

COUNCIL ASSESSMENT REPORT

Panel Reference	2018WES016
DA Number	DA2017/39/2
LGA	Forbes Shire Council
Proposed Development	Highway Service Centre Modification
Street Address	36 Parkes Road, Forbes, NSW 2871
Applicant/Owner	Forbesamatta – Peter Middlebrook
Date of DA lodgement	10 July 2018
Number of Submissions	1
Recommendation	Accepted with conditions
Regional Development Criteria (Schedule 7 of the SEPP (State and Regional Development) 2011)	Council interest - \$6,775,000 development value
List of all relevant s4.15(1)(a) matters	<ul style="list-style-type: none"> • State Environmental Planning Policy (Infrastructure) 2007 • State Environmental Planning Policy 55-Remediation of Land • State Environmental Planning Policy No. 33 Hazardous and Offensive Development • State Environmental Planning Policy No.44 Koala Habitat • State Environmental Planning Policy No. 64 – Advertising and Signage • Forbes Local Environmental Plan 2013 • Forbes Development Control Plan 2013
List all documents submitted with this report for the Panel's consideration	Proposed Conditions of Consent Plans of the Development Roads and Maritimes Submission Statement of Environmental Effects
Report prepared by	Eliza Scarpellino – Town Planner
Report date	

Summary of s4.15 matters

Have all recommendations in relation to relevant s4.15 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

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 (S7.24)? **No**

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 / No**

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

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1. INTRODUCTION

The objective 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 4.15 of the *Environmental Planning and Assessment Act 1979*.

The proposal is for a modification to DA2017/0039/02 which was referred to the Western Joint Regional Planning Panel (WJRPP) on 3 May 2017 and determined on 27 September 2017. The initial Capital Investment Value (CIV) of the proposed development was \$5.4 million. As Council were the owners of the land, the development met the Council related development threshold of \$5 million pursuant to Schedule 7 of the *State Environmental Planning Policy (State and Regional Development) 2011*.

The proposed modification increases the value of the project to \$6.775 Million. As WJRPP was the consent authority for the original Development Application, the modification must be referred to WJRPP for assessment pursuant to Section 4.55(2) of the *Environmental Planning and Assessment Act 1979*.

Application No: Development Application 2017/0039/02

1.1 Executive Summary

On 22 September 2017 the Western Joint Regional Planning Panel approved Development Application DA2017/39 for a Highway Service Centre. Since the time of approval, the applicant had proposed modifications to include an Emergency Vehicle Repair Centre. As a result of this inclusion, the modification also includes an amendment to the internal parking layout.

The modification application proposes:

- Amended internal parking plans for heavy vehicles, and an increase to 20 heavy vehicle parking spaces;
- Provision of a caravan and trailer standing area;
- Amendments to internal service station layout
- Provision of fast food within convenience store
- Amendment to the location of the Corriedale Street ingress/egress.
- Addition of an Emergency Vehicle Repair Centre

It is proposed that the Emergency Vehicle Centre service would provide towing facilities, highway call-out repair and on-site mechanical services. Emergency repair call-outs is proposed to be a 24 hour service, while onsite repairs will occur Monday to Saturday 7am to 7pm.

The proposal was notified to nine adjoining property owners and advertised for between 17 August 2018 and 31 August 2018 in the Forbes Advocate. One submission was received. The issues raised relate to sound and light spillage onto the adjoining neighbours. This submission is addressed in Section 3.

As the original development was an Integrated Development with Roads and Maritime Services, Council referred the modification to RMS for concurrence. They had no comment and granted their concurrence. Their response is attached in Attachment 6.

The modification application is recommended for approval subject to amended conditions.

1.1.1 Section 4.15 Assessment Summary

<i>The Likely Impacts of the Development</i>		<i>Relevant Proposed Condition</i>
<i>Context and Setting</i>	Minimal impact. Noise generation and light spill to northern neighbour have been remediated via conditions of consent.	3, 4, 5, 29, 30, 71, 73
<i>Access, Transport and Traffic</i>	<p>Corriedale Street Access</p> <p>Minimal impact with right turn only for heavy vehicles.</p> <p>Emergency Vehicle Repairs Centre Exit</p> <p>Proposed condition of consent 13 requests swept-paths for all maneuvers be provided prior to issuing a construction certificate.</p> <p>Temporary Hardstand Area</p> <p>The temporary hardstand area proposed will provide safe surface for heavy vehicle maneuvering.</p>	Multiple
<i>Public Domain</i>	Minimal impact.	36
<i>Utilities</i>	Sewer, water and stormwater utilities are required to be provided.	53
<i>Heritage</i>	Minimal impact.	NA
<i>Other land resources</i>	Minimal impact.	NA
<i>Water</i>	Minimal impact.	17, 19, 28, 80
<i>Soils</i>	Soil report has been prepared to demonstrate minimal impact.	12, 20
<i>Air and microclimate</i>	Minimal impact with conditions of consent preventing excess dust disturbance.	28
<i>Flora and Fauna</i>	Minimal Impact	NA
<i>Waste</i>	Waste will be stored and collected appropriately. Minimal impact.	18, 42
<i>Energy</i>	The building has been designed to be energy efficient.	NA
<i>Noise and Vibration</i>	Multiple conditions of consent minimise the impact of expectant noise and vibration.	3, 4, 5, 29, 30, 69, 71, 73
<i>Natural Hazards</i>	Minimal impact	NA

