



STATEMENT OF ENVIRONMENTAL EFFECTS

Aberdeen Valley Fair

172 – 182 Macqueen Street, Aberdeen

Prepared for: Enef Investments Pty Ltd

JULY 2017

Ref: 17010

**STATEMENT OF ENVIRONMENTAL EFFECTS for ABERDEEN VALLEY FAIR
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EXECUTIVE SUMMARY

This Statement of Environmental Effects (SEE) supports a development application for a mixed use commercial development comprising a service station, quick service food (QSF) outlet, supermarket, medical centre and bulky goods retail outlets on land located at the corner of Perth and Macqueen Streets, Aberdeen.

The key components of the proposal are as follows:










Proposal	Mixed Use Commercial Development and demolition of existing buildings
Site Description	Existing Commercial Centre consisting café and supermarket and other retail shops 172 – 182 Macqueen Street (New England Highway, Aberdeen) Legally identified as Lots 113 & 114 DP 631908
Site Area	Approximately 4.19ha
Zoning	B2 Local Centre
Applicant	Enef Investments Pty Ltd

Subject Land

The subject land is located on the eastern side of the New England Highway, and currently contains an existing 'Foodworks' supermarket, 'Celebrations' Bottleshop as well as a café, pizza restaurant, butchers and retail shop located on Lot 113 and a large cleared paddock (Lot 114). The site is relatively flat with a slight fall towards the south eastern corner of the holding. The land is a square shaped holding with access from the New England Highway and has a total area of approximately 4.19ha.

Proposed Development

Consent is sought from Upper Hunter Shire Council to demolish the existing structures on the site and develop and use a mixed use commercial precinct to be known as Aberdeen Valley Fair that would comprise:

-  A highway service centre;
-  QSF with drive thru option;
-  Small scale supermarket;
-  Bottle shop;
-  Medical centre and chemist;
-  Retail shops x 2; and
-  Retail bulky goods complex;
-  Truck Parking Facility; and
-  Associated carparking and access.








Full details of the proposal and specific built elements are provided in Section 1.5 of this report and the architectural plans are in **Attachment A**.

Permissibility under the Upper Hunter Local Environmental Plan 2013 (UHLEP 2013)

The proposal is defined as '*commercial premises*' and '*Highway service centre*' under the UHLEP 2013. The proposal, as detailed above, is permissible with Council consent in accordance with the UHLEP 2013.

Relevant Merit Planning Considerations

In addition to the statutory requirements of the Scone LEP 1986, relevant issues in the consideration of this application are:

-  Traffic and access;
-  Contamination;
-  Hazard Analysis;
-  Landscaping;
-  Waste Management;
-  Economic and Social Impacts; and
-  Acoustic Impacts.

This SEE addresses each of these issues in detail at Section 2 with specialist reports also accompanying the application where relevant. A detailed assessment of the merit planning issues has found that the proposal is not expected to have any adverse impacts on the environment with all relevant issues able to be effectively managed on the site.

Assessment Summary

Insite concludes that the proposal is a permitted use and satisfies all relevant planning considerations, thus allowing Council to grant conditional approval for the development. Supporting information also confirms the site is suitable for the proposed development and environmental impacts have been satisfactorily assessed and can be effectively managed to minimise impacts on the site and the surrounding area. The proposed development offers significant socio-economic benefits to the district where there is no similar form of facility available within Aberdeen.



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Attachment 7 - CIV Report

Attachment 8 – Access Report

Attachment 9 – Preliminary Hazard Analysis

Attachment 10 – Geotechnical Report

Attachment 11 – Traffic Impact Statement

Attachment 12 - Acoustic Report

Attachment 13 – Waste Management Plan

1. INTRODUCTION

This Statement of Environmental Effects (SEE) supports a development application for a mixed use commercial development comprising a service station, quick service food outlet, supermarket, medical centre and bulky goods retail outlets on land located at the corner of Perth and Macqueen Streets, Aberdeen.

The applicants are the owners of the site, Enef Investments Pty Ltd. Insite Planning Services and DWP, as well as a range of other specialist consultants, are acting on their behalf in the preparation and submission of the development application.





This Statement of Environmental effects (SEE) demonstrates that the mixed use commercial development complies with relevant Upper Hunter Shire Council statutory planning requirements and policies, also having significant benefits to the Shire. Full details of the built features of the proposal are provided within Section 1.5.
















Figure 1 – The Subject Site (photo)

1.1 Matters to be considered

The primary matters addressed in this SEE are:

-  A description of the site and the surrounding area;
-  Details of the proposal;
-  A detailed assessment against the relevant heads of consideration under Section 79C of the Environmental Planning and Assessment Act, 1979 (as amended); and
-  A conclusion of findings based on the assessment provided within this report and associated specialist studies.

The proposed development is supported by the following:

-  Attachment 1 – Architectural Plan Set
-  Attachment 2 – Landscape Plans
-  Attachment 3 – Civil Concept Plans
-  Attachment 4 – Hydraulic Drawings
-  Attachment 5 – Structural Drawings
-  Attachment 6 – Electrical Drawings
-  Attachment 7 - CIV Report
-  Attachment 8 – Access Report
-  Attachment 9 – Preliminary Hazard Analysis
-  Attachment 10 – Geotechnical Report
-  Attachment 11 – Traffic Impact Statement
-  Attachment 12 - Acoustic Report
-  Attachment 13 – Waste Management Plan

1.2 Site Description

The subject land is identified as Lots 113 and 114 DP 631908, 172 to 186 Macqueen Street, Aberdeen and is situated on the south eastern fringe of the village. Macqueen Street is also the New England Highway (NEH) connecting Brisbane to Newcastle. Aberdeen itself is located in the heart of the Upper Hunter region between Scone and Muswellbrook so is ideally located for a significant mixed use commercial development as proposed.

The subject land has an area of approximately 4.19 hectares and is relatively flat with a fall towards the south eastern corner of the site. Topographic maps indicate that site levels range between about RL189 (AHD) and RL191.

The development site extends from the NEH on the western boundary to the Main Northern Railway line on the eastern boundary; Perth Street on the northern boundary and a small residential subdivision serviced by Jean O'Bryan Close to the south.



Photo 1: Subject Site taken from Railway Bridge adjacent to the north eastern corner of site.

The subject site currently contains an existing 'Foodworks' supermarket, 'Celebrations' Bottleshop as well as a café, pizza restaurant, butchers and retail shop located on Lot 113 and a large cleared paddock (Lot 114).



Photo2: Existing Commercial Development Located on site.



Photo 3: Taken from the norther western corner of the site at the intersection of Perth and Macqueen Streets looking south east towards the existing development on the site



Photo 4: Taken from the south western corner of the site looking north along the NEH frontage.

1.3 Surrounding Land

The following figure 2 illustrates the development site location in respect to the town area of Aberdeen.



Figure 2: Surrounding Neighbourhood of Aberdeen.

Aberdeen is a modest rural village that contains a mix of land uses from low density residential, which predominately surround the site, to sporadic commercial development along the highway consisting of hotels, shops and cafes and service based light industrial uses such as car repair stations. To the north, west and south of the site is located predominately residential land uses with the New England Highway a significant feature running along the western boundary of the property. On the eastern side of the property is the Northern Rail Line and further east land zoned for General Industrial purposes.

1.4 Site History

As part of their investigations into the potential for contamination of the site, Douglas Partners undertook a search of Council records which confirmed the following approvals history for the site:

Lot 114 DP631908

- 1995 – Building Application (BA) Change of use to coffee shop (presumed to be associated with Lot 113).

Lot 113 DP631908

- 1996 – Planning Application (PA) - Erection of additional signage;
- 1996 – BA – Erection of Awing;
- 1997 – PA - Erection of additional signage;
- 1998 – BA – Single Carport;
- 1999 – DA – Subdivision – 2 Lots in 4 Lots (presumed not to have proceeded);
- 2002 – DA – Shade Sail; and
- 2012 – Complying Development – Change of use too café.

Douglas Partners also undertook a review of aerial photos of the site dating back to 1953 and there was nothing remarkable of note in terms of the aerial photographic history of the site other than the existing development on the site appeared in the 1980's.

1.5 Proposal

The proposed development involves the construction of a mixed use commercial development to be constructed in three stages as follows:

1.5.1 Stage 1 - Demolition

Demolition includes the removal of the existing single storey brick building, open covered shed, bitumen / gravel carpark, timber dividing barrier, post & wire fencing, concrete drain, miscellaneous demolition and protection of existing services.

1.5.2 Stage 1 - Retail/Commercial

The construction of a commercial building to be located on the corner of Perth Street and the New England Highway; this building is two storey and will present as an iconic building within the Aberdeen New England Highway streetscape.

