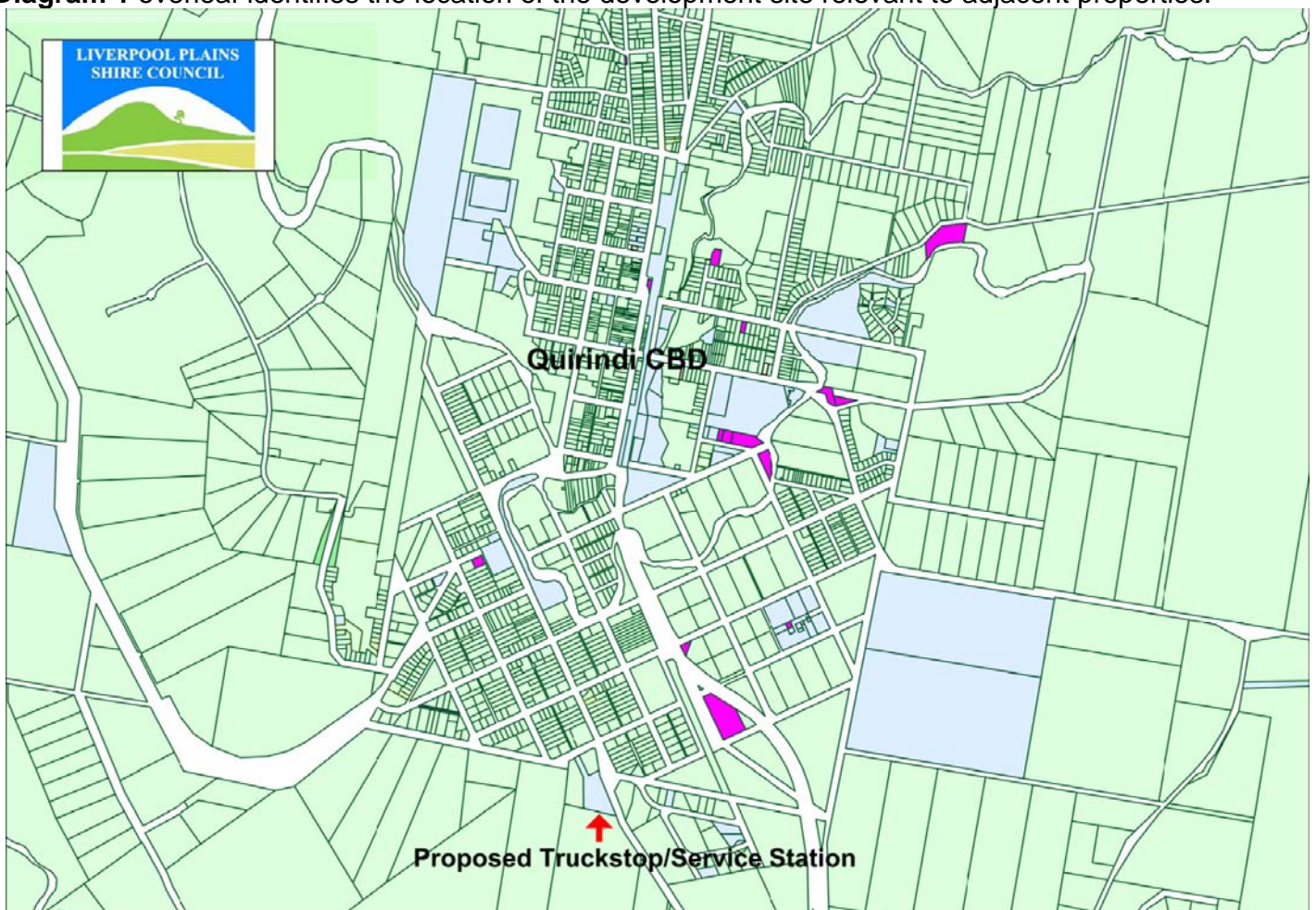


Diagram 1 – Locality Plan

Diagram 2 overleaf provides an aerial photograph of the subject site and the locality sourced from Google Image.

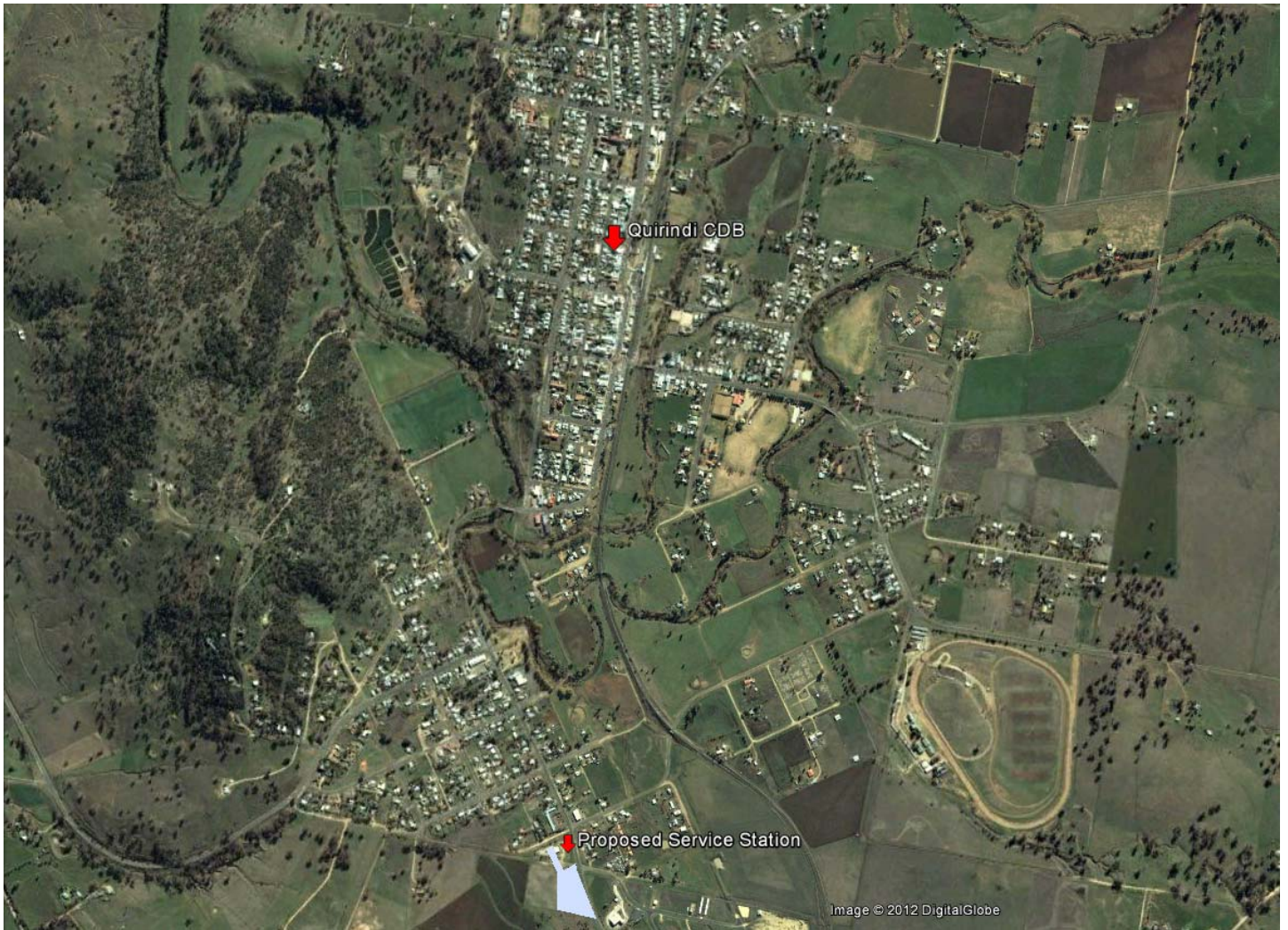


Diagram 2 – Aerial Photograph

2 Referrals

The application was referred to internal Council specialists: Water & Sewer Engineer, Traffic Engineer, Environmental Health Officer and Building Surveyor in addition external agencies and authorities including the NSW Roads & Maritime Service (formerly known as the RTA), NSW Police Service and Essential Energy. Specific agency responses are contained within the relevant sections of this Report.

3 Environmental Planning and Assessment Act 1979

In determining a development application, the consent authority must take into consideration matters referred to in Section 79C(1) of the *Environmental Planning and Assessment Act 1979* as relevant to the development. The following section of this report summarises the relevant matters for consideration and provides a planning commentary.

Section 79C(1)(a)(i) any environmental planning instrument

State Environmental Planning Policies

State Environmental Planning Policy No. 55 – Remediation of Land

The purpose of this policy is to provide a state-wide planning approach to the remediation of land. In particular, this policy aims to promote the remediation of contaminated land for the purposes of reducing the risk of harm to human health or other aspects of the environment.

In accordance with clause 7 of SEPP55, following a search of Council records, the subject land is not identified as being potentially contaminated and is considered to be suitable for the intended use. The requirements of the SEPP are therefore satisfied.

State Environmental Planning Policy (Infrastructure) 2007

Pursuant to clause 104 of the *State Environmental Planning Policy (Infrastructure) 2007* (the 'ISEPP'), the proposal was referred to the NSW Roads and Maritime Services (RMS) for consideration and comment. In response, and as detailed in their correspondence of 1 December 2011, the RMS advised:

- A right turn CHR treatment, including any necessary widening, should be installed to provide protection for right turning traffic entering the site from HW29. The CHR should be of sufficient length to accommodate a standing B-Double articulated vehicle whilst allowing a clear travel lane for southbound traffic in accordance with Part 4A of the AUSTROADS Guide to Road Design,
- The proposed exit point is considered to be too close to the intersection of HW29 and Industrial Drive. Given that the proposed egress and Industrial Drive would be located almost opposite one another, it would generally be required that the connections to HW29 be separated so as to stagger the intersection by at least fifty (50) metres. It is requested that the egress be designed in such a way as to only promote right-out and left-out movements, whilst restricting any potential for right-in, left-in and cross traffic movements from Industrial Drive. This should be supplemented by the erection of appropriate signage to identify the nature of the egress to traffic upon HW29.
- The widening of the approach to the above mentioned CHR may be extended to the intersection of Industrial Drive thus providing an evenly widened pavement for the entire frontage of the propose development.
- All car parking and manoeuvring paths for the development should be contained wholly within the site in accordance with AUSTROAD and AS2890.
- The developer will be required to enter into a Works Authorisation Deed (WAD) with the RMS for the new road works required on the Kamilaroi Highway, prior to the issue of a Construction Certificate. Prior to the Issue of an occupation certificate (interim or final) the developer shall complete all road works under the WAD to practical completion as determined by the RMS. All works shall be undertaken at full cost to the developer.
- The Developer must obtain the appropriate RMS authorisation in writing prior to the commencement of any road works on the Kamilaroi highway, including traffic management, temporary or permanent road works associated with the proposed development.