Technological Hazards	The development site has been remediated and is suitable for the proposed land use.	NA
Safety, Security and Crime Prevention	NSW Police recommendations, if employed, minimise impact.	Recommendations from NSW police
Social and Economic Impact in the Locality	Positive benefit for economic growth and rest stop for long distance drivers.	NA
Site Design and Internal Design	The proposed design is considered to be satisfactory.	1
Construction	Minimal impacts due to conditions of consent	Multiple
Cumulative Impacts	Minimal impact	NA
The Suitability of the Site for the Development		
<i>Does the proposal fit in the locality?</i>		Yes
<i>Are the site attributes conducive to development?</i>		Yes
Have any submissions been made in accordance with the Act or the Regulations?		
Public Submissions	The application was required to be notified for a 14 day period from 17 August 2018 to 31 August 2018. Neighbour notifications were also distributed, outlined in Attachment 3. One submission was received, addressed in Section 3.1.10 of the report.	
Submissions from Public Authorities	A referral to the RMS was required as a part of this development application under section 104 of the Infrastructure SEPP as the development is a Traffic Generating Development. RMS did not object to the modification and made no submission.	
The Public Interest		
The development is viewed to be in the public interest because of the significant local benefits for economic growth and jobs. It will also provide regional benefit due to its position on the Newell Highway.		
Government and Community Interests		
Minimal impact.		

1.1.2 Summary of Legislative Assessment

Legislation	Assessment
SEPP (State and Regional Development) 2011	Proposed modification increases assessment to \$6.775 million, making it eligible for assessment by JRPP.
SEPP No.55 Remediation of Land	The site has been remediated and is suitable in its current state for the proposed commercial land use.
SEPP No.33 Hazardous and Offensive Development	Development falls below thresholds for storage and transportation of flammable liquids and is therefore not a potentially hazardous or hazardous industry.
SEPP (Infrastructure) 2007	Regarding Clause 101, No change is proposed to the access to Parkes Road. On the subject of Clause 104, an assessment has been completed and minimal environmental impact is expected due to the new and amended accesses in the modification.
SEPP No.44 Koala Habitat	Minimal impact.
Sepp No. 64 Advertising and Signage	No changes proposed.
Forbes LEP 2013	The development is compliant with the LEP.
Forbes DCP	The development is compliant with the Forbes DCP and no variation to controls is requested.

1.1 Background

On 27 September 2017 Council referred DA2017/39 to the Western Joint Regional Planning Panel (WJRPP) for assessment. The proposal included the following:

- A Highway Service Centre accommodating light and heavy vehicles;
- Takeaway and dine in food and drink premises;
- Drivers lounge with showers and services;
- Ancillary convenience store.

The proposal also included a new access point off the Newell Highway as well as utilizing an existing egress.

The WJRPP approved the development subject to a number of conditions.

Since the time of the approval of the original application, the applicant has sought to include an Emergency Vehicle Repair Centre on the site. The subject Modification Application was lodged with Council on 10 July 2018. The initial application excluded the Emergency Vehicle Repair Centre and planned to keep this area as vacant grassland. A Further Information Request was formally sent to the applicant on 13 July 2018 requesting amendments to address the following heavy vehicle maneuvering through the site.

Council received the information requested on 26 July 2018, where the applicant included the Emergency Vehicle Repair Centre as a staged development. Council then sent another Further Information Request to the applicant on 3 August 2018 requesting details of the operation of the Emergency Vehicle Repair Centre. Council received a response to this Further Information Request on 9 August 2018.

1.3 Proposal

In addition to the proposal approved by WJRPP on the 27 September 2017, the modified application seeks:

- Amended internal parking plans for heavy vehicles, and an increase to 20 heavy vehicle parking spaces;
- Provision of a caravan and trailer standing area;
- Amendments to internal service station layout;
- Provision of fast food within convenience store;
- Amendment to the location of the Corriedale Street ingress/egress; and
- Addition of an Emergency Vehicle Repair Centre

To provide reprieve from building costs, it is proposed that the Emergency Vehicle Repair Centre be constructed under a separate Construction Certificate and Occupation Certificate. As such, stabilized engineered hardstand will be constructed to accommodate heavy vehicle turning paths temporarily until the phase 2 of the development is complete. Furthermore, a physical barrier will be erected to prevent traffic entering this site prior to the issue of the second occupation certificate.

Approval is sought for the Emergency Heavy Vehicle Repair Centre to:

- Provide emergency repairs onsite, towing facilities and highway call-out repair.
- Operate emergency call-outs 24 hours a day, 7 days a week. On-site repair is proposed to be open from Monday – Saturday 7am to 7pm.
- Numbers of staff and expected clients is unknown and subject to the requirements of the operator.