Ground Floor

- Café (115.5m²)
- Butcher (92.8m²)
- Chemist (147.9m²)
- Commercial Lobby (63.6m²)
- Supermarket (597.1m²)
- Bottle Shop (125.2m²)
- Toilet amenities for the public
- Ancillary loading facilities.

First Floor

- Commercial Tenancy 1 (420.6m²)
- Commercial Tenancy 2 (956m²)
- Toilets



Above is a 3D Artistic Impression of this building.

Building Design

The architectural design language of the Retail/Commercial Component 1 is articulated to be conceptually representative of the Australian vernacular aesthetic, with connotations to buildings of a rural nature and/or setting. As such, the materials of the proposed facade consist of corrugated textures and perforated screens upon a galvanised steel framework, forming an iconic shed-like canopy over a simple yet elegant glazed form, allowing vast open shopfronts and commercial tenancies. The considered placement of the corrugated panels versus the perforated screens has been deliberated to break down the overall scale to a human level, adding detail and texture, whilst protecting the inner form from environmental factors. At the base and podium, heavier materials such as blockwork are proposed, anchoring the building the site and contrasting the more solid elements to the lightweight elements overhead. The colour palette throughout is proposed to be reminiscent of earthy tones, sympathetic to the surrounding site and rural environment. The nominated materials, finishes and colours are identified on the Architectural plans included at **Attachment 1**. As a corner building of a predominantly public nature, it is believed that it will be a civic edifice with a successful, active and thriving public interface.

Carparking

- 63 individual spaces
- Including 8 disabled spaces
- 19 space on Perth Street

Vehicular Access

- Via Perth Street
- Via entrance to highway service centre

Signage:

An illuminated signage zone has been nominated on the front facade of the building fronting the New England Highway where signage can be displayed.

Bus Stop

- Bus stop on Macqueen Street to be retained

Estimated Number of employees:

- Butchers – 5
- Chemist – 8
- Supermarket – 15
- Café – 6
- Bottleshop – 6

Hours of Operation:

Consent is sought to operate each of the individual nominated retail facilities as follows:

- Butchers – M – S = 7am – 6pm;
- Chemist – M – S = 7.30am – 8pm;
- Supermarket – M – S = 6am – 10pm;
- Café – M – S = 7am – 9pm;
- Bottleshop – M – S = 9am – 9pm;

1.5.3 Stage 2 - Retail Building

This is a stand-alone facility nominated for bulky goods and has a floor area of some 526m² and has an ancillary toilet facility and loading dock.

Building Design

The Retail Component 2 has been designed as a re-imagined alternative to the featureless and lifeless concrete boxes that would typically occupy the form of a bulky goods retail outlet. Correspondingly, to maintain a unified architectural language across the site, the triangular shape and pattern of the Retail/Commercial Component 1 has been echoed in the shopfront façades of Retail Component 2 and 3. A triangular concrete frame/exoskeleton is proposed to create a colonnade walkway along the building line, whilst an awning overhead traces the line of the triangular frame, providing protection from the elements and a pronounced entry. Glazing similarly traces the line of the triangular frame as appropriate, departing from the typical tilt-up concrete box, while providing suitable views and light as appropriate to the internal functions. The lightweight infill material again has a corrugated texture and an equivalent earthy tone. The nominated materials, finishes and colours are identified on the Architectural plans included at **Attachment 1**.

Carparking

- 5 individual spaces
- Would also rely on other parking facilities on site.

Vehicular Access

- Via Perth Street
- Via entrance to highway service centre

Signage:

An illuminated signage zone has been nominated on the front facade of the building fronting the New England Highway where signage can be displayed.









Number of employees:

Will depend on tenant requirements. Based on the Australian National Accounts Input – Output Tables (ABS, Cat. No. 5212.0) an employment rate of one job per 30m² and assuming the total combined potential retail area is 526m² for this site, the job creation potential is 17 jobs.

Hours of Operation – 9am to 6pm**1.5.4 Stage 2 - Highway Service Centre**

The Highway Service Centre will provide fuel to the travelling public using the New England Highway to travel to and connect with major regional centres along its route as well as road transport vehicles also using this route. Motor vehicle and truck fuelling facilities will be separated. It will provide an improved level of service to the motoring public by providing them with a facility to purchase a variety of fuels as well as being able to take advantage of other services and facilities.

It will include:

-  Petrol filling area (appropriately bunded) with a fuel canopy over and containing 6 self-service bowsers with sufficient queuing space behind each to allow for one vehicle behind each rear pump (18 vehicles in total);
-  Diesel filling area for trucks (appropriately bunded and separated) with two (2) diesel bowsers.
-  Convenience store (GFA 98m²) comprising customer service counter and retail floor space; back of house areas such as store rooms, staff areas and amenities;
-  Quick Service Food facility (QSF) (RFA 197m²) with kitchen and loading area;
-  QSF – drive-thru facility;
-  12 carparking spaces;
-  Two (2) pylon signs with a height of 8.1m and width of 3.050m; and
-  Illuminated signage zones on the frontage of the service station building and canopy.

Building Design

The History of the Service Centre archetype is one that has always looked to the future. The utility and efficiency of their design fits well within an Australian Vernacular, born from an agricultural heritage - Simple forms that are expressions of their function. Accordingly, the building is a contemporary design, consistent with other modern service station developments nationwide. It's design and form mirrors that of portions of the Retail/Commercial Component 1, strengthening the iconic and recognisable nature of the architecture as perceived from Macqueen Street. The nominated materials, finishes and colours are identified on the Architectural plans included at **Attachment 1** and include pre cast concrete panels, corrugate-textured Equitone panels externally, white Alucobond panels as cladding to the shop front, aluminium windows and sliding doors and Colorbond roofing.



Tank Details

Two (2) tank storage areas are proposed as follows:

Tank Storage Area 1:

Three 55kL underground tanks will be installed in this area containing:



Product	Quantity	Tank/Compartment No.	Class and PG
ULP	55,000 litres	1	3 PG II
E10 Petrol	25,000 litres	2	3 PG II
95 Petrol	30,000 litres	3	3 PG II
98 Petrol	25,000 litres	4	3 PG II
Diesel	30,000 litres	5	C1*

Tank Storage Area 2:

Three 55kL underground tanks will be installed in this area containing:

Product	Quantity	Tank/Compartment No.	Class and PG
Diesel	55,000 litres	1	C1**
Diesel	55,000 litres	2	C1**
Diesel	55,000 litres	3	C1**



















To enable best practices for safe operation and environmental protection of the service station, the equipment to be installed will have the following features, protection devices and benefits:

-  All equipment will be designed and installed to the latest technology and techniques available to date from approved suppliers.
-  The design & installation of the underground petroleum storage system to comply with AS 4897 - 2008 and with Protection of the Environment Operations (Underground Petroleum Storage Systems) Regulations 2014 and Protection of the Environment Operations (Clean Air) Regulation 2010. Also will comply with AS 1940.

Fuelling Details

There will be six (6) hose units to dispense Unleaded 91, Ethanol 10, Premium Unleaded 98 and Automotive Diesel Fuels and located under a canopy of concrete pavement area and on site forecourt to meet AS1940-2004.

Full details of the service station and associated facilities are detailed in the Preliminary Hazards Analysis and Summary at **Attachment 10** including details relating to:

-  Underground storage Tanks – Fuel
-  In tank Submersible Pump Units - Fuel.
-  Underground Pipe Work – Fuel.
-  Aboveground Fuel Vent Pipe Work
-  Fuel Vapour Recovery System
-  Overfill prevention on Fill line
-  Fuel Dispenser Units
-  PA System
-  Fuel Filling Points for Underground Tanks
-  Pavement Area of under canopy areas
-  Fuel Spill Control
-  Fire protection
-  Pumps and Dispensers Emergency Stops
-  Emergency Response
-  Safety Signage
-  Fuel and LPG Work Practices and Training Procedures
-  Groundwater Monitoring Wells
-  Inspections and Certification of Works

Deliveries

- 1 – 2 fuel deliveries per week
- 1 - 2 dry grocery deliveries per week (using 10 – 14t pallet trucks)
- Daily fresh food deliveries (using 6 – 8t pallet trucks and/or a small delivery van).

Number of employees -The service station will employ up to 15 staff with 1 – 4 on site at any one time depending on trading conditions.

Hours of Operation – 24hrs a day, 365 days per year.