It is proposed that the above matters will be further addressed as draft conditions of development consent to the proposal.

The development as proposed is considered to be consistent with the provisions of the ISEPP.

State Environmental Planning Policy No. 44 – Koala Habitat Protection

This SEPP aims to encourage the proper conservation and management of areas of natural vegetation that provide habitat for koalas to ensure a permanent free-living population over their present range and reverse the current trend of Koala population decline. As the site is currently cleared and located in an industrial zone area and does not contain habitat vegetation the site is not considered suitable for Koala habitat.

Regional Environmental Plans

There are no regional environmental plans that apply to the land.

Local Environmental Plans

Quirindi Local Environmental Plan 1991

The subject land is split zoned with a majority of the area zoned 4(a) Industrial (General) zone, with the northern portion of the site zoned 2(v) Village pursuant to the provisions of the *Quirindi Local Environmental Plan 1991* (QLEP1991). Refer Diagram 3 overleaf.

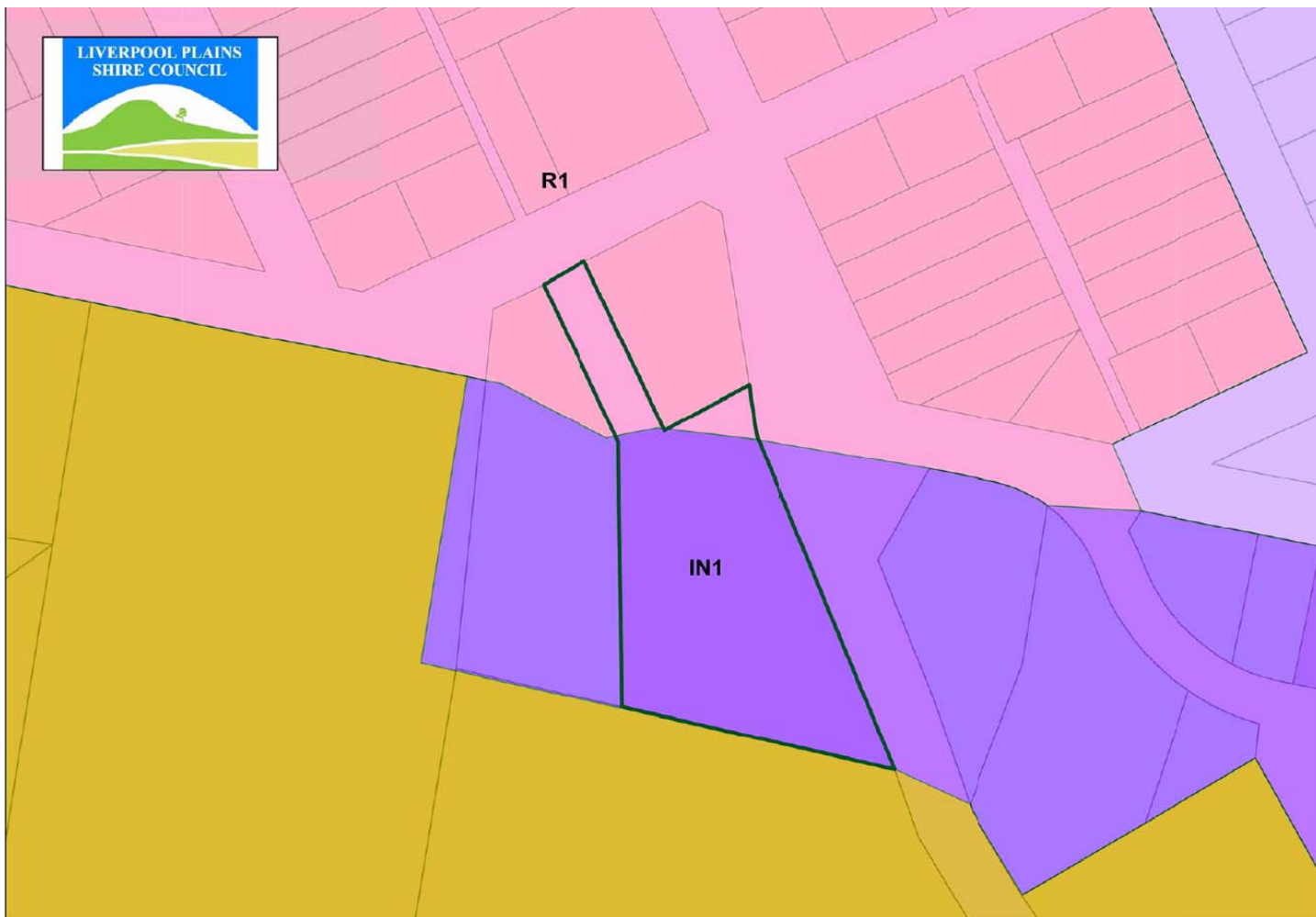


Diagram 3 - Map showing Split Zoning under LPLEP2011

The objectives of the 4(a) zone are as follows:

- (a) *to encourage development of land for the purpose of industry which will contribute to economic growth and employment opportunities within the Shire of Quirindi,*
- (b) *to enable certain other forms of development compatible with or ancillary to the industrial use of the land,*
- (c) *to provide opportunities for non-industrial commercial activities that may reasonably be located in an industrial zone, and*
- (d) *to ensure that industrial or other permitted development is carried out in a manner which is compatible with any residential development in the vicinity.*

Development for the purposes of a service station, fast food restaurant, truck repair facilities and café are not prohibited under the QLEP 1991 and therefore can be permitted with consent. The development will provide services that will complement the surrounding industrial uses and provide employment opportunities in Quirindi.

The submitted statement of environmental effects (SEE) analyses in some detail the issue of consistency with the zone objectives. It is concurred that the proposal is generally consistent with all zone objectives.

The objectives of the 2(v) Village zone are as follows:

- (a) *to promote development in existing villages in a manner which is compatible with their urban function,*
- (b) *to enable development for retail, commercial and service purposes for the local and nearby rural community in appropriate locations within the zone where the scale and type of development is compatible with living areas,*
- (c) *to encourage a range of housing in appropriate locations, and*
- (d) *to control, by means of a development control plan, the location, form and density of development.*

Development for service stations, fast food restaurant, truck repair facilities and café are not prohibited within the 2(v) Village zone and are therefore could be permitted with consent under the QLEP. The development would enable for service facilities for the local and nearby rural community in an appropriate location. The location of the site would enable development adjacent to the Kamilaroi Highway and Industrial area, and has a suitable separation from nearby residential dwellings. As such the development would meet the objectives of the 2(v) Village zone by providing essential services for residents, including job opportunities during construction and ongoing operation of the site.

The submitted statement of environmental effects (SEE) analyses in some detail the issue of consistency with the zone objectives. It is concurred that the proposal is generally consistent with the zone objectives, particularly objectives (a) and (b) within the 2(v) village zone.

Section 79C(1)(a)(ii)any draft environmental planning instrument that is or has been placed on public exhibition

Liverpool Plains Local Environmental Plan 2011

The subject land is split zoned IN1 General Industrial and R1 General Residential (smaller portion) under the Liverpool Plains LEP which was formally gazetted on 9 December 2011.. Highway Service Centres are a prohibited use within zones IN1 and R1 and are defined as follows:

Highway service centre means a building or place used to provide refreshments and vehicle services to highway users. It may include any one or more of the following:

- (a) *a restaurant or cafe,*
- (b) *take away food and drink premises,*
- (c) *service stations and facilities for emergency vehicle towing and repairs,*
- (d) *parking for vehicles,*
- (e) *rest areas and public amenities.*

As detailed in a preceding section, Clause 1.8A and 5.3 of the LPLEP2011 also provides transitional provisions for the consideration of prohibited land uses as follows:

1.8A Savings provision relating to pending development applications

If a development application has been made before the commencement of this Plan in relation to the land to which this plan applies and the application has not been finally determined before that commencement, the application must be determined as if this Plan had not commenced.

5.3 Development near zone boundaries

- (1) The objective of this clause is to provide flexibility where the investigation of a site and its surroundings reveals that a use allowed on the other side of a zone boundary would enable a more logical and appropriate development of the site and be compatible with the planning objectives and land uses for the adjoining zone.*
- (2) This clause applies to so much of any land that is within the relevant distance of a boundary between any 2 zones. The relevant distance is 50 metres.*
- (3) This clause does not apply to:*
 - (a) land in Zone RE1 Public Recreation, Zone E1 National Parks and Nature Reserves, Zone E2 Environmental Conservation, Zone E3 Environmental Management or Zone W1 Natural Waterways, or*
 - (b) land within the coastal zone, or*
 - (c) land proposed to be developed for the purpose of sex services or restricted premises.*
- (4) Despite the provisions of this Plan relating to the purposes for which development may be carried out, development consent may be granted to development of land to which this clause applies for any purpose that may be carried out in the adjoining zone, but only if the consent authority is satisfied that:*
 - (a) the development is not inconsistent with the objectives for development in both zones, and*
 - (b) the carrying out of the development is desirable due to compatible land use planning, infrastructure capacity and other planning principles relating to the efficient and timely development of land.*
- (5) This clause does not prescribe a development standard that may be varied under this Plan.*

Liverpool Plains Development Control Plan & Development Contribution Plan 2011

An interim DCP was prepared for internal working purposes in early 2011. This document was formally endorsed by Council with the acknowledgement and recognition that some outstanding tasks were required to be completed, for example, the finalisation of the Liverpool Plains Flood Management Study, in addition to policy formulation affecting certain development allied issues.

The majority of the outstanding tasks are nearing completion and the *Draft Liverpool Plains Development Control Plan (Consolidating DCP) 2012* is now pending review by key internal stakeholders. Following the completion of the internal review process and incorporation of required amendments, it is intended that the draft DCP be submitted for the further consideration at the March 2012 Ordinary Meeting of Council with the view of placing the Draft DCP on public exhibition for a period of thirty (30) days and inviting community comment in accordance with the requirements of the Environmental Planning & Assessment Act 1979 (EP&A Act).