Council has reviewed the Local Environmental Plan and has determined that the Emergency Vehicle Repair Centre complies with the definition of Highway Service Centre and therefore has accepted the modification application under Section 4.55(2).

The definition of Highway Service Centre is:

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

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

1.4 Site and surrounds

This subject site is identified as 36 Parkes Road, or Lot 8 DP 1242037 and has an area of 2.87ha. The development site is located to the north of the Forbes Central Business District divorced from the centre by the Parkes – Stockingbingal Railway line 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 lot is bounded by the Newell Highway to the east, an approved public road 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 unnamed service road that connects to Parkes Road via an access to the north.

To the South of the development is the future Forbes Homemakers Centre which has recently been approved for a staged Subdivision. Subdivision Plans are shown in Attachment 4. The Subdivision Certificate has been issued for the Stage 1 Subdivision, and it is expected that Stage 2 will be completed in the next 12 months. It is presumed that the future lots immediately to the south of the development will be used for various commercial land uses as permitted in the Forbes Local Environmental Plan.

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 north and south boundaries are approximately 100 metres each. The site is connected to water, sewer, power and stormwater can be disposed of from the site.

The subject site slopes gently from the North West to the south east with a total fall of approximately 1 metre across the site. Imagery of the surrounding area is shown in Attachment 5.

2.0 LEGISLATIVE ISSUES FOR CONSIDERATION

2.1 Acts

2.1.1 *Environmental Planning and Assessment Act*

A full assessment is of the development according to Section 4.15 of the Environmental Planning and Assessment Act is detailed in Section 4.0.

2.1.2 *The Roads Act 1993*

The development proposes a new egress to the unnamed Public Road from the Emergency Vehicle Repair Centre. This access has been assessed in accordance with Part 4a of Austroads Guide to Road Design and Australian Standards 2890.2-2002 and 2890.1-2004 AMDT 1 and is deemed acceptable.

Condition of consent 16 requires Swept Path Analysis to be provided prior to the issue of construction certificate.

2.2 State Environmental Planning Policies

2.2.1 *SEPP State and Regional Development 2011*

The proposal is for a modification to DA2017/0039 which was referred to the Western Joint Regional Planning Panel (WJRPP) on 3 May 2017 and determined on 27 September 2017. The initial Capital Investment Value (CIV) of the proposed development was \$5.4 million. As Council were the owners of the land, the development met the Council related development threshold of \$5 million pursuant to Schedule 7 of the *State Environmental Planning Policy (State and Regional Development) 2011*.

The proposed modification increases the value of the project to \$6.775 Million. As WJRPP were the consent authority for the original Development Application, the modification must be referred to WJRPP for assessment pursuant to Section 4.55(2) of the *Environmental Planning and Assessment*

2.2.2 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 at the time of the initial application, was considered contaminated. A detailed site investigation was prepared by JBS&G which concluded:

“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 the SEPP.

2.2.3 State Environmental Planning Policy No.33 Hazardous and Offensive Development

At the time of the original Development Application, a Preliminary Hazard Analysis (PHA) was prepared in accordance with the above SEPP and relevant Guidelines. The PHA assessed whether the development was 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.

Storage thresholds

Type	Flammable/Combustible	Storage	Maximum Quantity
Petrol	3 PGII Flammable Liquid	One underground and compartmented storage tank	110kl maximum quantity

Diesel	C1 PGIII (Classed as 3PGII in this instance as to close storage proximity to petrol)	Two underground compartmented storage tanks	220KI maximum quantity
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Total quantity of petrol approved by WJRPP in 2017 is 275.7t, with underground tanks located 42m from the nearest boundary.

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.

2.2.4 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.

Three ingress/egresses were approved in the initial Development Application and the proposed modification moves the Corriedale Street ingress/egress slightly north which is assessed below.

Council referred the modification to RMS under Section 104 of ISEPP on 30 July 2018. RMS supported the proposal and made no submission.

Section 101 Development with frontage to classified road

The clause reads:

(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 access onto Parkes Road has not changed in this modification. As demonstrated in the original application, the design meets the requirements of Clause 101 of ISEPP.

Section 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.

Clause 104 and Schedule 3 of the *State Environmental Planning Policy (Infrastructure) 2007* outline in what instances traffic generating development must be referred to RMS. Council took the view that this modification met the Service Station thresholds outlined in Schedule 3.

The development application was referred to Roads and Maritime Services on 30 July 2018 for comment. Roads and Maritime replied on 3 August 2018 making no submission to the modification.

In relation to clause 3(b), an assessment has been completed of the proposed new accesses and amendments to existing accesses. Minimal environmental impact is predicted by the proposed modification, and requirements in the proposed conditions of consent requires further swept path analysis to be undertaken prior to obtaining the construction certificate.

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 sighted 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. No change to the signage is proposed in the modification.

