

# REPORT ON DEVELOPMENT APPLICATION CLASS 2 - 9 BUILDINGS AND SUBDIVISIONS

Including assessment in accordance with Section 4.15  
Environmental Planning and Assessment Act 1979



**ADDRESS:** LOT: 113 and 114 DP: 631908  
172-182 Macqueen Street Aberdeen

**APPLICATION No:** DA 96-2017

**PLANNING PANEL REF:** 2017HCC023DA

**PROPOSAL:** Demolition of existing structures and construction of a mixed use commercial development comprising of two storey commercial building incorporating ground floor retail shops and supermarket and first floor commercial tenancies, 24 hour highway service centre, quick service food outlet, bulky goods retail outlets, car parking, signage & landscaping

**PLANS REF:**

DRAWINGS NO.	DRAWN BY	DATE	RECEIVED
PLANNING RELATED DRAWINGS / INFO			
Site Analysis Plan A002 Issue B	Dwp	14.12.2018	17.12.2018
Site Plan A003 Issue F	Dwp	06.03.2019	08.03.2019
Site Plan – General Arrangement A004 Issue T	Dwp	06.03.2019	08.03.2019
3D Views A005 Issue B	Dwp	14.06.2017	25.07.2017
GA Plan Retail 1 Ground + Commercial Level 1 A006 Issue C	Dwp	14.12.2018	17.12.2018
GA Plan – Retail 2 + Service Centre A007 Issue C	Dwp	14.12.2018	17.12.2018
GA Plan – Retail 3 + Truck Parking Amenities A008 Issue B	Dwp	14.12.2018	17.12.2018
3D Site A009 Issue A	Dwp	13.06.2013	25.07.2017
Elevations – Retail 1 Ground + Commercial Level 1 A010 Issue G	Dwp	14.12.2018	17.12.2018
Elevations – Retail 2 - + Service Centre	Dwp	14.12.2018	17.12.2018

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A011 Issue G			
Elevations – Retail 3 + Truck Parking Amenities A012 Issue F	Dwp	14.12.2018	17.12.2018
Sections A013 Issue B	Dwp	14.12.2018	17.12.2018
Materials / Acoustic Fence Section / Signage Pylon Elevation A014 Issue C	Dwp	14.12.2018	17.12.2018
Shadow Diagrams A015 Issue B	Dwp	14.12.2018	17.12.2018
Site Plan – Staging A161 Issue C	Dwp	06.03.2019	08.03.2019
Landscape Sketch Plan Revision D	Scape and Design Landscape Architecture	06.12.2018	17.12.2018
Landscape Planting Plan Revision B	Scape and Design Landscape Architecture	06.12.2018	17.12.2018
External Intersection Works Rev B	Northrop	10.12.2018	17.12.2018
Soil and Water Management Plan DA01-05	Lindsay Dynan	11.12.2018	17.12.2018
Stormwater Water Drainage Plan DA06-09	Lindsay Dynan	11.12.2018	17.12.2018
Hydraulic Services H01 to H04 Revision 3	McCallum PFCA	10.12.2018	17.12.2018
Acoustic Screen 3D View	Insite (with annotations by Council)	No Date	12.02.2019

## REPORTS:

CIV Report (Muller Partnership (28 June 2017)  
Access Report (Design Confidence, 4 July 2017)  
Preliminary Hazard Report (Hazkem Pty Ltd, June 2017)  
Geotechnical Report (June, 2017)  
Traffic Impact Statement (SECA Solutions, 10 December 2018)  
Acoustic Assessment (Spectrum Acoustics, May 2017)

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Waste Management Plan (TTM, 22 June 2017)  
*Report on Detailed Site Investigation for Contamination* (Douglas  
Partners, January 2018 Project: 91087.01)

**OWNER:** Enef Investments Pty Ltd

**APPLICANT:** Enef Investments Pty Ltd  
C/-Dwp  
16 Telford Street  
NEWCASTLE NSW 2300

**AUTHOR:** Paul Smith

**DATE LODGED:** 25 July 2017

**AMENDED:** The development application was amended on 17 December 2018.

**ADD. INFO REC'D:**

**DATE OF REPORT:** 22 August 2017

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## EXECUTIVE SUMMARY

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### Proposed Development

The proposed development involves the demolition of an existing building and the redevelopment of the site into retail premises, bulky goods retail and highway service centre (including heavy vehicle parking area), along with ancillary elements including car parking, signage, landscaping and an acoustic screen wall. The development will occur in three construction stages:

Stage 1 – Retail premises (supermarket, bottle shop, café, chemist, butcher and two other commercial spaces (second floor))

Stage 2 – Highway Service Centre (and heavy vehicle parking area + amenities building) and bulky goods retail building

Stage 3 – two bulky goods retail buildings (include a space for a second café).

### Permissibility

The site is zoned B2 Local Centre pursuant to the Upper Hunter Local Environmental Plan 2013. The proposal is permissible with consent as a commercial premises, bulky goods retail and highway service centre in the B2 Local Centre zone.

### Consultation

The development application was publically exhibited and adjoining owners were notified. Adjoining landowners/occupiers were notified a second time following major amendments to the original development application. Seven (7) submissions were received raising a number of issues such as traffic generation and movement, access, safety, noise, aesthetics and light pollution. The development application was referred to agencies/authorities including: NSW Roads and Maritime Services, Australian Rail Track Corporation, Ausgrid and NSW Police Force. Internal consultation was also undertaken with Council's Infrastructure Services Department in relation to stormwater, roads, water and sewer.

### Key Issues

The main issues identified in the assessment and/or raised in the submissions include:

- Traffic movement and pedestrian safety
- Upgrade to Macqueen Street-Perth Street intersection including a requirement to install traffic control signals for Stage 2)
- Extension of sewer main
- Construction and operational noise impacts on adjacent residents
- Stormwater water management including the needs to obtain an easement through adjoining properties.
- Crime risk and security
- Landscaping along the boundary of the rail corridor
- Signage – especially the proposed pylon signs in Perth Street

### Recommendation

The Planning Panel in its function of determining the development application, grant conditional consent to Development Application No. 96/2017 for the Demolition of existing structures and construction of a mixed use commercial development.

## LOCATION MAP

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## DESCRIPTION OF PROPOSAL

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The development site comprises two lots having a combined area of approximately 4 ha, a 240m frontage to Perth Street and 156m frontage to Macqueen Street (New England Highway).

The development application proposes to undertake a commercial development, comprising retail/commercial, bulky goods and a highway service centre along with associated parking (including truck parking area) and landscaping. Specifically the development has three construction stages as follows:

### Stage 1- Retail/commercial

This will comprise a 14.405m long x 18m wide x 12m (GFA = 2,339.6m<sup>2</sup>) high two-storey building sited at the Macqueen Street/Perth Street corner (Retail 1). The applicant describes the building as “representative of the Australian vernacular aesthetic, within connotations to buildings of a rural nature and/or setting” (Insite, 2017, p 7). As such the materials of the façade consist of corrugated textures and perforated screens upon a galvanised steel framework. The colour pallet will consist of earthy tones considered “sympathetic to the surrounding site and rural environment” (Insite, 2017, p 7).

### Stage 2 – Retail building, highway service centre and truck parking

This stage will comprise an approx. 40m long x 30.15m wide x 6.7m high single storey building (GFA = 526m<sup>2</sup>) designated for bulky goods retail and sited to the south of the Stage 1 building (Retail 2). The building will feature a triangular concrete frame exoskeleton “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 (Insite, 2017, p 8). Stage 2 also proposes a highway service centre with a building: approx. 33m x 17m x 5m high (, car canopy: approx. 29m x 19m x 7.7m high, truck canopy: approx. 17m x 23m x 7.7m high. The truck parking area comprises a 155.38 x 57.9m hardstand area with 11 spaces for up to 25m long articulated vehicles. It also includes a 7.5m x 13.7m x 3.5m high amenities building and outdoor seating area.

Access to the truck parking area is via the combined entry from Macqueen Street. Egress for south going vehicles is via an exit to the south onto Macqueen Street. Egress for north going vehicles is to the rear of Retail 3 back onto Macqueen Street via Perth Street.

Stage 2 also includes two pylon signs – 8m high and 3.050m wide to be along the Macqueen Street frontage, and a 4.2m high and approximate 276m acoustic screen, sited 1.2m from the southern boundary.

### Stage 3 – Bulky goods retail

This stage comprises three bulky goods retail buildings (Retail 3). One of these buildings is sited immediately adjacent to Perth Street at the eastern end of the site (with a westerly facing facade). This building is approx. 53m x 20m x 6.6m high (GFA = 971.8m<sup>2</sup>). The second building is to the south with a northern facing front elevation. This building is 49.5m x 19m x 6.7m high (GFA = 867.5m<sup>2</sup>). The third building is located immediately to the west and is approx. 47m x 19m x 6.7m high (GFA = 855.3m<sup>2</sup>). These buildings have a similar design to the Stage 2 retail building. Also included are two pylon signs – 8m high and 3.050m wide to be located along the Perth Street frontage.

The development also seeks consent for the following signage:

- Four proposed pylon signs
- All of the proposed window signs
- The wall sign located on the northern side of the eastern elevation of the highway service centre building and wall sign located on the southern side of the building.
- All of the wall signs located on Retail Building 2
- The two building identification signs.

## RELEVANT HISTORY

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Lot 113 DP 631908 contains an existing commercial premises which includes: a café, bottle shop, small supermarket and butchers. Lot 114 DP 631908 is vacant land.

The development application was submitted to Council on 25 July 2017, however following preliminary assessment by Council, the NSW Roads and Maritime Services and the NSW Police a number of concerns were raised in relation to the following:

- (1) northbound heavy vehicle egress onto Macqueen Street,
- (2) lack of separation between light vehicles, heavy vehicles and pedestrians in relation to the truck parking area (associated with the highway service centre),
- (3) no provision for safe pedestrian movement to the site from the western side of Macqueen Street and
- (4) no provision for a stormwater drainage easement.

Following further discussions between Council and the Applicant, an amended development application was accepted on 17 December 2018.



## REFERRALS

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### ■ Water & Waste

The development application was referred to Council's Manager of Water and Sewer on 11 February 2019. A response was provided that advises that the highway service centre component relies on pump out systems, which is not acceptable. As such it will be necessary to extend the existing sewer main from No. 208 Macqueen Street (Lot 221 DP 1180892) to service the development. This requirement has been included as a recommended condition of consent.

### ■ Engineering/Stormwater Drainage

The development application was referred to Council's Manager of Strategic Assets on the 31 July 2018. A response was provided on the 7 August 2018 raising issues in relation to access, heavy vehicle movements on Perth Street and stormwater. A further referral was made on 18 December 2018 (following the submission of the amended development application). On the 19 February 2019 a final response was provided raising no objections to the development proposal. However requiring the following:

- Traffic control signals at Perth Street/New England Highway intersection to be provided,
- Easement for stormwater to be provided,
- Replacement of kerb and guttering in the New England Highway for the full frontage of the development, and
- Bus shelter/stop to be provided.

### ■ Building Regulation

The development application was referred to Council's Building Surveyor on 2 August 2017. No objections were raised from a building regulation view point.

### ■ Environmental Health

The development application was referred to Council's Environmental Health Officer (EHO) who reviewed the Acoustic Assessment report (Spectrum Acoustics, May 2017). The following presents the issues raised by the EHO, the response from Spectrum Acoustics and a further response from the EHO:

- *No explanation has been provided, reasoning for placement of noise loggers in the locations specified for the measurement of the background noise levels, to determine intrusiveness a more appropriate logger/ assessment location would be at a location representative at the most affected receivers (residential properties most affected by the development). I query if the chosen noise logger locations are truly representative of the noise environment at the noise-sensitive receivers.*

Spectrum Acoustics Response: The relative uniformity in the measured background noise levels indicates that the logger data is an accurate reflection of the ambient noise environment of the most potentially affected residential areas in the vicinity of the development site. Council's EHO considered the response to be adequate.

- *Does not adequately discuss noise impact on nearby residential receivers. With the exception of residences along Jean O' Bryan Close, where it has been recommended an acoustic barrier be placed along the boundary of these properties to mitigate noise impact. Of particular concern is the potential noise impact on residences along Perth Street and in particular the two residences located opposite the proposed Perth St entrance/exit way (44 and 46 Perth St.*

Spectrum Acoustics Response: Provided further clarification (letter dated: 13 September 2017) giving greater focus to the noise impacts on the residences in Perth Street. The Acoustic Assessment assumes the residences in Perth Street will be shielded or partially shielded from the noise from the concourse and the service station operation by the building elements of the supermarket, bottle shop and retail stores. This demonstrated that under the worst case scenario with full line of sight from the noise source to the receiver, there will be no adverse impact at receivers to the north (ie along Perth Street). The EHO remained concerned about the noise impacts associated with the retail buildings located close to the Perth Street boundary particularly the entry/exit and the loading dock (Dock 1). In this regard it is recommended that conditions of consent be imposed that requires:

- That vehicle speeds within the site be limited to 10km/hr and such signage be erected at all entrances and within the internal movement areas.
- Compliance testing be undertaken once Retail 1 is operational and Dock 1 is in use to ensure the noise criteria are being met.
- An independent review if an owner of privately-owned land considers the development to be exceeding the relevant noise criteria.
- *Provides predicted noise levels for specific activities at the proposed development but does not address potential cumulative effects from these activities.*

Spectrum Acoustics Response: Further modelling of the cumulative noise levels was provided which shows exceedances of the adopted criterion. However the approach taken was to consider the worst case scenario and compare the received noise from each to the adopted criterion. For a noise source operating at maximum levels for a full 15minute assessment period, to compare to a 15 minute criterion. In practice the noise emissions will be variable through each 15minute period during the day, evening and night. Council's EHO considered the response to be adequate.

- *No noise contour map provided. A noise contour map representative of the noise sources (cumulative) from the activities within the development would assist in identifying most affected noise receivers and potential impact on these receivers I would consider the development large enough and complex enough for computer modelling with associated noise contours to be of use.*

Spectrum Acoustics Response: Suggested that this was not necessary for a project of this size and relative close proximity to receivers. They suggest the approach taken provides sufficient information. It should be noted that noise contour maps have readily been provided as part of Acoustic Assessment reports for smaller projects (eg service stations, highway service centres in Aberdeen). While the EHO felt that this would have been useful for assessing the noise impacts, has not made any further request in this regard.

- *No specifications provided noise from known air conditioning and refrigeration (mechanical plant) and respective locations provided in the report.*

Spectrum Acoustics Response: Advised that the location and type of mechanical plant had not been finalised at the time of the original assessment and as such some assumptions were made regarding the sound power level and location. It was concluded that mechanical plant should achieve compliance with the adopted noise criteria provided standard practices and achievable noise control was employed at the design stage. The EHO has recommended that conditions of consent be imposed that require the compliance testing of mechanical plant prior to the issue of any Occupation Certificate.

The applicant submitted an *Addendum Acoustic Report* (Spectrum Acoustics, July 2018) to give consideration to the amended proposal to allow heavy vehicle egress from the site via Perth Street. The report concludes that the existing night time acoustic environment of the residential areas of Perth Street, near the proposed development is dominated by traffic noise from the New England Highway. The operation of trains on the adjacent railway line also makes a significant contribution to the existing noise environment, however it is intermittent. The addition of noise from occasional vehicles leaving the site via the Perth Street exit is therefore deemed to be not out of character with the existing acoustic environment. The EHO overall concurs with the *Addendum Acoustic Report*, however recommends that a condition of consent is imposed so that compliance with the levels outlined in the acoustic report is demonstrated once the development is operational. Any subsequent noise assessment shall make recommendations for additional noise mitigation measures and/or noise attenuation measures where the noise levels exceed the relevant criteria.

The noise impacts of the development are given further consideration under the section "Likely impacts of the development".