Commensurate with the provisions of the EP&A Act, the Draft DCP is required to be formally adopted by Council within six (6) months of date of gazettal of its comprehensive LEP. Consequently, this important strategic planning matter will require finalisation no later than **9 June 2012**.

Section 79C(1)(a)(iii) any development control plan

Liverpool Plains Development Control Plan 2011

DCP Planning Control	Compliance
4.6.1. Building Setbacks	
Street setback must be a minimum of 5m.	The bulk of the buildings are set back 47.2m from the Kamilaroi Highway with the exception of the café/carwash which is set back a minimum of 9.23m. The circular design of this building will reduce the visual bulk from the when viewed from the highway.
No concession for secondary frontage.	Not applicable for this development
Street setback must be landscaped.	A landscaped front setback of 7m is proposed. This will be treated in native grasses and shrubs less than 1m high
Side and rear setbacks to meet BCA requirements.	<p>The minimum set back from the southern side boundary is 10.2m with the northern boundary adjoining Duke street is 5m. The fast food restaurant is set back 24m from the rear boundary.</p> <p>The auto repairs alley has been positioned on the western boundary orientated to the east in order to reduce noise and disturbance to the adjacent property. The 1.2m setback would comply with BCA regulations and would not cause adverse impact on residential amenity and overshadowing due to the setback. The development would be screened and treated with appropriate landscaping to reduce visual bulk.</p>
4.6.2 Design	
Building elevations to the street frontage or where visible from a public road, reserve, railway or adjoining residential area are to incorporate variations in façade treatments, roof lines and building materials.	The buildings have been designed with high quality painted/render block works and colorbond fascias and roofs.
Low scale building elements such as display areas, offices, staff amenities are to be located at the front of premises and constructed in brick or finished concrete.	This has been addressed later in the assessment report.
Roofing materials should be non-reflective where roof pitch is greater than 17 degrees or not visible from a public road.	All roofing materials will be made from a non reflective material.

4.6.3 Utilities and Services	
<p>Servicing strategy is required to demonstrate the availability and feasibility of providing water, sewer and stormwater services appropriate for the scale and nature of development.</p>	<p>A Servicing Strategy will be required to be submitted to Council prior to the issue of a construction certificate.</p>
<p>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.</p>	<p>A Trade Waste Application will need to be applied for before the issue of a construction certificate. This aspect can be covered as a proposed condition of consent in the determination process.</p>
<p>Onsite stormwater capture and reuse shall be provided for maintenance of landscaping. Storage tanks shall be appropriately located and screened.</p>	<p>This has been addressed in a latter section of the assessment report.</p>
<p>Buildings and structures are to be located clear of utility infrastructure.</p>	<p>All buildings and structures will be clear of any servicing infrastructure.</p>
<p>For sewer mains, structures are to be located a minimum of one metre or the equivalent invert depth, whichever is greater, from the centreline of the main.</p>	<p>No structures will be built within 1 metre of Council sewer mains.</p>
4.6.4 Landscaping	
<p>Landscaping is required:</p> <ul style="list-style-type: none"> - in the front 5m of street setback; - side and rear setbacks where visible from public place or adjoining residential area; and - areas adjacent to building entrances and customer access points. 	<p>A landscaped front setback of 7m is proposed. This will be treated in native grasses and shrubs less than 1m high.</p>
<p>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.</p>	<p>Detailed on the submitted landscaping plan.</p>
<p>Landscaping shall comprise only low maintenance, drought and frost tolerant species.</p>	<p>A landscape plan has been prepared for the proposed development with appropriate landscaping being provided for the adjoining the rear and side boundaries. The landscaping will be in the form of native shrubs and grasses and larger Eucalypts on the sites northern, southern and western boundaries.</p>

4.6.5 Fencing	
<p>Open work or storage areas visible from a public place or street must be fenced by masonry materials or pre-coloured metal cladding of minimum 2m height. Fencing to be located behind the building setback.</p>	<p>All external areas are shown on the site plan (11044AP01G) and are enclosed, screened and located behind the building line. All fuel storage tanks will be located underground.</p>
<p>Security fencing must be also located behind the building setback area except when of a decorative nature to be integrated in the landscaped area.</p>	<p>There is no security fencing proposed in front of the building setback.</p>
4.6.6 Traffic and Access	
<p>The Traffic Assessment is required to demonstrate the adequacy of:</p> <ul style="list-style-type: none"> - road network, - site access, - loading/unloading facilities, and - safe on-site manoeuvring for largest design vehicle - wearing surfaces for access driveways, parking areas, loading/unloading facilities and associated vehicle manoeuvring areas relative to the design vehicle. 	<p>A Traffic report was prepared by Colston Budd Hunt and Kafes which indicated that the road network is capable of accommodating additional traffic from the proposed development. This component has been addressed in a later section of this assessment report</p>
<p>Unsealed vehicle movement areas are not acceptable due to environmental management impacts.</p>	<p>The area will be sealed to Council engineering guidelines and standards</p>
<p>All vehicles must be able to enter and exit the site in forward direction.</p>	<p>Separate entry and exit driveways are provided and the traffic will flow in a single direction.</p>
<p>Site access not permitted:</p> <ul style="list-style-type: none"> - Close to traffic signals, intersection or roundabouts with inadequate sight distances; - Opposite other large developments without a median island; - Where there is heavy and constant pedestrian movement on the footpath; - Where right turning traffic entering the site may obstruct through traffic. 	<p>There are no traffic signals located near the proposed development site. The nearest roundabout is located within the Quirindi CBD which is approximately 2kms south of the site. The site is bound by residential and there is no other large development located in the area. As mentioned previously the site is some distance from the CBD so there is no known heavy or constant pedestrian movement in the locality.</p>

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.	This DCP requirement has been addressed in the assessment report. The proposed development will comply with <i>Austroads - Guide to Road Design</i>
The number of access points from a site to any one street frontage is limited to 1 ingress and 1 egress.	The site has dual road frontages to both Kamilaroi Highway and Duke Street. Due to the residential and more sensitive land uses located to the north of Duke Street access is provided off Kamilaroi Highway.
Driveways must be provided in accordance with Australian Standard AS2890.1 Parking Facilities.	As mentioned later in the assessment report, the parking areas are proposed to be provided throughout the development site on a modular basis in order to service the various precincts. The submitted SEE indicates that all parking areas will be designed and constructed in accordance with AS2890
4.6.7 On site Parking	
Restaurant -1 space per 15m ² GFA	Using this formula the total number of car parks required for the restaurant is 27 car park spaces. The proposed development allows for a total of 106 car parks plus 11 parks for truck.
Retail Development - 1 car parking space per 60m ² regardless of size.	The proposed truck stop will require 17 car parking spaces using this formula. The proposed development will cater for 102 car parking spaces plus and additional 4 spaces for disable persons and shared zone spaces. The proposal will also allow for 11 truck parking spaces.
4.6.8 Loading/Unloading Facilities	
Adequate space and facilities are required to be provided wholly within the site.	There is adequate off street loading and unloading facilities provided within the site boundaries.
Loading and delivery bays must be designed to allow vehicles to enter and exit the site in a forward direction.	<p>Vehicular access to the site is provided from Kamilaroi Highway via a separate entry and exit driveways at the southern and northern ends of the site. To facilitate entry a left turn deceleration lane will be provided for vehicles entering the site. The disused left turn land opposite South Street will be closed and does not cross through the site. The South Street junction will operate at a good level of service with the traffic created from the proposed development.</p> <p>Separate entry and exit driveways are provided and the traffic will flow in a single direction.</p>
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.	Parking areas will be designed and constructed to Council standards. The landscaping outlined in the landscaping plan will screen the car parking when viewed from the street and provide a visual barrier to the hardstand areas.

4.6.9 Outdoor Signage	
Single occupant industrial site: <ul style="list-style-type: none"> - one free standing advertisement within the 5m landscaped setback; and - one advertisement integrated within the facade of the building, but no higher than the building roof line. 	Not applicable to this application
Multiple unit industrial site: <ul style="list-style-type: none"> - one index board near site entrance or within the 5m landscaped setback; and - one advertisement integrated within the facade of each unit, but no higher than the building roof line. 	The development has no proposed signage at this stage. Any future proposed signage will be required to be dealt with under a separate Development Application.
4.6.10 Outdoor Lighting	
Must comply with Australian Standard AS4282 Control of Obtrusive Effects of Outdoor Lighting.	All external lighting and signage will be subject of future review prior to issue of a construction certificate. A Lighting Management Plan will be required to be produced by a suitable qualified consultant to ensure compliance with AS4282-1997 "Control of the Obtrusive Effects of Lighting".
4.6.11 Noise	
Windows, doors and other wall openings shall be arranged to minimise noise impacts on residences where proposed within 400m of a residential zone.	The Vipac Acoustic Assessment proposed that appropriate mitigation measures will be implemented on development and operation of the site in order that compliance should be achieved. The application was also referred to Council's Contract Environmental Health Officer who has recommended a number of conditions be imposed into any consent.
External plant (generators, air conditioning plant etc.) shall be enclosed to minimise noise nuisance where adjoining residential area.	This has been addressed in a later section of the assessment report.

Section 79C(1)(a)(iii) any development control plan

Quirindi Development Control Plan No. 1 – Industrial Development Code (QDCP 1)

The above mentioned plan has been repealed by the Liverpool Plains Development Control Plan 2011. Therefore the QDCP 1 shall not be considered in the assessment of this application.

Section 79C(1)(a)(iia) any planning agreement

There are no planning agreements applicable to the development proposal.

Section 79C(i)(a)(iv)the regulations (to the extent that they prescribe matters for the purposes of this paragraph)

Environmental Planning & Assessment Regulations 2000

Division 5 of Part 9 of the *Environmental Planning and Assessment Regulation 2000* applies to the proposal. The proposal fulfils the fire safety and structural adequacy requirements of the regulations and is therefore considered appropriate. In accordance with the requirements of the regulation, a condition of consent is included requiring the preparation of both a fire safety certificate and a fire safety schedule and the submission of an annual fire safety statement from the applicant.

Section 79C(1)(b)the likely impacts of the development

Context and Setting

The subject land is located within the Quirindi environs at the fringe of the Quirindi urban area. At the 2006 census, the township of Quirindi comprised a total population of approximately 4872 persons. A contextual map showing the location of the Quirindi urban area and the pattern of surrounding development is provided in Diagram 2.

The development site has historically been utilized for traditional agricultural pursuits (grazing). The property adjoins existing agricultural operations and agricultural land. The land has been held under the ownership of Council for a considerable period of time as an economic development initiative.