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*

2.3 Forbes Local Environmental Plan

The proposed development has been assessed in accordance with the relevant requirements of the *Forbes 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)
Part 1 Preliminary	
Clause 1.2 Aims of Plan	
<p>The particulars of the Plan to the proposed development are as follows:</p> <p>(a) <i>to encourage and manage ecologically sustainable development in Forbes,</i></p> <p>(b) <i>to reinforce the existing urban character of Forbes as the urban focus,</i></p> <p>(c) <i>to reinforce the rural character of Forbes while promoting sustainable development,</i></p> <p>(d) <i>to protect the agricultural land of Forbes for continued agricultural production while allowing for planned expansion at the urban fringe,</i></p> <p>(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></p> <p>(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></p> <p>(g) <i>to provide a range and variety of housing choices to cater for the different needs and lifestyles of residents.</i></p> <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
Clause 1.4 Definitions	

Forbes Local Environmental Plan 2013	COMPLIES (Yes/No)
<p>The proposed development is defined as a Highway Service Centre:</p> <p>highway service centre means a building or place used to provide refreshments and vehicle services to highway users. It may include any one or more of the following:</p> <p>(a) a restaurant or cafe,</p> <p>(b) take away food and drink premises,</p> <p>(c) service stations and facilities for emergency vehicle towing and repairs,</p> <p>(d) parking for vehicles,</p> <p>(e) rest areas and public amenities.</p>	Yes
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

Forbes Local Environmental Plan 2013		COMPLIES (Yes/No)
Part 4 Principal Development Standards		
Clause 4.3 Height of buildings		
The maximum building height permitted on the subject site is 17m. The proposed Emergency Vehicle Repair Centre is 10.41 metres at its peak and therefore the development complies.		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, with 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		
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.		Yes

2.4 Central West and Orana Regional Plan

The proposal is consistent with Goal 3 of the Central West and Orana Plan: *Quality freight transport and infrastructure networks*.

The Regional Plan identifies Forbes as a key regional city for freight movements due its location on the Newell Highway. Forbes' close proximity to the Regional Transport Hub as outlined in the plan makes it a key area for investment in heavy vehicle facilities such as repairs and rest areas. These services have also been identified as a key need in the Newell Highway Corridor Strategy.

Draft State environmental planning policies

None relevant.

Draft local environmental plans

None relevant.

3.0 Forbes Development Control Plan

3.1 Chapter 10 – Commercial Development

Objectives:

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

The development complies with the Objectives of Chapter 10 of the Forbes DCP, as assessed in this section.

3.1.1 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. <i>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.</i>	The building setbacks to the boundary along the eastern side of the Parkes Road (Newell Highway) range between 6m to 67m. The setback of the Highway Service Centre is 6 metres. The proposed Emergency Vehicle Repair Centre has a proposed setback of approximately 10 metres. There is no other proposed building that sets precedent of setback onto the proposed public road. Taking into account the various setbacks in the area, the Emergency Vehicle Repair Centre is compliant with this standard.
2. <i>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.</i>	<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>

	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).
3. <i>Proposed car parking within the front setback area is to be incorporated in the design and landscape solution for this area of the development.</i>	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.

3.1.2 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. <i>Side and secondary setbacks are to be considered on merit in regard to consistency within the streetscape and impacts upon adjoining properties.</i>	<p>The proposed side setbacks of the Service Centre are unchanged: 10.95m to the north and 45.95m to the south.</p> <p>The setback of the Emergency Vehicle Repair Centre is 5 metres to the South and 14 metres to the West.</p> <p>This is consistent with the side setbacks of surrounding development.</p>
2. <i>Consideration shall be given to screening of storage/ loading areas etc from public view.</i>	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. <i>Landscaped areas shall consider potential impacts between developments and opportunities to reduce conflict</i>	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 2.1 metre fence and 3 metre high landscaping is conditioned.
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3.1.3 Clause 10.7 Building Height

Objectives:

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

Standard	Assessment Comment
1. <i>The maximum height of buildings shall be 2 storeys and 17 metres.</i>	<p>The Emergency Vehicle Repair Station is proposed to be 10.41 metres at its peak, and falls below the maximum building height.</p> <p>The Service Station development is approved to have a height of 1 storey which equates to a height of 4.5m. The advertising structure will be 17m and will comply with the maximum height requirement.</p>
2. <i>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.</i>	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.