Truck Parking Area

- Suitable for up to 11 B-Double sized trucks

1.5.5 Stage 3 – Bulky Goods Retail

This building will contain 2 buildings with 4 tenancies as follows:

Building 1 located on eastern boundary:

- Tenancy 1 – 486.3m²
- Tenancy 2 – 485.5m²

Building 2 located adjacent to truck parking area:

- Tenancy 3 – 855.3m²
- Tenancy 4 – 755m²
- Café - 112.5m²



Building Design

The Retail Component 3 has been designed with respect to the same considerations of Retail Component 2, that is, it is proposed as an alternative to the typical tilt-up bulky goods retail outlet. Compatibly, to sustain the cohesive architectural language across the site, the triangular shape and pattern of the Retail/Commercial Component 1 has been resounded in the shopfront façades of Retail Component 2 and 3. The sides and rear of the buildings are proposed to be simple tilt-up concrete walls, whilst contrastingly the front shopfront façade is composed of a triangular concrete frame/exoskeleton. The infill material within the triangle frame alternates suitably between glazing and corrugate-textured lightweight cladding, creating pronounced entry points and corner windows. An awning provides protection from the elements and shelters the glazing and goods below, and imbues a more intimate human scaled walkway. The earthy-toned lightweight cladding matches the cladding of Retail Component 2. The nominated materials, finishes and colours are identified on the Architectural plans included at **Attachment 1**.

Deliveries:

- Each tenancy is provided with its own loading facility.

Carparking

- 187 individual spaces
- Including 6 disabled spaces
- 6 spaces on Perth Street

Vehicular Access

- Via Perth Street

Signage:

A number of illuminated signage zones have been nominated on the front facade of the two buildings fronting Perth Street where signage can be displayed. Two pylon signs are also proposed – the one closer to the main vehicular access has a height of 8.1m while the second sign closer to the eastern boundary of the site has a height of 8.1m.

Number of employees:

Will depend on tenant requirements. Based on the Australian National Accounts Input – Output Tables (ABS, Cat. No. 5212.0) an employment rate of one job per 30m² and assuming the total combined potential retail area is 2,581m² for this site, the job creation potential is 86 jobs.

Hours of Operation – 9am to 6pm

1.6 Consultation with Council

A Pre-DA meeting was held with Upper Hunter Shire Council on Wednesday 26 April to obtain advice and confirm issues to be addressed (including any relevant specialist reports) in an application for the subject proposal.

The meeting discussed the benefits of the project and issues required to be addressed as part of the development application including the provisions of the Upper Hunter LEP 2013, Upper Hunter Development Control Plan 2015, access and traffic, SEPP 33, SEPP 55, stormwater management, landscaping and noise. These issues are further considered within this report and include specialist reports.

1.7 Approvals Sought

The development application which this Statement of Environmental Effects supports, seeks consent under section 80 of the Environmental Planning and Assessment Act, 1979 for the demolition of existing structures, the proposed construction and operation of the mixed use commercial development as described at section 1.5 of this report.

2. Planning Assessment

2.1 Environmental Planning & Assessment Act 1979 (EP&A Act)

The relevant objects of the Act are:

(a) to encourage:

- (i) the proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forests, minerals, water, cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment,*
- (ii) the promotion and co-ordination of the orderly and economic use and development of land.*

This application is consistent with the objects of the Act as the mixed use commercial development will ensure the proper development of the town and promote the highest economic use of the land.

2.1.1 Integrated Development

Section 91 of the EP&A Act defines integrated development as development that requires development consent by one or more approvals under another Act.

Act	Provision	Approval	Applicable
<i>Fisheries Management Act 1994</i>	s 144	aquaculture permit	N/A
	s 201	permit to carry out dredging or reclamation work	N/A
	s 205	permit to cut, remove, damage or destroy marine vegetation on public water land or an aquaculture lease, or on the foreshore of any such land or lease	N/A
	s 219	permit to: (a) set a net, netting or other material, or (b) construct or alter a dam, floodgate, causeway or weir, or (c) otherwise create an obstruction, across or within a bay, inlet, river or creek, or across or around a flat	N/A
<i>Heritage Act 1977</i>	s 58	approval in respect of the doing or carrying out of an act, matter or thing referred to in s 57 (1)	N/A
<i>Mine Subsidence Compensation Act 1961</i>	s 15	approval to alter or erect improvements within a mine subsidence district or to subdivide land therein	N/A
<i>Mining Act 1992</i>	ss 63, 64	grant of mining lease	N/A
<i>National Parks and Wildlife Act 1974</i>	s 90	consent to knowingly destroy, deface or damage or knowingly cause or permit the	N/A

		destruction or defacement of or damage to, a relic or Aboriginal place	
<i>Petroleum (Onshore) Act 1991</i>	s 9	grant of production lease	N/A
<i>Protection of the Environment Operations Act 1997</i>	ss 43 (a), 47 and 55	Environment protection licence to authorise carrying out of scheduled development work at any premises.	N/A
	ss 43 (b), 48 and 55	Environment protection licence to authorise carrying out of scheduled activities at any premises (excluding any activity described as a “waste activity” but including any activity described as a “waste facility”).	N/A
	ss 43 (d), 55 and 122	Environment protection licences to control carrying out of non-scheduled activities for the purposes of regulating water pollution resulting from the activity.	N/A
<i>Roads Act 1993</i>	s 138	consent to: (1)(a) erect a structure or carry out a work in, on or over a public road, or (b) dig up or disturb the surface of a public road, or (c) remove or interfere with a structure, work or tree on a public road, or (d) pump water into a public road from any land adjoining the road, or (e) connect a road (whether public or private) to a classified road (3) Development is not integrated development in respect of the consent required under section 138 of the Roads Act 1993 if, in order for the development to be carried out, it requires the development consent of a council and the approval of the same council.	Yes but RMS don't accept as Integrated Development
<i>Rural Fires Act 1997</i>	s 100B	authorisation under section 100B in respect of bush fire safety of subdivision of land that could lawfully be used for residential or rural residential purposes or development of land for special fire protection purposes	N/A
<i>Water Management Act 2000</i>	ss 89, 90, 91	water use approval, water management work approval or activity approval under Part 3 of Chapter 3	N/A

The subject proposal does not trigger integrated development as detailed under S.91 of the EP&A Act.

2.1.2 Designated Development – Section 77A

Schedule 3 of the Environmental Planning and Assessment Regulations 2000 prescribes development which, if of the relevant type and size, may be considered to be Designated Development. In this case it is our opinion that the development would not trigger any of the designated development provisions.

2.2 Section 79C Assessment

Section 79C of the EP&A Act outlines the matter for consideration in the determination of a Development Application. The relevant matters for consideration are addressed individually below.

2.2.1 State Environmental Planning Policy No 33—Hazardous and Offensive Development - Section 79C (1)(a)(i)

This plan aims to ensure that in considering any application to carry out potentially hazardous or offensive development the consent authority has sufficient information to assess whether the development is hazardous or offensive and what conditions to impose to reduce or minimise and adverse impact.

In accordance with this SEPP, a Multi-Level Risk Assessment including a Preliminary Hazards Analysis prepared by Hazken Pty Ltd accompanies this application and has been prepared in accordance with current circulars and guidelines. The assessment found that the proposal has negligible societal risk. Therefore only a level one Preliminary Hazard Analysis is required for this proposal in accordance with SEPP 33. The steps taken to reduce the risk of an incident occurring have been included in the Preliminary Hazards Analysis Assessment.

2.2.2 State Environmental Planning Policy No 55 – Remediation of Land – S.79C(1)(a)(i)

SEPP 55 is a NSW-wide planning approach to the remediation of contaminated land. When considering a Development Application, the consent authority must observe the requirements of SEPP 55. The significant clauses of SEPP 55 are clauses 7, which is outlined below.

Clause 7 - Contamination and remediation to be considered in determining development application

Under Clause 7, a consent authority must not consent to the carrying out of any development on land unless:

- (a) It has considered whether the land is contaminated, and*
- (b) If the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and*
- (c) If the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.*

In accordance with Clause 7 of SEPP 55, Council must consider whether the land is potentially contaminated. This issue has been addressed in the ***Douglas & Partners Geotechnical Assessment and Preliminary Site Investigation*** report. In relation to the potential for contamination the report concluded as follows:

The results of the PSI indicate the absence of gross contaminating activities at the site. Several minor sources of potential contamination were identified at the site including localised areas of imported filling, localised stockpiles of building materials and scrap metal potentially comprising hazardous building materials (most likely due to opportunistic dumping), grease traps, possible pesticide application and car parking activities.

The above sources of potential contamination should be further investigated by sampling and testing to confirm remediation requirements (if any). The additional assessment could be undertaken during the initial stages of construction (i.e. site clearing) and may involve analytical testing of soils to assess contamination concentrations and suitability to remain on-site, or classification for off-site disposal purposes.

The above sources of potential contamination are considered readily addressable during the design and/or construction phase of the development.

It is considered that the site is suitable for the proposed commercial development from a contamination perspective, subject to the above additional investigation and appropriate remediation and validation (if required), which is expected to comprise off-site disposal of localised materials.