## External referrals for concurrence

- Ausgrid

The development application was referred to Ausgrid on 1 February 2019. The following response was provided on 4 April 2019:

*Ausgrid has LV/11kV overhead and underground assets located in the vicinity of the development. The developer must contact Ausgrid prior to -*

*\* Any excavation work within 5.0 metres of power pole footings and provide details of the extent of the excavation so an assessment can be made.*

*\* Any work where persons, plant or equipment may come within 3.0 metres of live overhead mains.*

*\* Any excavation work near underground assets, if they prove to be within safe working distance as outlined in Workcover Codes of Practice and Ausgrid Network Standards.*

*All work on site must be completed in accordance with Safe Work/Work Cover guidelines '**Work near Overhead Power Lines**' and '**Work near Underground Assets**'.*

*For your information, I have attached a plan showing the extent of Ausgrid assets located near the development.*

*I also note the customer should consider the electrical requirements of the development and submit their Connection Application in a timely manner to prevent possible delays.*

Planning comment: The above requirements will be incorporated as conditions of consent and/or advice.

- NSW Police Force

The development application was referred to the NSW Police Service on 2 August 2017 (the Crime Risk Assessment was referred on 5 December 2017). A response was provided on 30 January 2018 which provided recommendations in relation Crime Prevention through Environmental Design (CPTED) principles. In relation to the key CPTED elements of territorial re-enforcement, surveillance, access control and space management, the "Police support the comments made in the supplied CPTED documents" and make some additional recommendations. These recommendations are considered later in this report under the section "Safety, Security & Crime Prevention" in "Likely impacts of the development".

■ **NSW Roads and Maritime Services**

The amended development application was referred to the NSW Roads and Maritime Services on 17 December 2018. The RMS responded on 19 February 2019 raising no objection to the proposal subject to the following matters being addressed and referred back for review:

**Traffic Control Signals**

*Roads and Maritime offer in-principle support to the installation of TCS at the New England Highway / MacQueen Street and Perth Street intersection, subject to the intersection being upgraded to Roads and Maritime and Council's requirements.*

Planning Comment: A telephone meeting on 7 March 2019 between Council and RMS determined that the TCS would not be necessary until Stage 2 of the development.

**Design Review**

*Roads and Maritime has provided a design review of the alterations proposed to MacQueen Street, including the proposed TCS upgrade at the MacQueen Street and Perth Street intersection. More detail is provided in Annexure B, with the following worth noting:*

- *Perth Street eastern leg, eastbound lane is most likely to narrow for heavy vehicle manoeuvrability left / right in from the New England Highway. This should be demonstrated and updated to accommodate the largest size vehicle expected to the site.*
- *Perth Street eastern leg, westbound approach kerbside lane is too wide and should be narrowed so that two vehicles cannot sit side by side within that lane.*
- *MacQueen Street south leg, northbound kerbside lane should accommodate the through and left movements, with downstream merge.*
- *MacQueen Street north leg, southbound kerbside lane should accommodate the through and left movements, with downstream merge. This is important as MacQueen Street has a 5% upgrade on approach to the TCS, and the efficiency of the signals will be compromised by the proportion of slow moving heavy vehicles.*
- *The Design Review spreadsheet is to be completed and returned to Roads and Maritime together with any future design related to the WAD.*

Planning Comment: Again it was determined that these requirements could be subject a condition of consent requiring that a Works-Authorisation-Deed (WAD) be entered into with the RMS prior to the issue of any Construction Certificate for Stage 2.

**Site Access**

- *Noting the amendments to the site access mentioned previously, it is recommended that the southernmost access adjacent to the service station / fast food outlet be restricted as left out only, being reinforced by the installation of a concrete median. This is shown within the traffic report but not on the design plans.*
- *Demonstration of manoeuvrability for the largest sized vehicle expected to the site should be undertaken for the egress from the site to MacQueen Street.*
- *On-site signage will be required to indicate that all northbound egress from the site is to be via Perth Street.*
- *The access located mid-block should be restricted to entry only, allowing both left and right turn access in.*
- *Sight distance for the accesses into and out of the site should be confirmed as compliant with relevant Austroads guides.*

Planning Comment: These requirements could be subject a condition of consent requiring the submission of plans that demonstrate compliance prior to the issue of any Construction Certificate for Stage 2.

### Highway Service Centre

- *The site should be checked to ensure 30 metre long PBS 2B vehicles can be accommodated with regards to manoeuvrability, parking, access into and out of the site, and manoeuvrability at the proposed TCS.*
- *For a site to be considered a Highway Service Centre, the following must be incorporated into the design:*
  - *Traffic Flow separation of heavy and light vehicles – the caravan / camper trailer parking is located adjacent to the heavy vehicle parking. It is assumed that vehicles towing caravan / camper trailer will be using the truck fuel fill point as it is unlikely that they can fill up at the light vehicle station and then manoeuvre back through the site to the designated parking.*
  - *Segregated service delivery areas (Fuel, goods) - The proximity of the loading operations for the other proposed site uses are not conducive for the site to operate as a heavy vehicle driver rest stop. Service vehicles for the bulky goods will have to undertake reversing manoeuvres directly opposite the cabins of any parked heavy vehicles.*
  - *Roads and Maritime estimates that there is current demand for between 12 and 16 heavy vehicle parking spaces, with there being 11 parking spaces provided for heavy vehicles.*

Planning Comment: Based on the plans provided it is likely that 30m long PBS 2B vehicles can manoeuvre within the site, parking and ingress and egress. However a condition of consent will be imposed that requires this to be confirmed prior to the issue of any Construction Certificate for Stage 2.

In relation to the separation of heavy and light vehicles, Council has worked with the applicant to achieve as much separation as possible. However given the constraints of the site and the layout of the development as proposed complete separation is not possible as light and heavy vehicles will share a common entry. Furthermore long vehicles (ie campers, trailers, caravans) will share the same fill point, parking area and exit as the heavy vehicles.

The segregation of the service delivery vehicles especially in relation to Retail 3 from the truck parking area is also difficult to achieve given the constraints of the site and the development as proposed. The concern here is that the noise and movement from delivery vehicles will disturb heavy vehicle drivers who are resting in their vehicles. It may be more appropriate for the loading docks to Retail 3 (the buildings closest to the truck parking area) to be designed allow forward in and forward out, with a separating wall/enclosure for noise attenuation.

The RMS estimates that the demand for heavy vehicle parking spaces is between 12 and 16. The proposal caters for 11 spaces and at least this goes some way to catering for the demand. It may be possible to include one more additional space, however this would reduce the long vehicle parking area and landscaping.

### Pavement

*Roads and Maritime raised the pavement asset condition in advice to Council on this development, dated 20 December 2017. The following comments are made regarding the pavement on the New England Highway in the vicinity of the site:*

- *The existing highway pavement and shoulders in the vicinity of the site consists of aged unbound gravel. Based on the plans provided, traffic is being realigned onto the existing shoulders and intersection throats. This pavement shall be constructed as full depth highway pavement with a 20 year design life. All new pavement construction joints would need to be either on lane lines or diff-lines to avoid wheel paths. Subsoil drainage would need to be provided at new pavement interfaces.*
- *To cater for increased turning movements and traffic surface screwing at the site accesses and the proposed Perth Street TCS, the existing highway travel lanes would need an Asphalt*

surface which requires an increase in surface levels as it would need to be overlaid over the existing sealed surface, as opposed to mill and replacement. Roads and Maritime can design a minimum overlay thickness based on available deflection data.

- A geotechnical investigation will need to be undertaken, including test pits in the affected southbound shoulders and intersection throats, plus CBR testing (10 day soaked) and gravel layers and subgrade.

Planning Comment: This requirement has been reflected through a condition of consent that requires the proponent/ person acting on the consent to obtain a WAD prior to the issue of a Construction Certificate for Stage 1.

## **Consultation with the community**

*It is recommended that Council or the developer consult with the community directly impacted by this proposal as part of the environmental assessment, and as required by the Roads Act. Residential properties fronting MacQueen Street may have access restricted to left in left out following installation of concrete medians, turn lanes, TCS and other infrastructure. Additionally residents may experience greater traffic noise with the introduction of the TCS. Residential properties on Perth Street may be impacted by the installation of the TCS, and vehicles accessing from both the shopping centre car park and heavy vehicle access from the service station.*

*Should Council approve the proposed development and recommended road works, Roads and Maritime concurrence is required in accordance with Section 138 of the Roads Act (1993) as the roadworks required affect the New England Highway. As such, the works are to be designed in accordance with the AustroadsGuide to Road Design 2009 (with Roads and Maritime supplements) and relevant Australian Standards to the satisfaction of both Roads and Maritime and Council.*

*Furthermore, Roads and Maritime highlights that in determining the application under Part 4 of the Environmental Planning & Assessment Act, 1979 it is the consent authority's responsibility to consider the environmental impacts of any road works which are ancillary to the development, such as (inter alia) removal of trees, relocation of utilities, stormwater management, etc. This includes any works which form part of the proposal and/or any works which are deemed necessary to include as requirements in the conditions of development consent. Depending on the level of environmental assessment undertaken to date and the nature of the works, the Council may require the developer to undertake further environmental assessment for any ancillary road works.*

Planning Comment: The development application was placed on public exhibition from as previously discussed. It is recommended that further notification/consultation is undertaken with residents affected by the road changes prior to approval under Section 138 of the Roads Act 1993.

## **Signage**

The RMS provided a response in relation to the proposed signage on 10 March 2019 as follows:

*In accordance with the State Environmental Planning Policy 64 (SEPP 64) Clause 18, the consent authority must not grant development consent without the concurrence of Roads and Maritime, to the display of advertising signs greater than 20 square metres and within 250 metres of, and visible from, a classified road. The New England Highway (A15) is a classified State road, and the proposed identification sign on the Bulky Goods Precinct is larger than 20 square metres, will be within 250 metres and visible from the New England Highway. Accordingly, Roads and Maritime concurrence is granted for the signage proposed in the subject application under Clause 18 of SEPP 64, subject to the following conditions:*

- All signs should meet the criteria contained in the Department of Planning's Transport Corridor Outdoor Advertising and Signage Guidelines (November 2017) including, but not limited to, Section 3.3.3 Illumination and reflectance.*
- No sign approved on the structure, including the LED screen, should incorporate:*
  - Flashing lights or messages;*
  - Animated display, moving parts or simulated movement. Note, video and animated electronic signs*
  - are prohibited.*
  - Complex displays that hold a driver's attention beyond "glance appreciation".*

- v. *Displays resembling traffic signs or signals, or giving instruction to traffic by using words including, but not limited to, words such as 'halt' or 'stop'.*
  - vi. *A method of illumination that distracts or dazzles.*
- c) *Electronically changeable messages displayed on the sign must meet the 'Digital Sign Criteria' outlined within the Section 2.5.8 of the Department Planning's Transport Corridor Outdoor Advertising and Signage Guidelines (November 2017). The following key criteria should be conditioned:*
- i. *Each advertisement must be displayed in a completely static manner, without any motion, for a dwell time of not less than 10 seconds.*
  - ii. *Message sequencing designed to make a driver anticipate the next message is prohibited across images presented on a single sign and across a series of signs.*
  - iii. *The transition time between messages must be no longer than 0.1 seconds, and in the event of image failure, the default image must be a black screen.*
  - iv. *An electronic log of a sign's operational activity must be maintained by the operator for the duration of the development consent and be available to the consent authority and/or Roads and Maritime Services to allow a review of the sign's activity in case of a complaint.*

Additionally, Council should ensure that all signs meet the requirements of Schedule 1 Assessment Criteria of the *State Environmental Planning Policy (SEPP) No. 64 – Advertising and Signage*.

Please advise the applicant that Roads and Maritime may direct the screening, modification or removal of a structure if, in the opinion of Roads and Maritime, the structure is considered a traffic hazard under Section 104 of the *Roads Act 1993*.

Planning Comment: The above conditions have been included. The signage has been assessed in relation to the Schedule 1 Assessment Criteria.

▪ **Australian Rail Track Corporation**

The development application was referred to the Australian Rail Track Corporation (ARTC) on 3 August 2017. The ARTC responded on 13 September 2017 with no objections to the development. However it recommended that Council should consider *State Environmental Planning Policy (Infrastructure) 2007* and *Development Near Rail Corridors and Busy Roads – Interim Guide*. In addition the ARTC requested that Council considers:

**Noise and Vibration**

*ARTC request that a condition of the consent includes a requirement that the site and building design, including materials, meets the noise goals outlined in the acoustic assessment provided with the application.*

**Flora and Fauna**

*The proposed trees along the boundary adjacent to the corridor may present an issue in the future in regards to stabilisation of the embankment and potential for falling within the rail corridor. Also this location has a history of rabbits with potential to undermine infrastructure.*

**Stormwater**

*The development is proposed above a railway cutting that has a history of instability and erosion. The proponent will need to take this into consideration as part of the development.*

*Surface water runoff is shown as being directed to the rail corridor. As such, any of the below may potentially be an issue for ARTC and cutting stability and erosion/scour:-*

- *Concentration of surface water flows;*
  - *Change in surface water flow patterns (volume, location of discharge, etc.);*
  - *Ponding water near the crest of the cutting;*
  - *Increase in subsurface moisture or seepage through onsite detention/retention; and*
  - *Increase in water flows.*

- *Surface water may need to be captured in a concrete lined surface drain on the proponents property, and conveyed to the natural drainage line to the south.*
- *Any increase in water flows at ARTC culverts would also need to be assessed. ARTC wants to ensure that stormwater from the development, does not affect the rail corridor and requests that Council impose as a condition of consent that the developer will ensure that stormwater does not affect the rail corridor, such as:*
  1. *Prior to a Construction Certificate being issued, the applicant must submit details of stormwater disposal to Council for approval. The flow of stormwater toward the rail corridor must not be increased by the proposed development. All approved details for the disposal of stormwater and drainage are to be implemented in the development.*

### **Fencing**

*The security of fencing along the rail corridor is essential to prevent unauthorised entry. ARTC requests that Council impose a condition of consent requiring that the boundary of the site with the rail corridor be fenced in a 1.8m mesh fence if applicable.*

### **Lighting, external finishes and design**

*ARTC wants to ensure that no lighting and external finishes of buildings which face the rail corridor have the potential to affect the safety of rail operations, that is, the temporary blinding effects or distraction caused by lighting and glare from reflective surfaces. The recommended measures associated with lighting and external finishes could include the use of non-reflective materials and landscaping along with adherence to AS4282-1997 Control of Obtrusive Effects of Outdoor Lighting.*

### **Potential for Future Works**

*Whilst there is no immediate plan to build a rail loop, passing lane or track duplication in this vicinity, any development adjacent to, and including the subject land should consider that capital works of this nature may occur at any time to meet future railway operational requirements.*

### **Excavation, earthworks and other construction**

*ARTC requests that due to the proposed development being within 25m of the rail corridor that the proponent seek ARTC concurrence to carry out excavation and any other adjacent earthworks as it has the potential to impact on the safety and operation of the rail network. The proponent is requested to contact ARTC Property Officer, as below in the first instance to assist with obtaining and submitting an application for these works.*

Planning Comment: In relation to this response the following conditions of consent are recommended:

- Prior to a Construction Certificate being issued, the applicant must submit details of stormwater disposal to Council for approval. The flow of stormwater toward the rail corridor must not be increased by the proposed development. All approved details for the disposal of stormwater and drainage are to be implemented in the development.
- As the development involves works being carried out within 25 metres of the rail corridor the proponent must obtain Australian Rail Track Corporation (ARTC) concurrence as the work has potential to impact on the safety and operation of the rail network. Prior to the issue of a Construction Certificate the person acting on the consent shall contact the ARTC Property Officer (P: 02 4941 9631; M: 0417 405 603; Email: mcox2@artc.com.au ) to obtain the relevant concurrence.
- All outdoor lighting shall comply with *Development Near Rail Corridors and Busy Roads – Interim Guideline* published in NSW Government Gazette No. 158 on 19 December 2008 (particularly Lighting, External Finishes and Design) and adhere to AS 4282-1997 Control of Obtrusive Effects of Outdoor Lighting.
- Prior to the issue of any Occupation Certificate a 1.8m high security fence shall be erected along boundary of the site with the rail corridor.

## SUBMISSIONS

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Surrounding properties were notified of the development proposal between 10 August 2017 to 7 September 2017. An advertisement was placed in the Scone Advocate on 10 August 2017 and in the Hunter Valley News on 24 August 2017. Following the submission of the amended development application the adjoining properties were again notified and given from 9 January 2019 to 23 January 2019 to make a submission. Seven (7) submissions were received with the main issues raised being summarised below. The location of the directly affected residents who have made submissions is shown in Attachment 1.