3.1.4 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. <i>New development shall be compatible with the character of an existing building and that of immediately surrounding properties.</i>	There is no particular prevailing character of the streetscape in regards to materials, on the eastern and western side of Parkes Road.
2. <i>Where there is no prevailing character, new development shall respect the qualities of surrounding properties in integrating new development within the commercial core.</i>	<p>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.</p> <p>The proposed Emergency Vehicle Repair Centre consists of precast wall, Colorbond wall, roof and awnings, keeping with the character of existing developments.</p>

	The approved service station consists of precast concrete panel walls, extensive glazing, aluminum composite panels for the external façade. The roof will consist of zincalume.
3. <i>Highly reflective material, cladding or finishes, such as Zincalume, are not permitted as a wall cladding.</i>	<p>The proposed Emergency Vehicle Repair Centre consists of colorbond and is not reflective.</p> <p>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.</p>

3.1.5 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. <i>Permanent signs on shop front windows should not cover more than 25% of the window area.</i>	No signage has been proposed to cover any of the shops windows.
2. <i>The following signs are prohibited:</i> <ul style="list-style-type: none"> • <i>Advertising affixed to trees, light poles or other structure not for the purposes of advertising structure;</i> • <i>Signs mounted above the awning or verandah of a building;</i> • <i>Bunting;</i> • <i>Painted buildings to reflect corporate colours; and</i> • <i>Flashing or externally illuminated signs</i> 	All signage complies. Only one sign is proposed for Emergency Vehicle Repair Centre which is not illuminated.

3.1.6 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
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<p>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.</p>	<p>The car parking rates for a 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 36 car parking spaces, including one disabled space have been provided. The development complies with the statutory car parking requirements.</p>
<p>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.</p>	<p>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.</p>
<p>3. Access into and egress from the site shall be provided in a forward direction.</p>	<p>The access into and egress from the site will be provided in the forward direction.</p>
<p>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.</p>	<p>The trafficable surfaces of the site will be mostly paved with concrete.</p> <p>An area of the Stage 2 development will temporarily paved with hardstand temporarily to accommodate heavy vehicle manouvering. A condition will be placed on the development consent to this effect.</p>
<p>5. Drainage of paved surfaces is to be provided to the satisfaction of Council.</p>	<p>An open drainage channel is provided along the northern boundary of the site.</p>
<p>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.</p>	<p>Barriers have been provided to separate defined parking spaces from non-traffic areas.</p> <p>The parking spaces are proposed to be line marked. A condition will be placed on the consent to this effect.</p>
<p>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</p>	<p>Car parking will be provided on site. Contributions will not be required for the proposed development.</p>

<i>Plan in force at the time.</i>	
8. <i>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.</i>	<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. <i>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.</i>	As assessed above the development will accommodate deliveries necessary to service the development.

3.1.7 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. <i>All development applications for new commercial developments are to be accompanied by a Landscape Plan.</i>	The original development application was accompanied by a landscape plan. There is no proposed change to the approved landscaping. New landscaping is provided around the

	Emergency Vehicle Repair Centre, and it is conditioned that an updated landscape plan be provided prior to issuing of a Construction Certificate.
2. Council will hold a "landscape bond" to be provided by the developer for the 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".	The subject site will consist of more than 10% landscaped area. A condition will be placed on the development consent to require a landscape bond in accordance with the requirements of this clause.
3. Commercial developments upon vacant land shall provide a minimum 10% of the site for landscaping.	
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.	The landscaping proposed consists of native and salt tolerant vegetation and is suitable to the Forbes climate.
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.	
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 modification.

3.1.8 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. <i>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.</i>	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.

3.1.9 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. <i>Shops within the B5 - Business Development Zone must have a minimum floor area of 600m².</i>	<p>The gross floor area of the Emergency Vehicle Repair Centre is 2,325m².</p> <p>The gross floor area for the shop component of the development equates to 612.5m².</p> <p>Both floor areas comply.</p>

3.1.10 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. <i>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.</i></p> <p>2. <i>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.</i></p> <p>3. <i>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.</i></p> <p>4. <i>What constitutes immediately adjoining shall be in accordance with the following illustration.</i></p> <p>5. <i>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.</i></p>

Assessment

The development was notified in the newspaper and to adjoining owners for a period of 14 days from the 17 August 2018 to 31 August 2018. A map of neighbours notified is supplied in Attachment 3.

Council received one submission during this period, which was a request to resubmit the resident's initial submission to the original DA. 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 for the initial Development Application 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. Attachment 7 provides the summary of the acoustic impacts to the Northern Neighbour.

The worst case scenario has been applied for the noise assessment this scenario assumes no acoustic attenuation measures are in place. As demonstrated in the report, 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 requiring that any illumination from the

canopy is designed in such a way as to prevent spillage onto the properties of the northern neighbours.

4.0 SECTION 4.15 ASSESSMENT

<i>The Likely Impacts of the Development</i>	
<i>Context and Setting</i>	<p>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.</p> <p>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. 3.1.10 for detailed discussion.</p>
<i>Access, Transport and Traffic</i>	<p>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 has been approved along the southern boundary of the development site between approved Lot 8, 5, 6 and 7, and is yet to be formed.</p> <p>The three ingress/egresses were approved by WJRPP in September 2017. This modification relocates the Corriedale Street access and creates an additional exit for the Truck Service Centre onto the unnamed Public Road.</p> <p>Corriedale Street Access</p> <p>The modification relocates the Corriedale Street access to the north to accommodate the Emergency Vehicle Repair Centre.</p> <p>The applicant has provided swept path analysis demonstrating that egress/ingress in all directions are possible by a b-triple vehicle.</p> <p>Emergency Vehicle Repairs Centre Exit</p> <p>The proposed egress for the Emergency Vehicle Repair Centre is approximately 80 metres in width. The large size of this exit provides direct access to the new public road for heavy vehicles in the Emergency Vehicle Repair Centre. It also ensures all movements on the site will occur in a forward direction.</p> <p>Proposed condition of consent 13 requests swept-paths for all maneuvers be provided prior to issuing a construction certificate which will demonstrate that a heavy vehicle can access the Public Road from this access appropriately.</p> <p>Temporary Hardstand Area</p>

