

COUNCIL ASSESSMENT REPORT

Panel Reference	2017WES005
DA Number	DA 2017/0039
LGA	Forbes Shire Council
Proposed Development	Stage 3 of DA 2012/0051-proposed highway service centre
Street Address	22-36 Parkes Road, Forbes NSW
Applicant/Owner	FORBESAMATTA PTY LTD (Peter Middlebrook)
Date of DA lodgement	22 May 2017
Number of Submissions	1
Recommendation	Approval, subject to conditions
Regional Development Criteria (Schedule 4A of the EP&A Act)	The capital investment value (CIV) of the proposed development is \$5 million and is a Crown development
List of all relevant s79C(1)(a) matters	State Environmental Planning Policy (Infrastructure) 2007 State Environmental Planning Policy 55-Remediation of Land <i>State Environmental Planning Policy No. 33 Hazardous and Offensive Development</i> <i>State Environmental Planning Policy No.44 Koala Habitat</i> <i>State Environmental Planning Policy No. 64 – Advertising and Signage</i> <i>Forbes Local Environmental Plan 2013</i> <i>Forbes Development Control Plan 2013</i>
List all documents submitted with this report for the Panel's consideration	Attachment 1- Proposed conditions Attachment 2-Plans of Development Attachment 3-RMS GTAs
Report prepared by	Alexandra Power, Town Planner, Forbes Shire Council
Report date	22 September 2017

Summary of s79C matters

Have all recommendations in relation to relevant s79C matters been summarised in the Executive Summary of the assessment report? Yes

Legislative clauses requiring consent authority satisfaction

Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report? Yes
e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP

Clause 4.6 Exceptions to development standards

If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report? Not Applicable

Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions (S94EF)? Not Applicable
Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions

Conditions

Have draft conditions been provided to the applicant for comment? Yes
Note: in order to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council's recommendation, be provided to the applicant to enable any comments to be considered as part of the assessment report

Purpose

The purpose of this report is to provide the comprehensive consideration and assessment of the following Development Application including supporting documentation in accordance with the relevant matters to be considered as outlined under 79C of the Environmental Planning and Assessment Act 1979, (as amended).

The capital investment value (CIV) of the proposed development is \$5 million and is a Crown development. This value is over the \$5 million threshold for Crown Developments which triggers the requirement for the determining authority to be the Joint Regional Planning Panel. This is prescribed in State Environmental Planning Policy (State and Regional Development) 2011 and Schedule 4A of the Environmental Planning and Assessment Act 1979.

Application No: Development Application 2017/0039

Applicant: FORBESAMATTA PTY LTD

Property: 22-36 Parkes Road, Forbes NSW (Lot 1624, Lot 1535, Lot 1665 and Lot 1574 of DP 750158.

Proposal: Stage three of the Forbes Business Centre development for a Highway Service Centre, signage, car parking, construction of new access from the Newell highway, construction of internal service road, construction of access to Corriedale Street, landscaping and use of the site on a 24hr/7 days a week basis.

Executive Summary

The new homemaker centre 22-36 Parkes Road to the north of Forbes on the southern side of Parkes Road. A three stage development application was originally approved for the homemaker centre as a part of DA 2012/51. Stage 1 was for the approval of the Bulky Goods Retailer Bunnings and Spotlight, Stage 2 has not yet been lodged and stage 3 this development application is for a highway service centre. The Highway Service Centre will be located on approved Lot 8, which currently comprises of Lot 1624, Lot 1535, Lot 1665 and Lot 1574 of DP 750158.

The development application seeks approval for:

- service station that will service light and heavy rigid vehicles,
- food and drink premises (takeaway food and drink premises),
- drivers lounge with showers and services,
- ancillary convenience store,
- proposed access to the Newell Highway (to the south of the site)
- 2 x illuminated advertising structures with a height of 8 and 17m,
- new access to Corriedale Street,
- upgrades to Lamb and Corriedale Street,
- 18 heavy rigid and bus parking spaces,
- 34 light vehicle car parking spaces,
- Landscaping edge treatment along each boundary,
- Lighting,
- Underground storage tanks,
- Earthworks,
- Construction of canopy for heavy rigid vehicle refuelling and for light vehicle refuelling,
- Construction of barriers to separate heavy rigid and light vehicles,
- 24hr x 7 days a week operation of the Highway Service Centre,
- Infrastructure works to create the additional access to the site from the Newell Highway, and
- Stage 2 works which will include a carpark for 13 heavy rigid vehicles

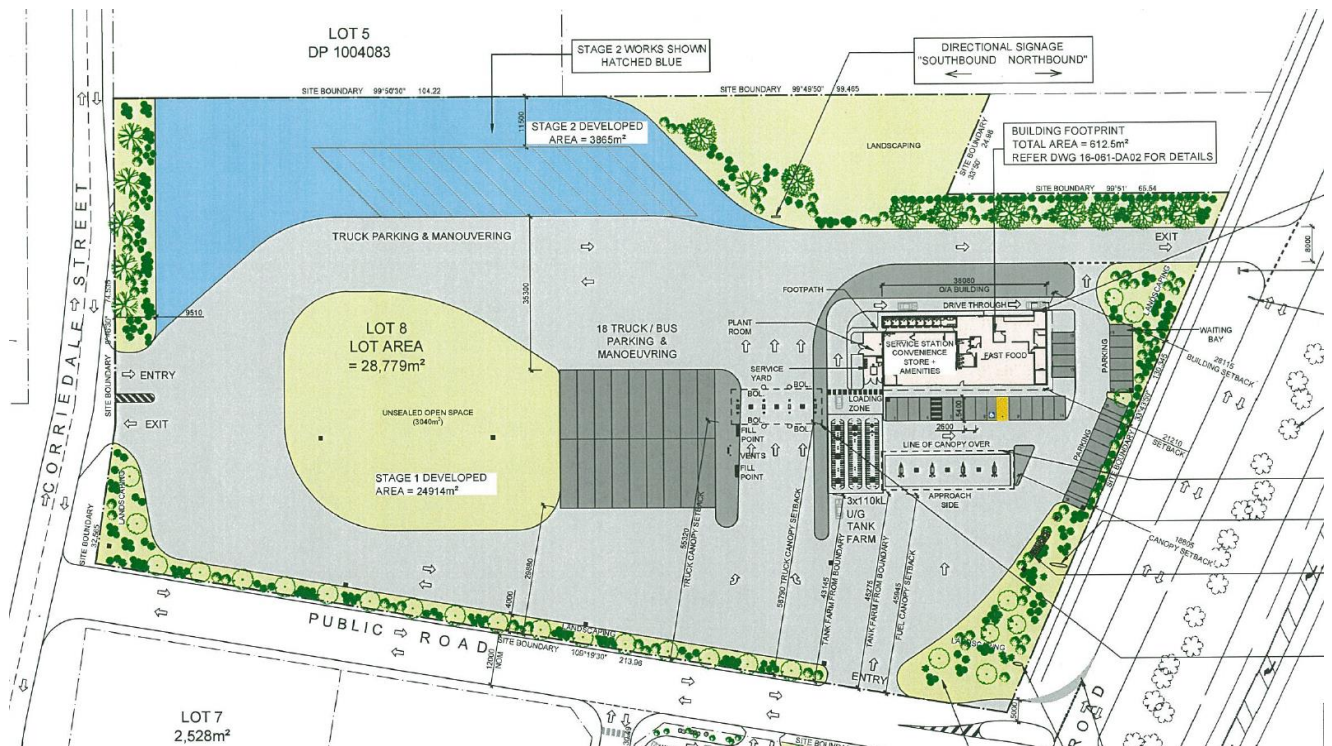


Figure 1- Proposed Highway Service Centre at 22-36 Parkes Road, Forbes.

Consultation:

Concurrence is required from Roads and Maritime Services for the new access to the subject site from the classified road (Newell Highway) as per section 101 of the State Environmental Planning Policy (Infrastructure) 2007 (Infrastructure SEPP).

In addition the application was referred to the Roads and Maritime Services as the development triggers:

- CI 104- Traffic generating development- As the proposed highway service centre is identified as traffic generating development within schedule 3 of the infrastructure SEPP, and
- CI7 and 18 of State Environmental Planning Policy No. 64- Advertising and Signage- the proposed advertising structures will be 16m in height, with a display area greater than 20m² and will be within 250m of a classified road.

The development was advertised between the 28 April and 19 May to adjoining and surrounding property owners. During this period one submission was received. The issues raised in the submission relate to:

- Noise from the 24/7 operation of the premise, and
- Light spill from the canopy and heavy rigid vehicles.

These issues have been resolved and have been assessed under the public consultation section of this report.