Access, Transport & Traffic

A detailed traffic analysis has been prepared by Colston Budd Hunt and Kafes (CBHM) in support of the development application. The assessment by CBHM concludes:

- The proposed development will be accessible by existing bus services;
- The proposed parking provision is considered appropriate
- Access, internal circulation and layout is considered appropriate
- The road network will be able to cater for the additional traffic from the proposed development.

The development proposal was also referred to the NSW RMS for consideration and comment in accordance with the requirements of the ISEPP. As detailed in a preceding section, the NSW RMS has recommended that the consent authority considers the imposition of a number of conditions of development consent, as follows:

- A right turn CHR treatment, including any necessary widening, should be installed to provide protection for right turning traffic entering the site from HW29. The CHR should be of sufficient length to accommodate a standing B-Double articulated vehicle whilst allowing a clear travel lane for southbound traffic in accordance with Part 4A of the AUSTROADS Guide to Road Design.
- The proposed exit point is considered to be too close to the intersection of HW29 and Industrial Drive. Given that the proposed egress and Industrial Drive would be located almost opposite one another, it would generally be required that the connections to HW29 be separated so as to stagger the intersection by at least fifty (50) metres. It is requested that the egress be designed in such a way as to

only promote right-out and left-out movements, whilst restricting any potential for right-in, left-in and cross traffic movements from Industrial Drive. This should be supplemented by the erection of appropriate signage to identify the nature of the egress to traffic upon HW29.

- The widening of the approach to the above mentioned CHR may be extended to the intersection of Industrial Drive thus providing an evenly widened pavement for the entire frontage of the proposed development.
- All car parking and manoeuvring paths for the development should be contained wholly within the site in accordance with AUSTROAD and AS2890.
- The developer will be required to enter into a Works Authorisation Deed (WAD) with the RMS for the new road works required on the Kamilaroi Highway, prior to the issue of a Construction Certificate. Prior to the Issue of an occupation certificate (interim or final) the developer shall complete all road works under the WAD to practical completion as determined by the RMS. All works shall be undertaken at full cost to the developer.
- The Developer must obtain the appropriate RMS authorisation in writing prior to the commencement of any road works on the Kamilaroi highway, including traffic management, temporary or permanent road works associated with the proposed development.

Site Access

A new access is proposed to be constructed to service the development site to an intersection design standard as in accordance with the *Austrroads Guide to Road Design* specifications and in accordance with the submitted CBHM Traffic Assessment. The vehicular access to the site will be provided via separate entry and exit driveways via the Kamilaroi Highway. Good site lines exist in both directions from the proposed driveway locations.

Roads

Loder Street is a dedicated and sealed public road which extends from the development site to form part of the Kamilaroi Highway. Loder Street is a State classified road and a well utilised transport linkage which plays an important role within the local road hierarchy and provides for direct access to the New England Highway.

There is currently no kerb and gutter available for the length of the development frontage. It is not proposed to extend kerb and gutter to the frontage of the development site however, appropriate treatment of the frontage of the development site to manage localized stormwater drainage will be required.

Parking

Parking areas are proposed to be provided throughout the development site on a modular basis in order to service the various precincts. The submitted SEE indicates that all parking areas will be designed and constructed in accordance with AS2890.

The Liverpool Plains Development Control Plan 2011, indicates that for retail development, 1 car parking space is to be provided per 60m². The required parking for retail purposes will be a total of 17 spaces.

The DCP requires Restaurants and Cafes to have 1 car parking space per 15m² of gross floor area. The total floor area of the restaurant and cafe is 400m², requiring 27 spaces.

For compliance with the abovementioned DCP, the proposed development would require a total of 100 spaces. The proposal currently allows for a total of 106 car spaces plus 12 spaces for trucks.

It is considered that the proposed rate of parking provision is commensurate with likely demand. A condition of development consent may also be imposed to ensure that sufficient parking is provided in line with pre-determined development thresholds and in accordance with the submitted precinct plans.

Utilities

Water

Water supply to the facility is proposed to be provided to the site via a combination of methods including use of Council's water supply system, on-site rainwater harvesting. A detailed plan showing connection to Council water supply will be submitted to Council as part of a servicing strategy prior to the issue of a construction certificate. This will require approval by Council's Director of Works.

Sewer

Application will be made to Liverpool Plains Shire Council for connection to the Quirindi sewerage scheme. An approval for connection will need to be made once the application is approved by Quirindi Council's Director of Works as part of the agreed servicing strategy.

Stormwater

During construction all works areas will be bunded and fitted with siltation controls maintained to prevent the transport of sediments offsite. Council's erosion and sedimentation control policy provides the necessary guidelines in this regard.

An erosion and sediment control plan addressing the construction phase will need to be prepared prior to the issue of a construction certificate.

Electricity

Electricity services have been identified as being available for connection to the development site. The proponent will need to liaise further with the local electricity provider, Essential Energy, in relation to the reticulation of electricity infrastructure to the site and any associated upgrades.

Telecommunications

Telecommunication services have been identified as being available for connection to the development site. The proponent will need to liaise further with the telecommunications provider (Telstra or their assignees) in relation to the reticulation of telecommunications infrastructure to the site and any associated upgrades.

Gas

The subject site is not serviced by a natural gas connection. Gas will be provided to the site via the installation of a LPG-gas tank. In the interest of mitigating any potential storage hazards, the physical siting of the proposed gas tank will need to be identified and clearly delineated on the final construction drawings prior to the issue of the Construction Certificate (CC).

Heritage

The subject land is not identified in Council's LEP Heritage schedules. No items of heritage significance are

known to exist on the land. A standard condition of development consent may be imposed requiring agency notification if items of indigenous heritage are uncovered during construction works.

Soils

The site is known to be characterised by reactive soils and as a result a geotechnical assessment of the site will be required prior to the preparation of engineering designs for civil and structural works. Council's Engineering Guidelines contain details of the necessary design standards for civil works.

Flora & Fauna

The physical development site comprises highly disturbed land which is grassed and located on a residential fringe. Two isolated mature trees and two smaller trees exist within the confines of the facility footprint which are proposed to be removed. It is not considered that trees are of a known protected species and the removal of these trees will have no detrimental impact on the flora and fauna located within the area.

Waste

Council's Health Services Coordinator has reviewed the submitted SEE and determined that proposed waste service arrangements are adequate for the development and that the existing Quirindi landfill is available to cater for the general waste arising from ongoing site operations.

A variety of waste streams will be generated at the site ranging from construction waste during the build phase and general waste and recyclables through to trade waste upon facility operation. Standard conditions of development consent should be imposed in this regard and given that the premises will be connected to sewer as part of the site servicing strategy, a Trade Waste application must be submitted to Council prior to the issue of a Construction Certificate (CC).

Adequate manoeuvring area is available for waste transportation vehicles to service the development site. An advisory note should be imposed detailing that Council's existing domestic waste services contract does not extend to operations at such a facility and, without a request to modify this contract, that separate arrangements must be made with a private waste services/waste transportation contractor for the lawful transportation and disposal of the various waste streams.

Energy & Ecologically Sustainable Building Design

A report pursuant to Section J of the Building Code of Australia (BCA) will be required to be prepared. It is accepted that this matter be addressed as a condition of development consent to the proposal. It is also noted that the development encompasses a range of initiatives regarding the reuse and recycling of water.

Noise & Vibration

An Acoustic Impact Assessment was undertaken by Vipac in October 2011. The report identifies the potential noise impact from the development including noise from the operation of mechanical plant, vehicles, truck and car wash and auto alley facilities, and noise from service station and fast food occupants.

The assessment report determined that the noise generated from the proposed development would exceed the criteria based on residential noise, however it recommends to implementation of a number of measures which would achieve to mitigate some of this impact. These mitigation measures include;

- a minimum glazing thickness of 6.38 laminated for all buildings to assist with attenuations,

- construction of acoustic enclosures for plant equipment and acoustic louvers at ventilation openings,
- location of plant equipment away from noise sensitive receivers,
- extraction systems to be constructed such that the outlet is either shielded from the noise sensitive premises and/or is pointing in a direction at least 90 degrees away from the nearest residence,
- achieving no direct 'line of site' path between the nearest residence and all the major plant equipment and extraction systems,
- isolation of vibration of the heavier plant equipment to prevent structure borne noise,
- restrictions of hours of operation of the auto alley and truck car wash facilities to day periods only, and
- a solid 2m high fence erected to the north of the site along the residential receiver boundary.

Council's Contract Environmental Health Officer has also reviewed the submitted Acoustic Impact Assessment and has suggested a number of conditions be incorporated into any final determination notice. These conditions are;

- Council request an acoustic validation report be completed for the area once the proposed development is completed and operation occurs, to assess compliance with the Office of Environment and Heritage Industrial Noise Policy for suburban residential receivers. This report must include the dwelling located at Lot 18 Sec 8 DP758863.
- Any audible alarms (excluding security alarms) should be prohibited.
- The construction of the acoustic wall will be an approved Acoustic walling or baffle material.
- The location of the acoustic wall to be determined prior to the issue of a construction certificate.

It is considered that the above mentioned matters may be addressed as conditions of development consent to the proposal.

Natural Hazards

Council has reviewed its GIS resources and the subject site is not known to be bushfire prone land. In addition a review of Council's flood maps has been undertaken and the land is not identified as being subject to inundation by floodwater. No adverse impacts have been identified that would preclude or impinge upon the operation of the development.

Underground Petroleum Storage Systems (UPSS)

The Protection of the Environment Operations (Underground Petroleum Storage Systems) Regulation 2008 came into effect on 1 June 2008.

Under the UPSS regulations the owner/operator is required to have in place:

- A system for monitoring and detecting leaks.
- Groundwater monitoring wells and a system for measuring them.
- An Environment Protection Plan for the site.
- Systems in place for record keeping, reporting of leaks and notifying council when the UPSS is decommissioned.

To this end, and given that it is not expected that the planning authority's technical expertise should extend beyond a broad understanding of the applicable industry specifications the DECCW Guideline on UPSS (Planning and Development Process for Sites with Underground Petroleum Storage Systems) recommends that:

- DECCW be advised of any approvals that involve the installation of UPSS,

- That a broad condition of consent that the minimum requirements of the UPSS Regulations are met,
- A new UPSS must prior to commissioning;
 - a) Be appropriately designed, installed and commissioned by duly qualified persons in accordance with the UPSS Regulation.
 - b) Have minimum mandatory pollution protection equipment installed, consistent with the Regulation, comprising non-corrodible secondary containment tanks and associated pipework and overfill protection devices.
 - c) Have groundwater monitoring wells installed and tested in accordance with the Regulations.
 - d) Have a certificate showing that any equipment integrity test (EIT) has been carried out in line with the written directions of duly qualified persons.