2.2.3 SEPP No 64 Advertising and Signage - Section 79C (1)(a)(i)

This policy aims to ensure that outdoor advertising is compatible with the desired amenity and visual character of an area, provides effective communication in suitable locations and is of high quality design and finish. The SEPP permits and regulates outdoor advertising along and adjacent to transport corridors including rail corridors.

SEPP 64 typically applies to commercial development proposals because they include pylon signs in excess of 8m in height. The SEPP sets out design criteria for assessment of advertising, and these will have to be addressed in any development application.

This application proposes areas on each of the buildings for illuminated signage as well as four (4) pylon signs. Separate development applications will be lodged for business advertising signage.

2.2.4 SEPP Infrastructure 2007 - Section 79C (1)(a)(i)

This policy sets out certain requirements to smooth the path of mainly large infrastructure projects. In this case the policy requires the consent authority to ensure infrastructure is adequate to accommodate the development proposal, which is held to be of the traffic-generating variety.

Roads - State Environmental Planning Policy (Infrastructure) 2007 provides control for State Infrastructure in NSW including road networks. The subject site fronts a classified road so those provisions contained within the SEPP are relevant.

Under Clause 104 of the Infrastructure SEPP the development is considered to be a traffic generating development that would require referral to the RMS and any comments made by the RMS to be taken into consideration by the Council. A *Traffic Impact Assessment* has been completed in respect to the proposal by SECCA consultants. That report concludes as follows:

From the site work undertaken and the review of the development proposal and associated plans against the requirements of the RMS Guide to Traffic Generating Developments and Austroads Guide to Traffic Management, it is considered that the proposed development application should have no objections raised on traffic and access grounds.

The development does not generate a significant increase in the local traffic along the New England Highway, with a high percentage of passing trade expected to utilise the service station and drive-thru takeaway. Changes to the existing access arrangements will see increased traffic demands along Perth Street with vehicles accessing the supermarket and retail stores primarily entering the site from Perth Street. The additional traffic movements generated by the development are well within the capacity of the local roads and will have an acceptable impact on the local road network.

Sidra modelling has been completed to demonstrate that the proposed entry and exit driveways on the New England Highway can support the full development of the site. Each access driveway provides clear sight lines which ensure that there is adequate visibility for drivers entering or exiting the site, consistent with the Austroads Guides and AS2890. Sheltered right turn lanes shall be provided to allow for the safe movement of right turning vehicles into the site from the New England Highway as well as a left turn deceleration lane into the petrol station.

Parking for the proposed development is in excess of the DCP requirement.

The internal circulation of the site allows for the swept paths of the appropriate design vehicles including B-Doubles in the truck stop. It is noted however that the layout of the loading area adjacent to the drive-thru and the loading bay for the western most bulky good store, as currently designed, restricts access for services vehicles. To provide access modifications shall be required as part of the detailed design stage of the project to amend the kerb and guttering and landscaping.

Rail – The SEPP also requires the development to take account of potential impacts from and on the adjacent rail corridor. Council will be required to consult with the rail authority and take into account any submissions they make.

2.3 Upper Hunter Local Environmental Plan 2013 (UHLEP 2013) - Section 79C (1)(a)(i)

The Upper Hunter Local Environmental Plan 2013 (UHLEP 2013) is the applicable local planning instrument for the site.

2.3.1 Zoning

The subject land is zoned Zone B2 Local Centre.

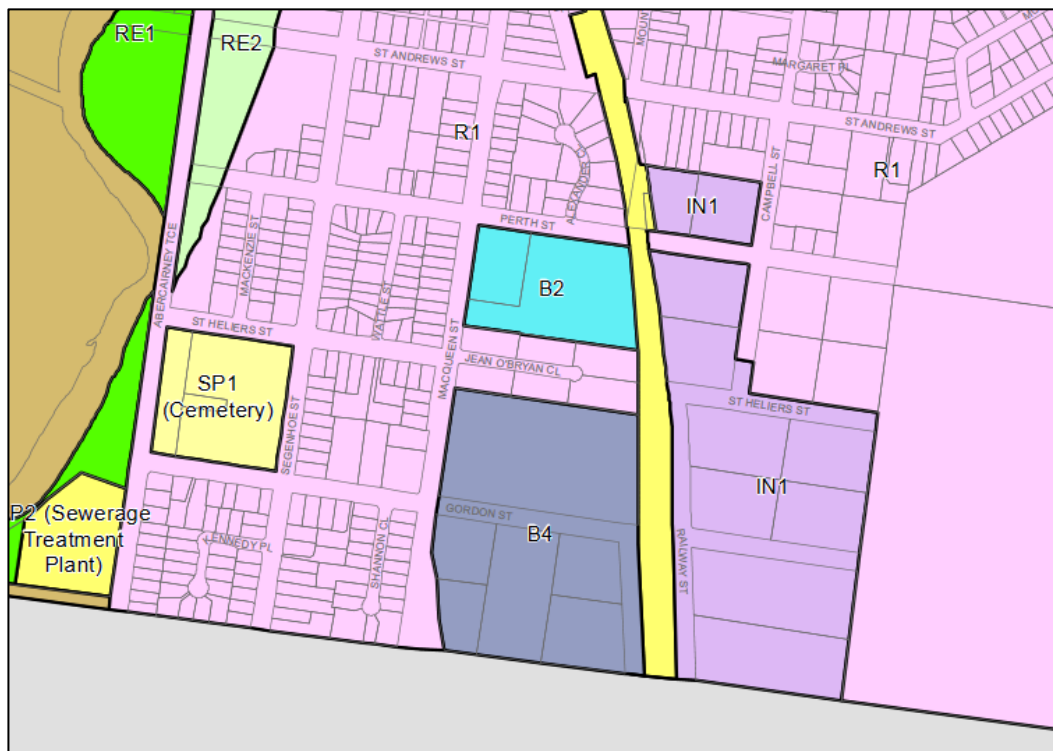


Figure 3: Site Zoning – B2 – Local Centre.

2.3.2 Applicable Land use Definitions

The following definitions would apply to the proposed development:

bulky goods premises means a building or place the principal purpose of which is the sale, hire or display of bulky goods, being goods that are of such size or weight as to require:

- (a) a large area for handling, display or storage, and
- (b) direct vehicular access to the site of the building or place by members of the public for the purpose of loading or unloading such goods into or from their vehicles after purchase or hire, and including goods such as floor and window supplies, furniture, household electrical goods, equestrian supplies and swimming pools, but does not include a building or place used for the sale of foodstuffs or clothing unless their sale is ancillary to the sale or hire or display of bulky goods.

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.

shop means premises that sell merchandise such as groceries, personal care products, clothing, music, homewares, stationery, electrical goods or the like or that hire any such merchandise, and includes a neighbourhood shop, but does not include food and drink premises or restricted premises.

take away food and drink premises means premises that are predominantly used for the preparation and retail sale of food or drink (or both) for immediate consumption away from the premises.

signage means any sign, notice, device, representation or advertisement that advertises or promotes any goods, services or events and any structure or vessel that is principally designed for, or that is used for, the display of signage, and includes any of the following:

- (a) an advertising structure,
 - (b) a building identification sign,
 - (c) a business identification sign,
- but does not include a traffic sign or traffic control facilities.

2.3.3 Permissibility

The land use table for the B2 Local zone is as follows:

2 Permitted without consent

Environmental protection works; Home occupations

3 Permitted with consent

Amusement centres; Boarding houses; Boat sheds; Car parks; Child care centres; **Commercial premises**; Community facilities; Crematoria; Educational establishments; Emergency services facilities; Entertainment facilities; Environmental facilities; Flood mitigation works; Function centres; **Highway service centres**; Home-based child care; Home businesses; Home industries; Information and education facilities; Jetties; Medical centres; Mortuaries; Passenger transport facilities; Places of public worship; Public administration buildings; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Research stations; Respite day care centres; Restricted premises; Roads; Seniors housing; Service stations; Sex services premises; Shop top housing; **Signage**; Tourist and visitor accommodation; Veterinary hospitals; Water recreation structures; Water supply systems; Wharf or boating facilities; Wholesale supplies

4 Prohibited

Any development not specified in item 2 or 3

Planning Analysis:

As can be seen from the above land use table, *Commercial premises*, *Highway service centres* and *Signage* are **permissible with consent**. In terms of *bulky goods premises* and *take away food and*

drink premises, the **commercial premises** land use definition is a parent definition to these land uses definitions and by virtue of them not being specifically prohibited under 4, they are permitted with consent.

2.3.4 Zone Objectives

The objectives of the zone are as follows:

- *To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area.*
- *To encourage employment opportunities in accessible locations.*
- *To maximise public transport patronage and encourage walking and cycling.*

The proposed commercial development would be considered to be consistent with the above zone objectives.