Background

The site was the subject of a Planning Proposal approved by the Department of Planning in 2011 to permit bulky goods retail development and restaurants within the prevailing 4(a) Industrial zone. These provisions were transferred when the development site was rezoned to B5 Business Centre as a part of the Forbes Local Environmental Plan 2013.

Council as the owners of the land commissioned Projects and Infrastructure Pty Ltd as the project managers for the staged development since approved by the Joint Regional Planning Panel on the 27 August 2012. The staged development application approved the

creation of the Forbes Business centre that was to be developed in three (3) separate stages.

Two separate development applications have been lodged for the subject site, DA2011/0084 was lodged and approved in October 2011 for the demolition of the existing saleyards facilities and 2012/54 for the consolidation and subdivision of the subject site to create 8 lots.

Site and Surrounds

The subject site was previously the location of the Forbes Saleyards. This subject site is identified as 22-36 Parkes Road and the legal description is Lot 1624, Lot 1535, Lot 1665 and Lot 1574 of DP 750158. Forbes Shire Council owns the subject site.

The Business Centre is bounded by the Newell Highway to the east, Lamb Street to the South, Corriedale Street to the west and immediately adjoining properties fronting Dorset Street to the north located within the same street block comprising 2LVR Radio station, Wholesale Plant nursery and associated dwelling, auto dismantlers, open storage yards and materials recycling centre. The subject site is currently accessed via the local services road that connects to the Parkes Road via an access to the north.

The development site is located to the north of the Forbes Central Business District divorced from the centre by the Parkes – Stockingbingal Railway and is located along the Newell Highway. This area has emerged as a bulky goods retail area with some industrial development on the western side of the highway and traditional industrial development on the eastern side of the highway.

The total area for the subject site is 3.2ha, the length of the frontage is 135m with the rear increasing to 145m and the length of the side boundaries is 204m.

The total area for the site is 3.2ha, the length of the frontage is 135m with the rear increasing to 145m and the length of the side boundaries is 204m.

The site is connected to water, sewer, power and stormwater can be disposed from the site.

Surrounding development comprises a mix of TSR land to the south and west, light industrial land to the north and across the Newell Highway to the east traditional industrial land.

The subject site slopes gently from the North West to the south east with a total fall of approximately 1 metre across the site.



Figure 2- neighbouring development Bunnings and Spotlight (Stage 1)



Figure 2- Industrial development opposite the site.



Figure 4- Industrial development established opposite the site.



Figure 5- view of the site from the north eastern perspective.



Figure 6- View of the site from the eastern perspective.

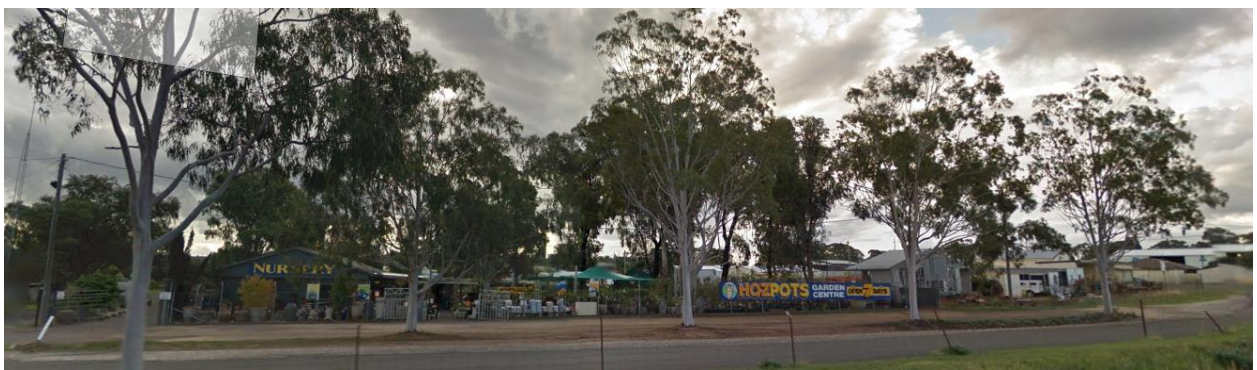


Figure 7- Northern neighbour hozpots and 2LVR Radio.

Statutory Framework

Roads Act 1993 No 33- Section 138(2) - Works and Structures

(2) A consent may not be given with respect to a classified road except with the concurrence of RMS.

The development application was referred to the Roads and Maritime Services (RMS) to obtain concurrence on the 3 May 2017 as the development proposed a new access to a classified road the Parkes Road (Newell Highway) to the south of the development site. After a number of revisions the RMS granted concurrence to the new access on the 1 September 2017 subject to their General Terms of Approval which will form a part of the conditions of development consent. Discussion regarding the machinations of the proposed access is provided under the *State Environmental Planning Policy (Infrastructure) 2007* assessment.

Environmental Planning and Assessment Act 1979- Section 83D Status of staged development applications and consents

(1) The provisions of or made under this or any other Act relating to development applications and development consents apply, except as otherwise provided by or under this or any other Act, to a staged development application and a development consent granted on the determination of any such application.

Note. Applicable provisions in respect of staged development applications include provisions relating to designated development, integrated development and regulations made under section 105.

(2) While any consent granted on the determination of a staged development application for a site remains in force, the determination of any further development application in respect of that site cannot be inconsistent with that consent.

(3) Subsection (2) does not prevent the modification in accordance with this Act of a consent granted on the determination of a staged development application.

Note. See section 95 (2) which prevents a reduction in the 5 year period of a development consent.

The submitted application is for stage 3 of a staged development approved for the area known as the Business Centre. The staged development application (DA 2012/051) was approved by the Joint Regional Planning Panel in 2012. The stages consisted of:

Stage 1 – Concept approval and detailed consent for Bunnings warehouse and three separate bulky goods tenancies;

The proposed Bunnings store is located toward the south western portion of the site adjacent to the rear boundary facing east onto the proposed car parking area with centrally located customer entry point from the car park. The warehouse comprises a central warehouse area, open timber trade sales area and building and materials yard and outdoor bagged goods canopy.

The separate bulky goods tenancies are located in the centre of the site positioned as three separate buildings sited in an east west direction forming a boundary to the proposed retail area and facing south toward the adjacent to the car park area.

Stage 2 – Fast Food Restaurants;

The two fast food tenancies are sited along the eastern boundary toward the Newell highway however accessed internally providing access to separate car parking areas and drive-thru access facilities. A separate development application has not been lodged at this point for stage 2.

Stage 3 – Truck Stop and associated facilities

The Truck Stop “Highway Service Centre” was to be located on proposed Lot 5 and would operate 24hr/7 days a week. The Highway Service Centre would be accessed via separate entry and exit points onto the slip road.

Consistency:

The subdivision pattern has been modified for this development and the proposed highway service centre is now located on proposed Lot 8 and not Lot 5, however the proposed highway service centre will be still situated in the same location. The operation of the Highway Service Centre will be 24hr/7 days a week and the site will be accessed via the slip road with an additional access being created from the Newell Highway to the southern end of the site. Stage 3 is therefore consistent with the staged development approval for the Business Centre. The development satisfies the requirements of section 83D of the EP and A Act 1979.

State Environmental Planning Policies

The proposed development has been assessed in accordance with the requirements of the relevant State Environmental Planning Policies (SEPPs) including any draft SEPPs and a summary is provided in the following table:

State Environmental Planning Policy No.55- Remediation of Land

Clause 7(1) prescribes that a consent authority must not consent to the carrying out of any development on land unless it has considered

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

The development site previously formed part of the Forbes Livestock Exchange and is considered to be contaminated in its current state. To satisfy the requirements of clause (7) a preliminary site investigation, detailed site investigation report and subsequent remediation was prepared by JBS and G. The report concluded that:

“The site previously consisted of sludge from the effluent ponds at the former Forbes Saleyard and was stockpiled on Lot 1535 DP 750158. The sludge was dried and transported to the local landfill in 2016. Sampling from the sludge did not identify any chemical contaminants of concern. The sludge was expected to contain levels of E.coli. No evidence of sludge has since been observed in the stockpile areas and the levels of E.coli in the remaining soil were less than the level of detection. The site is suitable for commercial land use.”

The site has been remediated and is suitable in its current state for the proposed commercial land use. No land use specified within subclause (4) is proposed. The proposed development is consistent with clause (7) of this SEPP.

State Environmental Planning Policy No. 33 Hazardous and Offensive Development

A Preliminary Hazard Analysis has been prepared in accordance with this SEPP and the guidelines. The Preliminary Hazard Analysis assess whether the development is a potentially hazardous industry, which is defined as:

potentially hazardous industry means a development for the purposes of any industry which, if the development were to operate without employing any measures (including, for example, isolation from existing or likely future development on other land) to reduce or minimise its impact in the locality or on the existing or likely future development on other land, would pose a significant risk in relation to the locality:

(a) to human health, life or property, or

(b) to the biophysical environment,

and includes a hazardous industry and a hazardous storage establishment.

the potentially hazardous materials that would be stored, transportation of the materials and the distances from boundaries. A summary of the assessment is provided below:

Storage thresholds

Petrol- Flammable liquid- 3 PGII Flammable liquid- One underground compartmented storage tank- 110KI maximum quantity.