	The temporary hardstand area proposed will provide safe surface for heavy vehicle maneuvering. Proposed condition of consent 47 will require this to be built during construction of infrastructure.
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 subdivision plans. There are no public recreation opportunities as a part of this development.
Utilities	<p>The following utilities will need to be provided to service the site:</p> <ul style="list-style-type: none"> • 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 Water is provided along the eastern boundary of the site which 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 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	<p>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:</p> <ul style="list-style-type: none"> • 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. <p>These conditions will ensure the amenity of the neighbouring residential property to the north will be maintained.</p> <p>Proposed conditions 3, 4, 5 and 29 ensure the recommended operating hours of the development and construction to preserve the amenity of the area and surrounds.</p>
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 lands, see section 2.2.3 for further discussion. The development site has been remediated and is suitable for the proposed land use.
Safety, Security and Crime Prevention	<p>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:</p> <p><u>Surveillance</u></p> <ul style="list-style-type: none"> • A CCTV system should be installed within the development. • It should include cameras both inside and outside of the buildings.

	<ul style="list-style-type: none"> 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. <p><u>Lighting</u></p> <ul style="list-style-type: none"> 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. <p><u>Environmental Management</u></p> <ul style="list-style-type: none"> 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. <p><u>Space/Activity Management</u></p> <ul style="list-style-type: none"> Consideration should be given to a pay before you pump policy, particularly at high risk bowsters.
<i>Social and Economic Impact in the Locality</i>	The proposed development will generate additional jobs and growth 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.
<i>Site Design and Internal Design</i>	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.
<i>Construction</i>	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	
<i>Does the proposal fit in the locality?</i>	The proposal is considered to be compatible with its site and general locality.
<i>Are the site attributes conducive to development?</i>	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	<p>The application was required to be notified for 14 days, from the 17 – 31 August 2018. Neighbour notifications were also distributed as shown in Attachment 3.</p> <p>One submission was received during the notification period. The issues raised in the submission relate to light spill and noise generated from heavy rigid vehicles and its will impact on the northern neighbours. These issues have been resolved by way of conditions of consent. An assessment of the issues raised is provided under Section 3.1.10 of this report.</p>
Submissions from Public Authorities	A referral to the RMS was required as a part of this development application under section 104 of the Infrastructure SEPP as the development is a Traffic Generating Development. RMS did not object to the modification and made no submission.
The Public Interest	
<p>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 <i>Forbes Growth Management Strategy 2009</i> and as a part of the <i>Forbes Local Environmental Plan 2013</i>. The proposed development is considered to be consistent with the broader public interest.</p>	
Government and Community Interests	
It is considered that government and community interests will not be adversely affected by the proposed development.	

4.1 Internal Referrals

Building Surveyor
<p>The plans provided with lodgement of the Development Application do not currently address compliance with Building Code of Australia. The matters generally relate to fire safety, egress, health and amenity and structural requirements. The plans also fail to address compliance with AS 1428.1 (<i>Design for Access and Mobility</i>). Conditions have been placed on the consent requesting the information be provided for a detailed assessment with the Construction Certificate application.</p> <p>A condition has been also included detailing the standards in which the food premise is required to achieve. An inspection of the food premise must also be undertaken prior to the commencement of operations.</p>
Development Engineer
<p>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.</p>

5.0 Conclusion

The proposal has been assessed having regard to the provisions of Section 4.15 and 4.55 of the Environmental Planning and Assessment Act, 1979, LEP 2012, SEPP 55 Contamination of Land, SEPP (Infrastructure), Forbes LEP and Forbes DCP and is considered satisfactory.

The proposed addition of the Emergency Vehicle Repair Centre fits the definition of Highway Service Centre and no adverse impact on the community or amenity of the area is predicted.

Accordingly the following recommendation is made:

RECOMMENDATION:

That Modification Application 2017/0039/2 for the Highway Service Centre on Lot 8 DP 1242037 be approved subject to the conditions in Appendix 1.