Name & Address of Submitter	Basis of Submissions
<p>Gary and Joanne Leake 44 Perth Street Aberdeen (Made second submission raising the same issues in response to the second notification period)</p>	<p>The submission objects to the development proposal on the basis that it is inappropriate in this location due to the surrounding residential area. They express concerns about the 24/7 service centre/ truck parking area, loss of residential amenity. Other issues include:</p> <ul style="list-style-type: none"> <li>• Noise impact</li> <li>• Increased traffic movement</li> <li>• Vehicle ingress/egress</li> <li>• Light pollution</li> <li>• Building height</li> <li>• Signage – especially the two pylon signs on the Perth Street frontage</li> <li>• On-site parking and street parking</li> <li>• Future development and retail premises opening hours.</li> </ul>
<p>Patricia Hobbs 177 Macqueen Street Aberdeen</p>	<p>This submission is objecting to the proposed 24 hour highway service centre aspect of the development. The main issues raised include:</p> <ul style="list-style-type: none"> <li>• Noise</li> <li>• Increased traffic movement</li> <li>• Loss of amenity</li> </ul>
<p>Gary and Pamela Watson 1 Jean O'Bryan Close Aberdeen</p>	<p>This submission is raising the following concerns about the development:</p> <ul style="list-style-type: none"> <li>• The shadow created by the proposed 4.3m high wall</li> <li>• Removal of their back fence</li> <li>• Noise from trucks accessing the 24 hour service station</li> <li>• Positioning of lights on or close to the wall</li> </ul>
<p>Scott and Jenni Peel 46 Perth Street Aberdeen</p>	<p>This submission is raising the following concerns about the development:</p> <ul style="list-style-type: none"> <li>• Location of the proposed driveway in Perth Street – it will be directly opposite their house. This will result in noise and unsafe conditions for their children.</li> <li>• Do not want a 24 hour service station as it would contribute to more noise at night from trucks.</li> </ul>
<p>Bev Atkinson Scone</p>	<p>This submission is raising a range of concerns about the development:</p> <ul style="list-style-type: none"> <li>• Inappropriateness of the 4.3m high landscaped wall along the south edge of the site</li> <li>• Too many hard surfaces with minimal planted surfaces</li> <li>• Detention tank above the railway embankment is not a good idea.</li> <li>• Limited outdoor space</li> <li>• Underground storage of fuel</li> <li>• Noise</li> <li>• Loss of views</li> <li>• Glass boxes in an inland climate is not affective</li> <li>• No solar panels</li> <li>• Inappropriate architectural style.</li> </ul>
<p>Ron Bradley 204 Macqueen Street Aberdeen</p>	<p>This submission is raising the following concerns about the development:</p> <ul style="list-style-type: none"> <li>• The proposed 24 hour highway service centre is inappropriate in</li> </ul>

Callum Churcher  
3 Jean O'Bryan Close  
Aberdeen

(Response to the second  
notification period)

- this location.
- Inappropriate location for a truck stop
- The 4.3m high wall will not reduce the noise of truck movement

This submission is not objecting to the development application, however asks a series of questions:

1. What is the specifications on the acoustic fencing heights and noise regulations?
2. Are there requirements for speed humps?
3. What will be the exit speed?
4. Is there air brake restrictions and loading and unloading restrictions?
5. During construction and demolition of the site what will be the hours of works and restrictions in place for noise and dust pollution?
6. What will be the lighting in the proposed truck park up bays on the southern side?

## CONSIDERATION

The relevant matters for consideration under Section 79C of the *Environmental Planning and Assessment Act 1979*, are assessed under the following headings:

### ENVIRONMENTAL PLANNING INSTRUMENTS

#### UPPER HUNTER LOCAL ENVIRONMENTAL PLAN 2013

	COMMENT
<b>Land Use Table</b>	
Zoning classification	B2 Local Centre
Zoning objectives	<ul style="list-style-type: none"> <li>• <i>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.</i></li> <li>• <i>To encourage employment opportunities in accessible locations.</i></li> <li>• <i>To maximise public transport patronage and encourage walking and cycling.</i></li> </ul> <p>The development is consistent with the zone objectives.</p>
Zoning permissibility	The proposal is permissible as a commercial premises, bulky goods retail and highway service centre in the B2 Local Centre zone.
<b>Clauses (Part 4)</b>	
Height of buildings (Clause 4.3)	<p>(1) <i>The objectives of this clause are as follows:</i></p> <p>(a) <i>to enable development that is compatible with surrounding development,</i></p> <p>(b) <i>to promote the retention and, if appropriate, sharing of existing views,</i></p> <p>(c) <i>to minimise the loss of solar access and privacy for</i></p>

	<p><i>both the proposed development and existing surrounding development.</i></p> <p><i>(2) The height of a building on any land is not to exceed the maximum height shown for the land on the <a href="#">Height of Buildings Map</a>.</i></p> <p>The height of buildings for the size based on the Height of Buildings Map is 13m. The maximum height of any proposed building is 12m (Retail 1) and as such the development application is not proposing any buildings that exceed 13m.</p>
Floor space ratio (Clause 4.4 and 4.5)	<p><i>(1) The objectives of this clause are as follows:</i></p> <p><i>(a) to ensure that proposals for new buildings are assessed with due regard to the context of surrounding development,</i></p> <p><i>(b) to ensure that the bulk and scale of proposed buildings are compatible with surrounding or intended future development,</i></p> <p><i>(c) to provide sufficient floor space for high quality development for the foreseeable future,</i></p> <p><i>(d) to regulate density of development and generation of vehicular and pedestrian traffic,</i></p> <p><i>(e) to ensure the preservation of reasonable amenity on surrounding land.</i></p> <p><i>(2) The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the <a href="#">Floor Space Ratio Map</a>.</i></p> <p>The floor space ratio for the site based on the Floor Space Ratio Map is 1:1.5. The proposed development has a total floor area of 6,050m<sup>2</sup> and the site has an area of 4ha (40,000m<sup>2</sup>). Therefore, the proposal does not exceed the floor space ratio.</p>
<b>Part 6 – Additional Local Provisions</b>	
Essential Services (Clause 6.10)	<p><i>Development consent must not be granted to development unless the consent authority is satisfied that any of the following services that are essential for the development are available or that adequate arrangements have been made to make them available when required:</i></p> <p><i>(a) the supply of water,</i></p> <p><i>(b) the supply of electricity,</i></p> <p><i>(c) the disposal and management of sewage,</i></p> <p><i>(d) stormwater drainage or on-site conservation,</i></p> <p><i>(e) suitable vehicular access.</i></p> <p>The site is serviced by water, sewer, electricity and direct access to public roads. Stormwater infrastructure is available to the site in Macqueen Street and Perth Street, however the Stormwater Drainage Plan indicates that stormwater will be discharged to the east in the direction of the rail corridor. The applicant submitted an amended plan (Ref: 13662, DA08, Revision B, 11 December 2018) that proposes a 2m wide easement over the eastern portion of Lot 3 DP 832100 (No. 3 Jean O'Bryan Close). This easement would also need to extend through Lot 4 DP 832100 and Lot 222 DP 1180892 to a</p>

	natural watercourse to the south. In this regard it is recommended that development consent is deferred pending the applicant obtaining consent from the owners of the relevant lands to be burdened by the easement.
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SEPP (Infrastructure) 2007

**Determination of development applications—other development**

*(1) This clause applies to a development application (or an application for modification of a consent) for development comprising or involving any of the following:*

- (a) the penetration of ground within 2m of an underground electricity power line or an electricity distribution pole or within 10m of any part of an electricity tower,*
- (b) development carried out:*
  - (i) within or immediately adjacent to an easement for electricity purposes (whether or not the electricity infrastructure exists), or*
  - (ii) immediately adjacent to an electricity substation, or*
  - (iii) within 5m of an exposed overhead electricity power line,*
- (c) ...*

*(2) Before determining a development application (or an application for modification of a consent) for development to which this clause applies, the consent authority must:*

- (a) give written notice to the electricity supply authority for the area in which the development is to be carried out, inviting comments about potential safety risks, and*
- (b) take into consideration any response to the notice that is received within 21 days after the notice is given.*

There is an electricity transmission line and poles running along the south side of Perth Street. The development application may involve the penetration of the ground within 2m of the power poles and it is development being carried out within 5m of an exposed overhead electricity power line. The development application was referred to Ausgrid which provided a response on 4 April 2019, as previously discussed.

**85 Development immediately adjacent to rail corridors**

*(1) This clause applies to development on land that is in or immediately adjacent to a rail corridor, if the development:*

- (a) is likely to have an adverse effect on rail safety, or*
- (b) involves the placing of a metal finish on a structure and the rail corridor concerned is used by electric trains, or*
- (c) involves the use of a crane in air space above any rail corridor.*

*(2) Before determining a development application for development to which this clause applies, the consent authority must:*

- (a) within 7 days after the application is made, give written notice of the application to the chief executive officer of the rail authority for the rail corridor, and*

*(b) take into consideration:*

*(i) any response to the notice that is received within 21 days after the notice is given, and*

*(ii) any guidelines that are issued by the Secretary for the purposes of this clause and published in the Gazette.*

The development application has the potential to have an adverse effect on rail safety and as such it was referred to the ARTC as the rail authority. The ARTC has raising a number of issues in relation to the proposed trees along the boundary adjacent to the rail corridor. It is suggested that the proposed Wollemi Pines could impact on the stability of the embankment and have the potential to fall on the rail corridor. It is therefore recommended that the Landscape Plan is amended such that only shrub and groundcover plantings may occur along the eastern boundary. The ARTC advise that the railway cutting has a history of instability and erosion. It is concerned that stormwater runoff is being directed towards the rail corridor. The development is proposing a stormwater detention structure that will be located immediately adjacent to the rail corridor. There are concerns that the frequent slow release of water from this structure will result in ponding or wetting of the land near the crest of the cutting. As discussed previously an easement will be established over Lot 3 DP 832100, Lot 4 DP 832100 and Lot 222 DP 1180892 to facilitate the construction of an appropriate inter-allotment drainage system to convey stormwater to a natural drainage area to the south.

#### **86 Excavation in, above or adjacent to rail corridors**

*(1) This clause applies to development (other than development to which clause 88 applies) that involves the penetration of ground to a depth of at least 2m below ground level (existing) on land:*

*(a) within or above a rail corridor, or*

*(b) within 25m (measured horizontally) of a rail corridor, or*

*(c) within 25m (measured horizontally) of the ground directly above an underground rail corridor.*

The site is located within 25m of a rail corridor and will involve excavation for the construction of buildings and related infrastructure.

*(2) Before determining a development application for development to which this clause applies, the consent authority must:*

*(a) within 7 days after the application is made, give written notice of the application to the chief executive officer of the rail authority for the rail corridor, and*

*(b) take into consideration:*

*(i) any response to the notice that is received within 21 days after the notice is given, and*

*(ii) any guidelines issued by the Secretary*

*for the purposes of this clause and published in the Gazette.*

*(3) Subject to subclause (4), the consent authority must not grant consent to development to which this clause applies without the concurrence of the chief executive officer of the rail authority for the rail corridor to which the development application relates, unless that rail authority is ARTC.*

The development application was referred to the ARTC which provided a response in relation excavation, earthworks and other construction. A relevant condition of consent has been imposed.

*(4) In deciding whether to provide concurrence, the chief executive officer must take into account:*

*(a) the potential effects of the development (whether alone or cumulatively with other development or proposed development) on:*

*(i) the safety or structural integrity of existing or proposed rail infrastructure facilities in the rail corridor, and*

*(ii) the safe and effective operation of existing or proposed rail infrastructure facilities in the rail corridor, and*

*(b) what measures are proposed, or could reasonably be taken, to avoid or minimise those potential effects.*

*(5) The consent authority may grant consent to development to which this clause applies without the concurrence of the chief executive officer of the rail authority for the rail corridor if:*

*(a) the consent authority has given the chief executive officer notice of the development application, and*

*(b) 21 days have passed since giving the notice and the chief executive officer has not granted or refused to grant concurrence.*

The ARTC responded to Council's referral requesting: "that due to the proposed development being within 25m of the rail corridor that the proponent seek ARTC concurrence to carry out excavation and any other adjacent earthworks as it has the potential to impact on the safety and operation of the rail network. The proponent is requested to contact ARTC Property Officer, as below in the first instance to assist with obtaining and submitting an application for these works."

It is recommended that this requirement be imposed as a condition of consent prior to the issue of any Construction Certificate.

#### **101 Development with frontage to classified road**

*(1) The objectives of this clause are:*

*(a) to ensure that new development does not*



*compromise the effective and ongoing operation and function of classified roads, and*

*(b) to prevent or reduce the potential impact of traffic noise and vehicle emission on development adjacent to classified roads.*

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

*(a) where practicable, vehicular access to the land is provided by a road other than the classified road, and*

The site already has direct access from Macqueen Street (New England Highway) which is a classified road. Access is also proposed from Perth Street.

*(b) the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of:*

*(i) the design of the vehicular access to the land, or*

*(ii) the emission of smoke or dust from the development, or*

*(iii) the nature, volume or frequency of vehicles using the classified road to gain access to the land, and*

The Traffic Impact Assessment advises that all the driveways are located on a straight alignment of the roadway which ensures there is good visibility for drivers entering and exiting the site. Dedicated turning lanes will be provided to accommodate safe right turn movements into the site. The development is unlikely to generate excessive emissions by way of smoke or dust. The development is unlikely to result in increased traffic movement on the New England Highway. The majority of the traffic generated is likely to be passing traffic already using the New England Highway or local residents that divert into the site to use the different commercial premises and service centre. It is possible that additional trips might be created from the bulky good retail especially from Muswellbrook, Scone or Murrurundi.

*(c) the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.*

The development is not considered to be sensitive to traffic noise or vehicle emissions.