Diesel- Combustible liquids- C1 PGIII (however 3 PGII as the diesel is stored in close proximity to petrol) - two underground compartmented storage tanks- 220KI maximum quantity.

The total quantity of diesel and petrol in tonnes is 275.7t.

The underground tanks are located 42m from the closest boundary.

Figure 9: Class 3PGII and 3PGIII Flammable Liquids of SEPP 33 Guidelines specifies quantity and distance requirements that place developments within the potentially hazardous region. Based on the data above the proposed quantity of 275.7t of the diesel and petrol underground storage tanks and the distance of 42m from these tanks to the closest boundary places the proposed development outside of the potentially hazardous region. Therefore based on storage alone the development is not defined as potentially hazardous or a potentially hazardous industry.

Transportation thresholds

The proposed transportation of the diesel and petrol CI 3PGII Flammable Liquids does not exceed the thresholds specified in Table 2: Transportation Screening of the SEPP 33 Guidelines. As detailed below:

Dangerous Goods Class	SEPP 33 Screening threshold		Proposed	
	Annual cumulative	Peak weekly	Annual cumulative	Peak weekly
3PGII (Flammable liquid)	>750	>45	100	2

The proposed development is therefore not a potentially hazardous or hazardous industry as the petrol and diesel proposed to be stored on the subject site fall below the thresholds for storage and transportation of CI 3PGII Flammable Liquids, as specified within the SEPP 33 Guidelines. SEPP 33 does not apply to the proposed development as the development is not classed as a potentially hazardous or hazardous industry.

State Environmental Planning Policy (Infrastructure) 2007

The development site is located bounded by the Parkes Road adjacent to the eastern boundary and Corriedale Street adjoining the western boundary. Parallel to the Parkes Road is an existing service road. An existing access from the service road to the Parkes Road is provided adjacent to the northern point of the eastern boundary. A new public road is proposed along the southern boundary of the development site between approved Lot 8, 5, 6 and 7.

The proposed development will provide two accesses and three egresses to and from the development site.

First access/exit- will be provided for northbound traffic that will be required to turn left onto the proposed public road and then right into the proposed entry along the southern boundary of the site. Egress will also be provided from this point via the proposed public road and will permit traffic to turn left or right and exit onto the Parkes Road (Newell Highway). This access is a new access to the classified road and requires concurrence from the RMS prior to the consent authority granting approval for the new access. Concurrence has been granted for the new southern access by the RMS on the 1 September 2017. The conditions of this concurrence will form part of the development consent. The functionality of this access relies on the completion of the proposed access from the Parkes Road (Newell Highway) and the completion of the approved public road between approved lots 8, 7, 6 and 5 be completed.

Second access/exit- The second access and exit from the site is via Corriedale Street along the western boundary of the site. This entry is designed to permit heavy rigid vehicles to the size of a B-Triple to enter and exit the site, to provide separation from the light vehicles entering the site. This access/egress functionality relies on the upgrading of Corriedale Street.

Third exit- will be provided to the north of the site and will permit a left turn only onto the Parkes Road for both heavy rigid and light vehicles. This exit will allow for heavy rigid and light vehicles to continue northbound. This exit will connect to the site from the existing access from Parkes Road (Newell Highway).

Given the location and the nature of the proposed development concurrence was required from the RMS for the proposed southern access to the site under section 101 Development with a frontage to a classified road and under section 104 Traffic Generating Development. The assessment under each clause is provided below:

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*
- (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*
- (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 site as explained above will be indirectly accessed from the Parkes Road via the new access created to the public road. The new access to the public road from the Parkes Road (Newell Highway) classified road was required as the existing roads of Corriedale Street and the service road parallel to the Parkes Road (Newell Highway) could not provide practicable access to the site as these roads have not been designed nor gazetted for the B-Triple design vehicle that will be accessing the Highway Service Centre. The new southern access to the public road will also provide indirect access to future development on Lots 5,6 and 7.

The development still in essence complies with the requirements of subclause (2) as the development site will not be directly accessed via the classified road and is in fact accessed via the public road to be created between Lots 5,6,7 and 8.

The main objective of clause 101 as argued in *Cashstar Pty Ltd v Wollongong City Council* [2010] is not to stop the creation of additional accesses to classified roads, but instead to ensure that additional access to classified roads does not impact on the safety, efficiency and ongoing operation of the classified road (Newell Highway). The additional southern access will not impact on the safety, efficiency and ongoing operation of the classified road (Newell Highway) as the access has been designed in accordance with all technical standards and has therefore been designed to alleviate any impact on the safety, efficiency and ongoing operation of the classified road of the Newell Highway. The RMS has granted concurrence to the access given the compliance of the design and the fact that the access will not be directly provided from the Newell Highway. The granting of concurrence is testament that the RMS is satisfied that the additional access to the classified road will not impact on the safety, efficiency and ongoing operation of the road and thus satisfies the intent/ objective of clause 101.

Without the additional access to the public road the development site would not have functioned for its intended use which has been envisaged since the rezoning and staged development application approved for the site. The development will be supportive use of the Newell Highway and has been planned and designed to provide access from the Newell Highway since the inception of the planning proposal and concept approval of DA 2012-51. The additional access and access arrangements to the site comply with the requirements of Clause 101 Development with frontage to classified road of the State Environmental Planning Policy (Infrastructure) 2007.

In relation to subclause (C) the development is not of a type that is 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 premises, being an alteration or addition of the relevant size or capacity.*
- (2) In this clause, relevant size or capacity means:*
 - (a) in relation to development on a site that has direct vehicular or pedestrian access to any road—the size or capacity specified opposite that development in Column 2 of the Table to Schedule 3, or*
 - (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.*
- (3) Before determining a development application for development to which this clause applies, the consent authority must:*
 - (a) give written notice of the application to RMS within 7 days after the application is made, and*
 - (b) take into consideration:*
 - (i) any submission that RMS provides in response to that notice within 21 days after the notice was given (unless, before the 21 days have passed, RMS advises that it will not be making a submission), and*
 - (ii) the accessibility of the site concerned, including:*
 - (A) the efficiency of movement of people and freight to and from the site and the extent of multi-purpose trips, and*
 - (B) the potential to minimise the need for travel by car and to maximise movement of freight in containers or bulk freight by rail, and*
 - (iii) any potential traffic safety, road congestion or parking implications of the development.*
- (4) The consent authority must give RMS a copy of the determination of the application within 7 days after the determination is made.*

The development was referred to the RMS, the RMS have considered the development in relation to the requirements of clause 104 Traffic-generating development and have imposed conditions on the development to ensure compliance with clause 104.

In addition as a part of the assessment process the Development Engineer has assessed the aspects specified within subclause (3) and have conditioned the development accordingly.

The development satisfies the requirements of this clause.

State Environmental Planning Policy No.44 Koala Habitat

Forbes is a Local Government Area which SEPP No.44 Koala Habitat applies and the area of the subject site is more than 1ha. Council must be satisfied before consent is granted that the land is not a potential koala habitat. The site does not consist of any feed tree species specified in Schedule 2 and no koalas have been sited within the Forbes Local Government Area. The subject land is not within a potential koala habitat.

State Environmental Planning Policy No. 64 – Advertising and Signage

The provisions of State Environmental Planning Policy No.64-Advertising and Signage apply to the proposed advertising structure proposed as a part of this development application.

The proposed advertising structures will consist of two pylon freestanding signs with a height of 8 and 17m. The display area will be greater than 20m² and the proposed signs will be located within 250m of a classified road the Newell highway. Given the design and location of

the signs the advertising structures Division 3 Particular advertisements clause 17, 18 and 23 and Schedule 1 apply to the proposed signage. These clauses and schedule 1 have been addressed below:

17 Advertisements with display area greater than 20 square metres or higher than 8 metres above ground

- (1) *This clause applies to an advertisement:*
 - (a) *that has a display area greater than 20 square metres, or*
 - (b) *that is higher than 8 metres above the ground.*
- (2) *The display of an advertisement to which this clause applies is advertised development for the purposes of the Act.*
- (3) *The consent authority must not grant consent to an application to display an advertisement to which this clause applies unless:*
 - (a) *the applicant has provided the consent authority with an impact statement that addresses the assessment criteria in Schedule 1 and the consent authority is satisfied that the proposal is acceptable in terms of its impacts, and*
 - (b) *the application has been advertised in accordance with section 79A of the Act, and*
 - (c) *the consent authority gave a copy of the application to the RTA at the same time as the application was advertised in accordance with section 79A of the Act if the application is an application for the display of an advertisement to which clause 18 applies.*

The development application has been advertised in accordance with the provision of section 79A of the Act and a copy of the application has been given to the RMS at the same time as the application was advertised. Compliance achieved with this clause.