Attachments

Attachment 1 Proposed Conditions of Consent

See attached document “Proposed Conditions of Consent”

Attachment 2

Locality Plan



Attachment 3



Attachment 4 Subdivision Plans

Figure a4.1 - Stage 1 Subdivision Plans

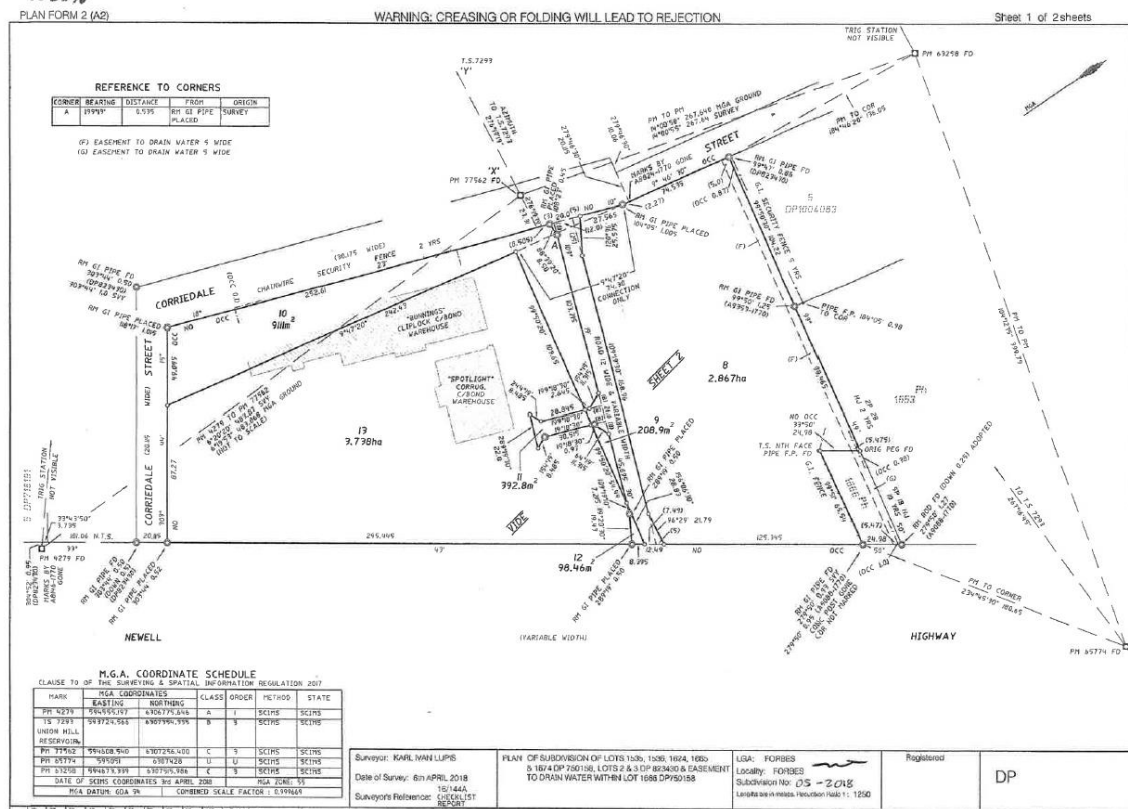
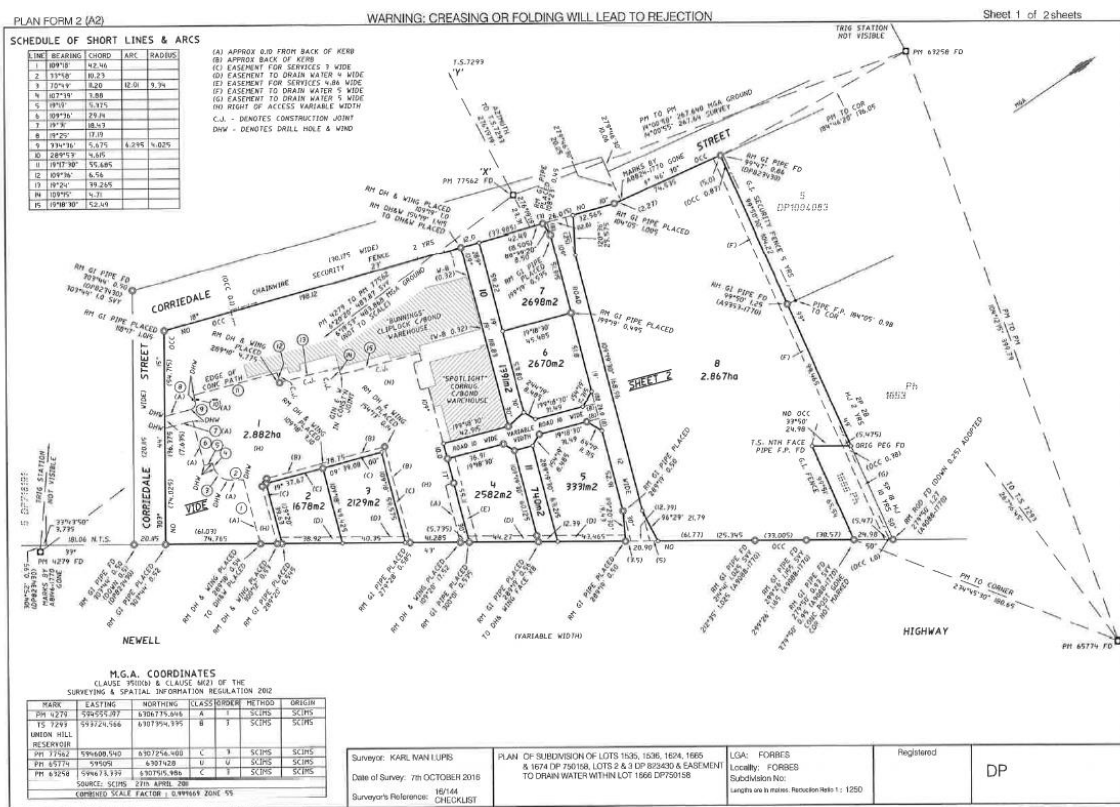