It is therefore proposed that the following conditions of consent be imposed:

- That the underground petroleum storage system be installed to meet the minimum requirements of the POEO (Underground Petroleum Storage Systems) Regulation 2008 as outlined above.

Safety, Security & Crime Prevention

The application was referred to the NSW Police Service for consideration and comment. To date, Council has received no response in relation to the referral.

Given the community concerns raised and the deficiencies in the existing documentation regarding safety and security at the facility, a condition of development consent should be imposed requiring the proponent to submit additional information in this regard, prior to the issue of the Construction Certificate (CC). This documentation should specifically address the NSW Planning Guidelines '*Crime Prevention Through Environmental Design*' to the satisfaction of the NSW Police Service.

Economic Impact in the Locality

It is anticipated that the project will generate a number of permanent and casual employment positions offer an increased range of as well as day to day services for local residents. Adverse impacts have been minimised and it is considered that the facility will provide for ongoing employment opportunities and positive economic impact.

It is also relevant that a new draft State Environmental Planning Policy has been exhibited in relation to retail competition. The draft SEPP outlines its intention to encourage competition between retail businesses to place downward pressure on prices. If adopted in its current form the Plan will provide that:

- The commercial viability of a proposed development may not be taken into consideration by a consent authority, when determining development applications;
- The likely impact of a proposed development on the commercial viability of other individual businesses may also not be considered unless the proposed development is likely to have an overall adverse impact on the extent and adequacy of local community services and facilities, taking into account those to be provided by the proposed development itself; and
- Any restrictions in local planning instruments on the number of a particular type of retail store in an area, or the distance between stores of the same type, will have no effect.

The provisions of the draft SEPP supports the view that significant weight should not be given to the impact of new commercial development on the commercial viability of another commercial competitor.

Site Design and Internal Design

The subject land is a battle axed shaped, predominantly flat allotment of approximately 1.89 hectares in total area. The site has road frontages to Duke Street and the Kamilaroi Highway. The proposed Service Station will be centrally located on the allotment with an entry point located off the Kamilaroi Highway and two exits points located on Duke Street and the Kamilaroi Highway. The submitted design shows consideration has been given to site characteristics.

Construction

Management of construction impacts will be the responsibility of the builder (or site manager). It is intended that a condition of development consent should be imposed requiring the preparation of a Construction Management Plan (CMP) to ensure that impacts likely to be experienced during the construction phase of the development are appropriately managed and mitigated.

Section 79C(1)(c) The suitability of the site for the development

The site is considered suitable for the proposed development, for the following reasons;

- it is consistent with the desired future character of the area,
- no adverse site constraints or impacts have been identified,
- acceptable access arrangements and traffic impacts have been addressed, and
- any identified negative externalities are considered to be capable of being managed and appropriate conditions of consent have been propose in these cases.

Section 79C(1)(d) Any submissions made in accordance with the Act or the Regulations

The proposal was advertised and notified for a period of fourteen (14) days from 8 November 2011 to 23 November 2011 in accordance with the *Environmental Planning and Assessment Act 1979*, and the *Environmental Planning and Assessment Regulations 2000*. Eight (8) submissions were received in response to the public exhibition of the application. The table below summarises the representations made and associated responses.

Issue	Council Response
<i>Submission No. 1</i>	
<i>Devaluation of Properties</i>	Council is not aware of any evidence supporting this claim. It is also not relevant in the assessment under section 79(c) of the <i>Environmental Planning and Assessment Act 1979</i> .
<i>Drainage Concerns</i>	Issues pertaining to the management of surface water, flooding and stormwater have been addressed throughout the assessment report. It is intended that these matters be addressed in detail as part of an Erosion and Sediment Control Plan which will be prepared prior to the issue of a construction certificate.

<i>Noise Issues</i>	The noise issues have been addressed in the preceding section of this assessment report. The Vipac Acoustic Assessment determined that while there may be exceedence of noise criteria based on residential noise receiving modelling, appropriate mitigation measures implemented on development and operation of the site should ensure compliance is achieved. The application was also referred to Council's Contract Environmental Health Officer who has recommended a number of conditions for implementation into any consent.
Submission No. 2	
<i>Environmental issues – contamination</i>	As outlined previously in the Assessment report a multi-risk assessment will be prepared prior to the issue to a construction certificate to ensure the compliance with WorkCover NSW and EPA standards. The design and installation of the underground petroleum storage system will comply with AS 4897-2008, with Protection of the Environment Operations (Underground Petroleum Storage Systems) Regulations 2008 and (if required) with the Protection of the Environment Operations (Clear) Amendments (Vapour Recovery) Regulation 2009.
Increased Traffic and Impact on Road Safety	Traffic and road safety have been addressed in the preceding section of this report. A Traffic report was prepared by Colston Budd Hunt and Kafes which indicated that the road network is capable of accommodating additional traffic from the proposed development.
<i>Noise Issues</i>	As above.
<i>Drainage Concerns</i>	As above.
<i>Crime, Safety and Security</i>	The proponent proposes to increase surveillance of the site through future lighting and installation of mechanical surveillance (CCTV). The buildings have been designed so their entries are directed to adjacent car parking, which will provide surveillance of these areas.
Submission No. 3	
Increased Traffic and Impact on Road Safety	As above.
<i>Noise Issues</i>	As above.
<i>Effect on employment in Quirindi</i>	The proposal will create new employment opportunities in the local area through both the construction phase and ongoing operation of the site. The increased range of services and their accessibility will have a positive economic impact in line with the draft SEPP previously mentioned in the preceding section of this report.

Submission No. 4	
Increased Light Pollution	All external lighting and signage will be subject to regulation. A Lighting Management Plan will be produced by a suitable qualified consultant to ensure compliance with AS4282-1997 "Control of the Obtrusive Effects of Lighting".
Noise Issues	As above.
Increased Traffic and Impact on Road Safety	As above.
Effect on employment in Quirindi	As above.
Drainage Concerns	As above.

Submission No.5	
Inadequate Details	Council has resolved the issue of the capital interest value (CIV) with the proponent and the cost of the development being reassessed from \$1.5million to \$5.28million.
Possible Contamination	As above.
Conflict of Interest	The proposed development will go before the JRPP for resolution.
Noise Issues	As above
Zoning Issues	As outlined previously in this report the development is consistent with the zone objectives listed under the Quirindi Local Environmental Plan 1991 and is considered to be a permissible development.
Misleading	The application was placed on public exhibition for a period of fourteen (14) days.
Effect on employment in Quirindi	As above.

Submission No.6	
Effect on employment in Quirindi	As above.
Crime, Safety and Security	As above.
Inadequate Details	As above.

Submission No.7	
Environmental issues – contamination	As above.
Noise Issues	As above.

<i>Increased Light Pollution</i>	As above.
<i>Crime, Safety and Security</i>	As above.
<i>Fire Safety Risk</i>	The site is not located in bush fire prone land. A condition will be imposed in the determination notice requesting the applicant submit a fire safety schedule, fire safety certificate and an annual fire safety statement.
<i>Devaluation of Properties</i>	As above.
<i>Unknown effect on Cattle Grazing</i>	There s no evidence that the proposal will disrupt surrounding agricultural activities. Appropriate landscaping will provide a buffer between the site and adjoining properties.
Submission No.8	
<i>Devaluation of Properties</i>	As above
<i>Noise Issues</i>	As above.
<i>Increased Light Pollution</i>	As above.
<i>Crime, Safety and Security</i>	As above.
<i>Increased Traffic and Impact on Road Safety</i>	As above.

Section 79C(1)(e) The public interest

No policy statements from State or Federal Government are known to have any relevance to the assessment of this Development Application. The proposal is considered to be consistent with the general objectives of the *Liverpool Plains Shire Council Growth Management Strategy* (2009) in particular objective 9.5.1 “*Provide for coordinated and effective and sustainable growth the economic, social and environmental aspects of the Shire*” and objective 9.5.4 “*To provide for economic development opportunities that is in keeping with the character of Liverpool Plains Shire*”.

4 Development Contributions Payable

a) The *Liverpool Plains Shire Council Section 94A Contributions Plan* applies to this development proposal. The primary objective of this Plan is to assist Council in providing and enhancing public amenities and services.

The Section 94A Plan affects all land within the Liverpool Plain Shire Council Local Government Area and

pertains to all developments considered under Part 4 of the *Environmental Planning and Assessment Act 1979*. The Plan authorises Council to impose a levy as a condition of development consent in accordance with the levy schedule provided in the Plan (currently levied at 1.0% of the development cost). This amount may also be amended by the Ministerial Director.

Accordingly, a condition of consent has been proposed by way of into this report in line with the current requirements of the S94A Plan. A levy of \$40,300 is payable for this proposal.

b) The *Liverpool Plains Water Supply and Sewerage Development Servicing Plan 2010 (DSP)* covers water supply and sewer developer charges in regard to the Liverpool Plains Council area for those developments using the water supply and/or sewerage infrastructure. The purpose of the DSP is to identify the change in demand for capacity in water and sewerage infrastructure as a result of development in Liverpool Plains Shire, and to provide for that capacity through developer contributions. Under the current DSP framework, development servicing contributions are currently levied per equivalent tenement (ET).

As Headworks contributions apply to newly created lots (with calculated Equivalent Tenements), this aspect has already been covered by the original subdivision developer (ie LPSC Council). In the case of this development, depending on the demand performance, it is likely the only cost would be connection fees for both the water and sewer. As the water fee depends on size Council is unable to determine what the cost will be until the developer indicates a performance requirement for the site. If the developer requires anything larger than 100mm piping for the water connection a potential cost for capital contribution will arise. It is unlikely that the development will require this upgrade.

As advised by the Manager of Water & Sewer the below table describes the potential costs of the proposed Highway Service Centre;

DSP Item	2011-2012 Fees & Charges Schedule
Sewer Headworks	nil
Water Headworks	nil
Upgrade water & sewer	depends on developments requirements for performance
Connection water (Council's expectation is that the proposal will be in the 50mm to 80mm range)	depends on developments requirements for performance to determine size of standard fee
Connection sewer	\$71

The payment of DSP contributions is additional to any required infrastructure capital upgrade works.