18 Advertisements greater than 20 square metres and within 250 metres of, and visible from, a classified road

- (1) *This clause applies to the display of an advertisement to which clause 17 applies, that is within 250 metres of a classified road any part of which is visible from the classified road.*
- (2) *The consent authority must not grant development consent to the display of an advertisement to which this clause applies without the concurrence of the RTA.*
- (3) *In deciding whether or not concurrence should be granted, the RTA must take into consideration:*
 - (a) *the impact of the display of the advertisement on traffic safety, and*
 - (b) *the Guidelines.*
 - (c) *(Repealed)*
- (4) *If the RTA has not informed the consent authority within 21 days after the copy of the application is given to it under clause 17 (3) (c) (ii) that it has granted, or has declined to grant, its concurrence, the RTA is taken to have granted its concurrence.*
- (5) *Nothing in this clause affects clause 16.*
- (6) *This clause does not apply when the Minister for Planning is the consent authority.*

The application was referred to the RMS for concurrence as the application falls within the parameters of this clause. The RMS have provided their concurrence is reproduced below:

"In accordance with Section 18 of State Environmental Planning Policy No.64 'Advertising and Signage' Roads and Maritime grants its concurrence to the proposed development subject to the following conditions:

- *Signage is to be in accordance with the Department of Planning and Environment's Transport Corridor Outdoor Advertising and Signage Guidelines 2007, is not to flash, move or be objectionably glaring or luminous.*
- *Advertising signage and associated structures are to be contained wholly within the subject land. Advertising Signage is not to overhang the Parkes Road reserve."*

The concurrence for the signage has been granted and the conditions will form part of the development consent.

23 Freestanding advertisements

- (1) *The consent authority may grant consent to the display of a freestanding advertisement only if the advertising structure on which the advertisement is displayed does 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.*
- (2) *This clause does not prevent the consent authority, in the case of a freestanding advertisement on land within a rural or non-urban zone, from granting consent to the display of the advertisement under clause 15.*

The freestanding advertisements will have a maximum height of 17 which is the maximum permissible height for the B5 Business Centre zone. The immediate area is fairly cleared and devoid of trees however the 1km radius does consist of a number of trees and continuous canopies to the same height as the proposed structure. Given the consistent height of the advertising structure with the natural and built landscape the structure will therefore not protrude above the dominant skyline when viewed from ground level.

Schedule 1 Assessment criteria

1 Character of the area

- Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?*

Yes- it is consistent with the existing (Bunnings) free standing pylon sign and the desired signage character associated with the B5 Business Development zone and is consistent with the signage that would be associated with the proposed use and signage that is associated with Highway corridors.

- Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?*

Yes- The theme for outdoor signage along highway corridors consists of illuminated free standing pylon signage, billboard signage, directional signage and signage that is fixed to the building. This signage is typically oriented towards the highway corridor to capture the passing motorists. The proposed signage is consistent with this theme for advertising along the highway. This theme is endorsed within the Forbes Development Control Plan 2013.

2 Special areas

- Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?*

No- The proposed signage does not detract from the amenity or visual quality of any environmentally sensitive, heritage, conservation, open space, waterways or rural landscape areas. The northern neighbour (42 Parkes Road) consists of a caretaker's cottage that supports the horticultural use of the land. This site is therefore identified as a form of residential accommodation. To mitigate impacts on the amenity of this residence, conditions have been placed on the development consent to provide advanced stock trees along the northern boundary in conjunction with an increased boundary fence height.

3 Views and vistas

- Does the proposal obscure or compromise important views?*

No- The proposal does not obscure or compromise important views.

- Does the proposal dominate the skyline and reduce the quality of vistas?*

No- while the advertising structure will be at the maximum permissible height for the zone the advertising structure will be consistent with the bulk and scale associated for advertising structures within this zone and will not dominate the skyline. The advertising structure will not dominate the skyline or reduce the quality of any vistas within the area.

- Does the proposal respect the viewing rights of other advertisers?*

Yes- The proposed advertising structure will not obscure any advertising structures within the vicinity of the structure and is evenly spaced from other advertisements within the

homemaker's centre. The development does not impinge on the rights of neighbouring signage.

4 Streetscape, setting or landscape

- Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?*

Yes- The scale, proportion and form of the signage is consistent with the existing signage within the vicinity and within the Business Centre site. This form of signage was anticipated within the rezoning of the site. The signage is therefore appropriate for the streetscape, setting and landscape.

- Does the proposal contribute to the visual interest of the streetscape, setting or landscape?*

Yes- The site is currently vacant and sits within an industrial landscape. The proposed signage will add visual interest to this landscape through the proposed design, colour palette and scale.

- Does the proposal reduce clutter by rationalising and simplifying existing advertising?*

No- There is no existing signage on this lot and will therefore not rationalise or simplify existing signage.

- Does the proposal screen unsightliness?*

No- The signage will provide some screening but there is no unsightliness to be screened as the subject site is currently vacant and maintained in a tidy manner.

- Does the proposal protrude above buildings, structures or tree canopies in the area or locality?*

Yes- The proposal will protrude above the building height however is consistent with the height of existing advertising structures and the anticipated height of buildings within this area. While this is the case it will protrude above the existing building line, however will not protrude above the tree canopy within the vicinity of the signage.

- Does the proposal require ongoing vegetation management?*

5 Site and building

- Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?*
- Does the proposal respect important features of the site or building, or both?*

- Does the proposal show innovation and imagination in its relationship to the site or building, or both?*

Yes- The proposed signage is compatible with the scale, proportion and characteristics of the proposed development and design. The proposed signage will maintain a relationship with the building on the site via the business identification and advertisement of products sold at the premise

6 Associated devices and logos with advertisements and advertising structures

- 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- Internal illumination forms part of the design of the advertising structure. No safety devices or platforms form a part of the design.

7 Illumination

- Would illumination result in unacceptable glare?*

No- the proposed signage will not result in unacceptable glare as the illumination will be shielded to an extent by the external colour of the signage panel.

- *Would illumination affect safety for pedestrians, vehicles or aircraft?*

No- The signage is located entirely within the site and the illumination of the signage will not be of a standard to impact on pedestrian, vehicles or aircraft safety.

- *Would illumination detract from the amenity of any residence or other form of accommodation?*

No- the closest residence to the subject site is 42 Parkes Road which consist of an existing caretakers residence that supports the horticultural use. The proposed signage will be located well over 150m from the neighbouring residence and existing trees will provide reduce the illumination to the residence. The amenity of this residence will not be detracted from or impacted as a result of the proposed signage.

- *Can the intensity of the illumination be adjusted, if necessary?*

No- The illumination of the proposed signage cannot be adjusted.

- *Is the illumination subject to a curfew?*

No- the illumination will not be subject to a curfew as the nature of the business and requires the signage to be illuminated on a permanent basis.

8 Safety

- *Would the proposal reduce the safety for any public road?*

No- The location of the signage will be entirely within the site and will not impact on the safety of the public road.

- *Would the proposal reduce the safety for pedestrians or bicyclists?*

No- The location of the signage will not reduce the safety of pedestrians of bicyclists as the signage will be located entirely within the site and will not impact on any footpath that bicyclist and pedestrians may utilize.

- *Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?*

No- as previously stated the signage will not impact on the safety of pedestrians as it will not overhang the footpath, public road or obscure sightlines from public areas.

State Environmental Planning Policy (State and Regional Development) 2011

The proposed development is identified in Schedule 4A of the Environmental Planning and Assessment Act as regional development being Council related development with a capital investment value of over 5 million dollars. Hence the provisions of State Environmental Planning Policy – State and Regional Development 2011 apply to the proposed development. The provisions of clause 21 confer certain consent functions to Joint Regional Planning Panels (JRPP). The relevant JRPP is the Western Region which will be transferred the role to consider and determine the subject development application. The majority of administrative and assessment functions are retained by Council with the assessment report presented to the JRPP for determination.

The following SEPPs have been considered and do not apply to this development.