Figure a4.2 - Stage 2 Subdivision Plans



Attachment 5 Site photos

Figure a5.1 – Existing neighbouring developments



Figure a5.2- Industrial development opposite the site.



Figure a5.3- Industrial development opposite the site.



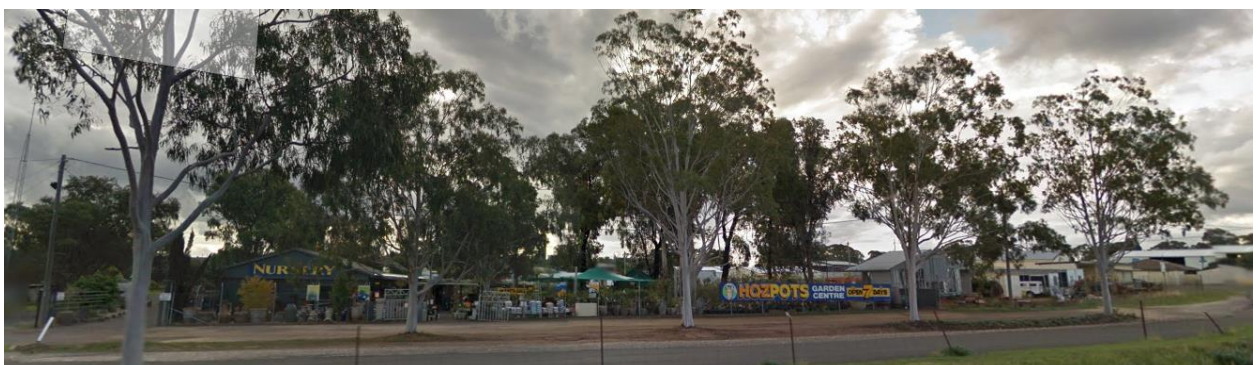
Figure a5.4- view of the site from the north eastern perspective.



Figure a5.5- View of the site from the eastern perspective.



Figure a5.6- Northern neighbour hozpots and 2LVR Radio.



Attachment 6 Findings of Acoustic Assessment

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

“Both day and evening calculate in a worst-case scenario traffic noise is expected to comply.

Night time calculations predict that in a worst-case scenario with 100 vehicle movements, traffic noise has a negligible impact on the background noise levels as reflected when comparing the existing background and the predicted noise levels with additional vehicle movements. Measured background levels for night time indicate existing noise levels are already above the INP amenity noise criteria. Therefore, compliance is expected.

While traffic noise is expected to comply, noise control measures should be implemented to minimise potential impacts to residences caused by car doors opening and closing and the sound of people conversing when arriving or departing the development.”

RAPT Consulting (2017) Noise Assessment – Proposed Service Station, Fast Food and Truck Refueling
22-36 Parkes Road Forbes NSW 2871

Attachment 7 Roads and Maritime Services Submission



3 August 2018

SF2017/092292; WST17/00077/09

General Manager
Forbes Shire Council
PO Box 333
FORBES NSW 2800

Dear Sir

DA2017/39: Lot 8 DP 1242037; 22-36 Parkes Road (HW17), Forbes: Highway Service Centre

Thank you for your email on 30 July 2018 referring a modification to DA2017/39 to Roads and Maritime Services for comment. Reference is made to Roads and Maritime's previous submission in relation to this matter dated 31 August 2017.

I note the proposed modification includes the addition of a new truck service building, the repositioning of entry and exit connections to/from Corriedale Street, truck parking area re-configuration and two new driveways between the site and the proposed public road.

Roads and Maritime does not object to the proposal and makes no submission. As discussed with Council's Graduate Town Planner, Council should satisfy itself that the largest vehicles proposed to exit the site from the work and secure parking bays, are able to perform required turning movements into the proposed public road without encroaching onto adjoining land.

Please forward a copy of Council's determination of the modification application to Roads and Maritime at the same time it is sent to the applicant. Should you require further information in relation to this matter please contact the undersigned on 02 6861 1453.

Yours faithfully

A handwritten signature in blue ink, appearing to read "Andrew McIntyre".

Andrew McIntyre
Manager Land Use Assessment
Western

Roads and Maritime Services

51-55 Currajong Street Parkes NSW 2870 | PO Box 334 Parkes NSW 2870 | DX20256
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