5 Recommendation

The application has been assessed in accordance with the requirements of the *Environmental Planning and Assessment Act 1979* and the *Environmental Planning and Assessment Regulation 2000*. The evaluation

concludes that the proposal is satisfactory in terms of the matters for consideration identified in the legislation.

It is recommended that the proposal be granted conditional development consent in accordance with the schedule of conditions contained in Annexure 2.

RS (Ron) Van Katwyk
Director Environmental Services

ANNEXURE 1

DA PLANS



DATA
TOTAL SITE AREA 18 980m ²
FLOOR AREA CALCULATIONS
CAR WASH CAFE FLOOR AREA 200m ²
SERVICE STATION FLOOR AREA 200m ²
TRUCK STOP FLOOR AREA 200m ²
DRIVE THRU TAKE AWAY FLOOR AREA 200m ²
AUTO ALLEY FLOOR AREA 600m ²
TOTAL PROPOSED AREA 1400m ²
1400/18980 = 0.07:1 F.S.R.
CARPARKING CALCULATIONS
CAR SPACES PROVIDED 102 spaces
TRUCK SPACES PROVIDED 11 spaces

Notes

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- do not scale from drawing
- all dimensions to be checked on site before commencement of work.
- all discrepancies to be brought to the attention of the author.

issue	details	by	date
G	ISSUE TO COUNCIL	DS	20.10.11
F	PLANS UPDATED	DS	19.10.11
E	ISSUE TO CONSULTANTS	DS	28.09.11
D	AMENDED AS PER GBHK ASSESSMENT	DS	21.09.11
C	AMENDED AS PER GBHK ASSESSMENT	DS	12.09.11
B	PRELIMINARY ISSUE	DS	24.08.11
A	PRELIMINARY ISSUE TO CONSULTANTS	DS	15.08.11

issue	details	by	date
amendments			

project
**PROPOSED TRUCK STOP/
SERVICE STATION**

location
KAMILAROI HIGHWAY

QUIRINDI
client
EXPRESS GROUP

drawing title
Concept Analysis

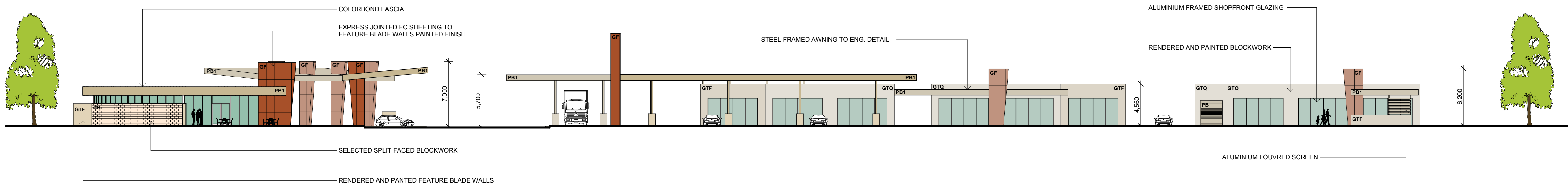
date	checked	project arch.	drawn
12.08.11	no	11044 AP01	DS
scale	no	issue	G
1:500			



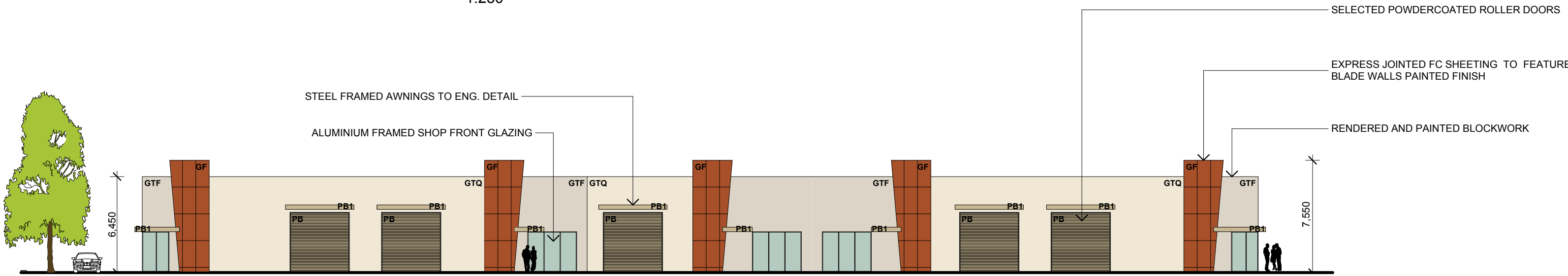
mosca pserras architects
suite 501, 7 Secant st liverpool, nsw 2170

p 02 9601 3244 f 02 9601 6336
a p.o.box 3353 liverpool westfield, nsw 2170

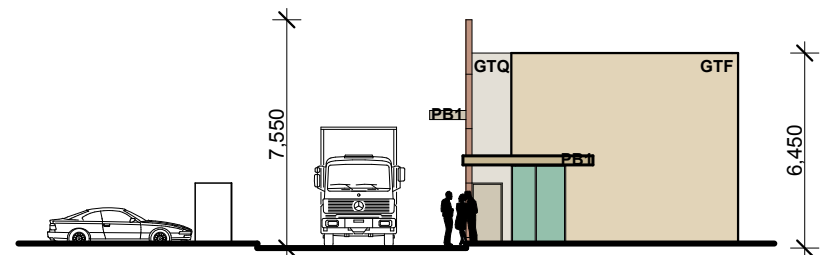
Concept Analysis
1:500



Streetscape Elevation (Kamilaroi Highway)
1:250

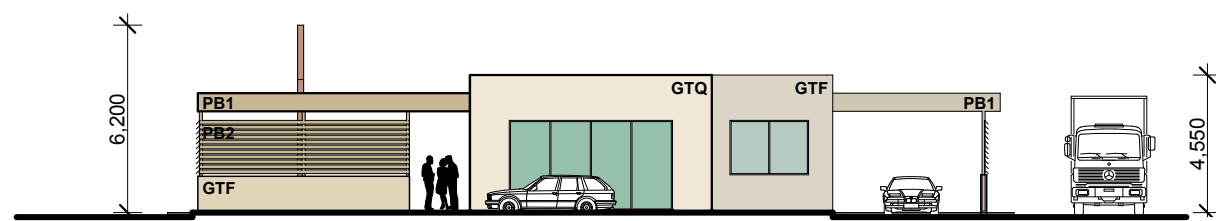


East Elevation (Auto Alley)
1:250

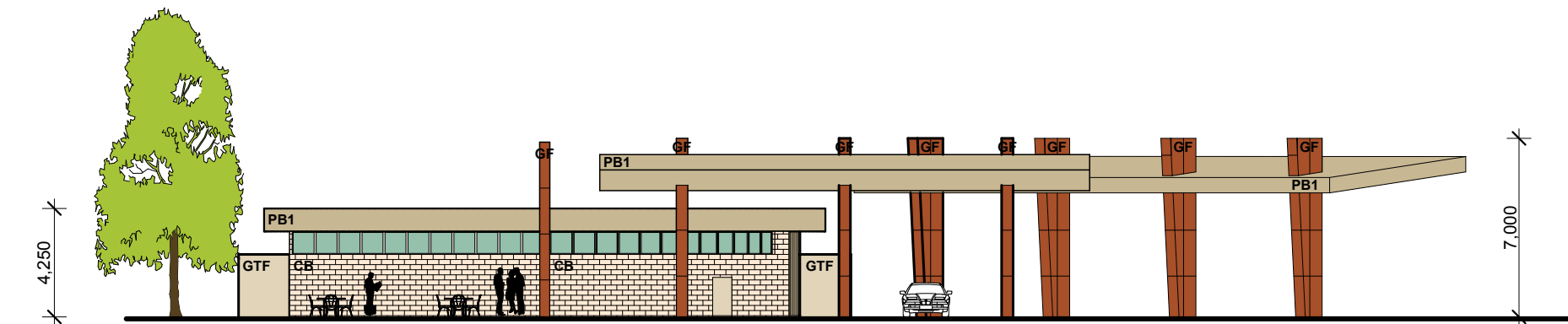


Streetscape Elevation (Duke Street)
1:250

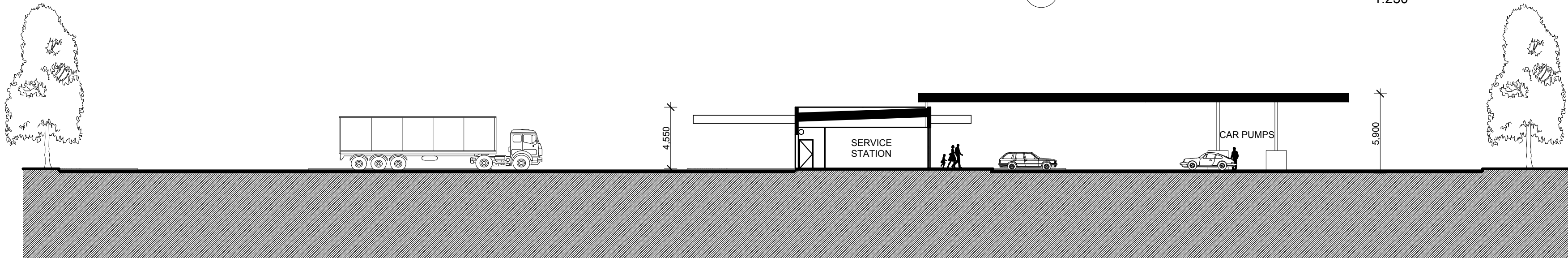
West Elevation
1:250



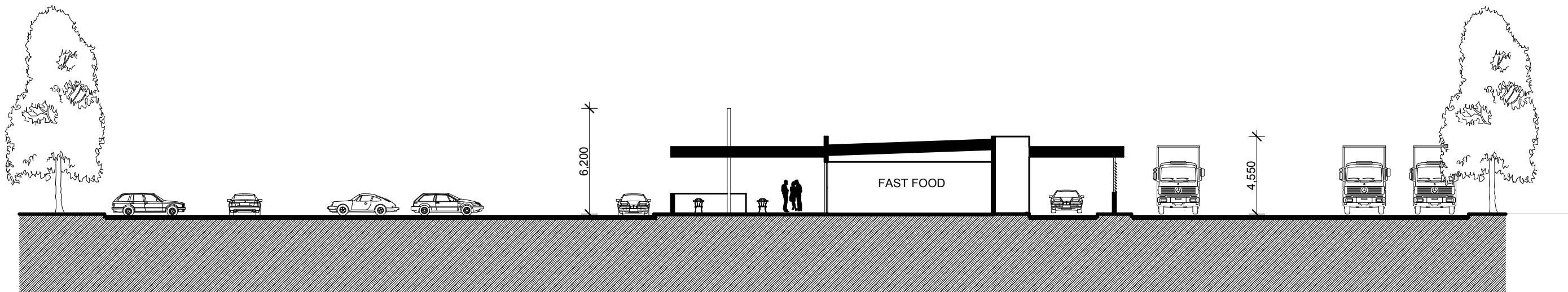
North Elevation
1:250



North Elevation (Carwash Cafe)
1:250



Section A-A
1:250



Section B-B
1:250

SCHEDULE OF FINISHES

- PB - ROLLER DOOR POWDER COATED (DULUX - COLORBOND PAPERBARK)
- PB1 - COLORBOND - PAPERBARK
- PB2 - POWDER COATED LOUVRE PRIVACY SCREEN (DULUX - COLORBOND PAPERBARK)
- GF - EXPRESS JOINTED FC SHEETING PAINTED FINISH (DULUX - GARFIELD)
- CB - SPLIT FACED CONCRETE BLOCK WALL (BORAL - PAPERBARK)
- GTQ - RENDERED/ PAINTED WALL (DULUX - GENTLE TOUCH QUARTER STRENGTH)
- GTF - RENDERED/ PAINTED WALL (DULUX - GENTLE TOUCH FULL STRENGTH)

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- all dimensions to be checked on site before commencement of work.
- all discrepancies to be brought to the attention of the author.