2.3.5 Clause 4.3 Height of Buildings

As illustrated in figure 4 below, there is height limit of **13m** that applies to the subject site.



Figure 4: Height of Buildings Map where “N” denotes a height limit of 13m.

Planning Analysis:

The tallest building on the site is Retail Building 1 as depicted on the architectural plan set. This building is a 2 storey building with a maximum height of 11.79m. Consequently the height limit for the site as limited by Clause 4.3 is not compromised.

2.3.6 Clause 4.4 Floor Space Ratio

As illustrated in figure 5 below, there is a floor space ratio of 1.5:1 that applies to the subject site.



Figure 5: Floor Space Ratio Map where “S” denotes a FSR of 1.5:1.

Planning Analysis:

- The site area is some 4.19128ha.
- The proposed GFA is .6807ha.
- The FSR of the development therefore is .16:1 and therefore complies with the maximum FSR of 1.5:1.

2.3.7 Clause 5.9 Preservation of trees or vegetation

The proposal requires the removal of nine (9) trees. These trees form part of the landscaping of the existing development and will be replaced by extensive areas of site landscaping and other trees.

2.3.8 Clause 5.10 Heritage conservation

The subject site is not a heritage item or within a heritage conservation area. However as illustrated on figure 6 below, the site is located within approximately 105m of heritage item I89 – The Grange.

Clause 5.10(5) of the UHLEP 2013 requires that development within the vicinity of a heritage item may require *a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item.*

This issue was discussed in the Pre DA Lodgement meeting where Upper Hunter Council advised that they did not consider that the development site was within the vicinity of the heritage item. Consequently no further assessment is required other than to note that the development is unlikely to have any impact on the heritage item given the distance separating the two sites and the fact that there is also a residential estate also separating the sites.

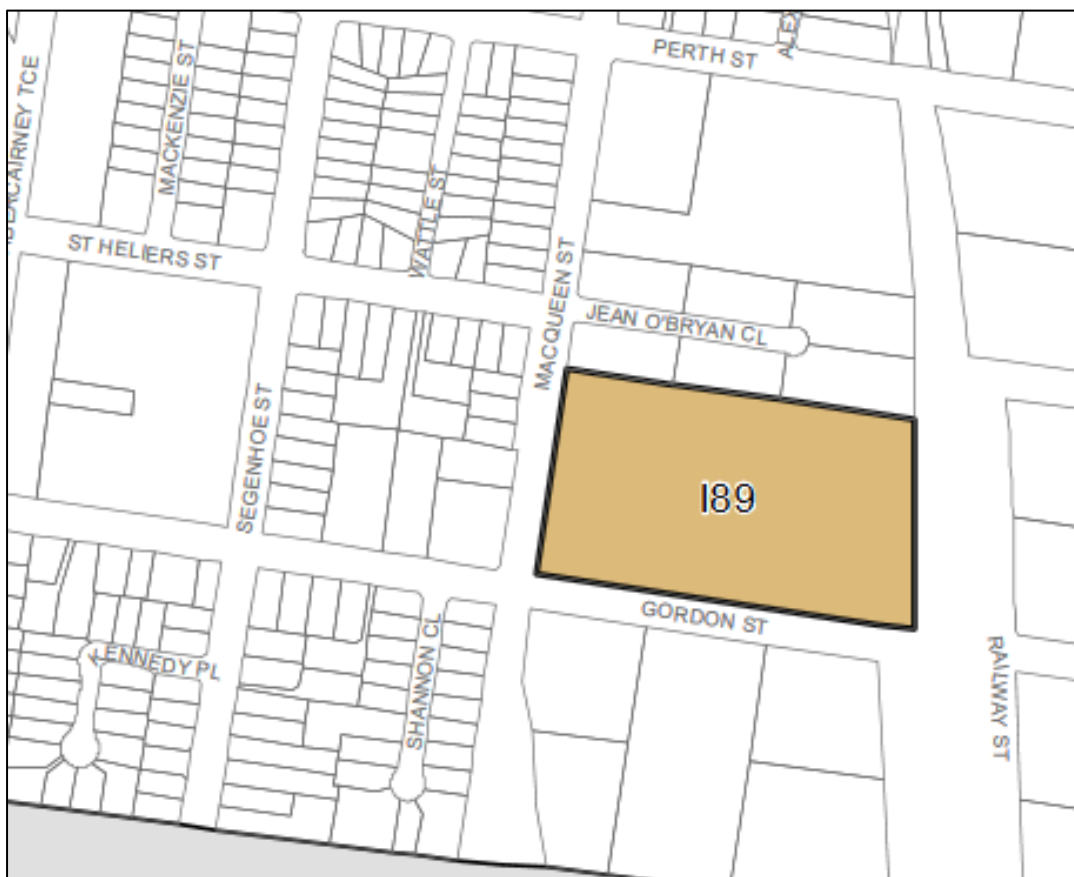


Figure 6: Heritage Map

2.3.9 Clause 6.1 Earthworks

The development proposed would not involve earthworks by themselves, but rather earthworks in association with the development of a commercial development on the site. Clause 7.2(3) lists certain considerations the Council must take into account before granting consent. These are matters that have been dealt with via the stormwater management plan and erosion and sedimentation control plans that accompany the development application.

2.3.10 Clause 6.2 Flood Planning

The subject site is not identified on the Flood Planning Map as flood prone land.

2.4 Upper Hunter Development Control Plan 2015

The primary section of the UHDCP that is of relevance to this proposal is **Part 5: Commercial Development** that provides development controls relating to commercial development. Following is an assessment against the relevant provisions of the DCP:

5a.5 Supporting Plans and documentation		
Requirements	Comments	Compliance
Soil & water management plans or reports	<i>Stormwater Drainage Plans have been prepared by Lindsay Dynan and accompany the DA.</i>	YES
Geotechnical hazard & salinity assessment	<i>A Geotechnical Assessment and Preliminary Site Investigation prepared by Douglas Partners</i>	YES
Flooding report	<i>Site not flood liable as per Council mapping</i>	N/A
Traffic impact assessment	<i>A Traffic Impact Assessment prepared by SECCA accompanies the DA.</i>	YES
Vehicle parking & loading details	<i>Refer to architectural plans and assessment in the Traffic Impact Assessment</i>	YES
Acoustic assessment report	<i>A Noise Assessment report has been prepared by Spectrum Acoustics and accompanies the DA.</i>	YES
Crime Risk Assessment	<i>Refer to Section 2.5.7 of this report.</i>	YES
Site waste minimisation & management plan	<i>A Waste Management Plan prepared by ttm accompanies the DA.</i>	YES
5a.6 Assessment Criteria		
Requirements	Comments	Compliance
A. Building setbacks ➤ The front of buildings should be aligned to provide a continuous street frontage	<i>The development is a large scale stand-alone development taking up the entirety of the land zoned for business purposes in this</i>	YES

<ul style="list-style-type: none"> ➤ In some cases, front setbacks should allow for street landscaping and footpath widening where necessary 	<p><i>location. The proposed setback of Retail Buildings 1 and 3 to Perth Street are completely appropriate for a commercial zoning allowing for pedestrian access and site landscaping while at the same time addressing the street and providing visual appeal to the public realm. In terms of the New England Highway, Retail building 1 is also setback appropriately and only covers a minor length of the street frontage. Otherwise the development design provides a relatively open scale to the streetscape.</i></p>	
B. Building height	<p><i>The development complies with the requirements as set out in Clause 4.3 of the UHLEP 2013.</i></p>	YES
C. Floor Space Ratio	<p><i>The development complies with the requirements as set out in Clause 4.4 of the UHLEP 2013.</i></p>	YES
<p>D. Siting & building general design</p> <ul style="list-style-type: none"> ➤ Buildings can provide for 'activated street frontages' by incorporating active uses at street level including cafes and other retail activities. ➤ The use of reflective materials is discouraged. ➤ Materials and colours should not dominate the streetscape. ➤ The selection of colours and materials must be used to express building massing, articulation or detail elements. Single colour buildings are not acceptable. 	<p><i>Retail Building 1 located on the corner of Perth and Macqueen Streets provides activation to the street with retail uses at ground floor. Activation is also achieved through the unique architectural design of the development, landscaping and pedestrian through the establishment of pedestrian pathways.</i></p> <p><i>Reflective materials are not used.</i></p> <p><i>A variety of colours and materials are proposed in the buildings and the majority of the streetscape is open and landscaped.</i></p> <p><i>The architectural design is unique and has significant architectural merit. It will become an iconic feature in the streetscape of Aberdeen.</i></p>	<p>YES</p> <p>YES</p> <p>YES</p> <p>YES</p>