#### **104 Traffic-generating development**

(1) This clause applies to development specified in Column 1 of the Table to Schedule 3 that involves:

(a) new premises of the relevant size or capacity, or

(b) an enlargement or extension of existing

	<p>premises, being an alteration or addition of the relevant size or capacity.</p> <p>(2) In this clause, relevant size or capacity means:</p> <p>(a) in relation to development on a site that has direct vehicular or pedestrian access to any road (except as provided by paragraph (b))—the size or capacity specified opposite that development in Column 2 of the Table to Schedule 3, or</p> <p>(b) in relation to development on a site that has direct vehicular or pedestrian access to a classified road or to a road that connects to a classified road where the access (measured along the alignment of the connecting road) is within 90m of the connection—the size or capacity specified opposite that development in Column 3 of the Table to Schedule 3.</p> <p>The development proposes commercial premises with a gross floor area of approximately 5,122m<sup>2</sup> and within 90m of a classified road (New England Highway) and a service station with heavy vehicle refuelling with access to a road. In this regard the development is regarded as traffic-generating. In accordance with the requirements of the clause the development application was referred to the RMS. The RMS responded on 19 February 2019 and the recommendations have been imposed as conditions of consent.</p>
SEPP No. 44 – Koala Habitat Protection	
SEPP No. 55 – Remediation of Land	<p><b>7 Contamination and remediation to be considered in determining development application</b></p> <p><i>(1) A consent authority must not consent to the carrying out of any development on land unless:</i></p> <p><i>(a) it has considered whether the land is contaminated, and</i></p> <p><i>(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</i></p> <p><i>(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.</i></p> <p>The site consists of two commercial zoned lots. Council was not aware that the site had been used for any use that would potentially cause contamination. However the applicant submitted a <i>Preliminary Site Investigation</i> (Douglas Partners, June 2017) prepared as part of the geotechnical assessment. The PSI based on the site history and observation identified a number of sources of contamination including:</p> <ul style="list-style-type: none"> <li>• Imported fill within the car park and building surrounds</li> <li>• Possible hydrocarbons – heavy metal and nutrient impacts from</li> </ul>

	<p>grease traps</p> <ul style="list-style-type: none"> <li>• Possible presence of asbestos containing materials</li> <li>• Possible localised hydrocarbon impact within the existing carpark laneway area from drips/spills</li> <li>• Possible pesticide, heavy metal impacts</li> </ul> <p><i>(2) Before determining an application for consent to carry out development that would involve a change of use on any of the land specified in subclause (4), the consent authority must consider a report specifying the findings of a preliminary investigation of the land concerned carried out in accordance with the contaminated land planning guidelines.</i></p> <p>The development application is not proposing a change of use of the land in relation to Lot 113 DP 631908. It will continue to be used for commercial premises, notwithstanding the highway service centre will be a new additional use. Lot 114 DP 631908 is currently vacant land and as such its use will change to a commercial premises.</p> <p><i>(3) The applicant for development consent must carry out the investigation required by subclause (2) and must provide a report on it to the consent authority. The consent authority may require the applicant to carry out, and provide a report on, a detailed investigation (as referred to in the contaminated land planning guidelines) if it considers that the findings of the preliminary investigation warrant such an investigation.</i></p> <p>The PSI identified that the sources of “potential contamination should be further investigated by sampling and testing to confirm remediation requirements (if any)” (p 18). The applicant submitted a <i>Detailed Site Investigation</i> (Douglas Partners, January 2018). This identified an additional area of possible contamination associated with effluent disposal.</p> <p>This report makes the following conclusions:</p> <p><u>Contamination status:</u></p> <p>There was no obvious visual or olfactory evidence of gross contamination (i.e. no obvious staining or odour) observed at the surface or within the investigation bores and pits.</p> <p><i>The laboratory results were generally consistent with the visual and olfactory “screening” that suggested the absence of gross contamination within the test bores.</i></p> <p><i>Although hazardous building materials (HBM) including asbestos, were not observed within the bores and pits, owing to the presence of structures on the site there is a risk of HBM in unobserved or untested parts of the site.</i></p> <p><i>The site is considered to be suitable for the intended use, based on the results of the assessment. Due to the previous development history on parts of the site, it is recommended that an unexpected finds protocol is incorporated in conjunction with construction activities during development as a precautionary measure.</i></p> <p><i>Although the results of testing within the possible effluent disposal area did not indicate elevated microbiological activity or nutrients, this area should be further inspected and possibly tested during removal.</i></p>
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	<p>It is therefore recommended that prior to the issue of a Construction Certificate a Construction Environmental Management Plan (CEMP) is developed and submitted to the Certifying Authority which includes a requirement to provide an unexpected finds protocol. In addition in relation to the effluent disposal site further testing is undertaken as part of an updated Detailed Site Investigation.</p> <p><u>Existing filling:</u></p> <p><i>The fill materials tested are classified General Solid Waste (GSW) with reference to NSW EPA Waste Classification guidelines (Ref 4). It is noted an addendum to Ref 4 published in 2014 requires assessment of PFAS and PFOS compounds to be undertaken using both specific contaminant concentrations and leachable concentrations. At this stage, only specific contaminant concentrations have been undertaken and hence if material from the area around Bores 106 and 107 are to be removed from site to a licensed landfill, additional sampling and testing (including leachate testing for PFOS and PFHxS) should be undertaken to confirm the suitability for General Solid Waste.</i></p> <p>It is therefore recommended that in relation to Bores 106/107 further testing is undertaken as part of an updated Detailed Site Investigation.</p> <p>It is nevertheless recognised that it may not be possible to sample beneath the existing building until it has been removed. In this regard it is recommended that upon removal/demolition of the existing building on Lot 113 DP 631908 and prior to the issue of a Construction Certificate for any new buildings/structures an updated Detailed Site Investigation and where necessary Remediation Action Plan and validation report shall be prepared and submitted to the consent authority/ site auditor.</p> <p>(4) The land concerned is:</p> <p><i>(a) land that is within an investigation area,</i></p> <p><i>(b) land on which development for a purpose referred to in Table 1 to the contaminated land planning guidelines is being, or is known to have been, carried out,</i></p> <p><i>(c) to the extent to which it is proposed to carry out development on it for residential, educational, recreational or child care purposes, or for the purposes of a hospital—land:</i></p> <p><i>(i) in relation to which there is no knowledge (or incomplete knowledge) as to whether development for a purpose referred to in Table 1 to the contaminated land planning guidelines has been carried out, and</i></p> <p><i>(ii) on which it would have been lawful to carry out such development during any period in respect of which there is no knowledge (or incomplete knowledge).</i></p> <p>The land is not within an investigation area. To Council's knowledge the land has not been used for a purpose listed in Table 1 of <i>Managing Contaminated Lands: Planning Guidelines</i>. There is generally incomplete knowledge on the past land uses.</p>
SEPP 33 – Hazardous and	The proposed highway service centre involves the storage and dispensing of

Offensive Development	<p>hazardous substances with two tank storage area. This requires that the applicant submits a preliminary hazard analysis (PHA) and Multi-level Risk Analysis (MLRA) and PHA as part of the development application documentation.</p> <p>The Risk Screening (RS) identified that the minimum setback distances need to be 7.4 m from the site boundary (for the storage of 33,000 litres of fuel) to the tank fill points and dispensing points. The RS identifies that the setback distance from the fill points to the northern boundary (of the HSC site, not lot) is 3.9m which is less than the required 7.4m.</p> <p>The RS concludes that:</p> <p><i>The site is potentially hazardous. Whilst the transport screening thresholds are complied with, the proposed design does not see all the setbacks as required under SEPP 33 achieved. As such the site and its current design require further analysis and a PHA is to be completed.</i></p> <p>The applicant amended the Site Plan (A004 Issue R) which relocated the underground petroleum storage tanks and the fill point such that the fuel delivery truck does not obstruct other vehicles entering the site. In doing so this also achieved the setback requirement.</p> <p><i>Overall the Multi-Level Risk Assessment including a Preliminary Hazards Analysis prepared by Hazken Pty Ltd 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.</i></p>
SEPP No. 64 – Advertising and Signage	<p><b>3 Aims, objectives etc</b></p> <p>(1) This Policy aims:</p> <ul style="list-style-type: none"> <li>(a) to ensure that signage (including advertising): <ul style="list-style-type: none"> <li>(i) is compatible with the desired amenity and visual character of an area, and</li> <li>(ii) provides effective communication in suitable locations, and</li> <li>(iii) is of high quality design and finish, and</li> </ul> </li> <li>(b) to regulate signage (but not content) under Part 4 of the Act, and</li> <li>(c) to provide time-limited consents for the display of certain advertisements, and</li> <li>(d) to regulate the display of advertisements in transport corridors, and</li> <li>(e) to ensure that public benefits may be derived from advertising in and adjacent to transport corridors.</li> </ul> <p>(2) ....</p> <p>The proposed signage is considered to be consistent with these aims. Notwithstanding the proposed pylon signs along the Perth Street frontage are not considered conducive to the amenity of the adjoining residential</p>

area.

## **8 Granting of consent to signage**

*A consent authority must not grant development consent to an application to display signage unless the consent authority is satisfied:*

*(a) that the signage is consistent with the objectives of this Policy as set out in clause 3 (1) (a), and*

*(b) that the signage the subject of the application satisfies the assessment criteria specified in Schedule 1.*

The signage is considered to be consistent with objectives of this policy. The development application proposes four 8.1m high x 3.050m wide pylon signs. Two will be located along the Macqueen Street frontage and 2 will be along the Perth Street frontage. It also includes signage zones for each of the proposed buildings as follows:

### Retail 1:

- Perth Street - 1 illuminated window sign (12m x 0.6m; 7.2m<sup>2</sup>) and 1 building identification sign stating "Aberdeen Valley Fair" (10m x 0.6; 6m<sup>2</sup>).
- Macqueen Street – 1 illuminated window sign (12m x 0.6m; 7.2m<sup>2</sup>) and 1 illuminated wall sign adjacent to the street corner (8.3m wide x 0.42m; 3.48m<sup>2</sup>).
- Southern elevation contains 3 illuminated window signs
- Eastern elevation contains 2 illuminated window signs.

### Macqueen Street Frontage

- 2 pylon signs related to the highway service centre – 8.1m high x 3.05m wide; 18.45m<sup>2</sup>).

### Perth Street Frontage

- 2 pylon signs related to the bulky goods retail – 8.1m high x 3.05m wide; 18.45m<sup>2</sup>)

### Highway Service Centre

- North elevation – one (1) illuminated signage zone (12m x 0.6m; 7.2m<sup>2</sup> area (Wall sign)
- East elevation – three (3) circular shaped illuminated signage zones (2m diameter; 3.14m<sup>2</sup> area (wall signs)
- South elevation – one (1) illuminated wall signage zone (12m x 0.6m; 7.2m area (Wall sign)
- West elevation – two circular shaped illuminated wall signage zones (2m dia; 3.14m<sup>2</sup> area) – (wall sign)

### Retail 2

- North elevation – one (1) illuminated signage zone (5.2m x 1.1m; 5.72m<sup>2</sup> area (Wall sign)
- East elevation – one (1) illuminated signage zones (8m x 1m; 8m<sup>2</sup> area (wall signs)
- South elevation – one (1) illuminated wall signage zone (19.65m x 1m; 19.65m<sup>2</sup> area) – (wall sign)
- West elevation – one (1) illuminated wall signage zone (19.65m x

	<p>1m; 19.65m<sup>2</sup> area) – (wall sign)</p> <p><u>Retail 3</u></p> <p>North elevation</p> <ul style="list-style-type: none"> <li>• Four (4) illuminated window sign zones (8m x 1m ; 8m<sup>2</sup> area)</li> <li>• One (1) illuminated wall sign zone (12m x 0.6m; 7.2m<sup>2</sup>); and</li> <li>• Building identification sign (Aberdeen Valley Fair – 8.7m x 2.3m; 3.465m<sup>2</sup>)</li> </ul> <p>West elevation</p> <p>Two (2) illuminated window sign zones (8.25m x 0.42m; 3.465m area)</p> <p>The applicant advises that the signage will be for business identification signs. The signs have been assessed under Schedule 1 which demonstrates that the proposed signage is compatible with the requirements (refer to Attachment 2).</p>
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## REGIONAL ENVIRONMENTAL PLANNING POLICIES

There are no REP's applicable to the site.

## DRAFT ENVIRONMENTAL PLANNING INSTRUMENTS

There are no draft EPI's applying to the land.

## DEVELOPMENT CONTROL PLANS

<i>Development control plan</i>	<i>Considered?</i>	<i>Comment (only if necessary)</i>
Upper Hunter Development Control Plan 2015	YES	<p><u>Part 5 Commercial development</u></p> <p>The development proposal generally complies with the relevant outcomes to be achieved and design criteria of the commercial development section. Notwithstanding a number of omissions are noted in relation to lighting and waste minimisation and management. Conditions of consent have been recommended to ensure that the relevant issues are address prior to the issue of any Construction Certificate. Refer to Attachment 3 – compliance table.</p> <p><u>Part 8b Advertising and signage</u></p> <p>The UHDCP Part 8b was developed primarily in relation to signage for businesses in main street commercial precincts rather than a shopping complex with multiple businesses and as such many of the signage outcomes to be achieved and guidelines are not relevant to this development. It is considered more appropriate to assess the signage in relation to the overall objectives of Part 8b. The signage as proposed is considered to be consistent with the</p>



		objectives. However there are concerns about the size of the proposed pylon signs in Perth Street, which exceed the area requirement. It is recommended that a condition of consent is imposed that restricts these signs to a height of 8m and a width of 1m. Part 8b is fully considered in Attachment 3.
Section 94A Levy Contributions Plan 2008	YES	The development application was accompanied by a report from a quantity surveyor (Muller Partnership, 28 June 2017) which estimated the total cost of the development as being \$26,250,000 (Excl. GST). The Section 94A Contributions Plan enables Council to impose a 1% levy on the cost of commercial development in excess of \$200,000. In this regard a \$262,500 contribution is applicable.
Upper Hunter Section 94 Contributions Plan 2017	NA	

## PLANNING AGREEMENTS

There are no planning agreements relevant to the proposal.

## REGULATIONS

### Environmental Planning and Assessment Regulation 2000

*Clause 92(1)(b) 'Additional matters that consent authority must consider' in the case of a development application for the demolition of a building, the provisions of Australian Standard AS 2601—1991: The Demolition of Structures, published by Standards Australia, and as in force at 1 July 1993.*

The development application involves the demolition of an existing building. An appropriate condition of consent is recommended.

## LIKELY IMPACTS OF THE DEVELOPMENT

### Context and Setting

In the local context the site is in the B2 Local Centre Zone containing an existing but smaller scale commercial use. While the proposed development is consistent with the intended use of the land, the site is surrounded by residential uses to the north, south and west (comprising mostly single storey detached dwelling houses), and then the rail corridor to the east. The development, due to its scale is likely to change the character of the locality and have potential impacts on the streetscape. These impacts have been addressed through the design of the commercial centre, through appropriate setbacks, landscaping, unique architecture (for the locality) and appropriately designed public realm transition.

The development application proposes to erect a 4.2m high acoustic fence close to the southern boundary. In an email submitted on 12 February 2019 the applicant advised:

*The layout of the fence allows for:*

- *Improved acoustic treatment as opposed to a straight fence design*
- *More articulation and greater aesthetic appeal / less bulk/ reduced scale than a straight fence*

- *Setbacks on either side allowing for planting to improve amenity (both within and outside of the site) and reduce scale of the fence.*

The articulated acoustic screen is considered appropriate. Notwithstanding the applicant is advising that the exact height/width/design/dimensions would be determined at a developed design stage. Given the scale of the proposed acoustic screen it is considered appropriate to ensure that any approved design is established prior to consent. Furthermore there are concerns about access between the acoustic screen and rear boundaries of Nos. 1-3 Jean O'Bryan Close.

In this regard it is recommended that prior to the issue of any Construction Certificate for Stage 2 the proponent must submit plans and designs of the proposed acoustic screen along the southern boundary. The acoustic screen must be designed in accordance with the plan AUNCL-16-0093-3D-190212, have a height no greater than 4.2m and be setback a minimum of 1.2m from the rear boundaries of Nos. 1-3 Jean O'Bryan Close.

### **Built Form**

The development application proposes to erect six separate buildings on the site with distinct forms, materials and colour schemes. Retail 1 comprises a façade consisting of corrugated textures and perforated screens upon a galvanised steel framework, forming an iconic shed-like canopy. This allows for open shopfronts and commercial tenancies. This light weight canopy is contrasted with heavier block work at the base. The colour pallet will be a selection of earthy tones. The Stage 2 retail building and Stage 3 retail buildings comprise a triangular concrete frame with a colonnade walkway along the building line. The Stage 2 service centre has a contemporary design that is consistent with a modern service station, built from pre-cast concrete panels. Overall the built form designs, material and colours are considered appropriate for the site and the locality.

### **Potential Impact on Adjacent Properties**

There are residential premises on the south, west and northern side of the site. To the south are four adjoining residential dwellings fronting Jean O'Bryan Close, which will be screened from the development by the previously discussed 4.2m high acoustic screen. To the west are nine dwelling houses along Macqueen Street, opposite the site. To the north are six existing dwelling houses along Perth Street immediately opposite the site of the proposed development. The Macqueen Street, Perth Street and Jean O'Bryan Close premises are likely to be the most impacted by changes to views, increased traffic movement and noise. The development application includes a landscape plan that proposes landscaping treatments along the Perth Street and part of the Macqueen Street boundaries, around the acoustic screen and along the boundary with the rail corridor.

The applicant did not provide a shadow diagram in relation to the proposed acoustic screen, however it will be at least 13m-20m from the rear of the dwellings on Nos. 1-3 Jean O'Bryan Close. At this distance the acoustic screen is unlikely to cause significant overshadowing of dwellings or private open spaces.

It is proposed that there will be a vehicular "exit/entry" on the north side of the site at Perth Street directly opposite No. 1 Alexander Close (which has its primary frontage to Perth Street). There will also be the heavy vehicle exit point onto Perth Street opposite No. 14 Alexander Close (which has a fenced secondary frontage to Perth Street). There will be a vehicle exit point on the south side of the proposed service centre, which is directly opposite No. 184 Macqueen Street, which may result in impacts to Nos. 185, 189 and 191 Macqueen Street. The occupants of these premises are likely to be adversely affected by light sweep from vehicle headlights as they exit from the premises. In this regard it is recommended that prior to the issue of a Construction Certificate for the relevant stages (Stages 1 and 2) appropriate treatments are offered to the affected premises by way of landscaping and/or modifications to the doors/windows such as to mitigate the impacts of headlight sweep.