- State Environmental Planning Policy No. 1 – Development Standards
- State Environmental Planning Policy No. 6 - Number of Storeys in a Building
- State Environmental Planning Policy No. 21 - Caravan Parks
- State Environmental Planning Policy No. 22 - Shops and Commercial Premises
- State Environmental Planning Policy No. 30 - Intensive Agriculture
- State Environmental Planning Policy No. 32 - Urban Consolidation (Urban Land)

- State Environmental Planning Policy No. 36 - Manufactured Home Estates
- State Environmental Planning Policy No. 50 - Canal Estate Development
- State Environmental Planning Policy No. 62 - Sustainable Aquaculture
- State Environmental Planning Policy No. 65 - Design Quality of Residential Flat Development
- State Environmental Planning Policy No. 70 - Affordable Housing (Revised Schemes)
- State Environmental Planning Policy (Exempt and Complying Development) 2008
- State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004
- State Environmental Planning Policy (Major Development) 2005
- State Environmental Planning Policy (Mining, Petroleum and Extractive Industries) 2007
- State Environmental Planning Policy (Miscellaneous Consent Provisions) 2007
- State Environmental Planning Policy (Rural Lands) 2008
- State Environmental Planning Policy (Urban Renewal) 2010

Regional Environmental Plans

None relevant.

Local Environmental Plans

The proposed development has been assessed in accordance with the relevant requirements of the *Queanbeyan Local Environmental Plan 2012* and no relevant draft LEPs apply to the land. A summary is provided as follows:

Forbes Local Environmental Plan 2013	COMPLIES (Yes/No)
<i>Part 1 Preliminary</i>	
<i>Clause 1.2 Aims of Plan</i>	
<p>The particulars of the Plan to the proposed development are as follows:</p> <ul style="list-style-type: none"> (a) <i>to encourage and manage ecologically sustainable development in Forbes,</i> (b) <i>to reinforce the existing urban character of Forbes as the urban focus,</i> (c) <i>to reinforce the rural character of Forbes while promoting sustainable development,</i> (d) <i>to protect the agricultural land of Forbes for continued agricultural production while allowing for planned expansion at the urban fringe,</i> (e) <i>to promote Forbes as a premier tourist-destination building on its unique heritage and environmental attributes as well as sporting and leisure facilities,</i> (f) <i>to protect, enhance and conserve the natural environment, including the Lachlan River, Lake Forbes, wetlands, native vegetation, environmentally sensitive land and other natural features that provide habitat for fauna and flora, provide scenic amenity and that may prevent or mitigate land degradation,</i> (g) <i>to provide a range and variety of housing choices to cater for the different needs and lifestyles of residents.</i> <p>The proposed development is considered to be generally consistent with the relevant aims of the FLEP 2013. The Highway Service Centre will support the promotion of Forbes as a tourist destination building.</p>	Yes
<i>Clause 1.4 Definitions</i>	
<p>The proposed development is defined as a Highway Service Centre:</p> <p><i>highway service centre</i> means a building or place used to provide refreshments and vehicle services to highway users. It may include any one or more of the following:</p> <ul style="list-style-type: none"> (a) <i>a restaurant or cafe,</i> 	Yes

Forbes Local Environmental Plan 2013		COMPLIES (Yes/No)
<p>(b) take away food and drink premises, (c) service stations and facilities for emergency vehicle towing and repairs, (d) parking for vehicles, (e) rest areas and public amenities.</p>		
Clause 1.9A Suspension of Covenants, Agreements and Instruments		
No covenants, agreements and instruments restricting the development have been identified.		N/A
Part 2 Permitted or Prohibited Development		
Clause 2.1 Land Use Zones		
The subject site is zoned B5 Business Development. The proposed Highway Service Centres is Permitted with Consent in the zone.		Yes
Clause 2.3 Zone Objectives and Land Use Tables		
<p>The objectives of the zone are:</p> <ul style="list-style-type: none"> To enable a mix of business and warehouse uses, and bulky goods premises that require a large floor area, in locations that are close to, and that support the viability of, centres. To maximise exposure of business-related developments on the Newell Highway. <p>It is considered that the proposed development generally satisfies the objectives of the zone as the development will provide a mix of businesses that will have access and exposure to the Newell Highway.</p>		Yes
Clause 2.7 Demolition requires development consent		
The proposal does not involve demolition of an existing structure.		N/A
Part 4 Principal Development Standards		
Clause 4.3 Height of buildings		
The maximum building height permitted on the subject site is 17m. The proposed maximum height of the proposed building is 4.5m. Building height (or height of building) excludes communication devices, antennae, satellite dishes, masts, flagpoles, chimneys and the like therefore the proposed advertising structure would not be classed within the and the like and is therefore not included within the maximum height of buildings measurement.		Yes
Part 7 Additional Local Provisions		
Clause 7.1 Earthworks		
Earthworks associated with the development are proposed and form part of this application. The earthworks are necessary to facilitate the proposed underground storage tanks. The proposed earthworks will not have a detrimental impact on drainage patterns and soil stability or the existing and likely amenity of adjoining properties. The development application will be condition to mitigate the potential impact of soil erosion and the like during construction.		Yes-conditions
Clause 7.2 Flood Planning		
The site is not identified as a 'flood planning area'. This clause is not applicable to the proposed development.		N/A
Clause 7.9 Essential services		
Development consent must not be granted to development unless the consent authority is satisfied that any of the following services that are		yes

Forbes Local Environmental Plan 2013	COMPLIES (Yes/No)
<p>essential for the development are available or that adequate arrangements have been made to make them available when required:</p> <p>(a) the supply of water,</p> <p>(b) the supply of electricity,</p> <p>(c) the disposal and management of sewage,</p> <p>(d) stormwater drainage or on-site conservation,</p> <p>(e) suitable vehicular access.</p> <p>Council's Development Engineer has assessed the proposed development and confirmed that adequate services are available or can be made available to the proposed development. Conditions will be placed on the development consent accordingly.</p>	

any draft environmental planning instrument that is or has been placed on public exhibition and details of which have been notified to the consent authority;

Draft State environmental planning policies:

No draft SEPPs relevant.

Draft regional environmental plans:

The Central West Orana Regional Plan was in a draft format at the time of lodgement of this development application and has since been adopted by the Department of Planning and Environment. The proposed development is consistent with the goals stated within this plan as the development will complement the Newell Highway which forms a part of the freight, transport and infrastructure network.

Draft local environmental plans:

None relevant.

any development control plan;

Chapter 10 – Commercial Development

Objectives:

- To maintain the Forbes CBD as the primary focus of retail and commercial development throughout the Shire.
- Ensure that new development contributes to and enhances the character of the Forbes Shire;
- Ensure the compatibility of new development with the traditional shopping streets of Lachlan and Rankin Streets.

Clause 10.5 Building Line/Street Frontage

Objectives:

- To promote consistency in the streetscape and commercial amenity of the commercial street.
- To promote new developments to consider their visual appearance and contribution to the streetscape.

Standard	Assessment Comment
1. There is no formal building line setback, however the siting of buildings is to be harmonious with immediately adjoining buildings and the existing streetscape within the vicinity of the proposed development.	The building setbacks to the boundary along the eastern side of the Parkes Road (Newell Highway) range between 6m to 67m. The proposed setback of the Highway Service Centre will be 20m, the proposed development will therefore be harmonious with the development immediately adjoining

	and within the vicinity of the proposed development.
2. All commercial developments are to be harmonious in terms of their size, scale and bulk with surrounding properties and the general area in which they are located.	<p>The proposed development is consistent with the 1-2 storey scale of built form on the eastern and western side of the Parkes Road (Newell Highway).</p> <p>The built form is significantly reduced in relation to proportion of the built form to the site area. The neighbouring development “bunnings/spotlight” constitutes 25% of the area of the site while the proposed development only constitutes 2% of the site area.</p> <p>The proposed development incorporates elements of articulation to reduce the bulk of the development. The articulation elements include stepping of the built form, fenestration, mixed materials and colours. The development is consistent with the bulk and form present on the eastern and western side of the Parkes Road (Newell Highway).</p>
3. Proposed car parking within the front setback area is to be incorporated in the design and landscape solution for this area of the development.	The development proposes car parking within the front setback. The car parking proposed in the front setback is integrated into the proposed landscaping area along the eastern boundary of the development site. The landscaping will reduce and soften the appearance of the car parking within the front setback.

Clause 10.6 Side and Secondary Setbacks

Objectives:

- To provide adequate areas for site landscaping.
- To ensure internal separation to minimise potential impacts between adjoining developments.

Standard	Assessment Comment
1. Side and secondary setbacks are to be considered on merit in regard to consistency within the streetscape and impacts upon adjoining properties.	The proposed side setbacks are 10.95m to the north and 45.95m to the south. This is consistent with the side setbacks of surrounding development.
2. Consideration shall be given to screening of storage/ loading areas etc from public view.	The proposed storage and loading area adjoin the southern side of the service station and will be screened from the Parkes Road (Newell Highway) and from areas that are within public view within the site.
3. Landscaped areas shall consider potential impacts between developments and opportunities to reduce conflict	The neighbour to the northern boundary consists of a caretakers cottage that supports the landscaping business. The proposed Highway Service Centre will operate 24hr/7 days a week and will impact on the sensitive residential development to the north. To reduce the impacts from the operation of the proposed Highway Service

	Centre a landscape barrier of 30m is provided from the edge of the internal driveway to the northern boundary.
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Clause 10.7 Building Height

Objectives:

- To maintain a consistency in the urban streetscape.
- To minimise impacts upon adjoining properties.