Notes

C	ISSUE TO COUNCIL	DS	20.10.11
B	ELEVATIONS/ SECTIONS UPDATED	DS	11.10.11
A	ISSUE TO CONSULTANTS	DS	29.08.11
issue details	by	date	
amendments			

project
**PROPOSED TRUCK STOP/
SERVICE STATION**

location
KAMILAROI HIGHWAY

client
EXPRESS GROUP

drawing title
Elevations / Sections

date	checked	project arch.	drawn
12.08.11		OK	DS
scale	no	11044 AP02	issue
1:250			C



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ANNEXURE 2

DRAFT CONDITIONS OF DEVELOPMENT CONSENT

Annexure 2 – Proposed Conditions

Deferred Commencement Matter

Prior to this consent becoming operational, and as provided for by section 80(3) of the Environmental Planning and Assessment Act 1979, the consent shall not operate until a detailed **Infrastructure Servicing Strategy** is endorsed by Liverpool Plains Shire Council. Such a Strategy shall address all infrastructure servicing requirements for the site and be prepared in accordance with Best Practice Guidelines. Such a Plan shall include, but not be limited to the following matters:

- (i) Provision of water supply, sewerage and site stormwater services demonstrating compliance with applicable Australian Standards;
- (ii) Provision of gas, electricity and telecommunications services;
- (iii) Provision of civil engineering requirements demonstrating compliance with Council's *Engineering Guidelines and Specifications for Subdivisions and Development Works*; and
- (iv) Compliance with section 68 of the Local Government Act 1993 with regard to achieving compliance with necessary ancillary approvals;

In accordance with clause 95(3) of the Regulation, a period of two (2) years from the date of the development consent is allowed for the satisfaction of the "deferred commencement" matters.

Identification of approved plans

1. The development must be carried out in accordance with the following plans and documentation listed below and as endorsed by Council, except where amended by other conditions of this development consent:

Plan No.	Prepared/Drawn By	Date
Statement of Environmental Effects	APP Corporation	October 2011
1104 AP01-Concept Analysis	Mosca Pserras Architects	12/08/2011
1104 AP02 – Elevations/Sections	Mosca Pserras Architects	12/08/2011
T112059 – Site Service Plan	Kelley Covey Group	18/10/2011
20C-11-0239 – Acoustic Impact Assessment	Vipac Engineers	10/10/2011
8380 – Traffic Report	Colston Budd Hunt & Kafes Pty Ltd	September 2011
BCA Section J Design Report	Gradwell Consulting	12/10/2011

3053A L-012 – Landscaping Plan	RFA Landscape Architects	11/10/2011
11140 – Detail Survey	Mitchel Hanlon Consulting	30/08/2011

Inconsistency between documents

2. In the event of any inconsistency between conditions of this consent and the drawings/documents referred to above, the conditions of this consent shall prevail.

Prior to work commencing

3. Pursuant to s.81A of the Act, the following matters must be satisfied prior to the commencement of work:
 - (i) Obtain a Construction Certificate from either Council or an accredited certifier; and
 - (ii) Appoint a Principal Certifying Authority (PCA) and advise Council of the appointment, if it is not the Council.
4. A sign is to be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out stating that unauthorized entry to the work site is prohibited and showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours. The sign is to be removed when the work has been completed.
5. Toilet facilities are to be provided, prior to the commencement of work, at or in the vicinity of the work site on which work is being carried out.

Note: Facilities are to be provided at the rate of one toilet for every 20 persons or part of 20 persons employed at the site. Each toilet provided must be a standard flushing toilet and must be connected to a public sewer. If connection to a public sewer is not practicable, then the toilet is to be connected to an accredited sewage management facility approved by the council. If connection to a public sewer or an accredited sewage management facility is not practicable, then connection to some other sewage management facility approved by Liverpool Plains Shire Council is required.

6. An Erosion and Sediment Control Plan shall be prepared by a suitably qualified person for approval by Council prior to the commencement of any construction works. Erosion and sediment controls for the construction works are to be installed and approved by Council before site works begin, and maintained effectively for the duration of the construction works.
7. Pursuant to section 68 of the Local Government Act 1993, the following approvals must be obtained from Council prior to the issue of a Construction Certificate:-
 - (i) Carry out water supply works;
 - (ii) Carry out sewerage works (if applicable);
 - (iii) Carry out onsite sewage management works (if applicable);
 - (iv) Carry out stormwater drainage work; and
 - (v) Dispose of trade waste into a sewer of the Council (if applicable).

Prior to the issue of a Construction Certificate

Water & Sewer

8. A compliance certificate under section 306 of the Water Management Act 2000 must be obtained from Council (as the local water supply authority) prior to the issue of a Construction Certificate. All infrastructure design, including engineering drawings and construction specifications for water and sewerage supply (prepared in accordance with Council's Engineering Guidelines), must be approved and payments for water and sewer headworks contributions made prior to the issue of the compliance certificate.

Hours of Operations

9. Operation of the site shall be limited to the following hours to prevent unreasonable disturbance to the amenity of the area:

Auto Alley - 7am – 7pm
Car and Truck Wash Facilities – 7am – 7pm
Drive Through and Fast Food Outlet - 24 hours
Truck Stop Facilities – 24 hours
Service Station – 24 hours
All car and truck car spaces – 24 hours

Water & Sewer Headworks

10. Prior to the release of the Construction Certificate, the payment by the Developer of **water supply headworks** contributions, calculated on an equivalent tenement (ET) basis, pursuant to Section 64 of the Local Government Act 1993, Division 5 of Part 2 of Chapter 6 of the Water Management Act 2000 and in accordance with Council's adopted Development Servicing Plan (DSP). The contribution will be levied in accordance with Council's adopted Management Plan Fees and Charges Schedule as payable at the time of lodgement.
11. Prior to the release of the Construction Certificate, the payment by the Developer of **sewer services headworks** contributions, calculated on an equivalent tenement (ET) basis, pursuant to Section 64 of the Local Government Act 1993, Division 5 of Part 2 of Chapter 6 of the Water Management Act 2000 and in accordance with Council's adopted Development Servicing Plan (DSP). The contribution will be levied in accordance with Council's adopted Management Plan Fees and Charges Schedule as payable at the time of lodgement.
12. An Erosion and Sediment Control Management Plan shall be prepared in accordance with the relevant sections of the Department of Housing Manual "Soil and Water Management for Urban Development", and *Council's Engineering Guidelines and Specifications for Subdivisions and Development Works*. Such a Plan shall be submitted to and approved by Council prior to the issue of a Construction Certificate.

The Plan shall include:

- (i) Measures to prevent site vehicles tracking sediment and other pollutants from the development site;
- (ii) Dust control measures;
- (iii) Control structures such as sediment basins, sediment fences and sediment traps to trap sediment and allow filtered water to pass through; and
- (iv) Safety measures for temporary and permanent water bodies including fencing and maximum batter slopes.

The erosion and sediment control measures shall be provided to avoid damage to the environment during construction and are to be maintained throughout construction of the development.

13. Detailed engineering drawings specific to the works and prepared in accordance with *Council's Engineering Guidelines and Specifications for Subdivisions and Development Works*, are required to be submitted and approved by Council for the following, as a minimum, to ensure all works are designed and constructed in accordance with recognized standards and guidelines:

- (i) Stormwater drainage;
- (ii) Car parks and internal roads;
- (iii) Access road intersection;
- (iv) Erosion and sedimentation control.

The engineering drawings shall be prepared by a suitably qualified and experienced practicing engineer and be submitted to Council for approval prior to the issue of a Construction Certificate.

14. Prior to the issue of a Construction Certificate, a Construction Management Plan is to be submitted and approved by Council. The plan is to identify the methodology of managing all construction impacts.
15. All internal driveways, parking areas, loading bays and vehicular turning areas are to be constructed with a base course of adequate depth to suit design traffic, being sealed with either asphaltic concrete, concrete or interlocking pavers and being properly maintained to facilitate the use of vehicular access and parking facilities and to minimize associated noise and dust nuisance. Full details of compliance are to be included on the plans submitted to and approved by Council prior to the issue of the Construction Certificate application.

Section 94A Contributions

16. Pursuant to Section 80(1)(A) of the Environmental Planning and Assessment Act 1979, and the Liverpool Plains Section 94A Contributions Plan, a contribution of \$40,300 shall be paid to the Council.

Notes: a) The above amount may be adjusted at the time of actual payment, in accordance with the requirements of the Liverpool Plains Section 94A Contributions Plan.

b) Payment of the contributions is required prior to the release of the Construction Certificate.

Auto Alley

17. The use of the of the Auto Alley is not granted within this consent and a separate Development Application will be required for the operation of this facility,

General

18. All proposed building, site works or property improvement indicated on the submitted plans or otherwise required under the terms of this consent shall be completed prior to occupation of the premises to ensure compliance with the provisions of the Environmental Planning and Assessment Act, 1979.

19. All building work must be carried out in accordance with the provisions of the Building Code of Australia.

Note: Section J Report and Fire Safety Certification

20. The developer is responsible for any costs relating to alterations and extensions of existing roads, drainage and Council services (including water and sewer reticulation) for the development.