### **Access, Transport and Traffic**

The development application is likely to result in a significant increase in traffic generation with vehicles entering and exiting the site via Macqueen Street and Perth Street. The Traffic Impact Assessment (SECA Solution, 10 December 2018) states "the proposed development could see the daily flows on Perth Street increase by 1,350 vehicles per day, with daily flows on the New England Highway (north of Perth Street) increase by 162 vehicles associated ...". The amended development application proposes intersection treatments to facilitate the safe ingress/egress of both light and heavy vehicles from the site, these approved by the NSW Roads and Maritime Services and Council.

The development is also likely to generate pedestrian movement to the site from parts of Aberdeen (including those on the western side of the New England Highway). In this regard Council considered it important to include traffic control signals (TCS) at the Perth Street- New England Highway intersection to facilitate safe pedestrian movement.

In relation to Stage 1 the pavement and shoulders of Macqueen Street will need to be upgraded and reconstructed to support the increased turning of vehicles into the site. Stage 2 necessitates changes to Macqueen Street (New England Highway) and the Perth Street- New England Highway intersection. This involves the inclusion of turning lanes from Macqueen Street into the entry to the highway service centre and Retail 2. The upgrade of the intersection is required to support the turning of vehicles and the introduction of the TCS. This involves constructing turning lanes which are likely to alter the ingress/egress arrangements for a number of existing residences with frontage to Macqueen Street. In particular Nos. 171, 173 and 175 Macqueen Street on the (western side) and Nos. 166, 168 and 170 (on the eastern side) would be restricted to left-in/left out. In addition the introduction of TCS could result in additional traffic noise associated with the slowing down and speeding up of traffic. The reconfiguration of Perth Street is also likely to restrict on-street shoulder parking for residents at Nos. 44 and 46 Perth Street and No. 93 St Andrews Street. It is recommended that prior to the issue of any Construction Certificate for Stage 2 the person acting on this consent undertakes consultation with adjoining residents whose access is likely to be affected by the changes to the intersection and the installation/operation of the TCS.

The development comprises a combination of general retail, bulky goods retail, highway service centre (including the truck parking area) and as such is likely to attract a range of vehicle types and pedestrian movements around the site. The amended development application improves the separation between light vehicles, heavy vehicles and pedestrians, and facilitates the safe egress of north bound heavy vehicles back onto the New England via Perth Street.

The development application also proposes a Truck Parking Amenities building and outdoor siting area, close to the eastern boundary of the site. Based on this proposal pedestrians would need to walk on the same road that would be used by heavy vehicle to access the facilities. Hence no safe pedestrian access has been provided to the Truck Parking Amenities building and outdoor siting area.



## **Public Domain**

The development proposes a number of changes to pedestrian linkages along the road reserve area. This includes the removal of the southern verge of Perth Street to construct the 19 on-street parking spaces and the construction of a footpath within the boundaries of the site to the north of Retail 1. This arrangement is considered unacceptable as it involves the removal of public space and requires pedestrians to enter the development site. It is therefore recommended that prior to the issue of a Construction Certificate a revised plan is submitted to the Consent Authority for approval that shows a 2m wide combined footpath/cycleway within the road reserve of Perth Street (this will involve the removal of the 19 on-street parking spaces). There is an existing footpath/cycleway on the northern side of Perth Street that commences at the intersection and extends in an easterly direction (over the rail bridge) to join with the residential estate. The plans also show a proposed footpath going east along the southern side of Perth Street. It is recommended that the plans be amended such that the proposed footpath/cycleway has a linkage to the existing footpath/cycleway on the northern side of Perth Street.

According to the plans a footpath is not proposed to be constructed along the New England Highway frontage of the site. In this regard it is recommended that to protect the road reserve a 2m wide concrete footpath/cycleway is constructed for the full New England Highway frontage of the site and require their relocation.

## **Utilities**

The development has the potential to impact on public utilities such as water, sewer, stormwater, telecommunications and electricity. In particular there is a water main located within the road reserve along the New England Highway frontage and the sewer main is located in Perth Street. The reconfiguration of the highway frontage land and intersection may impact on these utilities. It is therefore recommended that prior to the issue of any Construction Certificate for Stage 2 the person acting on this consent carries out a risk assessment of what utility services will be impacted and what measures will be implemented to address these impacts. Furthermore relevant approvals must be obtained from the relevant utility authorities.

## **Heritage**

The site is not a heritage item or in the vicinity of a heritage item. There is a heritage item of local significance located on Lot 2 DP 628897 New England Highway ("The Grange") approximately 170m south of the site. Given the separation distance, the development is unlikely to have any adverse impacts on this item. There are no known items of indigenous heritage within 50m of the site. It is however recommended that a condition be imposed requiring site works to cease and the NSW Office of Environment and Heritage be notified in the event that any objects of cultural heritage significance are unearthed.

## **Water**

The development proposes the construction of buildings and hard surface area over a large part of the site and as such it is likely to result in increased water runoff. The applicant has submitted a Stormwater Drainage Plan that shows that stormwater will be drained via subsurface pipes to "SPEL Chamber" or similar on-site storage device (OSD). This will be designed to have the capacity to store 400m<sup>3</sup> for Stage 1 and 1,200m<sup>3</sup> for Stages 2 and 3. The amended development application proposes that provision for outflows from the OSD will be conveyed by pipe through adjoining (Lot 3 and 4 DP 832100, Jean O'Bryan Close) lots (within an easement) to a natural watercourse to the south of the site in Lot 222 DP 1180892. The construction of the outlet pipe into the natural watercourse has the potential to cause stream erosion or degradation. It is recommended that a condition of consent is imposed that requires stormwater drainage works to be carried out in accordance with *Soils and Construction: Managing Urban Stormwater* ('the Blue Book').

Stormwater runoff also has the potential to be contaminated with solid waste (plastics, cans, paper etc) that can cause water pollution. It is recommended that the stormwater management system incorporates gross pollutant traps, which are regularly maintained.

## Soils

The construction phase will involve significant site disturbance that has the potential to cause erosion and sedimentation (including land and water pollution). The applicant has submitted a soil and water management plan for the three construction stages (Stage 1, 2 and 3). The plan shows sediment control fencing will be installed around each construction stage site during the construction works. A stabilised access will be installed at the entrance to the construction site. It is recommended that an appropriate condition be imposed on the consent that requires the sediment control measures to be installed and maintained in accordance with *Soils and Construction: Managing Urban Stormwater* ('the Blue Book') until the site is stabilised and fully landscaped.

## Air/Microclimate

The construction works have the potential to impact on air quality with adverse impacts on adjacent residents and land uses (including the safe operation of Perth Street and the New England Highway). According to the *Local Government Toolkit (Air Quality Guidance Note: Construction Sites)* construction sites can generate particulates (eg dust, smoke) and odour. Possible sources of particulates include demolition, on-site vehicle movements, diesel exhaust emissions, earthworks, stockpiles and a range of other construction works. Odours can be generated from simultaneous or extensive applications of paints, sealants, adhesives, caulking compounds and waterproofing agents over land surface areas. This issue has not been addressed in the Statement of Environmental Effects submitted by the applicant. In this regard it is recommended that prior to the issue of any Construction Certificate an Air Quality Management Plan which identifies all the sources of particulates and odour from the earthworks, demolition works and construction works and aligns these with best practice management and mitigation measures, is submitted to, and approved by the Certifying Authority. At all times earthworks, demolition works and construction work must be carried out in accordance with the approved Air Quality Management Plan. In addition, a condition of consent is recommended that at all times the demolition and construction work must not adversely impact on air quality.

The operational stage of the development may also generate air quality impacts. The highway service centre has the potential to generate emissions of vapours, gases and fumes associated with the storage and dispensing of fuels. The applicant is proposing to manage these emissions by installing equipment that 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.*

## Waste

The development has the potential to generate waste during the demolition/construction stage and the operational stage. The applicant has not provided information about waste management and disposal during the demolition and construction stage. It is recommended that a condition of consent is imposed requiring the submission of a Waste Management Plan (WMP) to the Certifying Authority prior to the issue of a Construction Certificate.

The WMP should include details regarding:

- the location of waste management facilities proposed both during construction and for ongoing operation.
- volume and type of waste and recyclables to be generated
- storage and treatment of waste and recyclables on site
- disposal of residual waste and recyclables
- operational procedures for ongoing waste management once the development is complete.

## Noise & Vibration

The proposed service station has the potential to have adverse noise impacts on adjacent residences. In particular residences along the western side of the New England Highway and in, Perth Street and Jean O'Bryan Close are likely to be affected by noise from the development (construction noise and operational noise). The applicant has submitted an *Acoustic Assessment* (Spectrum Acoustics, May 2017) and the *Addendum Acoustic Report* (Spectrum Acoustics, 25 July 2018). The Assessment identifies the site to be already a noise elevated environment due to the close proximity to the New England Highway and rail corridor. It establishes the following project specific noise goals (PSNG) for residences near the western and south side (Jean O'Bryan Close and New England Highway) are the more stringent of the intrusiveness or amenity criteria, as follows:

Day	–	47 dB(A) $L_{eq}(15min)$
Evening	-	43 dB(A) $L_{eq}(15min)$
Night	-	39 dB(A) $L_{eq}(15min)$

The PSNG for residences near the eastern and north eastern side (Perth Street) of the site are the more stringent of the intrusiveness or amenity criteria, as follows:

Day	–	44 dB(A) $L_{eq}(15min)$
Evening	-	43 dB(A) $L_{eq}(15min)$
Night	-	38 dB(A) $L_{eq}(15min)$

The sleep disturbance criteria is based on the night time background noise levels from the noise loggers. This is:

- 49 dBA(A) $L_1(1min)$  western receivers
- 48 dBA(A) $L_1(1min)$  western receivers

The Assessment identifies that the major operational noise sources include the highway service centre, service station concourse, refuse removal and service station refuelling, air/water fill point, drive through, air conditioning and refrigeration plant, loading dock activities, retail and commercial activities and car park.

The submissions have raised concerns about the potential noise impacts on adjacent residents. The Acoustic Assessment shows that the receivers to the south in Jean O'Bryan Close will experience increased noise levels even with the inclusion of the acoustic barrier. In relation to the truck parking and the driveway involving truck movement the sound pressure level at the receiver would be 41dBA( $L_{eq}(15min)$ ). which exceeds the night time criteria of 38dBA ( $L_{eq}(15min)$ ). In relation to the criteria for sleep disturbance (53dB(A) ( $L_{eq}(15min)$ )) the operation of trucks within the truck parking area (engines starting up, revs, tray rattles and reversing alarms) the sound pressure level at the receiver would be 49dBA( $L_{eq}(15min)$ ). In this regard the sleep disturbance criteria is exceeded by 4dBA. Generally it accepted that 5dBA and over is where noise becomes a concern, however 3dBA is considered a doubling of sound power and noticeable to the human ear. In this regard it is recommended that additional noise attenuation measures be provided to the adjoining dwellings in Jean O'Bryan Close.

Concerns were also raised about the noise impacts from the HSC and truck parking area on residents to the north (along Perth Street). Spectrum Acoustics provided additional information firstly that the buildings of Retail 1 will provide some noise attenuation to the residents in Perth Street. Further modelling was also undertaken assuming a direct line of sight between the noise sources from different elements of the HSC. In relation to concourse noise the sound pressure level was 25dBA ( $L_{eq}(15min)$ ) and refuse removal 44dBA ( $L_{eq}(15min)$ ), which both meet the project specific noise goals and sleep disturbance criteria. A worst case scenario was undertaken by considering the cumulative noise (ie the noise from all sources occurring within a 15 minute period). This does show exceedances of project specific noise goals and sleep disturbance criteria, however it is unlikely that all sources operating at maximum for a full and coincident 15 minute period would occur. Notwithstanding there are continued concerns about the potential noise impacts on the Perth Street residences opposite the entrance/exit and it is recommended that conditions be imposed in relation to traffic speed (should be limited to 10km/hr within the site) and compliance monitoring with the levels outlined in the acoustic report is demonstrated once the development is operational.

In relation to the receivers on the western side of the New England Highway the sound pressure levels for concourse noise, air/water filling and car park do not exceed the project specific noise goals and sleep disturbance criteria.

The amended development application proposes that all north bound vehicles will exit via Perth Street with separate exits for light and heavy vehicles. There are particular concerns about the noise impacts from the heavy vehicle movements on Perth Street residents. The *Addendum Acoustic Report* (Spectrum Acoustics, 25 July 2018) states that “the vast majority of expected traffic using the site would be coming from the north, travelling south bound” (Page 2), the inference being that heavy vehicle usage of Perth Street may not be high. In relation to vehicle noise this identifies that at the nearest theoretical receiver (taken to be 5m from the house at No. 46 Perth Street). In relation to heavy vehicles the total noise is 46.5 dB(A) ( $L_{eq(15min)}$ ) which exceeds the day/evening/night criteria by 2.5/3.5/8.5 respectively. It also found that the sleep disturbance criteria is exceeded. The Addendum (Page 7) concludes:

*...that the existing night time acoustic environment of the residential areas in Perth Street, near the proposed development, is dominated by noise emissions from traffic travelling along the New England Highway. The contribution of noise from train is significant, but intermittent during the night time.*

*The addition of noise from occasional vehicles leaving the site of the proposed development, via the Perth Street exit, would, therefore, not be out of character with the existing acoustic environment.*

This conclusion effectively dismisses the additional noise impacts of heavy vehicles exiting the site onto Perth Street due the existing acoustic environment created by the New England Highway and trains on the rail line. It is unclear from the Addendum how it accounts for the different variation in sound from the heavy vehicle movements. This would involve: truck braking before entering Perth Street, engine rev noise increase, tyres noise, braking on approach to the intersection (Perth Street- New England Highway) and then engine rev noise again as a truck turns onto the New England Highway. The sound from vehicles on the New England Highway is likely to be more even and trains more intermittent. In effect the noise levels from heavy vehicles using Perth Street exceed the established criteria for day/evening/night and the criteria for sleep disturbance and as such the following mitigation conditions are considered appropriate:

- Prior to the issue of any Construction Certificate for Stage 1 noise attenuation treatments shall be provided to No. 170 Macquene Street (Lot 1 DP229159), No. 44 Perth Street (Lot 1 DP 1091176), No. 46 Perth Street (Lot 2 DP 1091176), No. 1 Alexander Close (Lot 3 DP 1091176) and No. 14 Alexander Close (Lot 16 DP 1091176) (subject to owner’s consent) such that the established noise criteria in the *Addendum Acoustic Report* (Spectrum Acoustics, 25 July 2018) are achieved.
- Once Stage 2 is operational the heavy vehicle exit onto Perth Street shall be closed from 10pm to 7am. In effect the truck parking area will only be open to south bound vehicles.

The construction phase has the potential to generate noise from the operation of vehicles, plant and machinery and power tools. The construction noise criteria has been determined at 52dB(A) ( $L_{eq(15min)}$ ) at residential receivers to the west and south, and 49 dB(A) ( $L_{eq(15min)}$ ) at residential receivers to the north and north east. The Acoustic Assessment found that, based on a typical operational scenario for the initial phases of construction (where an excavator, dump truck and dozer are all working in close proximity to each other), the construction noise criteria will be exceeded. However it does not meet the “highly noise affected” criteria of 75 dB(A) ( $L_{eq(15min)}$ ) as defined in the *Interim Construction Noise Guideline* (DECC, July 2009). In this regard it is recommended that prior to the issue of any Construction Certificate, the applicant submits a Construction Noise Management Plan (this could be included in the Construction Management Plan) that shows what construction noise mitigation measures will be implemented. In addition a condition of consent will be imposed that limits on construction hours as follows: Monday to Friday – 7am to 6pm, Saturday – 8am to 1pm, and no work on Sunday or public holidays.

### **Safety, Security & Crime Prevention**

Highway Service Centres and large commercial developments have the potential to attract crime in the form of theft and property damage. The applicant submitted a *Crime Prevention through Environmental Design* (CPTED) report (Insite, November 2017) which shows that the Upper Hunter LGA has a low level of crime. Notwithstanding it identified crime hotspots in Aberdeen (for the period July 2016-June 2017) in relation to break and enter (dwelling), break and enter (non-dwelling), theft (motor vehicle), theft (steal from motor vehicle) and malicious damage to property. In terms of crime risk the main crime likely to be an issue in relation to the proposed development is malicious damage (graffiti and general damage to property) to property.