<ul style="list-style-type: none"> ➤ The continuity of commercial frontages should not be broken by parking areas, service and delivery areas etc. 	<i>Not relevant – this is not a ‘main street’ scenario.</i>	YES
<ul style="list-style-type: none"> ➤ Blank building facades to streets or public places are to be avoided. 	<i>No blank facades are proposed. The development and building design contains significant articulation.</i>	YES
<ul style="list-style-type: none"> ➤ The placement of windows should provide visual interest and variation to the building façade and relate to those of adjacent buildings. 	<i>The placement of windows provides visual interest and variation to the building façade. There are no adjoining buildings.</i>	YES
<ul style="list-style-type: none"> ➤ Building designs should allow for passive surveillance of public places and streets. 	<i>The design of the building provides for extensive passive surveillance of public places and streets.</i>	YES
<ul style="list-style-type: none"> ➤ Building entrances should be well defined and well lit. 	<i>☑ Building entrances are well defined and will well lit.</i>	YES
E. Building near water & sewer services	<i>The development complies with Council’s Policy Building near water & sewer services.</i>	YES
F. Heritage	<i>The development does not trigger heritage conservation considerations</i>	N/A
G. Designing for accessibility	<i>The DA is accompanied by an Access Report prepared by Design Confidence that certifies that the development has complied with Council requirements.</i>	YES
H. Privacy The privacy of adjoining and nearby dwellings is maintained.	<i>The site is bound by residential development along its southern boundary being the Jean O’ Bryan Close subdivision. In order to maintain privacy the development incorporates an acoustic and landscaped screen wall along this boundary so as to provide adequate separation, acoustic protection and privacy to the adjoining residential development.</i>	YES

I. Safer by design	<i>Refer to Section 2.5.7 of this report.</i>	YES
J. Outdoor lighting <ul style="list-style-type: none"> ➤ Commercial development should provide lighting to pedestrian paths, side and rear laneways and building entries, that ensures a clear line of site along pedestrian routes and that does not adversely affect the residential amenity of neighbours. ➤ Lighting fixtures must be of low energy design, integrated in the building walls, and readily maintained by the owner. Sensor spotlights are not acceptable for pedestrian lighting. ➤ Australian Standard 4282-1997 - Control of the obtrusive effects of outdoor lighting 	<i>This level of detail is not provided in the plans accompanying the development application. However the intention of the proponent is to comply with these provisions so Council can condition these requirements as part of the consent.</i>	YES
K. Advertising and Signage <ul style="list-style-type: none"> ➤ The number and size of signs should be limited to avoid clutter and unnecessary repetition. ➤ Signage should form an integrated part of the building façade, architectural design and scale of the building 	<i>The signage has been designed to provide an appropriate fit for the development in keeping with the architectural design and need to respect the public realm.</i>	YES
L. Landscaping	<i>Extensive landscaping is proposed as part of the development and landscaping design plans prepared by Scape Design accompany the DA.</i>	YES
M. Post Supported verandah & balconies	<i>Not relevant</i>	N/A
N. Outdoor eating areas	<i>Not relevant</i>	N/A
O. Off street parking & access	<i>Refer to the bottom of this table for an analysis of carparking.</i>	YES

<p>P. Water supply</p> <ul style="list-style-type: none"> ➤ Reticulated water is provided, or as otherwise agreed with Council. ➤ Easements (benefiting UHSC) shall be provided for all existing and proposed public water mains within the site. 	<p><i>The development will be connected to the water supply. Refer to the concept Hydraulic Services drawings submitted with the DA and prepared by McCallum PFCA.</i></p>	<p>YES</p>
<p>Q. Sewerage & waste water</p> <ul style="list-style-type: none"> ➤ The development is connected to the reticulated sewerage system. ➤ Liquid trade waste facilities and approvals are provided and obtained where liquid wastes (excluding domestic waste from a hand wash basin, shower, bath or toilet) are to be discharged to the reticulated sewerage system. ➤ Easements (benefiting UHSC) shall be provided for all existing and proposed public sewer mains within the site. 	<p><i>The development will be connected to the reticulated sewerage system. Refer to the concept Hydraulic Services drawings submitted with the DA and prepared by McCallum PFCA.</i></p>	<p>YES</p>
<p>R. Electricity & telecommunications</p>	<p><i>Following approval satisfactory arrangements will be made with the relevant utility provider for the provision of underground electricity and telecommunications services. Note that the plans provide locations for electricity substations.</i></p>	
<p>S. Stormwater management</p>	<p><i>Stormwater Drainage Plans have been prepared by Lindsay Dynan and accompany the DA.</i></p>	<p>YES</p>
<p>T. Waste Minimisation and Management</p>	<p><i>A Waste Management Plan prepared by ttm accompanies the DA and complies with Council requirements.</i></p>	<p>YES</p>

12a Access & vehicle parking		
Requirements	Comments	Compliance
<p>C. Traffic impact assessment</p> <p>The Traffic impact assessment is to be prepared by a suitably qualified and experienced traffic engineer and demonstrate compliance with the NSW Roads and Maritime Service's Guide to Traffic Generating Development, SEPP Infrastructure.</p>	<p><i>A Traffic Impact Assessment report prepared by SECCA accompanies the development application. The report has been prepared by a suitably qualified and experienced traffic engineer and demonstrate compliance with the NSW Roads and Maritime Service's Guide to Traffic Generating Development, SEPP Infrastructure.</i></p>	<p>YES</p>
<p>D. Vehicle parking & loading details</p> <p><i>Detailed and dimensioned plans are required including, but not limited to, the location and dimensions of all vehicle parking spaces, bays, internal roads, driveways and manoeuvring areas.</i></p> <p><i>The plans must show:</i></p> <ul style="list-style-type: none"> ➤ <i>proposed vehicular access and circulation, including on-site vehicular movement and turning circles. [Turning templates should be provided for the largest vehicle proposed to access the site, clearly showing how it will enter and leave the site in a forward direction]</i> ➤ <i>compliance with AS 2890.1-2004 "Parking Facilities –off street vehicular parking", AS2890.2 – 2002 "Parking Facilities – Commercial vehicle facilities"</i> ➤ <i>details of the estimated size and frequency of goods delivery vehicles visiting the premises (where relevant).</i> <p><i>A study may be required justifying the number of parking spaces to be provided on site.</i></p>	<p><i>A Traffic Impact Assessment report prepared by SECCA accompanies the development application. The report addresses all issues related to site access, internal circulation and parking and concludes that the development is compliance with all Council and RMS requirements. Refer to section 2.2.4 of this report for detailed analysis.</i></p>	<p>YES</p>

<p>Table 28 Carparking Requirements</p> <ul style="list-style-type: none"> ➤ Bulky goods premises - 1 space per 45 m² of gross floor area. ➤ Business premises - 1 space per 35 m² of gross floor area ➤ Restaurant or café - 1 space per 7 m² of gross floor area available for dining purposes ➤ Shop < or = to 1000 m² gross floor area - 1 space per 20 m² of gross floor area ➤ Service Station - 1 space per 20 m² of gross floor area of the convenience store, <p>PLUS 1 space per 6.5 m² of gross floor area</p> <p>OR 1 space per 3 seats if a restaurant facility is provided,</p> <p>WHICHEVER IS GREATER.</p> <p>The rate for take-away food or drink premises makes no allowance for facilities that provide a drive-thru. Advice from the RTA Guide to Traffic Generating Developments recognises the reduced parking demands for facilities which provide a drive-thru specifying parking at the rate of 1 space per 2 seats.</p>	<p><i>Carparking will be provided throughout the site adjacent to the various uses including 302 car parking spaces and 11 truck parking spaces.</i></p> <p><i>21 car parking spaces will be provided adjacent to the service station and drive-through.</i></p> <p><i>25 angled parking spaces are provided on Perth Street along the retail frontage with the balance being located adjacent to the supermarket and retail/commercial complex.</i></p> <p><i>The truck parking spaces are provided within the truck rest area to the rear of the service station</i></p> <p><i>The Traffic Impact Assessment report prepared by SECCA concludes that the development generates the demand for <u>189 carparking spaces</u> based on the following analysis:</i></p> <ul style="list-style-type: none"> ➤ Supermarket/shops – 40 ➤ Commercial Premises – 40 ➤ Service station – 5 ➤ Quick Service Food – 33 ➤ Bulky Goods - 71 	<p>YES</p>
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2.5 POTENTIAL ENVIRONMENTAL IMPACTS

2.5.1 Ecological Considerations

Given the site contains no native vegetation or likely habitats, and consequently in terms of Section 5A of the Environmental Planning and Assessment Act, no significant effects on threatened species, populations or ecological communities, or their habitats are likely.