Standard	Assessment Comment
1. The maximum height of buildings shall be 2 storeys and 17 metres.	The proposed development will have a height of 1 storey which equates to a height of 4.5m. The proposed advertising structure will be 17m and will comply with the maximum height requirement.
2. Consideration shall be given to the height of a development in regard to its consistency with the urban streetscape and minimise impacts upon adjoining properties.	The proposed development is considerate of the streetscape and will not result in any adverse impacts on the neighbouring properties. See discussion under public notification.

Clause 10.8 Materials

Objectives:

- To maintain a consistency in the streetscape.
- To protect the heritage qualities of the building and/or immediate area

Standard	Assessment Comment
1. New development shall be compatible with the character of an existing building and that of immediately surrounding properties.	There is no particular prevailing character of the streetscape in regards to materials, on the eastern and western side of Parkes Road.
2. Where there is no prevailing character, new development shall respect the qualities of surrounding properties in integrating new development within the commercial core.	Immediately to the south of the site is the Bunnings and Spotlight development this development consists of Colorbond for the roof and concrete for the external façade. The proposed development consists of precast concrete panel walls, extensive glazing, aluminum composite panels for the external façade. The roof will consist of zincalume.
3. Highly reflective material, cladding or finishes, such as Zincalume, are not permitted as a wall cladding.	The roof will consist of zincalume, a condition will be placed on the development consent to require the finish of the zincalume to be non-reflective.

Clause 10.9 Advertising

Objectives:

- To ensure outdoor advertising is considered and assessed in accordance with the Environmental Planning and Assessment Act, 1979.
- To enhance the visual landscape of the Shire of Forbes.
- To ensure the traditional historical character of the Forbes commercial centre is maintained.
- To prevent the over proliferation of advertising associated with any single property.
- To reduce the visual complexity of the streetscape by providing fewer, more effective advertising.

Standard	Assessment Comment
1. Permanent signs on shop front windows	No signage has been proposed to cover any

should not cover more than 25% of the window area.	of the shops windows. Complies.
<p>2. The following signs are prohibited:</p> <ul style="list-style-type: none"> • Advertising affixed to trees, light poles or other structure not for the purposes of advertising structure; • Signs mounted above the awning or verandah of a building; • Bunting; • Painted buildings to reflect corporate colours; and • Flashing or externally illuminated signs 	The proposed signage will be internally illuminated and not externally illuminated and therefore is technically not prohibited under this clause. The proposed illumination of the signage is consistent with the signage along this section of Parkes Road. The illumination of this signage will not interfere with traffic and is required for the operation of the premise.

Clause 10.10 Car Parking

Objectives:

- To ensure adequate car parking is provided to satisfy the needs of development.
- To ensure developments are provided with sufficient area for the loading and unloading of goods without impacting upon the road network.

Standard	Assessment Comment
1. Council will require developers to provide on-site car parking at the rate set out in the following table. For any particular type or category of development not covered, the rate applied shall be based upon a merit in accordance with the requirements of the Roads and Traffic Authority's – Guide to Traffic Generating Development, 2002.	The car parking rates for Highway Service Centre are not specified in the DCP. As this is the case the proposal has been accompanied by a Traffic Impact Assessment which has calculated the car parking requirements for the development as per <i>The Guide to Traffic Generating Development 2002</i> . This has calculated that a service station requires a statutory rate of minimum of 10 spaces and the statutory drive-In Take-Away Food Premises requires minimum of 15 spaces. A total of 34 car parking spaces, including one disabled space have been provided. The development complies with the statutory car parking requirements.
Standard	Assessment Comment
2. The design and layout of car parking areas shall be in accordance with the Roads and Traffic Authority's –Guide to Traffic Generating Development, 2002 design standards set out in the following diagrams.	The car parking areas have been designed in accordance with the Guide to Traffic Generating Development 2002. An assessment of the car parking has been carried out within the Traffic Assessment submitted with the proposed development.
3. Access into and egress from the site shall be provided in a forward direction.	The access into and egress from the site will be provided in the forward direction.
4. Traffic surfaces are to be paved with concrete, bitumen, paving stones or other material approved by Council on a solid foundation and designed to minimise the impact of dust.	The trafficable surfaces of the site will be paved with concrete. A condition will be placed on the development consent to this effect.
5. Drainage of paved surfaces is to be provided to the satisfaction of Council.	An open drainage channel is provided along the northern boundary of the site.
6. Parking areas are to be segregated from non-traffic areas by kerbs, logs, bollards or barriers. Parking spaces are to be defined by painted lines or other similar approved means.	Barriers have been provided to separate defined parking spaces from non-traffic areas. The parking spaces are proposed to be line marked. A condition will be placed on the consent to this effect.

7. In cases of developments where, in the opinion of the Council, the provision of off-street car parking is not physically possible, Council will give consideration to the acceptance of a cash contribution in accordance with the current Contributions Plan in force at the time.	Car parking will be provided on site. Contributions will not be required for the proposed development.
8. A separate loading/unloading bay shall be provided in a location separate from the car parking area, in an accessible location having regard to the likely delivery needs of the development.	<p>The proposed loading/unloading bay measuring approximately 9.9m long x 4.5m wide is proposed to be located at the south west corner of the convenience store building.</p> <p>The loading bay has been designed to cater for an 8.8m medium rigid vehicle (MRV) to reverse into and exit in a forward direction. This is expected to be the largest vehicle which requires access to this area.</p> <p>Fuel deliveries to the site will occur with the petrol tanker entering the site via the service road and then unloading fuel at the fill point (which are located within the westernmost of the three refuelling locations). The petrol tanker will then exit to either the service road or Corriedale Street. The truck refuelling points, truck parking areas, and the associated hardstand areas and vehicle access locations have been designed to accommodate vehicles up to and including a B-double.</p> <p>Waste will be located via loading area located to the south west corner of the convenience store building. It is understood that the bins will be collected from this area by a private contractor.</p>
9. The loading bay shall be designed to accommodate all necessary vehicle movements within the development site for the size vehicles necessary to service the proposed development.	As assessed above the development will accommodate deliveries necessary to service the development.

Clause 10.11 Landscaping

Objectives:

- To provide adequate areas for site landscaping in order to soften the potential impacts (in particular visual) of development.
- To ensure Council has adequate information to consider and assess proposed landscaping to be provided in conjunction with development applications.
- To provide a reference plan for the installation and implementation of landscaped areas.
- To encourage the use of native vegetation for its tolerance to the climate of Forbes including hot, dry summers and cold, frosty winters.
- To retain where possible all existing native vegetation.

Standard	Assessment Comment
1. All development applications for new commercial developments are to be accompanied by a Landscape Plan.	The development application was accompanied by a landscape plan.
2. Council will hold a "landscape bond" to be provided by the developer for the	The subject site will consist of more than

provision, and maintenance of landscaping. The "landscape bond" is to be in the form of Cash, a Bank Guarantee or Bank Cheque. To be made in the favour of Forbes Shire Council, to the value of \$2,000 or 5% of the estimated cost of the entire development, whichever is lesser amount. The landscape bond will be applied as a condition of development consent, to be released, upon request, a minimum 12 months after the issue of an "Occupation Certificate".	10% landscaped area. Complies.
3. Commercial developments upon vacant land shall provide a minimum 10% of the site for landscaping.	A condition will be placed on the development consent to require a landscape bond in accordance with the requirements of this clause.
4. All landscaped areas are to use predominantly native vegetation. A minimum 80% of landscaping shall utilise native vegetation. A list of recommended plant species are identified in Appendix 1. These plant species have been shown to be suited to the climate of the Central West many are native to the Forbes district.	
5. Landscaping proposed in Saline areas shall use a minimum 80% Salt tolerant and water wise plant species. Recommended plant species for such situations are identified in Appendix 2. Not attached.	The landscaping proposed consists of native and salt tolerant vegetation and is suitable to the Forbes climate.
6. All existing native vegetation is to be retained and where possible enhanced with additional plantings and landscaping.	Along the northern boundary 10 trees are proposed to be removed. Additional planting is proposed as a part of the development along the northern, southern, eastern and western boundary.
7. Existing street trees shall be maintained and replicated. The spacing of such trees shall be a minimum of 1.5 times the mature canopy of the proposed tree and a maximum 2 times the mature tree canopy.	No street trees are proposed to be removed as a part of this development application.

Clause 10.13 Bulky Goods Retail Development

Objectives:

- To encourage bulky goods retailing in suitable locations where it does not undermine the function of the commercial core.