As previously discussed the Police support the comments made in the CPTED documents and make some additional recommendations.



Principle	Police Recommendation	Comment
Surveillance	<p>24 highway service centre, fastfood outlet, bottleshop and supermarket:</p> <p>Surveillance equipment (CCTV) to enhance the physical security of the business's and assist with the identification of people involved in anti-social or criminal behaviour.</p> <p>Cameras should be installed in and around the business to maximise surveillance opportunities. Cameras should monitor the cashier's area, high cost merchandise areas with poor natural supervision and entry/exit doors. TV monitors should enable staff to monitor activities on the camera. Recording equipment should be installed away from the counter area such as to avoid tampering. CCTV footage to be kept for a minimum of 21 days. Appropriate warning signs to be displayed advising patrons of CCTV in use. Store windows must not be obstructed with merchandise that may hinder passive surveillance into or out of the buildings.</p>	<p>This will be included as a recommended condition of consent.</p>
	<p><u>Truck Stop Amenities</u></p> <p>The police have raised concerns about this building. It is unclear if the building will be locked or unlocked. The building is in a location with minimal or no surveillance – it is located away from any pedestrian movement area and there is no passive surveillance from businesses. Its isolation provides opportunity for illegal activities especially after dark. It is recommended that the amenities block be relocated.</p>	<p>The following response was made by the applicant in relation to the Police comment:</p> <p><i>The truck stop amenities block, it has been positioned so that the entry and associated rest area is clearly visible from the truck parking area. To improve the security and surveillance the additional measures could be put in place as required:</i></p> <ul style="list-style-type: none"> <li><i>lighting internally and externally to the amenities block (including security/sensor lighting and vandal resistant qualities) are to meet the relevant minimum standards as noted. This is to detailed in the Developed Design phase by the Electrical Engineer.</i></li> <li><i>surveillance equipment including cameras and their associated signage, are recommended outside the amenities block, giving the impression of 'eyes on the street'. Noted that the installation should be considered to optimise the surveillance area, and that the efficiency is not compromised by obstructions. Surveillance equipment to be detailed in the Developed Design phase in</i></li> </ul>

		<p><i>coordination with the Electrical Engineer.</i></p> <ul style="list-style-type: none"> <li><i>all vegetation between the amenities block and the truck parking area is to be considered, planted and maintained as necessary to allow clear surveillance and uphold requirements of the CPTED and other security measures. The landscaping is to be designed by the Landscape Architect at Developed Design phase with this in mind.</i></li> </ul> <p>The truck parking amenities is partially obscured from the truck parking area and other well used areas by the Retail 3 building. The northern elevation is particularly obscured, especially when the Retail 3 are closed. The reliance on CCTV does not provide for passive surveillance which is more appropriate for crime/anti-social behaviour prevention. Notwithstanding there is a seating area on the southern side of the building. The use of this area should at times provide for passive surveillance.</p>
	<p>Lighting</p> <p>Security sensor /lighting must be provided to areas not in use after dark that can detect movement and highlight unwanted activity.</p>	<p>This will be included as a recommended condition of consent.</p>
	<p>Landscaping</p> <p>Mature vegetation should allow clear sightlines to allow people to see and be seen.</p> <p>A maintenance plan needs to be developed showing have all elements of the site will be maintained to a standard that provides access control, surveillance, territorial reinforcement and space management.</p>	<p>This will be included as a recommended condition of consent.</p>
Access Control	<p>The main entry/exit points for this development should be fitted with single cylinder locksets (AS/NZS – lock sets), which comply with the Building Code of Australia.</p> <p>The windows should be fitted with key operated locksets to restrict unauthorised access to the buildings.</p> <p>Counters of retail premises should be designed to reduce the opportunity for assault of staff and unauthorised access to behind counter areas.</p>	<p>Where appropriate this will be included as a recommended condition of consent.</p>

	<p>For businesses handling cash, a safe designed and installed to the Australian Standards can provide additional security to money and other valuables. A drop safe for use in the 24 hour highway service centre to ensure a minimum amount of money is kept in the cash register.</p> <p>A monitored intruder alarm system should be installed. Duress facility should be incorporated into the system to enable staff to active the alarm system manually in the event of an emergency or robbery.</p> <p>For highway service centre staff, they should be able to control the main customer entry/exit point from behind the service counter so that they can control customer entry within the later hours of trading.</p>	
Territorial reinforcement	Effective signage and directions will provide guidance to visitors/customers and keep them away from restricted areas. Signs can also assist in controlling activities and movements throughout the premises.	It is noted that pedestrian movement areas are well delineated with footpaths, crossings and landscaping. It is recommended that a condition of consent is imposed in relation to all service and staff access areas (including entry into buildings) appropriate restricted access signage is installed and maintained prior to the issue of any Occupation Certificate.
	Crime risk can be reduced for late night workers by reserving easily accessed and well-lit car spaces.	<p>The following condition of consent is recommended:</p> <p>At all times all lighting to the internal roads, car park and pedestrian movement areas shall comply with AS/NZS1158 Lighting for roads and public spaces.</p>
	In the highway service centre the counter area should be within a secured lockable area and with anti-jump barriers to restrict persons from jumping the counter or having unauthorised access to behind the counter.	<p>The following condition of consent is recommended:</p> <p>Prior to the issue of any Occupation Certificate for the highway service centre the counter area shall be a secured lockable area, fitted with anti-jump barriers to restrict persons from jumping the counter or having unauthorised access to behind the counter.</p>
Space Management	A site maintenance plan should be developed that includes provisions for cleaning and picking up litter from the fast food outlet outside the perimeter of the development site, on nearby footpaths and roads. It should also include plans for the removal of graffiti within 24-48 hours.	The requirement to develop and submit a site management plan will be included as a recommended condition of consent.
<b>Other Issues</b>		
Parking Area – south of proposed Retail 1 –	Entry to this section of car park is from the main driveway off the New	This issue has been partly addressed by the amended development application. Plan

Butcher/chemist/café	England Highway and from Perth Street. The west end of this car park is a dead end and vehicles entering this area and not finding a car park will have to reverse out of this section. This type of movement is not desirable and reversing vehicles will also have to reverse over a pedestrian walkway. All vehicles should be able to enter and exit the parking area in a forward direction.	A004 Issue R now includes an internal one way link road to the HSC site and allows for a more continuous flow of traffic if a parking space cannot be found. Notwithstanding there are still 14 parking (west of the link road) that ends in a dead end. However given the shorter distance it is more likely that drivers will see that there are no spaces available and not proceed to enter. Also if reversing is necessary it would not be back over the pedestrian crossing. In addition it is recommended that the parking area is adjusted to provide a turning space at the end.
Loading bay - Retail 1 – Butcher/chemist/café	The loading bay near the pedestrian walkway/disabled parking, is an area of potential conflict when deliveries are made. The delivery vehicle will enter the parking area and must reverse into the loading bay near both a disabled parking bay and a pedestrian crossing.	The amended development application partly addresses this issue by relocating the pedestrian crossing away from the loading area. It may be appropriate to relocate the two disabled parking spaces into the parking area to the west of link road to get them away from the loading area. A condition of consent is recommended in this regard.
Loading bay – Retail 3 bulky goods at north eastern end of development	Delivery vehicles are required to reverse into the loading bay. Police recommend that the entry/exit point be removed to stop any conflict between a reversing delivery vehicle and vehicle leaving the car park.	This issue has been addressed as part of the amended development application. As can be seen on Plan A004 Issue R the loading bay to Retail 3 (northern building) is off the heavy vehicle circulation road, it does not involve reversing and there is no mixing with light vehicles.
Bicycle Parking facilities	Bicycle racks or loops to be located within view of capable guardians at various locations within the site.	This has been addressed indirectly through a condition of consent that requires bicycle parking facilities to be provided to the front of each of the retail buildings in accordance with AS 2890.3: 1993 <i>Bicycle Parking Facilities</i> .
Heavy vehicle access to the site	The proposed DA indicates one entry and a separate exit driveway from Macqueen Street (New England Highway). Police have concerns with heavy vehicle entry with other road users and their movement through the complex to access the services or the heavy vehicle parking area.	As discussed the amended development application has improved the degree of separation between heavy vehicles, light vehicles and pedestrians.
Bottle shop/ liquor outlet	Must comply with any conditions imposed by the liquor licensing legislation ie hours of operation.	Noted.
Hours of operation	There is currently no 24 hour businesses or similar developments operating in the Aberdeen area and there is a potential for certain crime categories to increase or unwanted activities that disturb nearby residents. Police recommend the following clause if consent is given to the DA:  “hours of operation shall be subject to review within the first 12 months of each phase of the development premises operating.”	It is agreed that a review condition to this effect should be imposed should the application be approved.

## Construction

The construction phase has the potential to cause erosion and sedimentation, air quality issues associated with dust and plant emissions, noise and loss of visual amenity. These have been considered in the previous section and appropriate conditions are recommended.

## Economic and Social Impacts

The development proposal has the potential to generate employment and provide additional retail premises to the residents of Aberdeen. As stated in the Statement of Environmental Effects:

*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.*

Overall the new commercial development is likely to have an overall positive economic and social impact on the broader LGA as well as the local community of Aberdeen.

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## SUITABILITY OF THE SITE FOR THE DEVELOPMENT

The site is surrounded and adjoined by existing residential land to the north, south and east. The development application proposes that the highway service centre operates on a 24 hours, seven days a week basis, 365 days a year. It is likely that surrounding residents will be impacted by the noise and movement of heavy vehicles within the site and upon entry and exit, as well as the general activity associated with the operation of the highway service centre. In this regard the site is not considered suitable for the 24 hour operation. It is recommended that the hours of operation for the highway service centre are restricted to 6am to 10pm daily (this is consistent with other recently approved service stations in Aberdeen). Furthermore it is recommended that a number of conditions of consent are included to mitigate the potential impacts including direct noise attenuation measures to the most affected dwellings.

Overall the site is considered to be suitable for the proposed mixed use commercial development provided the identified conditions of consent are imposed. There is sufficient space for the building, landscaping, car parking and adequate services are available to the site.

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## THE PUBLIC INTEREST

The development proposal is considered to be in the public interest as it provides local employment and increased income for the local economy, as well as providing a range of retail services and facilities for Aberdeen residents and the travelling public. It provides a facility that enables heavy vehicles to be parked off the road and provides drivers with an opportunity to have a rest.

## SUMMARY OF LIKELY IMPACTS OF THE DEVELOPMENT

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All likely impacts of the proposed development have been considered within the context of this report.

ENVIRONMENTAL APPRAISAL		CONSIDERED
1	Statutory controls	YES
2	Policy controls	YES
3	Design in relation to existing building and natural environment	YES
4	Landscaping/open space provision	YES
5	Traffic generation and car parking provision	YES
6	Loading and servicing facilities	YES
7	Physical relationship to and impact upon adjoin development (views, privacy, overshadowing, etc.)	YES
8	Site Management issues	YES
9	All relevant S79C considerations of Environmental Planning and Assessment Act 1979	YES
10	Section 89 LGA 93 including Clause 12 considerations of Local Government Regulations 1993	NA

## CONSISTENCY WITH THE AIMS OF PLAN

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It is considered that the development is consistent with the specific aims of the plan and the objectives of the zone and of the controls.

As such, consent to the development may be granted.

## SUBMITTORS CONCERNS

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The issues raised in the submissions are addressed as follows, if they have not already been addressed in the body of this report:

- *Potential for the 4.3m (4.2m) high acoustic barrier to cause overshadowing of the dwelling*

Planning comment: The acoustic screen will be at least 13-20m from the rear of the affected dwellings at Nos. 1-3 Jean O'Bryan Close. At this distance the screen is unlikely to cause overshadowing.

- *Noise impacts on residents in Jean O'Bryan Close: The noise that trucks make taking off and changing their gears at the side of our property on the New England Highway. Trucks will coming and going 24 hours and it is likely to get noisier.*

Planning comment: The Acoustic Assessment shows that the receivers to the south in Jean O'Bryan Close will experience increased noise levels even with the inclusion of the acoustic screen. Truck movement within the truck parking area and the southern driveway exit would create a sound pressure level at the receiver of 41dBA(L<sub>eq</sub>(15min)). which exceeds the night time criteria of 38dBA (L<sub>eq</sub>(15min)). In relation to the criteria for sleep disturbance (53dBA (L<sub>eq</sub>(15min))) the operation of trucks within the truck parking area (engines starting up, revs, tray rattles and reversing alarms) would have a sound pressure level at the receiver of 49dBA(L<sub>eq</sub>(15min)). In this regard the sleep disturbance criteria is exceeded by 4dBA. Generally it is accepted that 5dBA and over is where noise becomes a concern, however 3dBA is considered a doubling of sound power and noticeable to the human ear. In this regard it is recommended that additional noise attenuation measures offered to the immediately adjoin dwellings in Jean O'Bryan Close.

- *Acoustic screen: Would like to know if they will be taking down our back fence to construct the 4.3m high acoustic barrier (fence). They are concerned about the potential for weeds to grow between the two fences.*

Planning comment: The plans provided by the applicant show that the acoustic screen will be erected within the southern boundary of the land (Lot 114 DP 631908). This issue has been discussed in the previous section and conditions of consent are recommended in relation to access for maintenance and cleaning.

- *We do not want driveway access from Perth Street (No. 46 Perth Street) as this will be directly opposite our house, with young children using the footpath regularly. We do not believe that this would be safe with large trucks using the road more and more.*

Planning comment: The proposed light vehicle entry/exit in Perth Street will not be directly opposite this residence, it will be directly opposite the duplex that faces Perth Street (No.1 Alexander Close). The proposed heavy vehicle exit will be opposite No. 14 Alexander Close (Corner lot) to which Perth Street is a fenced secondary frontage. It is likely the vehicles that exit the site will have fully completed their turn onto Perth Street by the time they pass No. 46 Perth Street.

- *Noise impacts*

Planning comment: Noise issues are raised by most of the submissions. This has been previously addressed in the report.

- *We do not want access from Perth Street and a 12 hour service station not 24 hour service station*

Planning comment: The development application was referred to Council's Infrastructure Services Department. No concerns were raised about the proposed light vehicle entry/exit and the heavy vehicle exit. In addition Perth Street is a public road sufficient for heavy use (including 25m long articulated vehicles). The Police have also raised concerns about the 24 hour service centre and recommended it be subject to a review condition to determine the long term appropriateness in this location. It has been considered that a 24 hour highway service centre is not appropriate at this site, given its proximity to residential areas. Accordingly a condition of consent is recommended limiting the hours of operation of the highway service centre to 6am to 10pm daily.

- *The proposed truck stop in the middle of town should not even be on the table. Truck stops belong on the outskirts away from residential areas, well away from busy shopping centres, members of the public and children.*

Planning comment: The land is in the B2 Local Centre zone in which highway service centres are permitted with development consent. The truck parking area is considered ancillary to the highway service centre. The applicant amended the development application to as much as possible separate heavy vehicles from light vehicles and pedestrians to improve safety and minimise traffic conflict within the site.

- *A development of this scale is not appropriate for the middle of town. It will create numerous ongoing issues including loss of quite enjoyment/amenity for nearby residents.*

Planning comment: As mentioned above the land is in the B2 Local Centre zone in which highway service centres are permitted with development consent. There is an existing commercial development on the land which has operated for many years. This proposal is to redevelop the site with a more substantial development that provides a greater range of commercial premises as well as a highway service centre.

- *The 24/7 highway service centre operation creates continuous bright lighting and signage pollution and creates continuous traffic disruption.*

Planning comment: All lighting will be required to comply with AS4282-1997 *Control of the obtrusive effects of outdoor lighting* and must be fitted with devices that can control the level of illumination. In relation to signage that fronts the public realm: The two pylon signs are proposed along the Perth Street frontage and two along the New England Highway frontage for the purpose of business identification. Retail 1 has two signage zones on the northern elevation (one illuminated) (12m x 0.6m) and two illuminated signage zones on the western elevation (12m x 0.6m and 8.25m x 0.42m). Retail 2 has one illuminated wall signage zone (19.65m x 1m).