2.5.2 Aboriginal Archaeology

The requirement for an Aboriginal Heritage Impact Assessment (AHIA) is based on Part 2 of the NPWS Guidelines for Aboriginal Heritage Impact Assessments. Part 2 states that an AHIA is generally not required where:

- a) The proposed development is on land previously subject to intensive ground disturbance and the development will impact only on the area subject to the previous disturbance;*
- b) The impact of the proposed activity is unlikely to cause any additional damage to Aboriginal objects than that which has already occurred; and*
- c) The proposed development is in an area that has been identified in strategic planning, rezoning or other assessment studies as having low Aboriginal heritage potential.*

Based on the abovementioned points it is noted that the proposed development is not likely to cause any damage to Aboriginal objects.

2.5.3 Mine Subsidence

The subject site is not within a proclaimed mine subsidence district.

2.5.4 Noise and Vibration

An Acoustic Assessment has been undertaken by Spectrum Acoustics and concludes as follows:

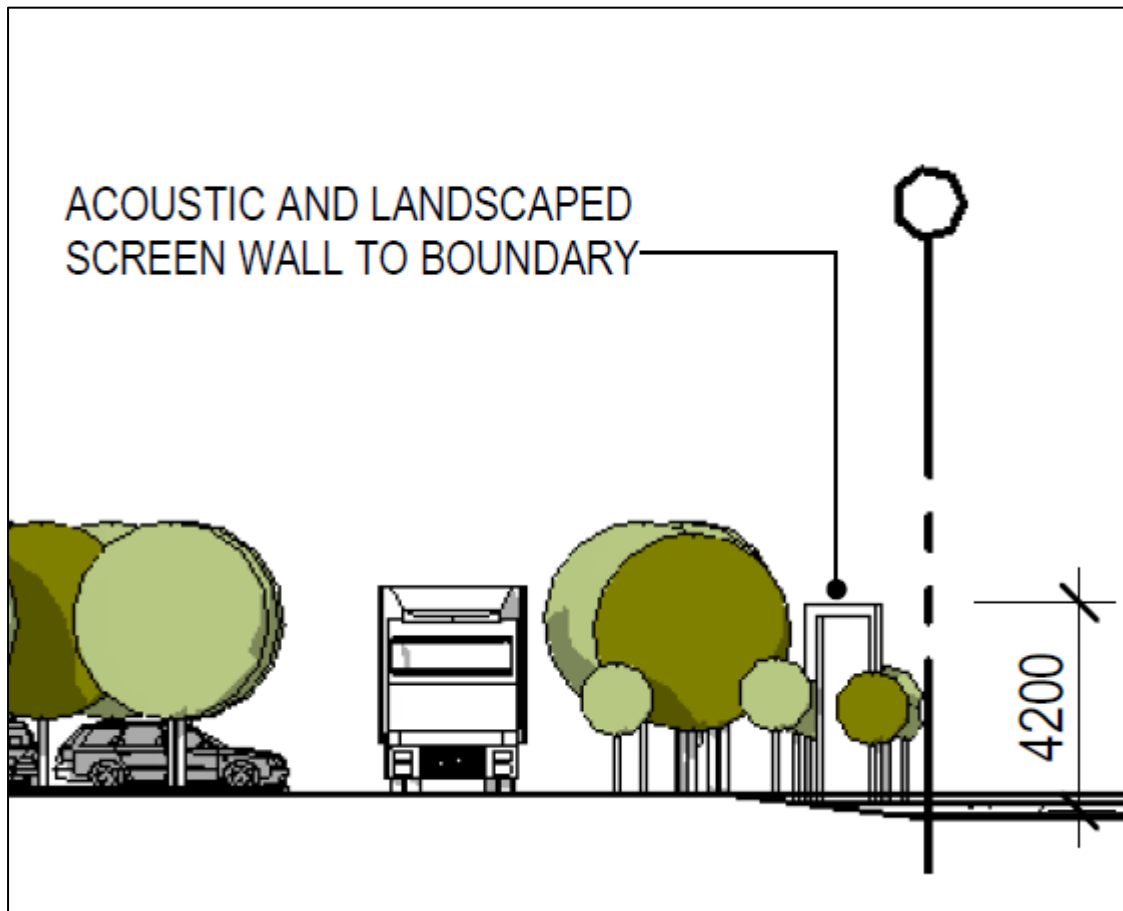
“An acoustical assessment of theoretical noise emissions has been undertaken for the operation of the proposed Aberdeen Valley Fair Retail and Service Centre on the corner of the New England Highway and Perth Streets, Aberdeen, NSW.

The assessment considered the potential impacts of noise from;

- Service station and Drive Through Restaurant;*
- Heavy vehicle and car park noise;*
- Traffic movements;*
- Mechanical plant and equipment including air conditioning and refrigeration equipment, and*
- Activities associated with and within the proposed commercial spaces.*

The assessment has shown that there may be some minor exceedances of the various noise criteria. The adverse impacts of this noise will be minimised provided there is a minimum 4m high acoustic barrier constructed along the southern boundary of the site.

As illustrated on the plans accompanying the development application, it is proposed to construct a 4.2m high “Acoustic and Landscaped Screen Wall” along the southern boundary.



SEPP (Infrastructure) 2007 also requires the development to take into account the impacts of noise and vibration from the adjacent rail corridor on the development.

As set out in the Acoustic report at Attachment 12,:

“Logger 2 was located near the railway line at approximately the same distance from the line as the nearest façade of the retail/bulky goods building. The measured noise levels ranged between 60 and 61 dB(A) Leq.

The adopted internal noise criterion of 45 dB(A) will require a noise reduction of up to 16 dB(A).

The buildings are to be constructed of tilt up concrete panels and it is not envisaged that there will be any windows or openings which face the rail line from the showroom areas. (That is, typically, these types of businesses have store room facilities at the rear of the showrooms which would isolate the rail noise from the noise sensitive areas).

It is generally accepted that the façade of a masonry building will attenuate up to 25 dB(A) of road traffic noise (which may be approximated to rail traffic noise in this instance). This

would equate to an internal noise level of around 35 dB(A) in the rear parts of the buildings. This is significantly lower than the adopted internal noise criterion and no further assessment of potential impacts is considered warranted.

For a general indication of the vibration levels associated with the movement of coal trains, Wilkinson Murray P/L conducted an investigation in the Hunter Valley in 1997. The study looked at ground vibration levels induced by passing coal trains. The worst-case results of that study showed a peak particle velocity, at a central frequency of 40 Hz, of approximately 0.11 mm/s at a distance of 20m from the rail line. This is approximately the same from the line as the nearest façade of the retail/bulky goods building.

As a rule of thumb it can be considered that vibration levels are inversely proportional to distance. Based on the Wilkinson Murray results for coal trains this means that, under typical conditions, vibration levels less than 0.5 mm/s would be experienced at distances greater than about 5m from the railway line.

As most people do not readily notice vibration levels of less than 0.5mm/s, future users of the proposed retail premises are unlikely to notice vibration caused by train pass bys. Various Standards detail findings that vibration at levels of less than 5mm/s are unlikely to cause any damage to any buildings.

2.5.5 Visual amenity/Urban Design

There is potential for there to be a visual impact from the appearance of the development on the residential properties in Perth Street and Jean O'Bryan Close. The views from these properties will undoubtedly change as a result of this development proposal. Whereas they currently have views across what is primarily a vacant land parcel with a small commercial development, with arguably low visual amenity due to the unmanaged nature of the site and the age of the existing commercial development, this will be replaced with a large scale commercial development that is reflective of the sites zoning.

In order to address any visual impact the development has been set back from the Perth Street boundary with landscaping proposed along the site boundary that should to a large soften the impact of the carpark. Retail buildings 1 and 3, which would also be viewed from these properties, are of significant architectural merit and certainly a vast improvement in terms of the visual amenity provided by the existing commercial development.

In terms of the residential properties in Jean O'Bryan Close, any views will be effectively screened by a 4.2m high acoustic wall. It is proposed to landscape either side of this wall, as illustrated in the figure above, to soften the impact of the wall and the proponents will negotiate the landscaping with individual property owners when development of the property occurs.

In a broader context the proposal itself will result in a building that is of a visual appearance that is consistent with that which would be anticipated from the sites business zoning. It provides for a contemporary retail design which is considered to exhibit a high level of urban design having regard

to the nature of the use. The proposal features a number of new buildings which incorporate a variety of materials and finishes which serve to introduce a level of visual interest for the site. The selected materials and finishes are high in quality and reflective of modern 'new era' commercial development. The overall design is aesthetically appropriate in its context.