Standard	Assessment Comment
1. An area has been specifically zoned for this style of development along the Newell Highway to the north of the Forbes CBD. All developments within this area shall address their relationship to the Newell Highway.	The development will have a façade and access from the Newell Highway. The proposed highway service centre directly services the needs of the Newell Highway as it will provide vehicles with a place to refuel and rest. The proposed highway service centre will not undermine the Forbes CBD which is the commercial core.

Clause 10.14 Limitations on Floor Size in the B5 Zone

Objectives:

- To enable a mix of business and warehouse uses and bulky goods that require a large floor area in locations that are close to, and that support the viability of centres.
- To maximise exposure of business related developments on the Newell Highway.
- To encourage larger shops, only where they do not undermine the function of the commercial core.
- To restrict the floor area of shops which are used for the purpose of retail sales of food or groceries

Standard	Assessment Comment
1. Shops within the B5 - Business Development Zone must have a minimum floor area of 600m ² .	The gross floor area for the shop component of the development equates to 612.5m ² and complies with the minimum floor area of 600m ² .

Chapter 15- Public Consultation

Clause 15.5 Notification of Development Applications:

Objectives:

- To ensure likely affected land owners are given the opportunity to provide their views in the assessment process.
- To advise of standard notification periods and requirements.

Standards
<p>1. All Applications for development will be notified to immediately adjoining land owners inviting submissions from interested persons for a period of not less than 10 days including a minimum of 7 working days.</p> <p>2. The applicant may submit correspondence from surrounding landowners indicating that they have not objections to the proposed development, in which case Council will not notify the relevant landowner.</p> <p>3. The notification requirements of a development application can be varied (increased or decreased) at the discretion of the Assessing Officer having regard to the potential impacts of a proposed development.</p> <p>4. What constitutes immediately adjoining shall be in accordance with the following illustration.</p> <p>5. The requirements for public participation for applications that are Designated, Advertised, Integrated or State Significant are to be in accordance with the requirements of Sections 79,79A, 79B, 79BA and 92A of the Environmental Planning and Assessment Act, 1979 and Sections 77 – 91 of the Environmental Planning and Assessment Regulation 2000.</p>

Assessment

The development was notified in the newspaper and to adjoining owners for a period of 21 days from the 28 April 2017 to the 19 May 2017. One submission was received during this period. The issues raised within the submission have been assessed and addressed below:

Issues:

Noise

- The proposed development could cater for 10-15 heavy rigid vehicles that will idle while parked within the car parking area (stage 2 works) that will only be 40-80m from my residence (northern neighbour). This idling especially from freezer vehicles will generate extremely loud noise.
- The heavy rigid vehicles will exit along the internal access that is parallel to the northern neighbour. Heavy rigid vehicles will egress along this internal road either north or southbound. The heavy rigid vehicles egressing along this internal road will generate excessive noise that will impact on the northern neighbour's residence.

Response: An Acoustic Assessment was prepared by RAPT Consulting in response to the concerns raised about noise attenuation to the neighbouring property to the north. The Acoustic Assessment reviewed the existing conditions and future conditions of the site in

accordance with the Industrial Noise Policy and Road Noise Policy. The table below provides the summary of the acoustic impacts to the northern neighbour:

Road Traffic Noise	Day (7 am – 6 pm)	Evening (6pm-10pm)	Night (10 pm – 7 am)
Number of Vehicle Movements	58	58	100
Sound Power Level SWL dB(A)	82/90	82/90	82/90
Distance Attenuation dB(A) (25 Metres)	36	36	36
Background Noise Level	45 dB(A)	40 dB(A)	41 dB(A)
Traffic Noise Goal	L _{Aeq,15hour} 60 dB(A)	L _{Aeq,15hour} 60 dB(A)	L _{Aeq,9hour} 55 dB(A)
Residential Operational Noise Goal	50 L _{Aeq(15min)}	45 L _{Aeq(15min)}	40 L _{Aeq(9hrs)}
Commercial Premises (Acceptable and Recommended Maximum)	65 (70)	65 (70)	65 (70)
Worst Case Prediction	L _{Aeq,15(min)} 47 dB(A)	L _{Aeq,15(min)} 45 dB(A)	L _{Aeq,9hour} 41 dB(A)
Compliance	Yes	Yes	Yes

Table 7 Predicted Road Traffic Noise

The worst case scenario has been applied for the noise assessment this scenario assumes no acoustic attenuation measures are in place. As demonstrated above in this instance the development still complies with the Industrial Noise Policy and Road Noise Policy criteria in this situation. While the noise generation is within the recommended noise attenuation range set by the INP and RNP policies the acoustic assessment still recommends noise control measures and noise boundary treatments be implemented. Conditions will be placed on the development consent to require noise treatments along the northern boundary this will include a 2.2m acoustically treated boundary fence and advanced stock trees to a height of 3m be planted along this boundary.

Light Spill

- Heavy rigid vehicles entering the premises from Corriedale Street and refuelling their vehicles will have their lights directly oriented to the northern boundary which will impact on the northern residence.

Response: The proposed heavy rigid vehicles will be B-Triples which have headlights set at a height above a standard fence and therefore will result in light spill from the headlights that will impact on the northern neighbour. The points where this light spill from the headlights will occur will be from refuelling, egressing north or south and while stationary within the car park area. To mitigate the impacts from the light spill from the heavy rigid vehicles a 2.2m fence with advanced stock trees to a height of 3m will be required to be planted along the northern boundary of the site.

In addition the illumination of the canopy is likely to have an impact on the northern neighbour. A condition will be placed on the development consent prohibiting the strip of the canopy in the northern elevation from being illuminated.

the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality;

The Likely Impacts of the Development

Context and Setting - The development will have a minimal impact on the scenic qualities and features of the landscape including views and vistas and is compatible with the established character of the locality.

Impact from noise generation and light spill to the northern neighbour have been remediated via conditions of development consent and changes to the design of the development. See discussion above.

Access, Transport and Traffic - The development site is located bounded by the Parkes Road adjacent to the eastern boundary and Corriedale Street adjoining the western boundary. Parallel to the Parkes Road is an existing service road. An existing access from the service road to the Parkes Road is provided adjacent to the northern point of the eastern boundary. A new public road is proposed along the southern boundary of the development site between approved Lot 8, 5, 6 and 7.

The proposed development will provide two accesses and three egresses to and from the development site.

First access/exit- will be provided for northbound traffic that will be required to turn left onto the proposed public road and then right into the proposed entry along the southern boundary of the site. Egress will also be provided from this point via the proposed public road and will permit traffic to turn left or right and exit onto the Parkes Road (Newell Highway). This access is a new access to the classified road and requires concurrence from the RMS prior to the consent authority granting approval for the new access. Concurrence has been granted for the new southern access by the RMS on the 1 September 2017. The conditions of this concurrence will form part of the development consent. The functionality of this access relies on the completion of the proposed access from the Parkes Road (Newell Highway) and the completion of the approved public road between approved lots 8, 7, 6 and 5 be completed.

Second access/exit- The second access and exit from the site is via Corriedale Street along the western boundary of the site. This entry is designed to permit heavy rigid vehicles to the size of a B-Triple to enter and exit the site, to provide separation from the light vehicles entering the site. This access/egress functionality relies on the upgrading of Corriedale Street.

Third exit- will be provided to the north of the site and will permit a left turn only onto the Parkes Road for both heavy rigid and light vehicles. This exit will allow for heavy rigid and light vehicles to continue northbound. This exit will connect to the site from the existing access from Parkes Road (Newell Highway).

Concurrence has been granted by the RMS subject to conditions of development consent.

Public Domain - The proposed development will not adversely impact on public recreational opportunities, pedestrian links or access to public space. Pedestrian links between Stage 3 and Stage 2 of the Business Centre have been incorporated into the design. There are no public recreation opportunities as a part of this development.

Utilities - The following utilities will need to be provided to service the site:

Sewer- the sewer will need to be extended to the site from Lot 15356 DP 750148, conditions will be placed on the development consent to this effect.

Water- is already provided along the eastern boundary of the site and will need to be extended and a water meter provided. Conditions will be placed on the development consent to this effect.

Stormwater- Inter-allotment drainage is required to be constructed along the northern boundary of the site. Conditions will be placed on the development consent to this effect.

Electricity- is already connected to the development site.

Heritage - The proposed development will have a minimal impact in relation to heritage. The site is not heritage listed, is not adjacent to a heritage item and is not located within a Heritage Conservation Area.

Other land resources – The proposed development will not affect the future use or conservation of valuable land resources such as: productive agricultural land; mineral and extractive resources; and water supply catchments.

Water – The proposed development will have minimal impact on the conservation of water resources and the water cycle.

Soils – The proposed development will have minimal adverse impact on soil conservation. The soils are suitable for the development. A condition will be placed on the development consent to require prior to the approval of any construction certificate that a soil report be prepared and the structural designs be based on the recommendations of this soil report.