Retail 3 will be set well within the site (approx. 15-70m from the Perth Street boundary and 200 from the New England Highway boundary). On the north elevation (facing Perth Street) will have 4 illuminated window signage zones (8.25m x 0.42m), one illuminated wall sign zone (12m x 0.6m) and building identification sign "Aberdeen Valley Fair" (8.7m x 2.3m). Retail 3 on the west elevation will have two illuminated window signs (8.25m x 0.42m).

A condition of consent is recommended requiring the illuminated signage to be switched off for the non-operating hours as specified in the consent. While the development will generate additional traffic movement in Perth Street, the intersection and access points will be designed to minimize traffic disruption. The development application was referred to the Council's Infrastructure Services Department which did not raise any concerns about the capacity of Perth Street to support the increased amount of traffic, provided the intersection upgrades are undertaken.

- *Retail/café/commercial – hours of operation for supermarket 6am – 10pm is too wide a timeframe. Issues are also raised about the other retail outlets such as the café seeking to extend to 24/7, the potential for businesses such as gymnasiums, bulky goods retail, storage premises, massage parlour or medical clinic*

Planning comment: The Acoustic Assessment has been undertaken on the basis that the supermarket will “open only between 7am and 9pm (8am and 8pm Sundays)”. Also that there will be no deliveries, collection of trollies or use of the car park outside these hours and therefore no potential for sleep disturbance. However according to the Statement of Environmental Effects the supermarket will be open 6am to 10pm. The *Noise Policy for Industry* establishes the day/evening period as being from 7am to 10pm (Monday to Saturday) and 8am to 8pm (Sunday and public holidays). Activities occurring from 10pm to 7am is deemed to be night and as such developments should be assessed in relation to the potential for the noise to cause sleep disturbance. Given that the operation of the supermarket has not been considered in relation to sleep disturbance it is recommended that the hours of operation be limited to the period identified in the Acoustic Assessment (ie 7am to 10pm).

In relation to extending the hours of other retail premises and possible other uses, further development consent will be required (note: storage premises are not permitted in the B2 Local Centre Zone). In relation to other operational matters a condition of consent will be imposed that requires that all deliveries, maintenance and waste removal occur within the hours of operation.

- *Lack of specificity and/or restriction as to the nature of retail of the first floor commercial tenancies*

Planning comment: For the purpose of development assessment the two commercial spaces have been characterised as shop premises. The B2 Local Centre Zone permits with consent a range of other uses, however further development consent may be required.

- *Building height: The objection is that the 2 storey height limit appears to be proposed at 13m. This is excessive for 2 stories and is of concern. The artists impression of the architecture indicates some very high first storey windows, and very high roof line. Total height of buildings should be strictly limited and any creep age such as by ducting, telecommunications dishes, signage air conditioning towers not allowed.*

Planning comment: Retail 1 is the tallest building, with a height of 11.8m. It will have windows on the both the ground floor and first floor and it could be argued that it has a very high roof line. Notwithstanding, the height of buildings development standard in the UHLEP for this location is 13m and as such the development complies.

- *Signage: The artist's impression does not depict signage. The potential for signage to be inappropriately high, large or bright is a concern.*

Planning comment: The 3D views (Plans A005, A009) shows the two pylon signs along the Perth Street frontage and New England highway frontage, as well as the signage zones on the buildings. The scale of the proposed Perth Street pylon signs is considered excessive (8.1m high x 3.050m wide) in the context of the streetscape and adjoining residential area. The UHDCP establishes development standards for pylon signs of no more than 8m<sup>2</sup> and no more than 8m high in business areas. In addition the *height of the structure must not protrude above the dominant skyline (including any buildings, structures or tree canopies) when viewed from ground level within a visual catchment of 1 kilometre*. The proposed pylon signs are in a business area (ie B2 Local Centre) however this is on the boundary with the R1 General Residential Zone. It is likely that the 8.1 high pylon signs will protrude above the existing buildings. In this regard it is recommended that along the Perth Street frontage pylon signs are limited in size to 8m high x 1m wide.



- *Heavy volumes of traffic will be created in Perth Street which will have a significant impact on the residents in the street. The majority of Perth Street traffic would turn at Macqueen Street (New England Highway). This is likely to occur in high volumes at peak times and could be ongoing 24/7. The congestion on the Macqueen Street/Perth Street junction will be problematic.*

Planning comment: The Traffic Impact Assessment (SECA, 10 December 2018) considers the impact of the development on daily traffic flows and the impacts on the intersection. The following comment is made in relation to traffic flows in Perth Street:

*The RTA Guide also provide advice regarding the environmental capacity of a residential road which is based upon a maximum hourly capacity. For Perth Street, which operates as a local road, the RTA Guide indicates a maximum hourly capacity of 300 vehicles per hour with 200 vehicles per hour being desirable. The existing flows on Perth Street together with the development traffic would be less than 200 vehicles per hour and are therefore within the environmental capacity of this road.*

The following comments are made in relation to the impacts on the intersection:

*Sidra modelling has also been completed to assess the operation of traffic control signals at this intersection, with the results indicating that the concept design in Attachment B will provide adequate capacity to support the traffic demands associated with the proposed development together with potential background growth on the New England Highway and Perth Street to the 2028 design year (allowed 5% over 10 years).*

The Council's Infrastructure Services Department has not raised any concerns about the capacity of Perth Street to support the increased traffic flows. Notwithstanding Council considers it appropriate to include traffic control signals at the intersection to both facilitate safe traffic and pedestrian movement.

- *On-site and Perth Street parking bays would be illuminated 24/7, which would create light pollution.*

Planning comment: The illumination of the internal parking areas would reflect the opening hours of the premises. In relation to Retail 1 the latest open business is the supermarket (until 10pm), Retail 2 – 6pm and Retail 3 - 6pm. It is proposed through a condition of consent that the on-street parking in Perth Street not be included. In addition it is recommended that any lighting be hooded and be compliant with AS4282-1997 - *Control of the obtrusive effects of outdoor lighting*.

- *Shopping trollies and rubbish are likely to be left in Perth Street and nearby.*

Planning comment: A condition of consent is recommended that requires the applicant to submit a Site Management Plan prior to the issue of any Occupation Certificate for Stages 1, 2 and 3 that deals with issues such as on-going site maintenance and repair, waste removal, litter removal from internal spaces and public spaces, collection of shopping trollies and removal of graffiti.

- *Shoppers, staff and delivery vehicles will use the residential side of Perth Street to park. This will inhibit entry/exit into houses for residents and residents will lose spaces for visitor parking out front.*

Planning comment: There will be signage directing users of the shopping complex towards the off-street parking and limited on-street parking will be available. The northern side of Perth Street is proposed as a carriageway for vehicles turning left into Perth Street from the New England Highway. This will facilitate the inclusion of a right turning lane and left turning lane from Perth Street onto the New England Highway. It is recommended that the proposed on-street parking in Perth Street is not included. This may provide scope retain shoulder parking in Perth Street. The proposed design needs to be reviewed prior to the issue of the Section 138 Roads Act approval.

- *Vehicles egressing from Perth Street at night will shine headlights in an arc into some Perth Street houses up to 24/7.*

Planning comment: This has been considered and addressed in the section "Likely Impact of the Development".

- *The construction phase has the potential to create noise, dust and visual pollution.*

Planning comment: This has been considered and addressed in the section “Likely Impact of the Development”.

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## CONCLUSION

The development application for the “mixed use commercial development and demolition of existing structures, and 24 hour highway service centre” has been assessed against Section 4.15 of the Environmental Planning and Assessment Act 1979 (‘the Act’), Upper Hunter Local Environmental Plan 2013 and the Upper Hunter Shire Development Control Plan 2015. A range of issues have been identified related to the impact on the character and amenity of the locality, architectural design, traffic generation and movement (internal and external), access, pedestrian movement, noise, light pollution, soil and water management, stormwater, crime and security, public safety, waste management (construction and operation) and site management. On balance in relation to the retail component and the highway service centre the development is satisfactory, provided it is carried out in accordance with the consent and/or conditions of consent.

There are concerns about the suitability of the site to incorporate the truck parking area in Stage 2 of the development. As discussed this is due to the close proximity of the site to residential premises and the likely noise impacts of heavy vehicle movement within the site and upon ingress/egress particularly for the Perth Street residents. However it is considered that the potential impacts can be addressed through the recommended conditions of consent.

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## RECOMMENDATION

PURSUANT TO SECTION 80/80A OF ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 (AS AMENDED)

**THAT** Hunter Regional Planning Panel, as the consent authority, grant consent to Development Application No. 96/2017 subject to the attached conditions of consent.

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## REASONS FOR RECOMMENDATION

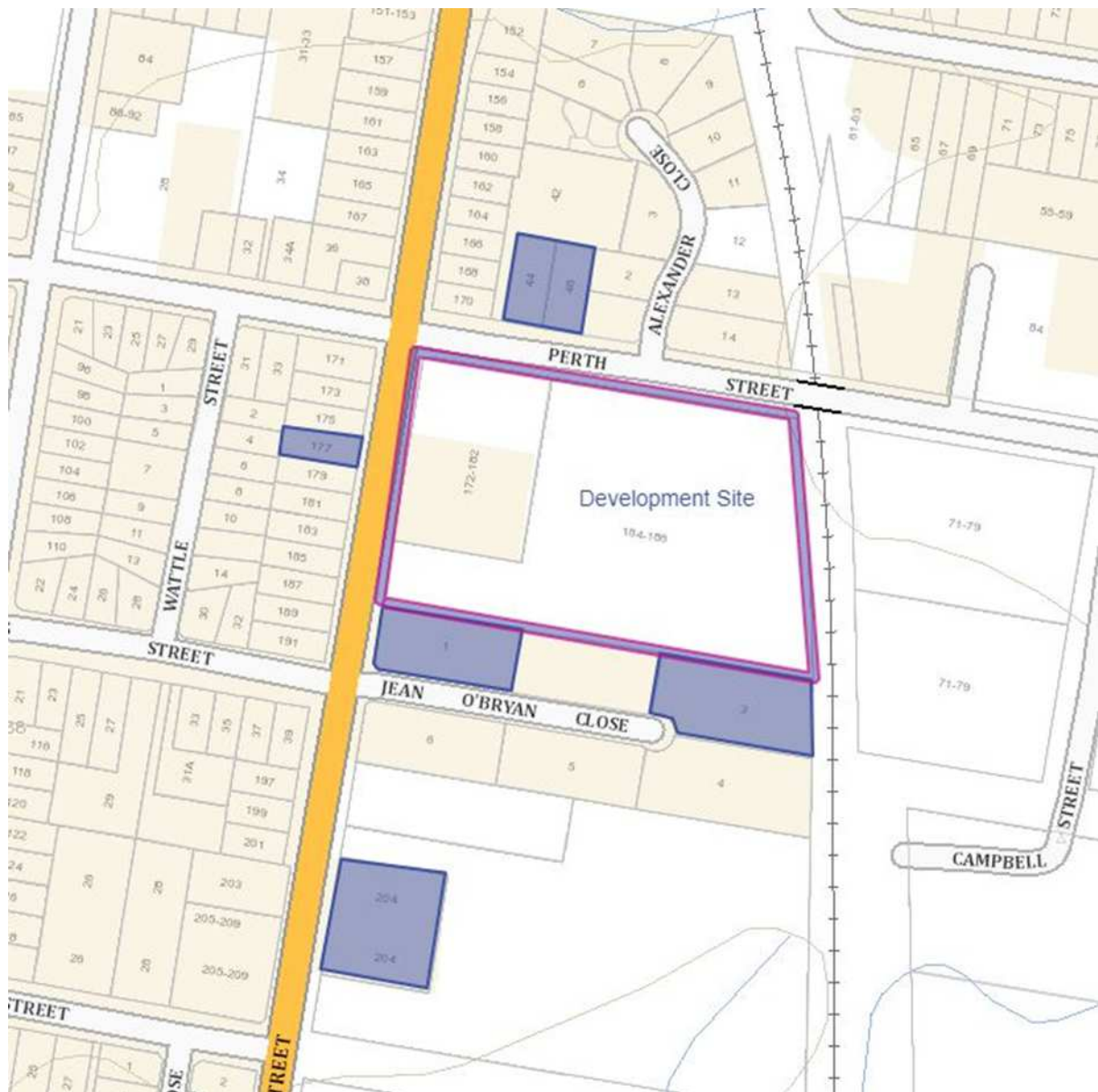
The recommendation that the development application be approved for the following reasons:

- The proposed mixed commercial development comprising retail premises and highway service centre and bulky good retail premises is consistent with the objectives of the B2 Local Centre Zone pursuant to the Upper Hunter Local Environmental Plan 2013.
- Retail premises and highway service centres and bulky good retail premises are permitted with consent in the B2 Local Centre Zone pursuant to the Upper Hunter Local Environmental Plan 2013.
- The development satisfies the relevant clauses of the Upper Hunter Local Environmental Plan 2013: Clause 4.3 Height of Buildings, Clause 4.4 Floor Space ratio, Clause 6.1 Earthworks, Clause 6.7 Airspace operations and 6.10 Essential Services.
- The development satisfies (subject conditions of consent) the Upper Hunter Development Control Plan 2015 in relation to Part 5 Commercial Development and the related parts (Part 12a Access and vehicle parking and Part 11f Soil and Water Management).
- Pursuant to Section 4.15(1)(b) of the Environmental Planning and Assessment Act 1979 the development is unlikely to have any significant adverse impacts that cannot be addressed through conditions of consent.
- Pursuant to Section 4.15(1)(c) of the Environmental Planning and Assessment Act 1979 the site is suitable for the development.
- Pursuant to Section 4.15(1)(d) of the Environmental Planning and Assessment Act 1979 the development is in the public interest.

There were 7 public submissions in response to the development application. The issues raised have been considered and where appropriate, addressed through conditions of consent. Broader community views have also been incorporated through the consideration of environmental planning instruments, the Upper Hunter Development Control Plan 2015 and the Environmental Planning and Assessment Act 1979.

PAUL SMITH  
SENIOR ENVIRONMENTAL PLANNER

## Attachment 1 – Location of Affected Residents who made submissions



## Attachment 2 – Consideration of Schedule 1 – SEPP 64

<b>1 Character of the area</b>	
Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?	Yes. The signage is compatible with the B2 Local Centre Zone, which allows for commercial land uses of ancillary / subordinate activities.
Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	No particular outdoor signage theme has been established for this locality.
<b>2 Special areas</b>	
Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?	No. There is no environmentally sensitive areas, high scenic qualities or heritage issues in the area.
<b>3 Views and vistas</b>	
Does the proposal obscure or compromise important views?	No.
Does the proposal dominate the skyline and reduce the quality of vistas?	The development proposes to erect four 8.1m high x 3.05m wide pylon signs along the Macqueen Street and Perth Street frontages of the site. While the signs will be prominent they will not dominate the skyline or reduce the quality of vistas.
Does the proposal respect the viewing rights of other advertisers?	There is no other advertising in the area as the adjacent land uses are residential.
<b>4 Streetscape, setting or landscape</b>	
Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?	The scale of the proposed pylon signs is considered excessive (8.1m high x 3.050m wide) in the context of the streetscape and adjoining residential area. The UHDCP establishes development standards for pylon signs of no more than 8m <sup>2</sup> and no more than 8m high in business areas. In addition the <i>height of the structure must not protrude above the dominant skyline (including any buildings, structures or tree canopies) when viewed from ground level within a visual catchment of 1 kilometre</i> . The proposed pylon signs are in a business area (ie B2 Local

	Centre) however this is on the boundary with the R1 General Residential Zone. It is likely that the 8.1 high pylon signs will protrude above the existing buildings. In this regard it is recommended that along the Perth Street frontage pylon signs are limited in size to 8m high x 1m wide.
Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	The proposed signage is consistent with the type of signage typically found in commercial zones.
Does the proposal reduce clutter by rationalising and simplifying existing advertising?	NA
Does the proposal screen unsightliness?	No
Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	Yes. However the land is in a distinctly different zone to the surrounding residential area.
Does the proposal require ongoing vegetation management?	No
<b>5 Site and building</b>	
Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?	Yes
Does the proposal respect important features of the site or building, or both?	There are no identified important features.
Does the proposal show innovation and imagination in its relationship to the site or building, or both?	No.
<b>6 Associated devices and logos with advertisements and advertising structures</b>	
Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?	Yes – as advised by the applicant.
<b>7 Illumination</b>	
Would illumination result in unacceptable glare?	The proposed signage will all be illuminated. The proposed signs have the potential to create unacceptable glare that could impact on

	<p>residents in Perth Street and Macqueen Street. The two pylon signs are oriented perpendicular to the dwellings on the northern side of Perth Street (No. 170 Macqueen Street, and then Nos. 44, 46 and 93 Perth Street) therefore should not be subject to direct glare. However there are illuminated signage zones on the north elevations of Retail 1 and Retail 3 which could impact on these residents. There are also illuminated signage zones on the western elevation of Retail 1, Retail 2 and the Highway Service Centre that could impact on the residents on the western side of Macqueen Street. It is therefore recommended that a condition of consent be imposed requiring that at all times all signage must comply with AS4282-1997 – Control of the excessive effects of outdoor lighting.</p>
Would illumination affect safety for pedestrians, vehicles or aircraft?	Not likely.
Would illumination detract from the amenity of any residence or other form of accommodation?	Provided it is controlled to acceptable levels and then turned off on the cessation of trading hours.
Can the intensity of the illumination be adjusted, if necessary?	Yes – as advised by the applicant.
Is the illumination subject to a curfew?	The applicant advises that the signage will be turned off at the close of the respective businesses each night.
<b>8 Safety</b>	
Would the proposal reduce the safety for any public road?	No
Would the proposal reduce the safety for pedestrians or bicyclists?	No
Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?	No

## Attachment 3 – Consideration of Development Control Plan 2015

### Part 5 – Commercial Development

<b>Outcomes to be achieved</b>	<b>Satisfies Outcome s to be achieved (Yes/No/ NA)</b>	<b>Complies with Design guidelines (Yes/No/NA)</b>	<b>Comments</b> (If the development does not comply with the design guidelines, how does it satisfy the Outcomes to be achieved?)
<b>Subdivision layout &amp; general design</b>			
<b>A. Building setbacks</b>	NA	NA	The site is zoned B2 Local Centre and is surrounded by existing residential zoned land which has different setback requirements. Notwithstanding the proposed buildings will be sufficiently setback within the site boundaries, while providing a contrast to the surrounding streetscape.
<b>B. Building height</b>	Yes	Yes	
<b>C. Floor space ratio</b>	Yes	Yes	
<b>D. Siting and building general design</b>	Yes		<p>The nature of the development means that it does not really provide for an activated street frontage. This is because the shops are mostly setback within the site boundaries. The development nevertheless enhances the existing character of the local centre.</p> <p>The use of reflective materials is discouraged. The development proposes buildings that comprise concrete, glass and perforated metal. These materials are unlikely to be highly reflective. The development proposes the use of earthy colours (greys, ambers, timber, silver and black) that are likely to be consistent with the surrounding streetscape and broader rural setting of the town.</p>

<b>Outcomes to be achieved</b>	<b>Satisfies Outcome s to be achieved (Yes/No/ NA)</b>	<b>Complies with Design guidelines (Yes/No/NA)</b>	<b>Comments</b> (If the development does not comply with the design guidelines, how does it satisfy the Outcomes to be achieved?)
			<p>The arrangement and variety of colours and materials is considered suitable for expressing the buildings massing, articulation and highlighting particular elements. No blank building facades to the adjacent streets are proposed.</p> <p>The windows of the buildings have been placed and designed in such a way that they provide visual interest and variation to the building façade.</p> <p>The buildings are designed and arranged in a way that allow for passive surveillance into the car park and Perth Street and Macqueen Street.</p> <p>The proposed buildings incorporate areas for future signs – identified as “signage zones”.</p>
<b>E. Building Near water and sewer services</b>	Yes	NA	
<b>F. Heritage</b>	NA	NA	
<b>G. Designing for accessibility</b>	Yes	Yes	Based on the plans and information provided the development proposes continuous and accessible paths from: the parking spaces to public streets and walkways to building entrances; between buildings and facilities; to connect with the building entrances and to minimise travel distances.
<b>H. Privacy</b>	Yes	NA	The development application proposes that a 4.2m high acoustic screen close to the southern boundary which should also provide privacy to the residents of Jean O'Bryan Close. There is an approximate 35m separate distance from the northern boundary to the dwellings in Perth Street that front the site. It is unlikely that resident privacy will be compromised as there will not



<b>Outcomes to be achieved</b>	<b>Satisfies Outcome s to be achieved (Yes/No/ NA)</b>	<b>Complies with Design guidelines (Yes/No/NA)</b>	<b>Comments</b> (If the development does not comply with the design guidelines, how does it satisfy the Outcomes to be achieved?)
			<p>be significant views into the living areas or rear yard private open spaces. Notwithstanding No. 1 Alexander Close (which has frontage to Perth Street) could be adversely impacted by headlight sweep from both the light vehicle exit/entry and the heavy vehicle exit. In this regard, it is recommended that a condition of consent is imposed that requires the developer to undertake appropriate screening measures such as landscaping and/or window treatments sufficient to mitigate the light sweep impacts (subject to the owner's consent).</p> <p>There is an approximate 35m separation distance from the western boundary (New England Highway boundary) to the dwellings in Macqueen Street that front the site. It is unlikely that resident privacy will be compromised as there will not be significant views into the living areas or rear yard private open spaces.</p>
<b>I. Safer by design</b>			<p>This requires as an outcome that buildings and sites are designed with consideration for the placement of windows, doors and fences so as to achieve best 'safer by design' practice. The applicant has provided a report <i>Crime Prevention through Environmental Design</i> (Insite, November 2017). This is given consideration in the section "likely impacts of the development".</p>
<b>J. Outdoor lighting</b>	Yes	Yes	<p>The design guidelines require:</p> <ul style="list-style-type: none"> <li>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.</li> <li>Lighting fixtures must be of low energy design, integrated in the</li> </ul>

<b>Outcomes to be achieved</b>	<b>Satisfies Outcome s to be achieved (Yes/No/ NA)</b>	<b>Complies with Design guidelines (Yes/No/NA)</b>	<b>Comments</b> (If the development does not comply with the design guidelines, how does it satisfy the Outcomes to be achieved?)
			<p>building walls, and readily maintained by the owner. Sensor spotlights are not acceptable for pedestrian lighting.</p> <ul style="list-style-type: none"> <li><i>Australian Standard 4282-1997 - Control of the obtrusive effects of outdoor lighting.</i></li> </ul> <p>The development application includes a Landscape Plan which appears to show car park lighting and light spill areas (although this is not explicitly stated on the plan). Based on this plan it would indicate that the lights are unlikely to adversely affect adjacent residential areas. The applicant has advised that this level of detail has not been provided in the plans, however it is the intention of the proponent to comply with these provisions so Council can condition these requirements as part of the consent.</p> <p>In this regard, it is recommended that prior to the issue of a Construction Certificate the applicant must submit a lighting plan that demonstrates compliance with the above requirements. Furthermore that prior to the issue of any Occupation Certificate the applicant must submit certification from an appropriately qualified lighting specialist that such requirements have been achieved to the appropriate standards.</p>
<b>K. Advertising and signage</b>	Yes	Partially (see below consideration of signage)	In addition to the four pylon signs the development application is proposing a number of illuminated signage zones and other signage zones on each of the buildings with regard for each of the proposed retail spaces. These include fascia signs and window signs, as considered appropriate in relation to the development proposal.
<b>L. Landscaping</b>	Yes	Yes	The applicant has provided a Landscape Plan that shows

<b>Outcomes to be achieved</b>	<b>Satisfies Outcome s to be achieved (Yes/No/ NA)</b>	<b>Complies with Design guidelines (Yes/No/NA)</b>	<b>Comments</b> (If the development does not comply with the design guidelines, how does it satisfy the Outcomes to be achieved?)
			landscaping will be incorporated into building design in a way that enhances the character of the streetscape and the amenity of buildings and public places.
<b>M. Post supported verandahs and balconies</b>	NA	NA	
<b>N. Outdoor eating areas</b>	NA	NA	
<b>O. Off-street parking and access</b>	Yes		<p>The UHDCP for the scale of the development requires a total of 285 off-street parking spaces. The development application proposes a total of 278 off-street parking spaces. In this regard the development proposal does not comply because it is 7 spaces short. This is considered to be a minor variation.</p> <p>Stage 1 – 173 off-street parking spaces (including 6 long vehicle parking spaces). Note: the two areas identified as “Commercial Tenancies” have been as “shop” premises for the purpose of working out the number of off-street parking spaces and is included in this overall number.</p> <p>Stage 2 – 51 off-street parking spaces (including 10 long vehicle parking spaces).</p> <p>Stage 3 – 54 off-street parking spaces.</p> <p>The Traffic Impact Statement makes the point that the drive-thru component of the restaurant associated with the highway service centre creates a reduced demand for parking such that there only need to be 1 parking space per 2 seats.</p> <p>Part 12a of the UHDCP also requires:</p>

Outcomes to be achieved	Satisfies Outcome s to be achieved (Yes/No/ NA)	Complies with Design guidelines (Yes/No/NA)	<b>Comments</b> (If the development does not comply with the design guidelines, how does it satisfy the Outcomes to be achieved?)
			<p><i>Developments that are likely to attract substantial numbers of the public are located and designed so as encourage access by bicycle and walking.</i></p> <p>The Traffic Impact Assessment proposes:</p> <p><i>As part of the development a new pedestrian footpath will be established along the site frontage to Perth Street and pedestrian links created within the site to provide for access from both Perth Street and the New England Highway. Marked foot crossings will also be provided via the new traffic control signals proposed for the intersection of the New England Highway and Perth Street, allowing for safe and convenient access across these roads.</i></p> <p>The development needs to provide a shared footpath/cycleway fully within the road verge for the full frontage of the development along the New England Highway and along the Perth Street frontage such that it links up with the existing footpath/cycleway on the northern side. It is recommended that a condition of consent is imposed in this regard.</p> <p>Bicycle access and parking facilities are provided in accordance with <i>AS 2890.3: 1993 Bicycle Parking Facilities</i></p> <p>Traffic Impact Assessment proposes that: <i>Bicycle access and parking facilities shall be provided throughout the site.</i> However no specific detail is provided on the plans. It is recommended that the following condition of consent is imposed:</p> <p>Prior to the issue of any Occupation Certificate for each stage bicycle parking facilities shall be provided on-site in accordance with <i>AS 2890.3: 1993 Bicycle Parking Facilities.</i></p>

<b>Outcomes to be achieved</b>	<b>Satisfies Outcome s to be achieved (Yes/No/ NA)</b>	<b>Complies with Design guidelines (Yes/No/NA)</b>	<b>Comments</b> (If the development does not comply with the design guidelines, how does it satisfy the Outcomes to be achieved?)
<b>P. Water supply</b>	Yes		
<b>Q. Sewerage and waste water</b>	Yes		
<b>R. Electricity &amp; telecommunications</b>	Yes		
<b>S. Stormwater management</b>	Yes	Yes	<p>The applicant is proposing to install an on-site detention tank towards the south-east corner, beneath the truck parking area to capture stormwater generated from the site. According to the proponent this will have the capacity to capture and store up to 400m<sup>3</sup> for Stage 1 and an additional 800m<sup>3</sup> for Stage 2-3 such that flows from the site will not exceed the pre-development flows.</p> <p>Stormwater from the detention tank will be conveyed by pipe through adjoining lands (Lot 3 and 4 DP 832100, Jean O'Bryan Close, and Lot 222 DP 1180892, New England Highway), within an easement to a natural watercourse to the south of the site.</p>
<b>T. Waste minimisation and management</b>	Yes	Yes	<p>The UHDCP requires that a Site Waste Minimisation and Management Plan (SWMMP) be submitted.</p> <p><i>The SWMMP should include details regarding:</i></p> <ul style="list-style-type: none"> <li>• the location of waste management facilities proposed both during construction and for ongoing operation.</li> <li>• volume and type of waste and recyclables to be generated</li> <li>• storage and treatment of waste and recyclables on site</li> </ul>

<b>Outcomes to be achieved</b>	<b>Satisfies Outcomes to be achieved (Yes/No/NA)</b>	<b>Complies with Design guidelines (Yes/No/NA)</b>	<b>Comments</b> (If the development does not comply with the design guidelines, how does it satisfy the Outcomes to be achieved?)
			<ul style="list-style-type: none"> <li>• disposal of residual waste and recyclables</li> <li>• operational procedures for ongoing waste management once the development is complete.</li> </ul> <p>The applicant has submitted a Waste Management Plan (TTM, 2016). This only gives consideration to the waste likely to be generated in the operational stage. No information is provided about the waste generated by the demolition or construction. It is recommended that a condition of consent is imposed that requires the submission of a Construction Waste Management Plan prior to the issue of any Construction Certificate.</p>

## Part 8b – Advertising and Signage

<b>Outcomes to be achieved</b>	<b>Satisfies Outcomes to be achieved (Yes/No/NA)</b>	<b>Complies with Design guidelines (Yes/No/NA)</b>	<b>Comments</b> (If the development does not comply with the design guidelines, how does it satisfy the Outcomes to be achieved?)
<b>A. Compliance with SEPP 64</b>	Yes	NA	Refer back to Attachment 2 of this report.
<b>B. Location of signage</b>	Yes	Yes	The proposed pylon signs along the Macqueen Street frontage are less than 1m behind the property boundary. The location of the pylon sign closest to the south truck park exit seems more practical in relation to the proposed landscaping. In relation to the pylon sign closest to the main entry there is not sufficient space before the start of the forecourt

<b>Outcomes to be achieved</b>	<b>Satisfies Outcomes to be achieved (Yes/No/NA)</b>	<b>Complies with Design guidelines (Yes/No/NA)</b>	<b>Comments</b> (If the development does not comply with the design guidelines, how does it satisfy the Outcomes to be achieved?)
			area.
<b>C. Types and numbers of signs</b>	No	NA	<p>The DCP permits two post supported signs per lot. The site comprises two lots and the development application proposes two pylon signs for the Macqueen Street frontage and two on the Perth Street frontage. Given the scale and nature of the development the four pylon signs in the designated locations is considered appropriate.</p> <p>The development application proposes that each elevation will have a number of signage zones. Given the scale and nature of the development the two wall signs per business is considered appropriate provided they are located within the signage zones.</p> <p>Table 15 establishes particular size standards for particular signage. In relation to post or pylon signs the standards are: <i>8 square metres and 8 metres high in business areas</i>. The proposed pylon signs have a height of 8.1m and width of 3.050m. The advertising area is 18.45m<sup>2</sup> based on the identified signage zones. In this regard the pylon signs do not comply with the DCP. Notwithstanding the variation is considered acceptable along the New England Highway frontage, however not acceptable along the Perth Street frontage. Hence a condition of consent is recommended that restricts these signs to a height of 8m and width of 1m.</p>
<b>D. Visual impact and scenic quality</b>	Yes		
<b>E. Illumination and Noise</b>	Yes	Yes	As discussed the development proposes a number of illuminated signs – the five pylon signs and the walls signs. It is therefore recommended that a condition of consent is imposed that requires that at all times all signage must comply

<b>Outcomes to be achieved</b>	<b>Satisfies Outcomes to be achieved (Yes/No/NA)</b>	<b>Complies with Design guidelines (Yes/No/NA)</b>	<b>Comments</b> (If the development does not comply with the design guidelines, how does it satisfy the Outcomes to be achieved?)
			with AS4282-1997 – Control of the excessive effects of outdoor lighting. Where Council receive complaints about excessive glare from illuminated signs the person acting on this consent shall at their own cost undertake compliance monitoring and submit a report to the Consent Authority. Any recommendations in the report must be implemented.
<b>F. Heritage</b>	NA	NA	
<b>G. Safety</b>	Yes	Yes	
<b>H. Quality</b>	Yes	Yes	<p>It is recommended that the following condition of consent be imposed:</p> <p>At all times the sign is to be maintained to a high standard. Any damaged, defaced or vandalised signage must be removed or repaired within one month from the time of damage.</p>