There is a highly eclectic context surrounding the site and the proposed design is considered to integrate successfully with this context having regard to the broad mixture of uses and built form within the visual catchment of the site. The site is not located within an area of high visual quality, however, the proposal provides the opportunity to introduce a new and generous landscaping regime around the site which will contribute positively to the area.

A landscape plan has been prepared by Scape Design (refer **Attachment 2**) which has considered the location, maturity and species selection for all plantings proposed to minimise negative impacts and maintenance issues and maximise amenity and riparian values at the site. Whilst a number of existing trees on the site require removal to facilitate the proposal, the development will deliver a building which sits within a generously landscaped setting which contributes to a cohesive landscape and streetscape character. The substantial setbacks will assist in achieving this landscaped character for the site. The combination of landscape elements will appropriately mitigate the scale of the proposed development.

2.5.6 Social & Economic Impact

2.5.6.1 *Economic Impacts - Employment*

The economic impacts arising from the proposed development at Aberdeen are highly positive. The development provides a positive economic contribution via the job creation directly and indirectly. Specifically the following employment would be generated as a result of the development:

Based on the Australian National Accounts Input – Output Tables (ABS, Cat. No. 5209.0) one direct job year is created in the construction industry per \$160,000 of construction investment. So, for each \$1 million of construction investment the development has the potential to create approximately 6.25 job years over the construction period. In addition to direct employment ABS National Accounts Data indicates that a multiplier of 2.6 applies to direct construction employment.

Based then on an estimated capital cost for the development of \$28,250,000M:

- 176.5 job years would be directly created during construction.
- An additional 459 job years could potentially be created through the wider community.

The proposed development includes 6,807m² of gross floor area with associated carparking and servicing. Based on the Australian National Accounts Input – Output Tables (ABS, Cat. No. 5212.0) an employment rate of one job per 70m² the job creation potential is 97 jobs.

It can be anticipated that further flow on effects on employment are created in the broader economy as a result of the potential income and employment generated. Using a conservative employment multiplier of 1.9 (as recommended by the Australian National Accounts guidelines), there could be the potential flow on effect of 185 additional ongoing jobs throughout the economy.

In summary the proposed development could result in:

- 176.5 job years would be directly created during construction.
- An additional 459 job years could potentially be created through the wider community from construction activity on site.
- It is estimated that the new development would generate an estimated 97 new jobs.
- The new jobs from the development would have a multiplier effect with a further 185 jobs being created in the broader community.
- In total the proposal will generate 635.5 job years through construction activities on site and 282 new jobs associated with the operation of the new retail facilities.

2.5.6.2 Social Impacts

With regards to specific social impacts it was identified that the likely area of affectation (ie the area where the social impacts are most likely) is determined to be within the vicinity of the development. In considering the social impacts the following conclusions have been derived:

Social Assessment	Impact Comment
Changes to the population and characteristics of the area.	The new commercial development is expected to make Aberdeen a more attractive place to live as it will provide a substantial increased range of retail facilities along with job opportunities. Consequently it is likely to result in an increase in the population size of the town.
Economic costs and benefits.	The new commercial development is expected to have a significant positive impact with particular focus on job creation (directly and indirectly). It will also lead to population growth that will lead to increased residential property development in the town.
The community structure, its character or beliefs.	The new commercial development is expected to have no impact on the community structure.
The health and safety of those living and working in the vicinity of the development.	The new commercial development is expected to create no adverse impacts on the health and safety of the local community.

An assessment of safety as it relates to crime, anti-social and nuisance behaviour.	Refer to section 2.5.7 of this report.
Accessibility	The new commercial proposal is compliant with the BCA and is accessible 'friendly'.
Cost of living, including housing affordability.	The new commercial development is expected to have no impact on the cost of living.
Sense of place and community	A land use assessment indicates that due to surrounding development including the location, natural barriers (rail and road), accessibility from the New England Highway and proximity to existing residences the new commercial development will have no adverse impact on the sense of place and community.

Overall the new commercial development has been found to have an overall positive economic and social impact on the broader LGA as well as the local community of Aberdeen. The development is consistent with the planning framework and provides ongoing jobs.

2.5.7 Crime Prevention through Environmental Design

With regards to the local area, the vicinity of the proposed new commercial development at Aberdeen is a low risk crime area according to the BOSCAR hot spot crime area mapping tool. The development is not considered to bring about an increased incidence in crime.

The area is well defined and its location makes surveillance from areas outside of the site readily available.

Access is generally by those who utilise the new commercial and retail facilities for their intended purpose. Entry to each retail and commercial facility will be via the main entrance of each premises therefore ongoing monitoring of patrons is undertaken by staff. Entry to the carpark is secure and access controlled to three points from the adjoining local road network.

Access to the loading docks would be restricted and monitored.

The level of risk for crime and anti-social behaviour is considered to be low. The development of the site is not considered to increase opportunities for crime or antisocial behaviour.

2.5.8 Traffic and Carparking

A Traffic and Carparking Impact Assessment report prepared by SECCA accompanies the development application (**Attachment 11**). That report conclusions are detailed at section 2.2.4 of this report.

2.5.9 Stormwater Management

Stormwater Drainage Plans have been prepared by Lindsay Dynan and accompany the DA. The plans illustrate compliance with the provisions of section 11f Soil & water management and the provisions of UHSC Draft Engineering Guidelines for Subdivisions and Developments.






2.5.10 Disabled Access

The proposed development will achieve a high level of access for people with disabilities and meet all the relevant standards including the Building Code of Australia (BCA), Disability (Access to Premises – Buildings) Standards 2010 (Premises Standards), relevant Australian Standards as they relate to access to premises and the spirit and intent of the Disability Discrimination Act 1992 (Cth) (DDA). In this regard an Access Report prepared by Design Confidence and is provided at Attachment 8. The advice to the report states:

This assessment undertaken was in the context of the relevant accessibility provisions of the Building Code of Australia (BCA) 2016. The broad assessment undertaken revealed that the proposed design is capable of complying with the relevant performance requirements of the BCA, relevant to accessibility. We are of the view that compliance can be achieved be it via either complying with the DtS provisions or performance requirements of the BCA.

2.6 The Suitability of the Site

The site is eminently suited to a mixed use commercial development for these reasons:





-  It has excellent access to local and regional road networks capable of providing safe and convenient access for customers and delivery vehicles;
-  It is sufficiently proximate to local and regional markets to serve both retail and commercial (including industrial) markets;
-  The proposed location is ideally situated on the main road network and provides access to a growing market in the Upper Hunter;
-  The site is suitably zoned for the proposed use and indeed the zone objectives applying to the land promote its use for a mixed use commercial development; and
-  The potential environmental effects are minimal and can be managed effectively.

2.7 Any submissions

All submissions received by Council as part of the notification process will be addressed accordingly by the Applicant.

2.8 The public interest

The proposed mixed use commercial development are considered to be in the public interest for the following reasons:

-  The proponent has confidence that the facility will service the regional area of the Upper Hunter and given its central location between Scone and Muswellbrook along with its highway frontage is an ideal location to service this market.
-  The proposal does not result in any detrimental environmental or amenity impacts.
-  The proposal provides construction and ongoing employment opportunities.
-  The proposal is permissible within the B2 Local Centre zone.

There are no aspects of the proposal that would be contrary to the public interest, as described throughout this statement, the proposal will have numerous beneficial effects on the locality and the wider Upper Hunter LGA.




3 CONCLUSION

This application seeks consent for a mixed use commercial development to be located at the Corner Perth and Macqueen Streets, Aberdeen. The new development would incorporate a new supermarket, café, butchers shop and bottle shop, highway service centre including a QSF outlet and a significant bulky goods retailing facility.

The development as proposed complies with all of the relevant provisions of the Upper Hunter LEP 2013.

The development also complies with all of the relevant provisions of the Upper Hunter DCP 2015.

In terms of a merits based assessment it is expected that the primary issues of focus will relate to the following issues for consideration:

-  Traffic and in particular access to the New England Highway and the impact of the development on the Perth Street / New England Highway Intersection. A Traffic Impact Assessment report accompanies the application prepared by SECCA that has attempted to address RMS and Council requirements.
-  Noise and amenity Impacts on residents of Jean O'Bryan Close. An Acoustic Assessment was undertaken by Spectrum Acoustics which recommended a 4m high acoustic wall which has been proposed, along with landscaping to soften the impact, on the southern boundary of the development site with this residential precinct.
-  Economic and Social Impacts are likely to be significantly beneficial to the local community including a significant number of jobs being generated both directly and indirectly as well as an improvement and increase in the range of retail facilities to the local community as well as the broader Upper Hunter region.

This Statement of Environmental Effects has addressed all relevant matters for consideration under Section 79C of the Environmental Planning and Assessment Act and has found the proposal to be an appropriate development for the site. The proposal is considered in the public interest and warrants approval.