Stormwater

21. All plumbing within the site must be carried out in accordance with relevant provisions of Australian Standard AS/NZS 3500.3 – Plumbing and Drainage – Stormwater Drainage;
22. All surface flow paths must have a practical and satisfactory destination with due consideration to erosion and sediment control during all stages of the development;

Note: Table drain treatment along the frontage of the development is to be completed in accordance with Council's Guidelines for Engineering and Subdivision Works

23. Any interruption to the natural overland flow of stormwater drainage which could result in the disruption of amenity, or drainage, or deterioration to any other property is not permitted.

Traffic and Parking

24. All parking and loading bays shall be permanently marked out on the pavement surface and being clearly indicated by means of appropriate signs to facilitate the orderly and efficient use of onsite parking and loading/unloading facilities.
25. The direction of traffic movement within the site shall be clearly indicated by means of suitable signs and pavement markings to ensure that clear direction is provided to the drivers of vehicles entering and leaving the premises in order to facilitate the orderly and efficient use of on-site parking and traffic access and in the interest of traffic safety.
26. A right turn CHR treatment, including any necessary widening, shall be installed to provide protection for right turning traffic entering the site from HW29. The CHR should be of sufficient length to accommodate a standing B-Double articulated vehicle whilst allowing a clear travel lane for southbound traffic in accordance with Part 4A of the AUSTROADS Guide to Road Design.

Note: The widening of the approach to the above mentioned CHR may be extended to the intersection of Industrial Drive thus providing an evenly widened pavement for the entire frontage of the propose development.

27. All car parking and manoeuvring paths for the development should be contained wholly within the site in accordance with AUSTROAD and AS2890.
28. Prior to the issue of a Construction Certificate, the developer will be required to enter into a Works Authorisation Deed (WAD) with the Roads and Maritime Service (RMS) for the new road works required on the Kamilaroi Highway. Prior to the Issue of an Occupation Certificate (interim or final) the developer shall complete all road works under the WAD to practical completion as determined by the RMS. All works shall be undertaken at full cost to the developer.
29. The Developer must obtain the appropriate RMS authorisation in writing prior to the

commencement of any road works on the Kamilaroi highway, including traffic management, temporary or permanent road works associated with the proposed development.

Safety, Security & Crime Prevention

30. Submission of additional documentation for endorsement detailing site specific crime prevention strategies, surveillance mechanisms and site access management in accordance with the Crime Prevention Through Environmental Design (CPTED) Guidelines. The documentation shall be to the satisfaction of Liverpool Plains Shire Council and the NSW Police Service.
31. The developer shall prepare, and submit to Council for endorsement, an emergency services plan. Such a plan shall detail site evacuation strategies and site identification mechanisms.

Food Premises

32. The food premises, including the construction and installation of all equipment, fixtures and fittings must comply with the requirements of the Food Act 2003, Food Regulation 2004, Food Standards Code and Australian Standard AS4674 for the Design, Construction and Fit Out of Food Premises. In this regard, the developer's attention is drawn to the following aspects:
 - (i) If Council is nominated as the Principal Certifying Authority, details of compliance are to be included in the plans and specifications for the Construction Certificate. Council's Environmental Services Department is to be given 48 hours notice to inspect the premises prior to the commencement of the business.
 - (ii) Where Council is not nominated as the Principal Certifying Authority, a Certificate from an appropriately qualified person confirming compliance with the above legislation and guidelines is to be provided before the issue of the Occupation Certificate.
 - (iii) Prior to occupation and commencement of trade the food business is required to be registered with Council and/or the NSW Food Authority.
 - (iv) Prior to the sale of food to the public the food preparation, service and storage areas of the premises will be required to be inspected and approved by Council's Environmental Health Officer to ensure compliance with the Food Act 2003 and the Food Safety Standards.

Noise & Vibration

33. The noise level generated by the development must not exceed the Office of Environment and Heritage Industrial Noise Policy's recommended LAeq noise level dB(A) for suburban residential receivers at any time (when measured at the boundary of the nearest residential receiver).
34. An acoustic validation report must be provided and endorsed by Council within the first three (3) months of operation of the service centre to ensure that the development complies with the conditions of consent pertaining to noise. In the event that the design noise level criteria are not met, appropriate remediation measures shall be proposed for Council's approval. This report must include the dwelling located at Lot 18 Sec 8 DP758863.
35. Any audible alarms (excluding security alarms) should be prohibited
36. The construction of the acoustic wall shall be of an approved Acoustic walling or baffle material and the location of this wall be determined by the acoustic engineer and approved by Council prior to installation.

37. The development should not generate offensive noise as defined under the Protection of the Environment Operations Act 1997.

Lighting

38. A Lighting Management Plan will be completed by a suitable qualified consultant and submitted to Council. The plan will demonstrate compliance with AS4282-1997 "Control of the Obtrusive Effects of Lighting".

Signage

39. Signage shall be erected at the two truck parking bays adjacent to the wash facilities advising drivers to use parking available at the western end of the development prior to occupying these spaces during the evening and night period.
40. Signage will also be erected at the Auto Alley, Truck Repairs and Truck servicing area, advising drivers to exit via Loder Street during the evening and night period.

Underground Petroleum Storage Systems

41. The underground petroleum storage system is to be installed to meet the minimum requirements of the POEO (Underground Petroleum Storage Systems) Regulation 2008 inclusive of the following:

A new UPSS must prior to commissioning:

- Be appropriately designed, install and commissioned by duly qualified persons in accordance with the UPSS Regulation.
- Have minimum mandatory pollution protection equipment installed, consistent with the Regulation, comprising non-corrodible secondary containment tanks and associated pipework and overfill protection devices.
- Have groundwater monitoring wells installed and tested in accordance with the Regulations.
- Have a certificate showing that any equipment integrity test (EIT) has been carried out in line with the written directions of duly qualified persons.

During Construction

42. Work on the project shall be limited to the following hours to prevent unreasonable disturbance to the amenity of the area:

Monday to Friday – 7:00am – 5:00pm; Saturday – 8:00am to 1:00pm if audible on other residential premises, otherwise 7:00am to 5:00pm. No work to be carried out on Sunday or Public Holidays if it is audible on other residential premises.

The builder shall be responsible to instruct and control his subcontractors regarding the hours of work.

43. A site rubbish enclosure shall be provided on the site for the period of the proposed construction works.
44. A copy of the current stamped approved engineering construction plans and specifications must be kept on site for the duration of the works and be made available upon request to either the Principal Certifying Authority or an officer of the Council.

45. The proponent shall ensure that dust suppression is undertaken to the satisfaction of Council, in the form of constant water spraying or other natural based proprietary dust suppressant, to ensure that dust caused by any vehicles moving within the site does not cause nuisance to surrounding properties.
46. Stockpiles of topsoil, sand, aggregates, spoil or other material shall be stored clear of any natural drainage path, constructed drainage systems, easement, water bodies, or road surface and located wholly within the site with measures in place to prevent erosion or movements of sediment in accordance with the approved erosion and sediment control management plan.
47. All spillage of materials, as a result of delivery or handling, must be removed as soon as practicable and placed into suitable receptacles for reclamation and disposal in a manner that does not cause pollution to the environment.
48. Open and piped drains, gutters, roadways and access ways shall be maintained free of sediment for the duration of the work. When necessary, roadways shall be swept and drains and gutters cleaned of sediment build up.
49. The footpath and/or road reserve is not be used for construction purposes or placing of building materials (without Council's prior consent) to ensure safe and unobstructed access for pedestrians and motorists.
50. All works undertaken on a public road are to be maintained in a safe condition at all times. Council may at any time, without prior notification, make safe any such works it considers unsafe and recover all reasonable costs incurred from the Developer.
51. Any damage caused to the road pavement, kerb and guttering and/or footpath during building operations shall be rectified by the Developer or the builder to the satisfaction of Council to ensure the integrity of Council's road infrastructure is maintained to a suitable standard.
52. Traffic management measures as a result of the works are to be maintained at all times in accordance with approved Traffic Control Plans and Traffic Management Plans.
53. Should any item of indigenous or European heritage be uncovered during construction, all work shall cease immediately and notification shall be provided to the Office of Environment and Heritage (OEH).

Inspections

54. As a consent authority under the Water Management Act 2000, the following inspections are required to be carried out by Council.
 - (i) Underfloor drainage under hydrostatic test prior to covering;
 - (ii) Internal stackwork under hydrostatic test prior to covering;
 - (iii) Hot and cold water plumbing under pressure test prior to covering;
 - (iv) Sanitary drainage (under hydrostatic test) prior to backfilling trenches or covering;
 - (v) The installation of any Trade Waste facilities prior to backfilling or covering;
 - (vi) Final inspection of all plumbing and drainage works;
 - (vii) Verification of "work as executed" drawings.
55. It is required that a Principal Certifying Authority (PCA) be appointed to undertake all critical stage inspections as prescribed under the Environmental Planning and Assessment Regulation 2000. The owner may appoint either the Council or an accredited certifier to be the PCA.
56. Inspections are required to be carried out by Council for the following works:

- (i) Stormwater drainage infrastructure prior to backfilling trenches;
- (ii) Road pavement prior to sealing;

Please note that Council requires a minimum of 48 hours notice to undertake inspections.

Prior to Occupation

57. To ensure that building work is completed in accordance with the approval and is in a safe and healthy condition for use by the occupants, the building(s) shall not be occupied or used until:
- a) It is completed in accordance with the approval and the principal certifying authority has completed a satisfactory final inspection;
 - b) The principal certifying authority gives written permission to allow the building to be occupied or used before it is completed.

Continued Operations

58. The sealing of all vehicular parking, manoeuvring and loading and unloading areas is to be maintained at all times.
59. The pavement markings of all vehicular parking areas and directional pavement markings is to be maintained at all times.
60. All vehicular movement to and from the site shall be in a forward direction to ensure that the proposed development does not give rise to vehicle reversing movements on or off the public road with consequent traffic accident potential and reduction in road efficiency.
61. To ensure that required car parking spaces, associated driveways and vehicle manoeuvring areas are able to function efficiently for their intended purpose, they shall be maintained clear of obstruction and used exclusively for the purposes of car parking and vehicle access and under no circumstances are such areas to be used for the storage of goods or waste materials.
62. Landscaping shall be maintained throughout the life of the development.

Advisory Notes

- Before the issue of an occupation certificate. A street address number for the site, must be obtained from the Rates Section of LPSC and the address number permanently displayed as per Council requirements