Air and microclimate – The proposed development will have minimal impact on air quality and microclimatic conditions and will be conditions to prevent air pollution such as dust where required.

Flora and Fauna –

The proposed development will have a minimal impact in relation to the maintenance of biodiversity in the area. There are no known listings of critical habitat, threatened or endangered species, populations, ecological communities or their habitats on or in close proximity to the site.

Waste – The waste facilities associated with the development will be located adjacent to the southern elevation of the service station shop front. The waste will be stored within an enclosure and is proposed to be collected by a private contractor.

Energy – The building has been designed to be energy efficient.

Noise and Vibration – As assessed above the development will not result in an adverse impact on the neighbouring residential property to the north from noise attenuated from the proposed use. The residential dwelling to the north is already impacted by the existing background noise from the Parkes Road (Newell Highway) and the proposed development will not create impact on the neighbouring property to the north above the current noise levels. This is supported within the acoustic study prepared by RAPT Consulting. RAPT Consulting however did identify that there may be some impact from car doors opening and closing, people conversing and mechanical plant. Conditions to limit the noise generation from the development will be placed on the development consent. These conditions will be as follows:

- The Laeq (15 minute) operating noise level of machinery, plant and equipment when measured at the boundary of the residence at 42 Parkes Road is not to exceed 5dBA,
- Require a 2.2m high fence to be erected along the northern boundary and
- Advanced stock trees to be planted along the northern boundary.

These conditions will ensure the amenity of the neighbouring residential property to the north will be maintained.

Natural Hazards – The site is not affected by any natural hazards identified within the Forbes Local Environmental Plan 2013.

Technological Hazards –The site has been previously identified as contaminated land see discussion under the SEPP 55- Remediation of Land. The development site has been remediated and is suitable for the proposed land use.

Safety, Security and Crime Prevention - The Forbes Development Control Plan 2013 does not contain any clauses that relate to CPTED or requirements to refer developments to the NSW Police. However, given the nature of this application discussions with the NSW Police have been held and the NSW Police require the following:

Surveillance

- A CCTV system should be installed within the development.
- It should include cameras both inside and outside of the buildings.
- Cameras should monitor high risk areas, such as cash areas and areas with poor natural surveillance. Given that the development is likely to become a major business for drivers to fuel their vehicles and that it is on the National Highway, cameras should cover all fuel pumps to ensure all registration plates and the persons pumping the fuel are captured.
- Monitors should be installed so staff can monitor the cameras, particularly at night.

Lighting

- Lighting should be designed to the Australian and New Zealand Standard.
- Australian and New Zealand Lighting Standard 1158 for public streets, car parks and pedestrian areas requires lighting engineers and designers to consider crime risk and fear when selecting lamps and lighting levels.
- A lighting maintenance policy needs to be established for the development.
- Installation of vandal proof lighting will reduce maintenance costs. Bollard lighting should be avoided as it is easily vandalized and makes the area appear poorly maintained.
- Lighting should complement the CCTV system so that night time footage captured on the system is of such a quality that registration plates and faces are still identifiable.

Environmental Management

- It is recommended that lighting maintenance policy and graffiti removal policy be established. Research has shown that one of the best ways to prevent graffiti is to be removed quickly when it occurs.

Space/Activity Management

- Consideration should be given to a pay before you pump policy, particularly at high risk bowsters.

Social and Economic Impact in the Locality - The proposed development will generate additional jobs and growth from the proposed development and will provide a rest area for heavy rigid vehicles carting freight along the Newell Highway that forms part of the existing freight network. This development will have a positive flow on effect to the community both socially and economically.

Site Design and Internal Design - The site design and internal design of the development has been assessed under the Forbes Development Control Plan 2013. The proposed design is considered to be satisfactory.

Construction - The construction stage of the proposed development will have the potential to impact on adjoining properties and the environment for a short period of time. Any approval will be conditioned to ensure construction activities do not unreasonably impact on the adjoining properties and their occupants and the environment by way of noise, erosion and the like. These conditions are standard Council conditions of development consent.

Cumulative Impacts - Cumulative impacts relate to the small impacts of developments in an area that when considered in unison can result in detrimental impact on the natural or built environment. It is considered unlikely that the proposed development will result in adverse cumulative impact.

The Suitability of the Site for the Development

Does the proposal fit in the locality? – The proposal is considered to be compatible with its site and general locality.

Are the site attributes conducive to development? – Site attributes such as configuration, size and slope, are considered to be generally conducive to the proposed development.

Have any submissions been made in accordance with the Act or the Regulations?

Public Submissions – The application was required to be notified. One submission was received during the notification period. The issues raised in the submission related to light spill and noise generated from heavy rigid vehicles which will impact on the northern neighbour. These issues have been resolved by way of conditions of consent. An assessment of the issues raised is provided under Chapter 15 Public Consultation of this report.

Submissions from Public Authorities – A referral to the RMS was required as a part of this development application as the development required an additional access to the south of the development site from the Newell Highway which is a classified road. As a new access to a classified road was required this triggered referral to the RMS under s138 of the Roads Act 1993 and s101 of the Infrastructure SEPP. The application was also referred to the RMS as the development is traffic generating development under the ISEPP and the proposed advertising structures exceeded the thresholds for advertising structures near classified roads under SEPP 64. An assessment of these aspects has occurred above and conditions have been placed on the development consent accordingly.

The Public Interest

The proposed development in the order of \$5.4 million will have significant local benefits both during construction as well operation and provision of local jobs. Overall the development will form part of the existing business centre and will provide a Highway Service Centre and ancillary fast food establishment with highway frontage that is not currently available along the Parkes Road. The subject site has been identified for this style of development within the *Forbes Growth Management Strategy 2009* and as a part of the Forbes Local Environmental Plan 2013. The proposed development is considered to be consistent with the broader public interest.

Government and Community Interests

It is considered that government and community interests will not be adversely affected by the proposed development.

INTERNAL REFERRALS

Building Surveyor

Council's Building Surveyor has assessed the development from a building perspective and is satisfied that the development will comply with the BCA subject to conditions of development consent.

Development Engineer

Council's Development Engineer has assessed the development in accordance with the relevant Australian Standards and Austroad technical requirements. Council's Development Engineer is satisfied that the development complies with all relevant engineering requirements subject to conditions being placed on the development consent.

Conclusion

This development application represents a major development within the Shire of Forbes such that the application is to be reported to and determined by the Western Region Joint Regional Planning Panel in accordance with the provisions of the Environmental Planning and Assessment Act 1979 and Regulations and SEPP(State and Regional Development)2011.The application seeks consent for Stage 3 of the Forbes Business

Centre development that was initially approved within 2012 under DA 2012/51 by the Joint Regional Planning Panel.

The development application seeks approval for:

- service station that will service light and heavy rigid vehicles,
- food and drink premises (takeaway food and drink premises),
- drivers lounge with showers and services,
- ancillary convenience store,
- proposed access to the Newell Highway (to the south of the site)
- 2 x illuminated advertising structures with a height of 8 and 17m,
- new access to Corriedale Street,
- upgrades to Lamb and Corriedale Street,
- 18 heavy rigid and bus parking spaces,
- 34 light vehicle car parking spaces,
- Landscaping edge treatment along each boundary,
- Lighting,
- Underground storage tanks,
- Earthworks,
- Construction of canopy for heavy rigid vehicle refuelling and for light vehicle refuelling,
- Construction of barriers to separate heavy rigid and light vehicles,
- 24hr x 7 days a week operation of the Highway Service Centre,
- Infrastructure works to create the additional access to the site from the Newell Highway, and
- Stage 2 works which will include a carpark for 13 heavy rigid vehicles.

The proposed development is permissible with development consent. The Forbes Growth Management Strategy 2009 and Forbes Local Environmental Plan 2013 identify the site for this style of development.

The application has been referred to the RMS in accordance with the SEPP – Infrastructure 2007 due to the proposed access to the south of the site from the Parkes Road (Newell Highway) as such their concurrence was required as a part of the approval process. Their comments have been considered during the assessment process and recommended conditions applied.

The development complies with all other relevant SEPPs, LEPs and DCPs that apply to the development site. There are no inconsistencies or variations proposed as a part of this development.

Appropriate conditions have been developed in order to minimise potential impacts in order to control such matters as noise, vibration and light spillage and construction of local and service roads and accesses to be able to service the site.

Accordingly the following recommendation is made:

RECOMMENDATION:

That Development Application 2017/0039 for Stage 3 of DA 2012/051 for the Highway Service Centre on approved Lot 8 and currently identified as Lot 1624, Lot 1535, Lot 1665 and Lot 1574 of DP 750158 and is known as 22-36 Parkes Road, Forbes be approved subject to the following conditions: