

**DA/2021/346/1 - EXPAND AND RENEW THE EXISTING NORTHBOUND & SOUTHBOUND HIGHWAY SERVICE CENTRES AT PHEASANTS NEST**

**File Number: DA/2021/346/1#208**

<b>Panel Reference</b>	PPSSWC-150
<b>DA Number</b>	DA/2021/346/1
<b>LGA</b>	Wollondilly Shire Council
<b>Proposed Development</b>	Expand and renew the existing northbound & southbound highway service centres at Pheasants Nest
<b>Street Address</b>	Lots 1 & 2 DP 1147096 and Lots 12 & 14 DP 773041 Hume Highway, Pheasants Nest
<b>Applicant/Owner</b>	Applicant: Ampol Australia Petroleum Pty Ltd Owner: Transport for NSW
<b>Date of DA lodgement</b>	03 May 2021
<b>Number of Submissions</b>	Advertisement between 12 May 2021 and 9 June 2021  No submissions were received
<b>Recommendation</b>	Approve with conditions
<b>Regional Development Criteria (Schedule 7 of State Environmental Planning Policy (State and Regional Development) 2011)</b>	Capital Investment Value (CIV) exceeds \$30 million (\$49,235,908)
<b>List of all relevant s4.15(1)(a) matters</b>	<ul style="list-style-type: none"> <li>• <i>Environmental Planning and Assessment Act 1979</i></li> <li>• <i>Environmental Planning and Assessment Regulation 2000</i></li> <li>• <i>Coal Mine Compensation Act 2017</i></li> <li>• <i>National Parks and Wildlife Act 1974</i></li> <li>• <i>Roads Act 1993</i></li> <li>• <i>Biodiversity Conservation Act 2016</i></li> <li>• State Environmental Planning Policy (State and Regional Development) 2011</li> <li>• State Environmental Planning Policy (Infrastructure) 2007</li> <li>• State Environmental Planning Policy No. 33 – Hazardous and Offensive Development</li> <li>• State Environmental Planning Policy No 55 – Remediation of Land</li> <li>• State Environmental Planning Policy No. 64 Advertising and Signage</li> <li>• State Environmental Planning Policy (Koala Habitat Protection) 2021</li> <li>• Sydney Regional Environmental Planning Policy No 20 – Hawkesbury-Nepean River</li> <li>• Wollondilly Local Environmental Plan 2011</li> <li>• Wollondilly Development Control Plan 2016</li> </ul>

	<ul style="list-style-type: none"> <li>• Western City District Plan</li> <li>• Wollondilly Local Strategic Planning Statement</li> </ul>
<b>List all documents submitted with this report for the Panel's consideration</b>	<ol style="list-style-type: none"> <li>1. Survey Plan</li> <li>2. Architectural Plans</li> <li>3. Landscape Plans</li> <li>4. Engineering Plans</li> <li>5. DCP Compliance Assessment</li> <li>6. External &amp; Internal Response Table</li> </ol>
<b>Report prepared by</b>	The Planning Hub – Independent Town Planning Consultant on behalf of Council
<b>Report date</b>	14 October 2021

### Summary of s4.15 matters

Have all recommendations in relation to relevant s4.15 matters been summarized 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?  
*e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP* **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? **No**

### 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**  
*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.*

## DEVELOPMENT SUMMARY

The purpose of this report is to seek the Sydney Western City Planning Panel's (the Panel) determination of a development application (DA) to expand and renew the existing northbound & southbound highway service centres at the Hume Highway, Pheasants Nest.

The Panel is the determining authority for this DA as, pursuant to Part 4 of State *Environmental Planning Policy (State and Regional Development) 2011* and Schedule 4A of the *Environmental Planning and Assessment Act 1979*, the capital investment value (CIV) of the proposed development is \$49,235,908.00 which exceeds the CIV threshold of \$30 million for Council to determine the DA.

## SUMMARY OF RECOMMENDATION

That the Panel approve DA/2021/346/1 to expand and renew the northbound & southbound highway service centres at the Hume Highway, Pheasants Nest pursuant to Section 80 of the *Environmental Planning and Assessment Act 1979* subject to the conditions contained in this report.

## EXECUTIVE SUMMARY

Council is in receipt of a Development Application from Ampol Petroleum Pty Ltd seeking approval for the redevelopment of the existing Pheasants Nest Highway Service Centre to include the following works:

- Demolition of all existing structures including fuel storage.
- Construction of two new highway service stations, consisting:
  - Food tenancies
  - Dining areas
  - Amenities
  - Play areas
- Vehicle parking spaces including heavy vehicle parking.
- Truck and car refuelling canopies and bowsers.
- Indigenous heritage reconciliation gardens and Remembrance Driveway memorial.
- Outdoor rest areas and tables.
- Fenced off-leash dog park.
- Electric vehicle charging stations, with space allocation to potentially provide future hydrogen charging.
- Sewerage works

The Development Application was advertised for a period of 30 days 12 May 2021 and 9 June 2021. No submissions were received.

The site is zoned SP2 Infrastructure under the provisions of the Wollondilly Local Environmental Plan (LEP) 2011. The site is subject to the additional permitted use of a highway service centre in accordance with Schedule 1 of the Wollondilly LEP 2011. In addition, Clause 99 of State Environmental Planning Policy (Infrastructure) 2007 permits development for the purposes of a highway service centre within a road corridor for a main road.

The application is classed as Integrated Development as it is identified as land within a Mine Subsidence District (*Coal Mines Subsidence Compensation Act 2017*) and involves the connection to and works on a classified road (*Roads Act 1993*). Further, the application is classed as advertised development in that it proposes the remediation of contaminated land (*Contaminated Lands Management Act 1997*).

The proposal is consistent with the aims and objectives of State Environmental Planning Policy (State and Regional Development) 2011 and the following legislations and environmental planning instruments:

- *Environmental Planning and Assessment Act 1979*
- *Environmental Planning and Assessment Regulation 2000*
- *Coal Mine Compensation Act 2017*

- *National Parks and Wildlife Act 1974*
- *Roads Act 1993*
- *Biodiversity Conservation Act 2016*
- State Environmental Planning Policy (State and Regional Development) 2011
- State Environmental Planning Policy (Infrastructure) 2007
- State Environmental Planning Policy No. 33 – Hazardous and Offensive Development
- State Environmental Planning Policy No 55 – Remediation of Land
- State Environmental Planning Policy No. 64 Advertising and Signage
- State Environmental Planning Policy (Koala Habitat Protection) 2021
- Sydney Regional Environmental Planning Policy No 20 – Hawkesbury-Nepean River
- Wollondilly Local Environmental Plan 2011
- Wollondilly Development Control Plan 2016
- Western City District Plan
- Wollondilly Local Strategic Planning Statement

The Development Application was referred for comments externally to NSW Rural Fire Service (RFS), Endeavour Energy, Transport for NSW (TfNSW), Subsidence Advisory NSW, NSW Police Camden, Tharawal Local Aboriginal Land Council and the Cubbitch Barta Native Title Claimants Aboriginal Corporation

No response was received from the Cubbitch Barta Native Title Claimants Aboriginal Corporation. Responses from all other agencies have now been received and no concerns have been raised subject to conditions being imposed for a number of those agencies.

The proposed development has been assessed against the relevant matters for consideration pursuant to Section 4.15 of the *Environmental Planning and Assessment Act, 1979*, including likely impacts, the suitability of the site for the development, and the public interest, and the proposed development is considered appropriate.

Considering the above, it is recommended that the Sydney Western City Planning Panel determine the Development Application pursuant to Section 4.16(1) of the *Environmental Planning and Assessment Act 1979* and grant consent subject to the to the conditions as provided in the report.

## **RECOMMENDATION**

That Development Application DA/2021/346/1 for Expand and renew the existing northbound and southbound highway service centres at pheasant's nest be approved subject to conditions in this report.

## REPORT

### Background

#### The Site and Locality

The subject site is located on either side of the Hume Highway approximately 2.8km south of Pheasants Nest, 5km north east of Bargo and 7km north of Yanderra (refer **Attachment 1**). The site sits within the Wollondilly Shire Local Government Area and historically has been used for the purposes of a highway service centre servicing northbound and southbound traffic on the Hume Highway. The Hume Highway forms part of the National Highway network linking Sydney to Melbourne.

Pheasants Nest is a small village in the Macarthur Region of NSW with a population of around 700 people. The area is characterised by very large blocks of land and low-density development. The nearby towns of Wilton to the north and Bargo to the south feature smaller and more regular block sizes, as well as public transport, schools, services and shops.

The existing Highway Service Centre (HSC) supports the motoring public's use of the Hume Freeway, specifically the intra/inter-state road user market travelling northbound between Melbourne and Sydney.

In addition to providing a service station area, the site also currently operates as a rest stop for trucks and cars, with a slip road and parking bays. It consists of two retail buildings, public toilets, picnic area and tank farm, as well as both cleared and uncleared vegetation surrounding the service station area.

On the western side of the northbound site is a large three-hectare effluent irrigation area and a dam in the northern portion of the site. There is an access tunnel running beneath the highway that connects the northbound service station to the southbound service centre opposite.

The surrounding area consists of the following:

- North - Uncleared vegetation forming part of environmental conservation area; the Hume Highway; and 180 Mockingbird Road, which is a farmer's market selling fruits and vegetables, known as Camilleri Farms.
- South - Uncleared vegetation in an environmental conservation area and further south is the Nepean River.
- East - Uncleared vegetation in an environmental conservation area and further east is the Nepean River.
- Uncleared vegetation and further west are residential and farming properties on large lots within land zoned RU1 Primary Production. These properties and vegetation are separated Carters Creek.

The site is located on either side of the Hume Highway and is irregular in shape with a area of approximately 177,645m<sup>2</sup>. The site comprises four (4) lots commonly known as Hume Highway Pheasants Nest and legally described as:

- Lot 1 DP1147096;
- Lot 2 DP1147096;
- Lot 12 DP773041;
- Lot 14 DP 773041 (Lot connecting both sites under the highway).



Figure 1 – Site Aerial (Source: Nearmap)

The site is zoned SP2 Infrastructure under the provisions of the Wollondilly Local Environmental Plan (LEP) 2011. The site is subject to the additional permitted use of a highway service centre in accordance with Schedule 1 of the Wollondilly LEP 2011, In addition, Clause 99 of State Environmental Planning Policy (Infrastructure) 2007 permits development for the purposes of a highway service centre within a road corridor for a main road.

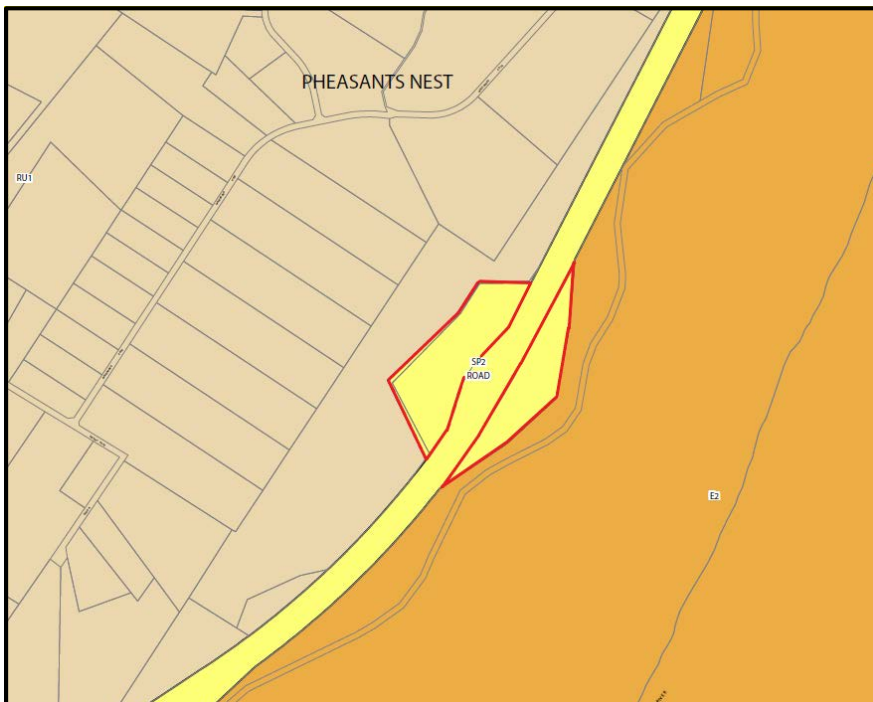


Figure 2 – Zoning Map (Source: NSW Legislation)

## The Subject Application

A Pre-DA lodgement meeting was held on 22 January 2021 between the applicant and Council staff to discuss a proposed development that involved the redevelopment of the northbound and southbound highway service centres and associated works at Hume Highway, Pheasants Nest.

Formal written Pre-DA Advice was provided to the applicant on 12 February 2021 which outlined all items required to be considered in the preparation of the application including the required documentation.

The subject application was lodged with Council on 3 May 2021 for the expansion and renewal of the northbound and southbound highway service centres at Pheasants Nest, remediation works and associated site works at Lots 1 & 2 DP 1147096 and Lots 12 & 14 DP 773041 Hume Highway, Pheasants Nest comprising the following:

- Demolition of all existing structures.
- Remediation.
- Construction of two new highway service centres, consisting:
  - Food tenancies
  - Dining areas
  - Amenities
  - Play areas.
- Truck and car refuelling canopies and bowsers.
- Associated on-site vehicle parking for 331 vehicles.
- Outdoor rest areas and tables.
- Fenced off-leash dog park at the northbound site.
- Indigenous heritage reconciliation gardens and Remembrance Driveway memorial at the southbound site.
- Solar panels located on the roof of the main buildings.
- Electric and hydrogen vehicle charging stations.
- Sewerage works (located on the northbound site servicing both locations).
- Memorial Drive Memorial

Following a detailed assessment of the proposal, additional information was requested from the applicant on a number of occasions to ensure the development complied with the applicable development controls.

An independent review of the proposed wastewater management system was undertaken by Whitehead & Associates Environmental Consultants in November 2021. The peer review raised a number of issues with the design of the proposed wastewater management system in which the applicant provided amended documentation. A further review of the amended documentation was undertaken and consultation with the applicant to resolve the outstanding issues.

Following receipt of that amended information, the development is now in a form that allows for a determination to be made.

## Notification and Referrals

The subject application is classed as Integrated Development under Clause 4.46 of the Environmental Planning and Assessment Act 1979 (EP&A Act) and was referred to the relevant authorities for concurrence, as follows:

- Transport for NSW (TfNSW) – connection to and works adjacent to a State Road (Hume Highway) - *Roads Act (1993)*;

- Subsidence Advisory NSW – land identified as within a Mine Subsidence District - *Coal Mines Subsidence Compensation Act (2017)*.

In addition, the application was referred to a number of other state agencies which the development may impact for comment (refer **Attachment 6**).

The Development Application was advertised for a period of 30 days 12 May 2021 and 9 June 2021. No submissions were received during that notification period.

### Panel Briefing

On 26 July 2021, the Sydney Western City Planning Panel was briefed on the application by Wollondilly Council. The key issues raised by the Panel and discussed at the briefing were as follows:

- Permissibility of the proposal having regard to the zoning and uses proposes;
- Concurrence requirements from Transport for New South Wales having regard to the Infrastructure SEEP; and
- Any potential noise implications based on proximity of existing residential developments to the site and the 24/7 hours of operation proposed.

## **THE PROPOSAL**

The proposal seeks development consent to expand and renew the northbound and southbound highway service centres at the Hume Highway, Pheasants Nest.

Specifically, the development will comprise of the following:

- Demolition of all existing structures.
- Remediation.
- Construction of two new highway service centres, consisting:
  - Food tenancies
  - Dining areas
  - Amenities
  - Play areas.
- Truck and car refuelling canopies and bowsers.
- Associated on-site vehicle parking for 331 vehicles.
- Outdoor rest areas and tables.
- Fenced off-leash dog park at the northbound site.
- Indigenous heritage reconciliation gardens and Remembrance Driveway memorial at the southbound site.
- Solar panels located on the roof of the main buildings.
- Electric and hydrogen vehicle charging stations.
- Sewerage works (located on the northbound site servicing both locations).
- Memorial Drive Memorial



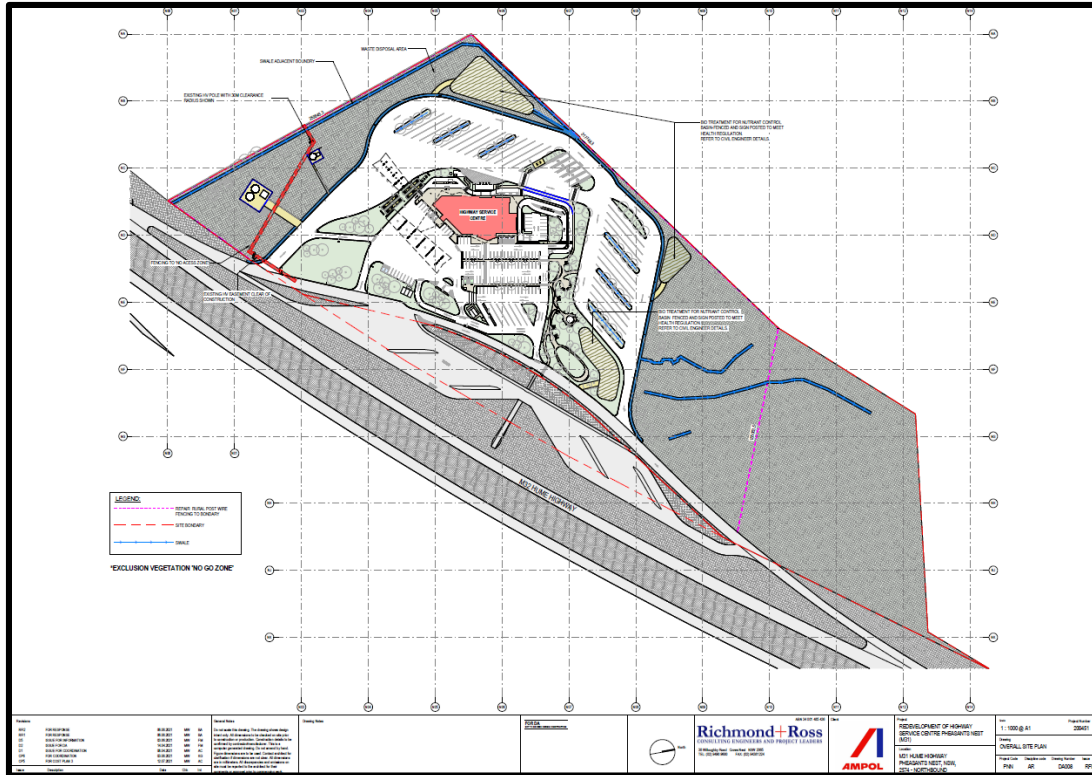


Figure 3 – Northbound Service Centre Site Plan (Source: Richmond + Ross).

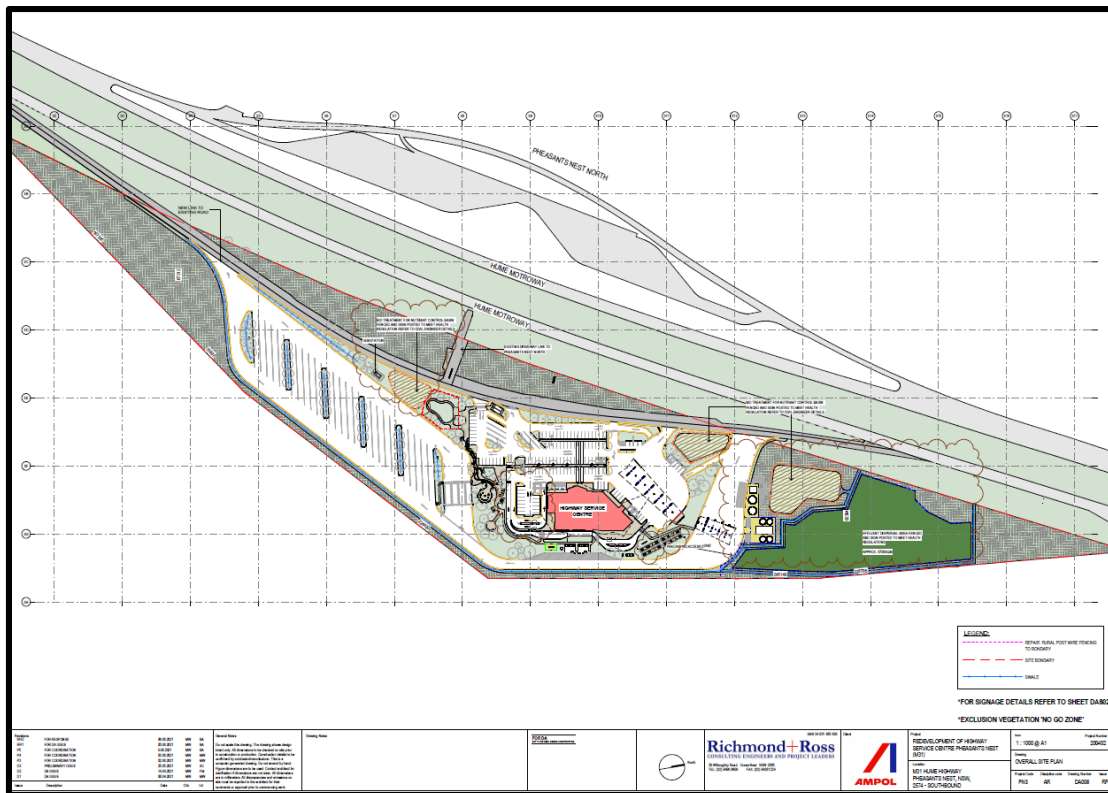


Figure 4 – Southbound Service Centre Site Plan (Source: Richmond + Ross).

## Demolition

The existing northbound and southbound service centres are required to remain operational 24-hours, 7-days whilst the new service centres are being constructed, as outlined in the Construction Management Plan provided in support of the application.

Once the new facilities are completed and operational, the existing service centres will be de-commissioned and demolished. The existing fuel tank farms will be demolished, and any contaminated ground encountered will be remediated in accordance with the Remedial Action Plan (RAP).

Once the existing facilities have been demolished and the sites remediated in accordance with the RAP, the remainder of the external works (landscaping, driveways, signage) will be constructed.

## Remediation

Development consent is also sought for the remediation of the site associated with the demolition and decommissioning of the existing highway service centre as outlined in the Remediation Action Plans prepared by Aecom (60636613\_R001 & 60636613\_R002).

As detailed in the Remediation Action Plans the primary source of contaminants identified on the site, being around the existing underground petroleum storage systems (UPSSs), has had a specifically tailored construction methodology developed to ensure that contamination is identified and removed where necessary.

As noted in the RAP, UPSS decommissioning is expected to involve the following key steps:

- Bulk product to be removed from the tanks and lines (if present).
- Piping drained and disconnected, and all fittings and internal tubes that are not specifically required for the selected purging method removed and plugged.
- Where fibreglass tanks are identified, brine from the interstitial space may require removal before tank destruction.
- Remove concrete and hardstand will be segregated into like material for future management, including reuse, recycle or offsite disposal.
- Excavation, cutting and removal of fuel line infrastructure to an appropriate offsite re-cycling or disposal facility.
- When decommissioning UPSS, excavation of the vents and product line trenches to a nominal 500 mm depth to allow validation sampling, with these materials also being transported to the relevant stockpile area.
- Excavated material will be stockpiled in an agreed location with environmental controls installed.
- The use of pneumatic tools (drill and/or reciprocating saw) will be used to cold cut the top of tanks and create an opening large enough to inspect the tanks' interior.
- Transport of cut-up tanks metals offsite for disposal at a metal recyclers and issue of Tank Destruction Certification. Fibreglass tanks will need to be prepared by removing interstitial space fluid and destroying in situ.

- Removal of all other associated fuel related infrastructure, including pump islands and vent lines.

UPSS excavation work, and associated soil validation work, is to be undertaken as follows:

- Excavated soil is to be segregated, based on extent of impact, at a suitable on-site location. All stockpiles should be separated into:
  - Low to no impact soils which are screened on field with a PID (<500 ppm)
  - Observable staining or odours when measuring with the PID (>500 ppm).
- Following completion of UPSS infrastructure removal and excavation works, and prior to the collection of the validation samples from the floor and walls of the excavation pits, groundwater (if present within the excavation pit) will be sampled and analysed for waste disposal classification.
- Once the groundwater (if present) has been appropriately classified, it will be removed by a suitably qualified specialist for offsite disposal (if deemed necessary).
- Once excavation of the UPSS is completed, the walls and floors will be screened with a PID. Validation soil samples will be collected from areas where the PID readings are the highest.
- Validation sampling along the walls and floor of each excavation will be conducted.
- Excavated soil stockpiles will be sampled assess whether the soil can be reused on-site or disposed off-site.

### Built Form

The proposed development will include the redevelopment of the existing southbound and northbound highway service centres to include the following:

#### *Northbound*

Construction of a new highway service centre to include the following:

- Car refuelling canopy to include 10 fuel bowsers servicing a total of 20 vehicles at any one time;
- Truck refuelling canopy to include 4 fuel bowsers servicing a total of 4 trucks at any one time;
- Construction of a single storey service station to include:
  - the Ampol tenancy with associated storage areas, kiosks and dining areas;
  - Bathrooms (including parents rooms and accessible bathrooms);
  - Truckers lounge area including laundry and shower areas;
  - Four (4) food tenancies with Food tenancy 1 and 3 having drivee thru service areas.

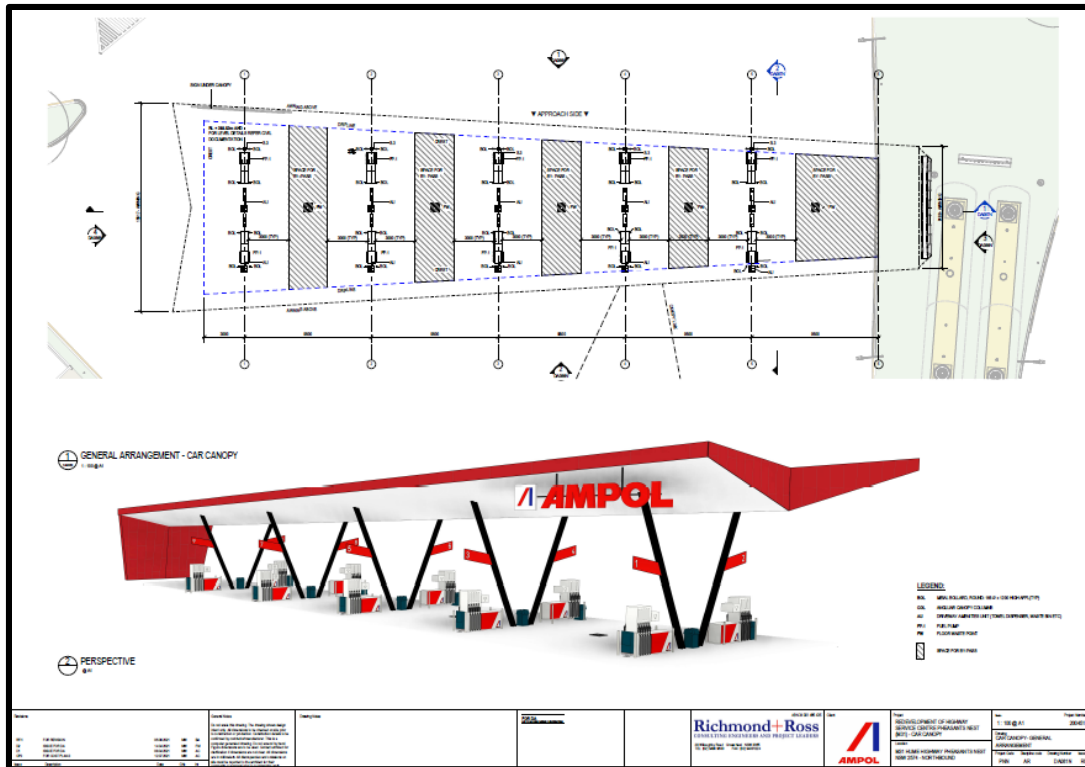


Figure 5 – Northbound Car refueling canopy (Source: Richmond + Ross).

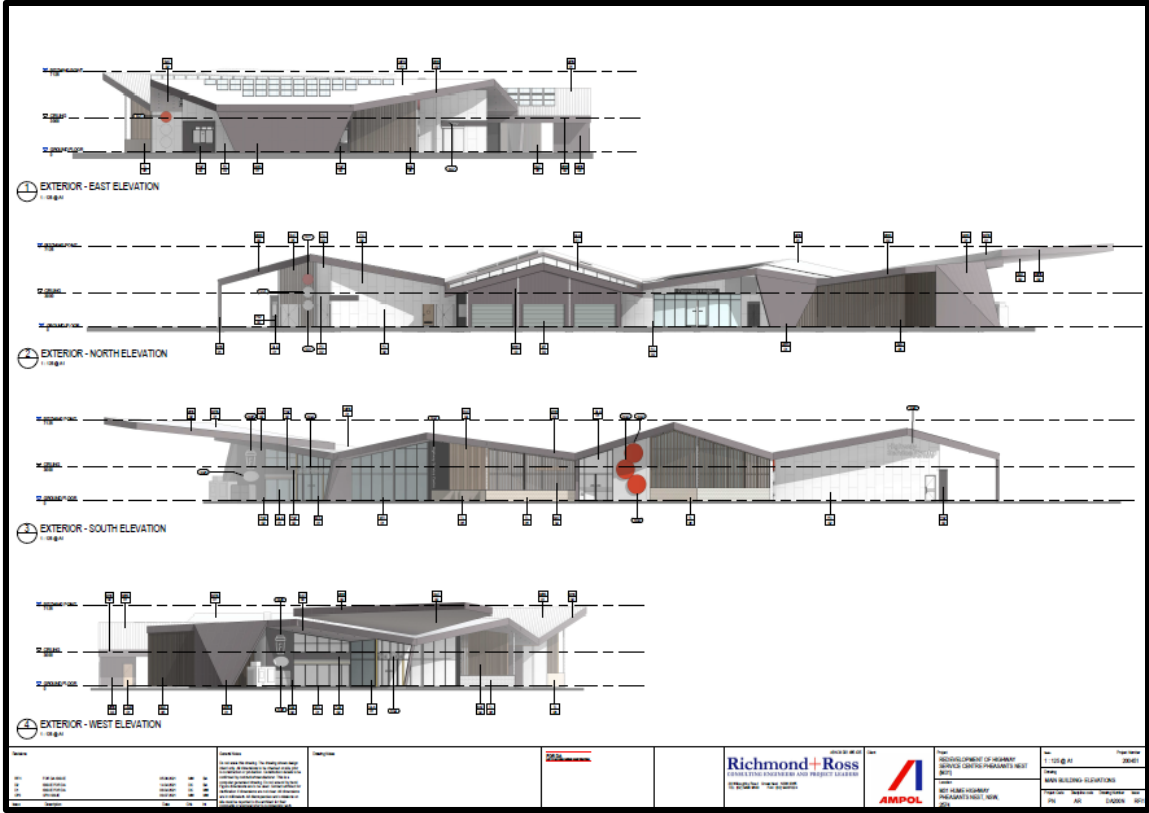


Figure 6 – Northbound Service Centre Elevations (Source: Richmond + Ross).



Figure 7 – Northbound Site Perspectives (Source: Richmond + Ross).

## Southbound

Construction of a new highway service centre to include the following:

- Car refuelling canopy to include 10 fuel bowsers servicing a total of 20 vehicles at any one time;
- Truck refuelling canopy to include 4 fuel bowsers servicing a total of 4 trucks at any one time;
- Construction of a single storey service station to include:
  - the Ampol tenancy with associated storage areas, kiosks and dining areas;
  - Bathrooms (including parents rooms and accessible bathrooms);
  - Truckers lounge area including laundry and shower areas;
  - Four (4) food tenancies with Food tenancy 1 and 3 having drive thru service areas.

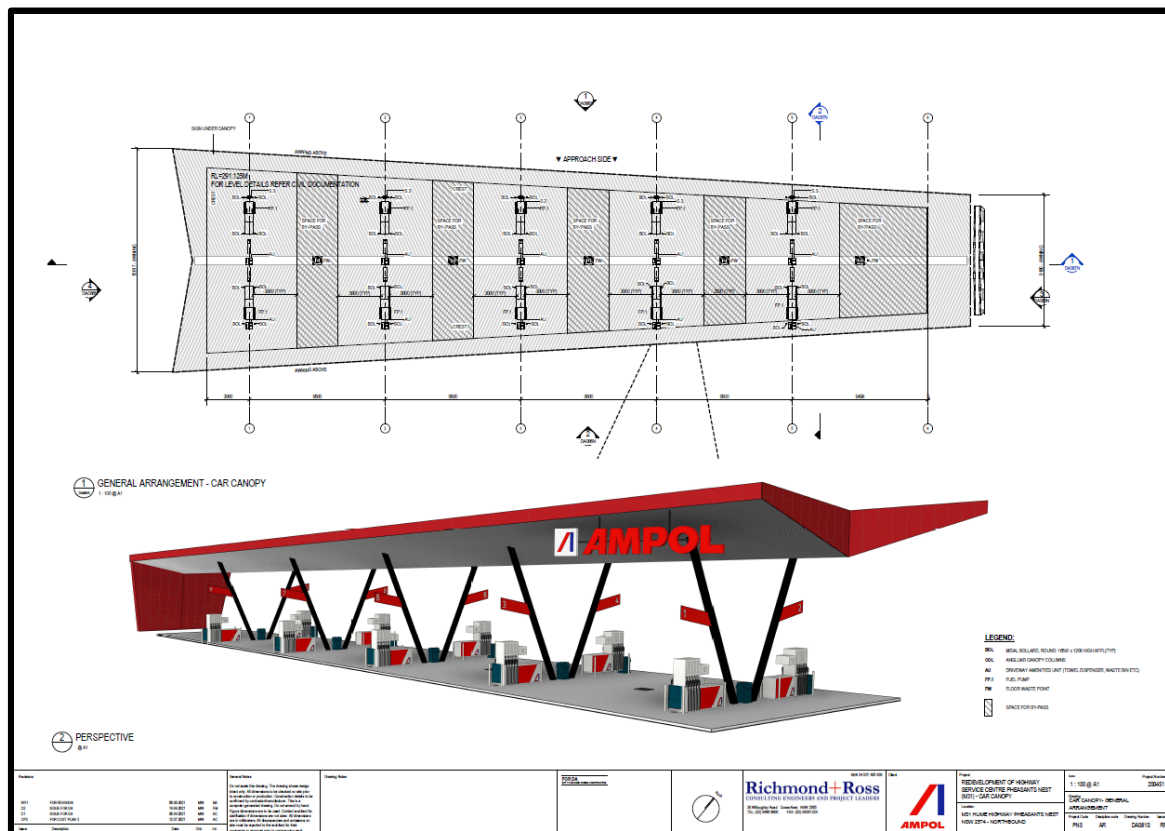


Figure 8 – Southbound Car refueling canopy (Source: Richmond + Ross).



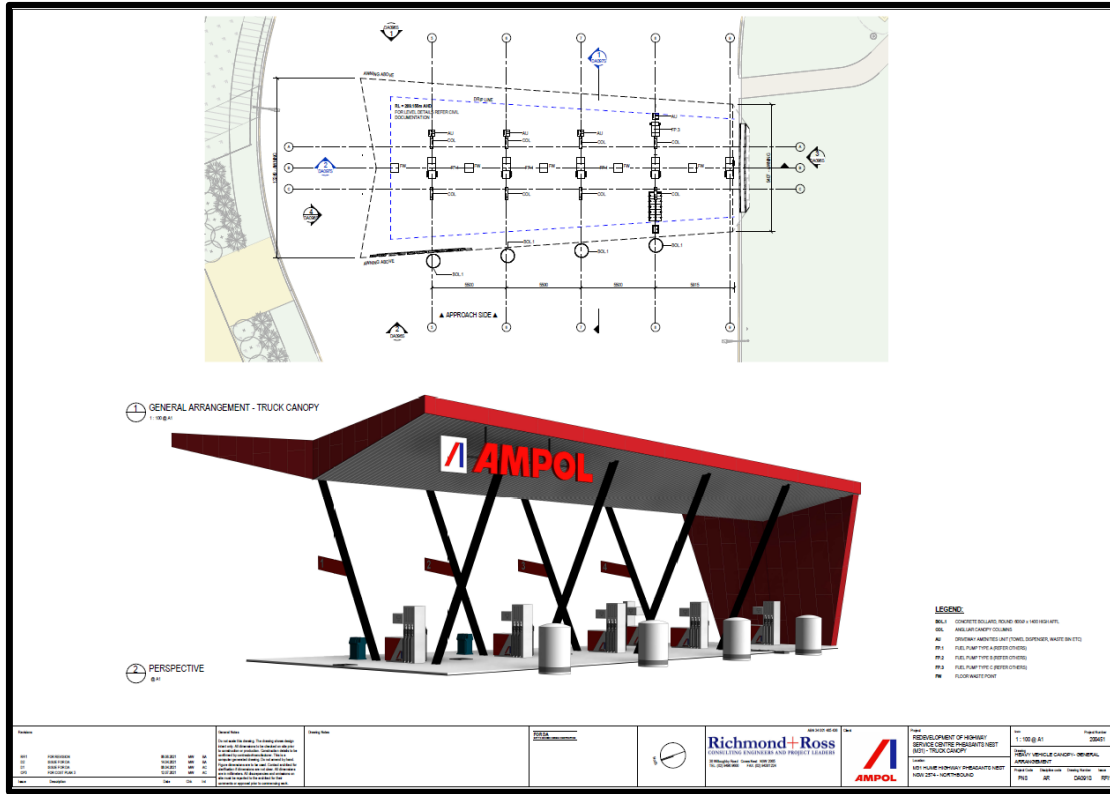


Figure 9 – Southbound Truck refueling canopy (Source: Richmond + Ross).

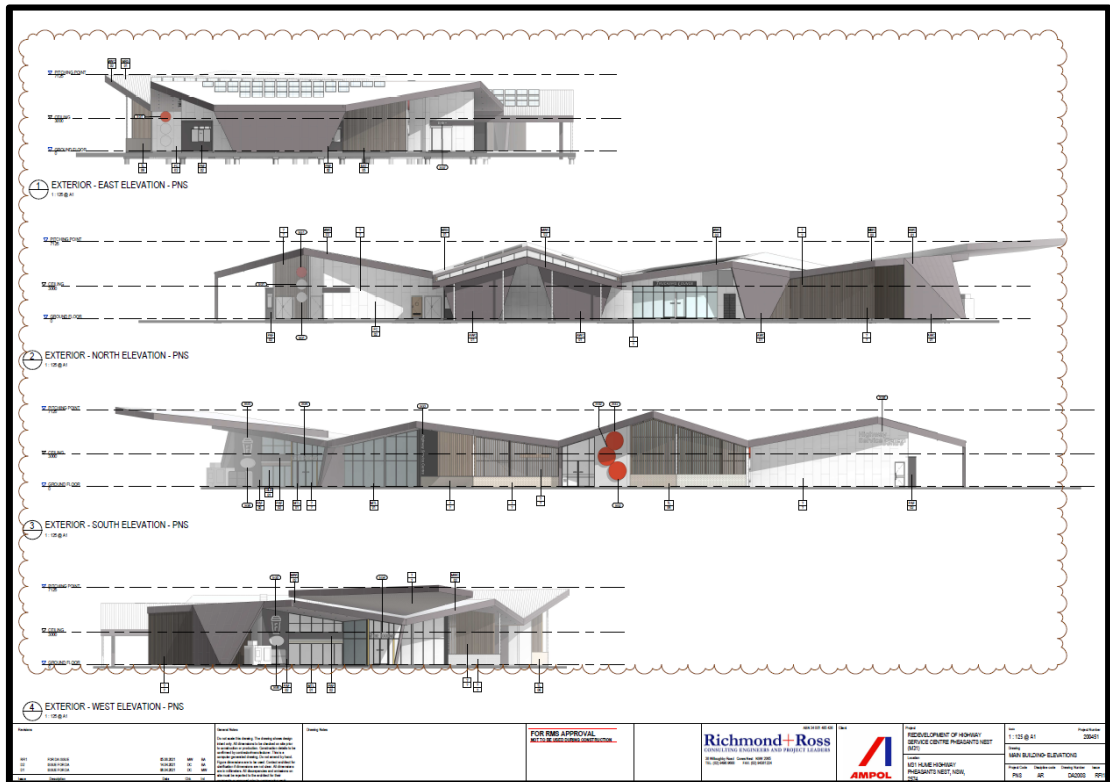


Figure 10 – Southbound Service Centre Elevations (Source: Richmond + Ross).



Figure 11 – Southbound Site Perspectives (Source: Richmond + Ross).

### Operational Details

The service station convenience outlet, some food outlets car and truck parking, fuel facility and truckers lounge will operate 24 hours a day 7 days a week.

The estimated number of staff collectively across both sites is as follows:

- Ampol: 4 staff
- Facility managers: 2 staff
- Drive thru tenancy 1: 15 staff
- Tenancy 2: 5 staff
- Drive thru tenancy 3: 15 staff
- Tenancy 4: 5 staff

A third-party facility management company will manage general maintenance across the sites, cleaning both internal and external to the building and surrounding infrastructure, and evacuations procedures to be implemented by the onsite staff. In addition to this, a third-party facility management company will prepare an evacuation emergency response plan for both centres.

The truck driver's lounge area is proposed within both the northbound and southbound centres. These lounges will include shower and laundry facilities, a kitchenette with microwaves and kettles, charging outlets throughout, lounge seating and relaxation areas, WIFI access (both internal and in the truck parking areas), television facilities and CCTV monitoring of the truck parking area from within the building.



Servicing is proposed via the heavy vehicle loop road. Deliveries have an allocated space adjacent to the truck parking area. Garbage disposal shares the same space. The delivery space can accommodate 2 MRV vehicles at a time (8.8 metres), including a standard garbage truck (8.8 metres). Tank farm refilling will also occur on the heavy vehicle loop to the east of the heavy vehicle fuel canopy. The fire tank and pump are located off the heavy vehicle loop to the south-east of the heavy vehicle fuel canopy.

There is one loading area which is accessed via the heavy vehicle ring road. Contained within the loading bay is a bin store to be accessed by a standard 8.8-metre garbage truck. The largest vehicle expected to access the loading area is a single unit truck/bus with a maximum length of 12.5 m.

Fuel deliveries will occur three to four times per week. Food deliveries will occur daily. A delivery management plan will be prepared prior to the issue of the Occupation Certificate.

### Parking and Access

Access to the site will be via the Hume Highway. The exit off the highway is the same for both light and heavy vehicles, with a split proposed directing heavy vehicles and light vehicles in separate directions at a new junction.

Heavy vehicles will turn left off the existing access road to enter the truck refuelling station and parking area while light vehicles continue along the existing access way before turning into the service centre. The design completely segregates light and heavy vehicle movements into and out of the service centre.

Deliveries have an allocated space adjacent to the truck parking area. Garbage disposal shares the same space. The delivery space can accommodate 2 MRV vehicles at a time (8.8 metres), including a standard garbage truck (8.8 metres).

Tank farm refilling will also occur on the heavy vehicle loop to the east of the heavy vehicle fuel canopy. The fire tank and pump are located off the heavy vehicle loop to the south-east of the heavy vehicle fuel canopy.

The proposed development will provide a total of 331 parking spaces (161 northbound and 170 southbound) in the following configuration:

#### *Northbound*

- 123 car spaces (including 2 accessible spaces, 4 waiting bays for the drive thru's and 2 electric vehicle charging bays;
- 7 caravan parking bays (including 1 dump point short term bay);
- 5 coach parking bays;
- 14 heavy vehicle bays (30m);
- 12 heavy vehicle bays (36m) including 2 refrigerated and livestock truck parking bays.

#### *Southbound*

- 134 car spaces (including 2 accessible spaces, 4 waiting bays for the drive thru's and 2 electric vehicle charging bays;

- 7 caravan parking bays (including 1 dump point short term bay);
- 4 coach parking bays;
- 25 heavy vehicle bays (36m).

### Landscaping

The proposed landscaping for the development is low maintenance and ensures that the design provides an attractive and year-round aesthetic. Landscaping is provided around the site boundary with substantial turfed areas screened with shrubs and layered groundcovers along the edges. The proposed landscaping will reduce heat island effects and contribute to stormwater runoff mitigation measures.

As landowners, TfNSW objectives for the Project are to redevelop and innovate the existing highway service centres on the Site to deliver enhanced experiences for customers. This includes incorporating Victoria Cross recipient 'characterisation' into the site as a design element, consistent with the 'characterisation' strategy for the Remembrance Driveway. This includes upgrading the display for Victoria Cross recipient Arthur Cutler at both the northbound and southbound sites.

### Signage

The proposed development includes the provision of the following site/business identification signage:

#### *Northbound*

#### *Business Identification Signage*

- Entry Pylon Sign 25m x 4.57m (Internally illuminated) – Displaying Ampol, Food and drink tenancies and fuel prices.
- Car fueling canopy sign 1.05m x 7.48m (Internally illuminated) – displaying Ampol branding.
- Truck fueling canopy sign 1.05m x 7.48m (Internally illuminated) – displaying Ampol branding.
- Business identification wall signs on the highway service centre building comprising:
  - 0.5m x 3.4m metal sign with LED illumination displaying the Foodary tenancy;
  - 1.7m x 1.27m metal sign with LED illumination displaying the Foodary tenancy;
  - 0.28m x 4.4m metal sign with LED illumination displaying Highway Service Centre;
  - 0.74m x 2.69m metal sign with LED illumination displaying Highway Service Centre;
  - 0.28m x 3.17m metal sign with LED illumination displaying Truckers Lounge;
  - 8 x indicative wall signs for future tenancies once tenants are confirmed.
- 4 x 1.83m x 1.29m Digital Menu Board for drive thru;
- 4 x 1.85m x 0.68m Digital Menu Board for drive thru.

#### *Directional Signage*

The provision of 119 directional signs.

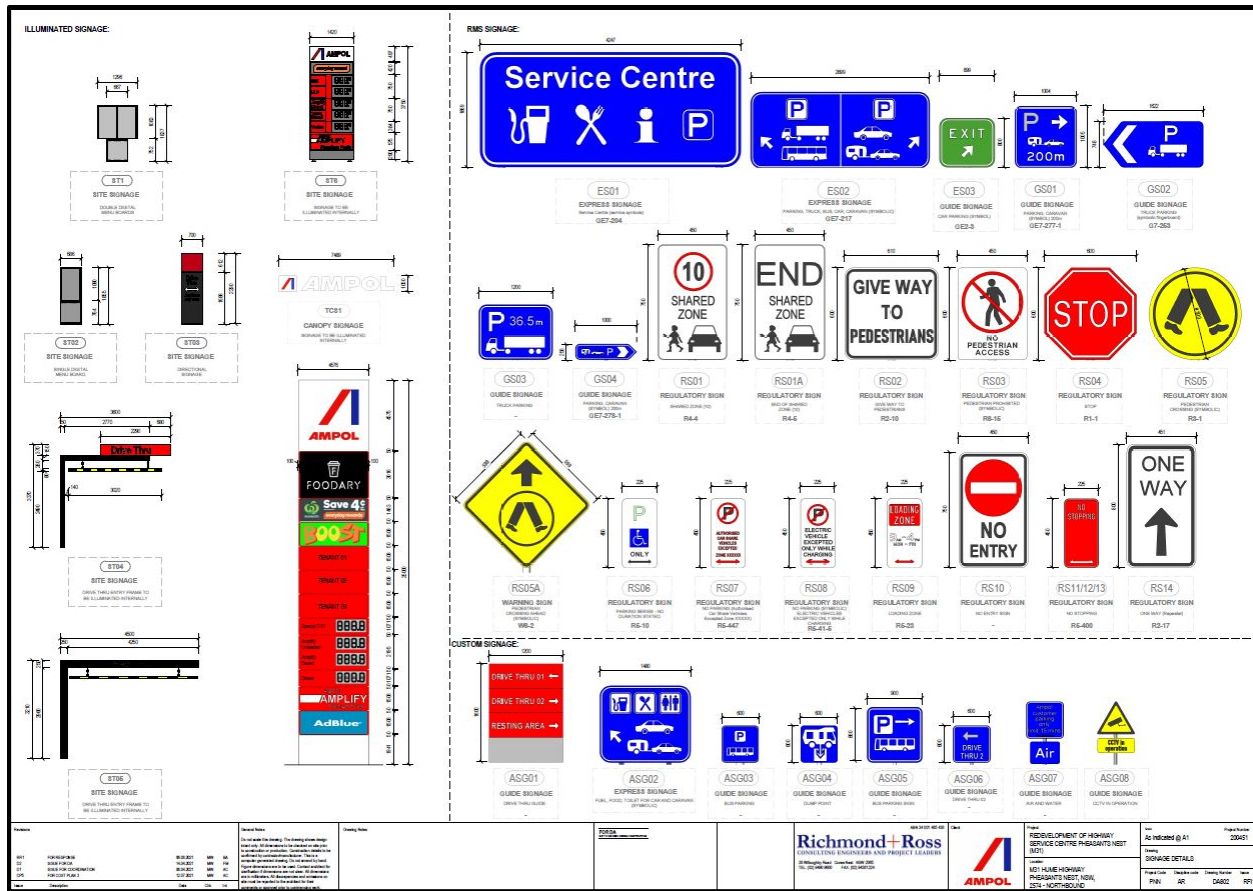


Figure 12 – Northbound Signage Plan (Source: Richmond + Ross).

### Southbound

#### Business Identification Signage

- Entry Pylon Sign 25m x 4.57m (Internally illuminated) – Displaying Ampol, Food and drink tenancies and fuel prices.
- Car fueling canopy sign 1.05m x 7.48m (Internally illuminated) – displaying Ampol branding.
- Truck fueling canopy sign 1.05m x 7.48m (Internally illuminated) – displaying Ampol branding.
- Business identification wall signs on the highway service centre building comprising:
  - 0.5m x 3.4m metal sign with LED illumination displaying the Foodary tenancy;
  - 1.7m x 1.27m metal sign with LED illumination displaying the Foodary tenancy;
  - 0.28m x 4.4m metal sign with LED illumination displaying Highway Service Centre;
  - 0.74m x 2.69m metal sign with LED illumination displaying Highway Service Centre;
  - 0.28m x 3.17m metal sign with LED illumination displaying Truckers Lounge;
  - 8 x indicative wall signs for future tenancies once tenants are confirmed.
- 4 x 1.83m x 1.29m Digital Menu Board for drive thru;
- 4 x 1.85m x 0.68m Digital Menu Board for drive thru.

## Directional Signage

The provision of 63 directional signs.

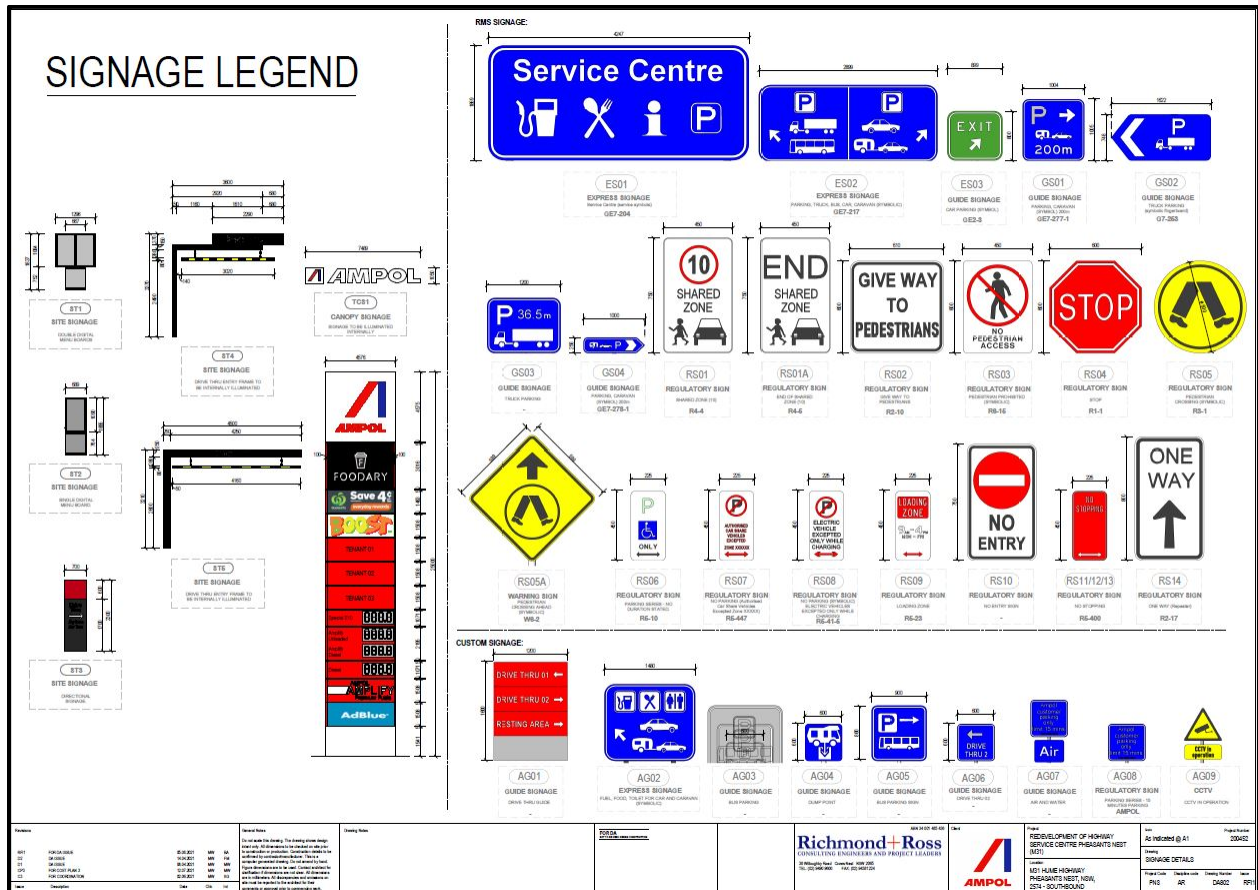


Figure 13 – Southbound Signage Plan (Source: Richmond + Ross).

## Staging

The development is proposed to be staged as follows:

### Stage 1

- Northbound - construction of the new drip/spray irrigation area and connection to the existing sewer treatment plant.
- Southbound - construction of the new service centre, canopies, tank farm, utilities connections and external works within the site boundary whilst maintaining 24/7 operations for the existing service centre and parking facilities.

### *Stage 2*

- Northbound - construction of the new service centre, canopies, tank farm, utilities connections and external works within the site boundary whilst maintaining 24/7 operations for the existing service centre and parking facilities.
- Southbound – commissioning of new service center and decommissioning and demolition of the existing service centre and associated services. Remediation of any contaminated land.

### *Stage 3*

- Northbound - construction of external works and a temporary driveway for truck refuelling.

### *Stage 4*

- Northbound - decommissioning and demolition of the existing service centre and associated services. Access into the new truck refuelling stations is via a temporary access road. New hard and soft landscaping will be installed within the footprint of the existing service centre.

### *Stage 5*

- Northbound - make-good works to temporary driveway and construction of the new VC Memorial.

## ***Environmental Planning and Assessment Act 1979 – Section 4.15***

In determining a DA, the consent authority is to take into consideration the following matter as are of relevance in the assessment of the DA on the subject property.

### ***(a)(i) The Provisions of any Environmental Planning Instrument***

The Environmental Planning Instruments that relate to the proposed development are:

- *Environmental Planning and Assessment Act 1979*
- *Environmental Planning and Assessment Regulation 2000*
- *Coal Mine Compensation Act 2017*
- *National Parks and Wildlife Act 1974*
- *Roads Act 1993*
- *Biodiversity Conservation Act 2016*
- State Environmental Planning Policy (State and Regional Development) 2011
- State Environmental Planning Policy (Infrastructure) 2007
- State Environmental Planning Policy (Koala Habitat Protection) 2021
- State Environmental Planning Policy No. 33 – Hazardous and Offensive Development
- State Environmental Planning Policy No 55 – Remediation of Land
- State Environmental Planning Policy No. 64 Advertising and Signage
- Sydney Regional Environmental Planning Policy No 20 – Hawkesbury-Nepean River
- Wollondilly Local Environmental Plan 2011
- Wollondilly Development Control Plan 2016

An assessment of the proposed DA against the above instruments is detailed below.

### Environmental Planning and Assessment Act 1979 (EP&A Act)

Section 4.46 of the EP&A Act defines integrated development as development that requires development consent and one or more approvals under other State Government Acts. In relation to the subject application the following Acts apply:

- Transport for NSW (TfNSW) – connection to works adjacent to a State Road (Hume Highway) - *Roads Act (1993)*;
- Subsidence Advisory NSW – land identified as within a Mine Subsidence District - *Coal Mines Subsidence Compensation Act (2017)*.

The application has been referred to the following State Government Agencies / external agencies for comment:

- NSW Rural Fire Service;
- Endeavour Energy;
- Subsidence Advisory NSW;
- NSW Police Force;
- Transport for NSW / RMS; and
- Tharawal Local Aboriginal Group.

### Environmental Planning and Assessment (EP&A) Regulation 2000

The proposal does not contravene the Environmental Planning and Assessment Regulation.

### Coal Mine Subsidence Compensation Act 2017

In accordance with Section 22 of the *Coal Mine Compensation Act 2017*, an application for approval to alter or erect improvements, or to subdivide land, within a mine subsidence district is to be made to Subsidence Advisory NSW. The site is located within the Wilton Mine Subsidence District.

The application was referred to the Subsidence Advisory NSW who granted approval of the development on 17 June 2021 subject to conditions provided in the recommended conditions of consent attached to this report.

### National Parks and Wildlife Act 1974

An Aboriginal Cultural Heritage Assessment Report (ACHA) prepared by Urbis was submitted in support of the application.

The ACHA concluded the following:

- Archaeological potential within the Northbound HSC lot is low due to high levels of historic and contemporary disturbance, and no sites were identified within this area during the field survey.
- Archaeological potential within the Southbound HSC lot is low due to high levels of historic and contemporary disturbance, and surface Aboriginal objects were located.

- Two Aboriginal sites were identified within the Southbound HSC portion of the subject area during the field survey: IF-1 and IF-2 (AHIMS ID pending).
- A further Aboriginal site was identified during test excavation: Artefact Scatter 1 (AS-001), consisting of four (4) artefacts comprising two (2) complete flakes and two (2) flake fragments (broken during excavation) (AHIMS ID pending).
- Based on Registered Aboriginal Party (RAP) feedback these sites have been determined to be of low to moderate cultural significance.
- The presence of a low density, background scatter suggests a transitional, low frequency use of the subject area by Aboriginal people.
- The very small artefact assemblage provides limited information on the artefact production process that might have taken place in the area, although the presence of silcrete may suggest evidence of trade due to the absence of known natural silcrete deposits in the immediate area.
- While the subject area was clearly utilised by Aboriginal people in the past, the results of the test excavation suggest it was likely to have been in a transitional manner, with no focus of intensive or repeated occupation.
- Test excavations also revealed that archaeological deposits had been present in areas of high disturbance and/or erosion, and therefore post depositional processes may have removed or dispersed further archaeological evidence.
- The scientific significance of the subject area is determined to be low, based on the presence of a low density subsurface assemblage of common artefact types for the Cumberland Plain within a heavily disturbed context.
- Feedback received by KYWG, Woronora Plateau Gundangara Elders Council and CBNTCAC identified the area as highly significant due to the surrounding environmental context and use of the area by Aboriginal people and direct familial connections to the area.
- Considering the results of the test excavation program it is anticipated that the proposed works will result in direct harm to subsurface Aboriginal archaeological deposits which constitutes a low scientific and moderate cultural significant site(s).

Based on the above conclusions the ACHA provides the following recommendations:

- Following DA approval and prior to construction an Aboriginal Heritage Impact Permit (AHIP) under s90 of the NPW Act should be sought for the impact to the identified sites within the subject area.
- Following AHIP approval and prior to construction surface collection of identified artefacts IF-001 and IF-002 must be undertaken in accordance with the Code of Practice and with the involvement of the Registered Aboriginal Parties.
- It is recommended that induction materials be prepared in consultation with the Registered Aboriginal Parties (RAPs) for inclusion in the construction management plan and site inductions for any contractors working at the subject area. The induction material should include an overview of the types of sites and artefacts to be aware of (i.e. stone tools), under the NPW Act, and the requirements of an 'archaeological chance find procedure' (refer below). This should be prepared for the project and included in any site management plans.
- Although considered highly unlikely, should any Aboriginal objects, archaeological deposits be uncovered during any site works, a Chance Find Procedure must be implemented.

- Implementation of Human Remains Procedure in the unlikely event that human remains are uncovered during any site works.

Council officers agree with the findings and recommendations of the ACHA provided the conditions outlined receive compliance. The conditions provided have been included in the Recommended Conditions of Consent.

### Roads Act 1993

Section 138 of the *Roads Act 1993* states consent must be obtained from the relevant roads' authority to:

- Erect a structure or carry out work in, on or over a public road, or
- Dig up or disturb the surface of a public road, or
- Remove or interfere with a structure, work or tree on a public road, or
- Pump water into a public road from any land adjoining the road, or
- Connect a road (whether public or private) to a classified road

The development proposes to connect to and undertaken works directly adjacent to the Hume Highway which is a classified road. The application was referred to Transport for NSW (TfNSW) who completed an assessment of the DA, based on the information provided and focusing on the impact to the state road network. TfNSW have raised no concerns with the road works proposed subject to conditions being imposed within the notice of determination issued.

### Biodiversity Conservation Act 2016

The total area of proposed native vegetation removal (4.1ha) exceeds the Biodiversity Offset Scheme's area threshold; therefore a Biodiversity Development Assessment Report was prepared in accordance with the Biodiversity Conservation Act 2016 (BC Act) and submitted in support of the application.

Council's Environment Officer provided a number of comments on the Biodiversity Development Assessment Report. These comments were subsequently addressed by the applicant in amended documentation provided.

The proposal is acceptable to the Environment Officer provided the conditions outlined receive compliance. The conditions provided by Environment Officer have been included in the Recommended Conditions of Consent.

### State Environmental Planning Policy (State and Regional Development) 2011

In accordance with Schedule 7 Regionally Significant Development of the SEPP, the proposed development constitutes 'Regional Development' as it has a Capital Investment Value (CIV) of \$49,235,908 which exceeds the \$30 million threshold. While Council is responsible for the assessment of the Development Application, determination of the Application will be made by the Sydney Western City Central Planning Panel.

### State Environmental Planning Policy (Infrastructure) 2007 (ISEPP)



In accordance with Clauses 100 and 104 of ISEPP, the proposed development was referred to the Transport for NSW (TfNSW) for review and comment.

Transport for NSW (TfNSW) completed an assessment of the DA, based on the information provided and focusing on the impact to the Hume Highway. TfNSW have raised no concerns with the road works proposed subject to conditions being imposed within the notice of determination issued.

### State Environmental Planning Policy (Koala Habitat Protection) 2021

State Environmental Planning Policy (Koala Habitat Protection) 2021 aims to encourage the conservation and management of areas of natural vegetation that provide habitat for koalas.

In accordance with Clause 11 of the SEPP A Koala Assessment Report was undertaken by AEP (Ref: 2207.04 18 October 2021) as there is no approved Koala Plan of Management for the site.

Site inspections identified that trees belonging to the koala use tree species listed in Schedule 2 for the relevant koala management area were located on site

In regards to identifying the site as core koala habitat, core koala habitat is defined as:

- a. *an area of land which has been assessed by a suitably qualified and experienced person as being highly suitable koala habitat and where koalas are recorded as being present at the time of assessment of the land as highly suitable koala habitat, or*
- b. *an area of land which has been assessed by a suitably qualified and experienced person as being highly suitable koala habitat and where koalas have been recorded as being present in the previous 18 years.*

Highly Suitable Koala Habitat is defined as – Where trees within any PCT are the regionally relevant species of those listed in Schedule 2 for the relevant koala management area.

Field surveys identified that the site (Study Area) contained highly suitable koala habitat, which meant further assessment was required.

Desktop assessment showed that there were ten (10) records of koalas from 2006 to 2018 within 2.5km of the Study Area within the past 18 years, and 115 in total within the 10km BioNet Atlas search. However, detailed koala surveys were undertaken which did not detect evidence of koalas within the Subject Site or Detailed Study Area.

Additionally, the subject site is situated on lands previously disturbed/maintained, and the remainder of the Study Area will not be developed allowing connectivity with larger areas of remnant vegetation (>1000ha). As such it has been identified that koalas are not present on site and the site is not considered to be core koala habitat and it is not anticipated that the proposal will impact koalas in the present or future.

Council's Environment Officer undertook an assessment of the proposal against the SEPP and raised no objection provided the conditions outlined receive compliance. The conditions provided by Environment Officer have been included in the Recommended Conditions of Consent provided in this report.

## State Environmental Planning Policy No. 33 – Hazardous and Offensive Development

State Environmental Planning Policy No. 33 – Hazardous and Offensive Development (SEPP 33) applies to all development which is either hazardous or offensive or is potentially hazardous and offensive. Accordingly, SEPP 33 applies to the proposal as it includes a service station.

Riskcon Engineering have prepared a report assessing the proposal against the statutory considerations contained within SEPP 33. The site will store fuels which are classified as Dangerous Goods (DGs), therefore the facility is subject to the SEPP 33 which requires an assessment of the potential risk of the facility based upon the products stored.

If the assessment determines SEPP 33 to be exceeded, a Preliminary Hazard Analysis (PHA) is required to be submitted with a Development Application. A review of the quantities of DGs stored at the proposed service station and the associated vehicle movements was conducted and compared to the threshold quantities outlined in applying SEPP 33. The results of this analysis indicate the threshold quantities for the DGs to be stored and transported are not exceeded.

As the facility is not classified as potentially hazardous, it is not necessary to prepare a PHA for the facility.

Council's Environmental Health Team have assessed the application and raised no objections subject to the implementation of conditions. Conditions provided by Council's Environmental Health Team have been included in the Recommended Conditions of Consent provided in this report.

## State Environmental Planning Policy No. 55 - Remediation of Land:

The SEPP requires Council to be satisfied that the site is suitable for its intended use (in terms of contamination) prior to granting consent.

In particular, SEPP 55 contains a number of objectives that aim to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health and the environment:

- a) *By specifying when consent is required, and when it is not required, for a remediation work; and*
- b) *By specifying certain considerations that are relevant in rezoning land and in determining development applications in general and development applications for consent to carry out a remediation work in particular; and*
- c) *By requiring that a remediation work meet certain standards and notification requirements*

Subject to Clause 7 of SEPP 55, a consent authority must not consent to the carrying out of development on land unless it has considered whether the land is contaminated.

Development consent is sought for the remediation of the site associated with the demolition and decommissioning of the existing highway service centre as outlined in the Remediation Action Plans prepared by Aecom (60636613\_R001 & 60636613\_R002).

As detailed in the Remediation Action Plans the primary source of contaminants identified on the site, being around the existing underground petroleum storage systems (UPSSs), has had a

specifically tailored construction methodology developed to ensure that contamination is identified and removed where necessary.

As noted in the RAP, UPSS decommissioning is expected to involve the following key steps:

- Bulk product to be removed from the tanks and lines (if present).
- Piping drained and disconnected, and all fittings and internal tubes that are not specifically required for the selected purging method removed and plugged.
- Where fibreglass tanks are identified, brine from the interstitial space may require removal before tank destruction.
- Remove concrete and hardstand will be segregated into like material for future management, including reuse, recycle or offsite disposal.
- Excavation, cutting and removal of fuel line infrastructure to an appropriate offsite re-cycling or disposal facility.
- When decommissioning UPSS, excavation of the vents and product line trenches to a nominal 500 mm depth to allow validation sampling, with these materials also being transported to the relevant stockpile area.
- Excavated material will be stockpiled in an agreed location with environmental controls installed.
- The use of pneumatic tools (drill and/or reciprocating saw) will be used to cold cut the top of tanks and create an opening large enough to inspect the tanks' interior.
- Transport of cut-up tanks metals offsite for disposal at a metal recyclers and issue of Tank Destruction Certification. Fibreglass tanks will need to be prepared by removing interstitial space fluid and destroying in situ.
- Removal of all other associated fuel related infrastructure, including pump islands and vent lines.

UPSS excavation work, and associated soil validation work, is to be undertaken as follows:

- Excavated soil is to be segregated, based on extent of impact, at a suitable on-site location. All stockpiles should be separated into:
  - Low to no impact soils which are screened on field with a PID (<500 ppm)
  - Observable staining or odours when measuring with the PID (>500 ppm).
- Following completion of UPSS infrastructure removal and excavation works, and prior to the collection of the validation samples from the floor and walls of the excavation pits, groundwater (if present within the excavation pit) will be sampled and analysed for waste disposal classification.
- Once the groundwater (if present) has been appropriately classified, it will be removed by a suitably qualified specialist for offsite disposal (if deemed necessary).
- Once excavation of the UPSS is completed, the walls and floors will be screened with a PID. Validation soil samples will be collected from areas where the PID readings are the highest.
- Validation sampling along the walls and floor of each excavation will be conducted.
- Excavated soil stockpiles will be sampled assess whether the soil can be reused on-site or disposed off-site.

Council's Contamination Officer assessed the RAPs and raised not objections subject to the implementation of conditions. Conditions provided by Council's Contamination Officer have been included in the Recommended Conditions of Consent provided in this report.

State Environmental Planning Policy No. 64 Advertising and Signage

State Environmental Planning Policy No. 64 applies to the entire state to ensure that signage is compatible with the desired amenity and character of an area, whilst ensuring that signs provide effective communication in suitable locations.

The proposed development includes the provision of the following business identification signage:

#### *Northbound*

- Entry Pylon Sign 25m x 4.57m (Internally illuminated) – Displaying Ampol, Food and drink tenancies and fuel prices.
- Car fueling canopy sign 1.05m x 7.48m (Internally illuminated) – displaying Ampol branding.
- Truck fueling canopy sign 1.05m x 7.48m (Internally illuminated) – displaying Ampol branding.
- Business identification wall signs on the highway service centre building comprising:
  - 0.5m x 3.4m metal sign with LED illumination displaying the Foodary tenancy;
  - 1.7m x 1.27m metal sign with LED illumination displaying the Foodary tenancy;
  - 0.28m x 4.4m metal sign with LED illumination displaying Highway Service Centre;
  - 0.74m x 2.69m metal sign with LED illumination displaying Highway Service Centre;
  - 0.28m x 3.17m metal sign with LED illumination displaying Truckers Lounge;
  - 8 x indicative wall signs for future tenancies once tenants are confirmed.
- 4 x 1.83m x 1.29m Digital Menu Board for drive thru;
- 4 x 1.85m x 0.68m Digital Menu Board for drive thru.

#### *Southbound*

- Entry Pylon Sign 25m x 4.57m (Internally illuminated) – Displaying Ampol, Food and drink tenancies and fuel prices.
- Car fueling canopy sign 1.05m x 7.48m (Internally illuminated) – displaying Ampol branding.
- Truck fueling canopy sign 1.05m x 7.48m (Internally illuminated) – displaying Ampol branding.
- Business identification wall signs on the highway service centre building comprising:
  - 0.5m x 3.4m metal sign with LED illumination displaying the Foodary tenancy;
  - 1.7m x 1.27m metal sign with LED illumination displaying the Foodary tenancy;
  - 0.28m x 4.4m metal sign with LED illumination displaying Highway Service Centre;
  - 0.74m x 2.69m metal sign with LED illumination displaying Highway Service Centre;
  - 0.28m x 3.17m metal sign with LED illumination displaying Truckers Lounge;
  - 8 x indicative wall signs for future tenancies once tenants are confirmed.
- 4 x 1.83m x 1.29m Digital Menu Board for drive thru;
- 4 x 1.85m x 0.68m Digital Menu Board for drive thru.

#### Officer Comment

Council officers undertook an assessment of the proposed signage and issued a request for additional information in July 2021 which detailed that the proposed height of 25m for the pylon signs was considered to be significant and that insufficient information has been provided to address the potential visual impact of the proposed pylon signs or justify the proposed height. It was advised that the height of the signs was not supported. This reflected the advice Council had previously provided during the Pre-DA process.

The applicant was requested to provide further information to justify the proposed 25m signs to consist of the following at a minimum:

- Further analysis as to why the height of the existing pylon signs (13.68m) is not sufficient to achieve the desired effect of the proposed signage;
- Further analysis on why the proposed 25m height is the only reasonable option to achieve the desired effect of the proposed signage;
- Further information on existing examples of pylon signs that are of a similar height and context. It is noted examples have been provided however these examples do not include specific details on the height of the examples. Additional examples should also be provided where pylon signs are a height of 25m or more on highways.

On 9 August 2021 the applicant submitted additional information including further justification for the height of the proposed pylon signs. The further justification detailed the following:

- *The key rationale for signage on Highway Service Centres is based on driver safety. This translates into a signage strategy that must reflect.*
  - *Minimising clutter by avoiding multiple signage and therefore potential driver distraction.*
  - *Higher visibility from longer range noting the speed at which vehicles are travelling and requiring sufficient time to enable safe lane changing.*
  - *Mandated minimum standards for display of fuel pricing information.*
  - *Meets planning objectives and standards.*
  - *Consolidate signage onto one pylon, rather than creating visual clutter via multiple pylons.*
- *The proposed signage complies with the assessment criteria contained in schedule 2 of SEPP 64. Specifically, the following is noted:*
  - *The proposed pylon signage will not detract from the current or surrounding character of the area, being for the purpose of a freeway.*
  - *The pylon signs are not visible from environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas. As such, the visual impact considerations are not as significant from these areas given the context.*
  - *The signage does not result in visual impact, noting it does not interrupt view corridors, is not visible from surrounding areas other than from the freeway itself (due to existing natural vegetation), and does not present as a hazard to motorists. This is visible when looking at the*
  - *site photos which demonstrate significant vegetation from all angles surrounding the pylons.*
  - *The scale, proportion and form of the pylons are appropriate in the setting, noting existing mature vegetation requiring the pylon to be easily viewable for users of the Hume Highway.*
- *The current pylon sign which stands approximately 13.6m does not provide for adequate visual awareness to motorists, particularly when traveling at speed on the motorway. A sign of that scale is more akin to signage seen on suburban arterial roads.*

- *The current operations for both sites do not include additional retailers, thus the amount of information on both boards under the current situation is smaller than that proposed.*
- *The proposed pylon signs have been designed to be easily read at a distance by motorists, while ensuring enough space is provided to advertise all tenancies and fuel pricing.*
- *A 25m high pylon was recently approved as part of a highway service centre at Nambucca Heads (Approved under delegation at 2 Corkwood Road, Valla NSW 2448). Similarly, it is noted the Ampol highway service centre at Wyong includes a 20m pylons.*

Council officers undertook a further assessment of the signage with regard to the further justification provided and note that the 25m height is still not supported.

The 25m height is deemed to be significant with regards to the surrounding context and the adverse visual impacts resulting from the significant height proposed. The 25m height is not supported based on the following:

- The highway service centres are serviced by separate service roads accessed from the Hume Highway in which a sign indicating their location are provided 1km from the relevant exits to provide road users adequate time to slow down and access the centres. The large sign is therefore not required to alert drivers to the location of the centres as it would not be visible from the highway prior to the 1km warning sign. The significant height of 25m is therefore not required for a visibility or safety perspective.
- The current pylon sign at a height of 13.6m provides sufficient area to meet the minimum standards for display of fuel pricing information. The increase in height to 25m is not deemed necessary to meet the minimum standards for display of fuel pricing information.
- The significant height and scale of the sign is deemed to detract from the visual character of the area which is predominantly characterised by existing native vegetation and rural lands.
- A review of recent approvals (determined by Panels) for signage at Highway Service Centres was undertaken with a key focus on centres with a similar context being defined by surrounding development, nature of access and applicable speed limits for the adjoining road. This review revealed the following approvals that were access by separate service roads, included multiple tenancies and adjoining road with a speed limit between 80km and 110km:
  - Ballina Travel Centre, Pacific Highway, West Ballina (DA2016/660) approved with a pylon sign at a height of 12.5m. The pylon sign included multiple tenancies, fuel pricing information and was accessed by a separate service road accessed from the Pacific Highway at a speed limit of 110km.
  - 22-36 Parkes Road, Forbes (DA2017/0039) approved with a pylon sign at a height of 17m. The pylon sign included multiple tenancies, fuel pricing information and was accessed by a separate service road accessed from the Newell Highway at a speed limit of 80km.

Therefore, the provisions of multiple tenancies, visibility or the nature of the adjoining access road is not deemed to be adequate justification for the provision of pylon signs at a height of 25m.

As detailed the proposed pylon signage with a height of 25m is not supported. Pylon signs at a height of 15m-17m is deemed to be more appropriate and supportable for the subject development with regards to the site context, proposed development and other approvals for highway service centres.

On that basis conditions requiring the provision of amended plans detailing the pylon signs with a revised height not exceeding 17m have been included in the Recommended Conditions of Consent provided.

The Draft Conditions of consent were provided to the applicant for review on 18 October 2021. The applicant provided comments on the Draft Conditions including proposing to amend the design of the pylon signs to a height of 20m.

Further justification for the revised height of 20m was provided which included the following examples of 20m pylon signs for Ampol's existing service centres:

- Ampol Holbrook (Hume Hwy, NSW)
- Ampol Ravenswood (Calder Hwy, VIC)
- Ampol Wyong Southbound (M1, NSW)
- Ampol Wyong Northbound (M1, NSW)
- Ampol Pinjarra Northbound (Forrest Hwy, WA)
- Ampol Pinjarra Southbound (Forrest Hwy, WA)

A review of the NSW examples was undertaken taking into consideration the surrounding context and location of the service centres. The surrounding context and nature of the roads in the examples provided is not considered to be consistent with the proposed highway service centre.

Therefore, the justification for the revised height of 20m is still not supported and the conditions requiring the provision of amended plans detailing the pylon signs with a revised height not exceeding 17m remain in the Recommended Conditions of Consent.

An assessment of the proposed signage with a revised maximum height of 17m against the assessment criteria in Schedule 1 of SEPP is provided the table below.

Schedule Clause	Assessment Criteria	Comment
1. Character of the Area	Is the proposal compatible with the existing or desired future character or the area or locality in which it is proposed to be located?	The proposed business identification signage will replace and modernise the existing signage on the site.
	Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	The proposed signage is not dissimilar in height, form or character to other signage that is routinely visible within this land use

		zone and is typically associated with service station development.
<b>2. Special Areas</b>	Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?	The proposed signage is consistent with the highway service centre use on the site and will not adversely impact the natural areas opposite the freeway. The proposed signage has been designed with inoffensive colours and text and does not detract from the surrounding amenity.
<b>3. Views and vistas</b>	Does the proposal obscure or compromise important views?  Does the proposal dominate the skyline and reduce the quality of vistas?  Does the proposal respect the viewing rights of other advertisers?	The proposed signage has been designed to complement the design and identify the site. The size and dimensions of the signage is consistent with the scale of the building and will not dominate the skyline.  There are only two direct site lines, being from the highways themselves (oncoming traffic) or from the centres themselves. No other view corridors are affected, notable no other nearby development from where the signs would be visible.
<b>4. Streetscape setting on landscape</b>	Is the scale proportion and form of the proposal appropriate for the streetscape or landscape?  Does the proposal contribute to the visual interest of the streetscape?  Does the proposal reduce clutter by rationalising and simplifying existing advertising?  Does the proposal screen unsightliness?  Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	The proposed business identification signage is located within a SP2 corridor is reasonably expected to support a highway service centre.  The size of the pylon signage is directly responding to the function of the signage. The key driver for the height of the sign is to ensure clear visual legibility to road users who will mostly likely be traveling at or around the speed limit of the highway being 110km/hr.



	Does the proposal require ongoing vegetation management?	
<b>5. Site and Building</b>	<p>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?</p> <p>Does the proposal respect important features of the site or building, or both?</p> <p>Does the proposal show innovation and imagination in its relationship to the site building or both?</p>	<p>The signage is appropriately sized and sited with consideration to the proposed built form of the highway service centres. The signage will utilise modern technology and be built with contemporary materials that are consistent with the current and future context of the site.</p>
<b>6. Associated devices and logos with advertisements and advertising structures</b>	<p>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?</p>	<p>All lighting and required safety devices will be concealed within the signage structure.</p> <p>The 'Ampol' and future tenant logo will be represented on the signage to identify the site.</p> <p>The proposed signage will be neatly secured to the building façade and to the ground.</p>
<b>7. Illumination</b>	<p>Would illumination result in unsightly glare?</p> <p>Would illumination affect safety for pedestrians, vehicles or aircraft?</p> <p>Would illumination detract from the amenity of any residence or other form of accommodation?</p> <p>Can the intensity of the illumination be adjusted, if necessary?</p> <p>Is the illumination subject to a curfew?</p>	<p>The service station will operate 24/7, the business identification and pylon signage will be illuminated 24/7. This will provide a clear service to highway users.</p> <p>There are only two direct site lines, being from the highways for oncoming traffic that would be experienced from moving, viewing situations and as such views are likely to be short term.</p> <p>In addition, there is no residential development located nearby that would be impacted by illuminated signage.</p>
<b>8. Safety</b>	<p>Would the proposal reduce the safety on any public road?</p>	<p>The proposed pylon structure will generate a high level of localised visual effects as is intended with any motorway sign and its content</p>

	<p>Would the proposal reduce the safety for pedestrians or bicyclists?</p> <p>Would the proposal reduce the safety for pedestrians, particularly children by obscuring sightlines from public areas?</p>	<p>display provides a positive public service and important information for road users.</p> <p>The pylon structure and signage is spatially well separated aside and above the road corridor so that it will form a small part of the composition and will not dominate or impede views along the road carriageway for motorists.</p>
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Sydney Regional Environmental Planning Policy No 20 – Hawkesbury-Nepean River (No 2 – 1997)

The aim of Sydney Regional Environmental Planning Policy No 20 – Hawkesbury-Nepean River (SREP) is to protect the environment of the Hawkesbury-Nepean River system by ensuring that the impacts of future land uses are considered in a regional context. The SREP applies to the subject site.

The proposed development is in accordance with the general planning considerations set out in Clause 5 of the SREP and the relevant specific planning policies and strategies set out in Clause 6. Provision will be made for adequate erosion and sediment control measures to ensure sediment because of the development is not deposited in the Hawkesbury Nepean River via the stormwater system.

Council’s Development Engineer has reviewed the proposed development regarding stormwater drainage and is satisfied with the proposed stormwater drainage system in relation to the SREP.

Wollondilly Local Environmental Plan 2011

The Wollondilly Local Environmental Plan (LEP) 2011 applies to the site and proposed development.

*Permissibility*

The site is zoned SP2 Infrastructure under the provisions of the Wollondilly Local Environmental Plan (LEP) 2011.

Highway services centres are prohibited in the SP2 zone however the site is subject to the additional permitted use of a highway service centre in accordance with Schedule 1 of the Wollondilly LEP 2011.

In addition, Clause 99 of State Environmental Planning Policy (Infrastructure) 2007 permits development for the purposes of a highway service centre within a road corridor for a main road.

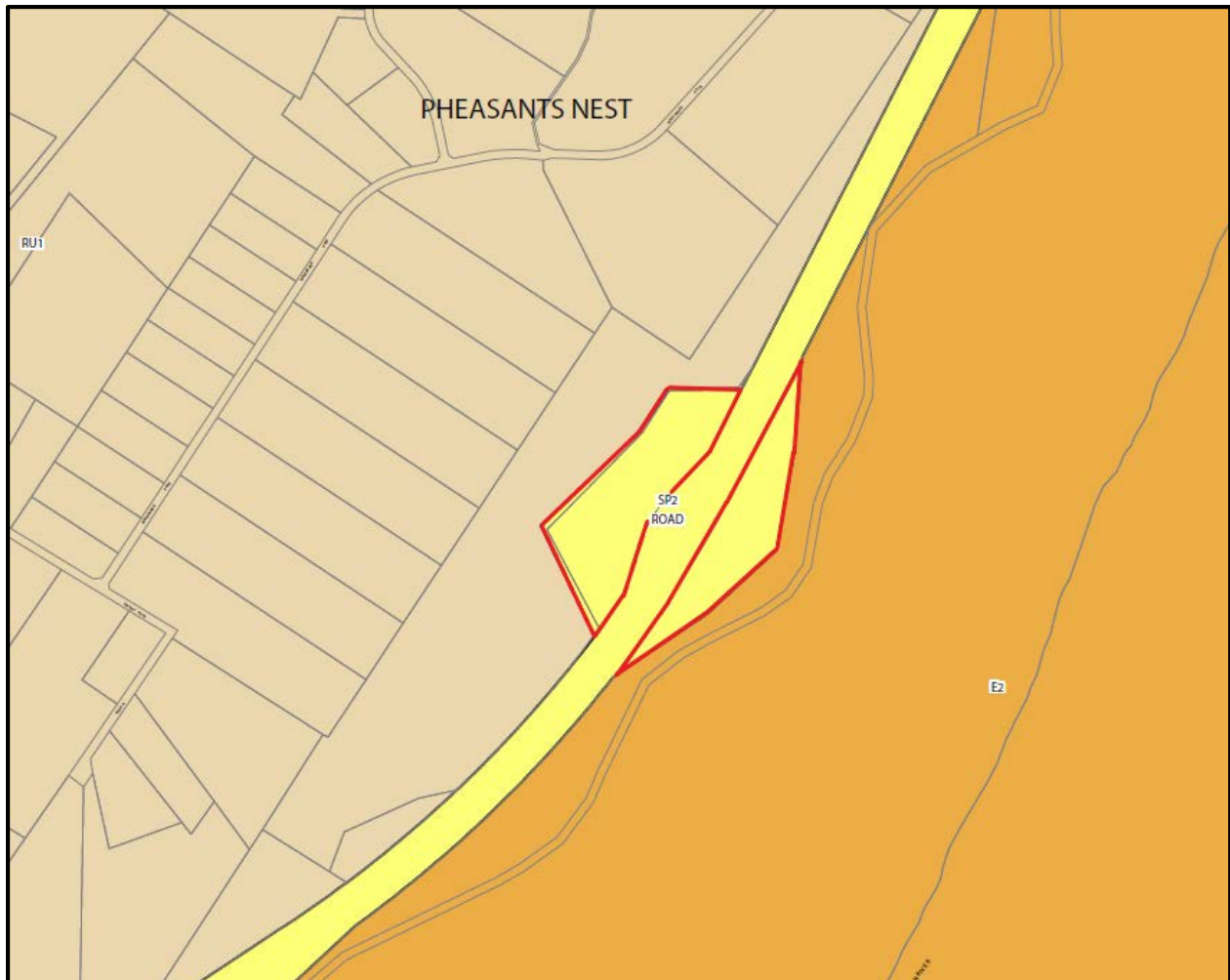


Figure 2 – Zoning Map (Source: NSW Legislation)

### Zone Objectives

The objectives of the SP2 – Infrastructure zone are as follows:

- *To provide for infrastructure and related uses.*
- *To prevent development that is not compatible with or that may detract from the provision of infrastructure.*

### Officer Comment:

The proposed development is consistent with the objectives of the SP2 as it will provide services and facilities in support of and compatible with the exiting classified road.

### Relevant Clauses

The DA was assessed against the following relevant clauses of the Wollondilly LEP 2011.

Clause	Requirement	Provided	Compliance
2.7 Demolition	The demolition of a building or work may be carried out only with development consent.	The application proposes the demolition of the existing highway service centres.	Yes
7.1 Essential Services	Development consent must not be granted to development unless the consent authority is satisfied that any of the following services that are essential for the proposed development are available or that adequate arrangements have been made to make them available when required— (a) the supply of water, (b) the supply of electricity, (c) the disposal and management of sewage.	Adequate arrangements have been made to ensure any services that is essential for the proposed development is available when required.	Yes
7.5 Earthworks	To ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.	The proposed development involves earthworks to facilitate the proposed development. Council's Development Engineering have assessed the proposed development and have stated that the proposal is acceptable provided the conditions outlined receive compliance. The conditions provided by Development Engineering have been included in the Recommended Conditions of Consent.	Yes

***(a)(ii) The Provision of any Draft Environmental Planning Instrument (that is or has been the subject of public consultation under this Act and that has been notified to the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved).***

There is no draft Environmental Planning Instrument applicable to the proposed modifications.

***(a)(iii) The Provisions of any Development Control Plan***

Wollondilly Development Control Plan 2016

The Wollondilly Development Control Plan (DCP) 2016 provides detailed provisions to supplement the Wollondilly LEP 2011. An assessment of the proposal against the relevant development controls applying to the subject site and development is provided in **Attachment 5**.

The proposal is generally consistent with the relevant objectives and controls of the Wollondilly DCP and where variations are sought appropriate justification is provided.

**(a)(iii) Any planning agreement that has been entered into under Section 7.4, or any draft planning agreement that a developer has offered to enter into under Section 7.4.**

Not Applicable

**(a)(iv) The Regulations**

The Regulations do not prescribe any additional matters that are relevant to the proposed DA.

**(1)(b) The likely impacts of the proposed development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality**

Key matters for consideration when considering the development's potential impact on the natural and built environment are deemed to be as follows:

**Natural Environment**

The proposed development is not considered to adversely impact on the natural environment and has been designed to ensure any potential impacts are appropriately minimised and mitigated.

The proposed development has been prepared and designed in line with the key environmental planning instruments and policies implemented to minimise impacts on the natural environment as evidenced in the preparation of the following specialist studies in support of the application:

- Bushfire Assessment Report;
- Biodiversity Development Assessment Report;
- Arborist Report;
- Wastewater Management Report;
- Aboriginal Archaeological Assessment Report;
- Landscape Plans;
- Weed Management Plan; and
- Remediation Action Plan.

The application and supporting investigations were reviewed by Council's Natural Resources Officer, Environment Officer, Environmental Health Team, Tree Officer and Contamination Officer who raised no objections to the proposal, supporting the findings and recommendations of the investigations and provided conditions of consent to ensure compliance.

Council officers confirmed the relevant environmental investigation were prepared in accordance with the applicable environmental planning instruments and policies and that the development has been designed to appropriately minimise and mitigate any potential impacts on the natural environment.

Therefore, the proposed development is not considered to have any adverse impacts on the natural environment.

**Built Environment**

The proposed development has been designed in accordance with the land use and built form controls applicable to the development and site. The proposed development will provide an improved built form environment for the existing highway service centres positively contributing to road infrastructure and the built form in the locality.

The vehicular parking areas have been sited and designed to ensure they do not dominate the site's presentation to the surrounding area and incorporates suitable landscaping to integrate the proposal into the surrounding landscape, minimise visual impacts from surrounding development and provide amenity for users of the site.

As detailed the proposed pylon signage with a height of 25m is not supported. Pylon signs at a height of 15m-17m is deemed to be more appropriate and supportable for the subject development with regards to the site context, proposed development and other approvals for highway service centres and conditions requiring a reduced height have been included in the draft conditions of consent.

Therefore, the proposed development is not considered to have any adverse impacts on the built environment.

### Social and Economic Impacts

The proposal will provide additional direct benefits and offerings to the users of the Hume Highway, both in the form of direct service provisions, as well as non-committal rest areas for both heavy vehicle operators and the general motoring public. This will ensure an overall improvement to the user experience of the Hume Highway.

The proposal provides employment opportunities in the short-term through construction and in the long term through ongoing operation and retail uses. The proposal will enable an improved efficiency and use of the site.

The proposed development is therefore considered to result in positive social and economic impacts.

### **(1)(c) The suitability of the site**

The proposed development has adequately addressed the key concerns including biodiversity, Aboriginal Cultural Heritage, Bushfire, traffic and car parking and servicing. The proposed development is compatible with the surrounding area; therefore, Council can be satisfied that the site is suitable for the proposed development.

### **(1)(d) Any submissions made in accordance with this Act or the Regulations.**

The Development Application was advertised for a period of 30 days 12 May 2021 and 9 June 2021. No submission were received.

### **(1)(e) The public Interest**

The public interest is served through the detailed assessment of this DA under *the Environmental Planning and Assessment Act 1979*, the *Environmental Planning and Assessment Regulation 2000*, Environmental Planning Instruments, Development Control Plan and policies.

That assessment has demonstrated that the proposed development has addressed the requirements of the relevant planning instruments and draft development controls applicable to it including the objectives of the zone.

The proposed development has also demonstrated that the site is suitable for the proposal and positively contributes to the provision of services and facilities on the Hume Highway. Based on the above assessment, the proposal is in the interest of the public.

## **OTHER MATTERS**

### External and Internal Referrals

The subject DA was referred to a number of public agencies and their responses are summarised in in **Attachment 6**.

In addition, the DA was referred to a number of internal officers and their responses are also summarised in in **Attachment 6**.

## CONCLUSION

A Development Application has been received for the expansion and renewal of the northbound and southbound highway service centres at the Hume Highway, Pheasants Nest.

The development is not considered likely to have a significant and detrimental impact on the natural or built environment and is suitable for the site, having regard to its consistency with the relevant planning controls applicable to it.

## RECOMMENDATION

That DA/2021/346/1 to expand and renew the northbound & southbound highway service centres at the Hume Highway, Pheasants Nest be approved subject to the recommended conditions outlined below.

### Financial Implications

This matter has no financial impact on Council's adopted budget or forward estimates.

### Recommended Conditions of Consent

#### 1. COMPLIANCE

**These conditions are imposed to ensure that the development is carried out in accordance with statutory requirements, the conditions of consent and the approved plans to Council's satisfaction.**

- (1) Development consent is granted for the expansion and renewal of the northbound and southbound highway service centres at Lots 1 & 2 DP 1147096 and Lots 12 & 14 DP 773041 Hume Highway, Pheasants Nest.
- (2) Development must take place in accordance with the following plans/documents submitted in respect of Development Application No. 2020/346/1, except where varied by any of the following conditions of this consent:

Plan Title	Drawn By	Plan Ref./Drawing Number	Dated
Northbound Architectural Plans	Richmond + Ross	DA005, DA006, DA007, DA011-DA017, DA081N, DA082N, DA086N, DA087N, DA091N, DA092N, DA096N, DA097N, DA190N, DA200N, DA201N, DA300N, DA400N, DA800, DA801, DA802, DA803N.	5/08/2021, Issue RF11

Northbound Architectural Plans	Richmond + Ross	DA008, DA010.	6/08/2021, Issue RFI2
Northbound Architectural Plans	Richmond + Ross	DA100N, DA910N, DA912N, DA914N,	7/10/2021, Issue RFI3
Southbound Architectural Plans	Richmond + Ross	DA005, DA006, DA007, DA011-DA019, DA081S, DA082S, DA086S, DA087S, DA091S, DA092S, DA096S, DA097S, DA190S, DA200S, DA201S, DA300S, DA400S, DA800, DA801, DA802, DA803S.	5/08/2021, Issue RFI1
Southbound Architectural Plans	Richmond + Ross	DA008, DA010.	6/08/2021, Issue RFI2
Southbound Architectural Plans	Richmond + Ross	DA100S, DA910S, DA912S, DA914S,	7/10/2021, Issue RFI3
Northbound Civil Engineering Plans	Stantec	002, 007, 051, 052, 053, 111, 112, 113, 114, 441, 442, 443, 481, 482, 483, 521, 522, 523, 524, 525, 526, 527, 528, 529.	9/06/2021, Issue B
Northbound Civil Engineering Plans	Stantec	561, 562, 571.	9/08/2021, Issue C
Northbound Civil Engineering Plans	Stantec	401, 402, 403, 461,	6/08/2021, Issue D
Northbound Civil Engineering Plans	Stantec	071, 072, 073, 076, 101, 102, 103,	6/08/2021, Issue E
Northbound Civil Engineering Plans	Stantec	061, 062, 063,	6/08/2021, Issue F
Southbound Civil Engineering Plans	Stantec	002, 111, 112, 113, 114, 441, 442, 481, 482, 521, 522, 523, 524, 525, 526, 527, 528, 529.	5/08/2021, Issue B
Southbound Civil Engineering Plans	Stantec	561, 562, 571.	5/08/2021, Issue C
Southbound Civil Engineering Plans	Stantec	401, 402	5/08/2021, Issue D
Southbound Civil Engineering Plans	Stantec	071, 072, 076, 101, 102.	5/08/2021, Issue E
Southbound Civil Engineering Plans	Stantec	007, 051, 052, 061, 062, 461.	5/08/2021, Issue F
Pheasants Nest Northbound Landscape Plans	Phillips Marler	L01, L02, L03, L04, L05	6/10/2021, Issue H



Pheasants Nest Southbound Landscape Plans	Phillips Marler	L01, L02, L03, L04, L05, L06	6/10/2021, Issue H
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(3) Development must take place in accordance with the recommendations of the following reports submitted in respect of Development Application No. 2020/346/1, except where varied by any of the following conditions of this consent.

- *Arborist Assessment Report– Rev 01 – Anderson Environment & Planning – 6 August 2021*
- *Biodiversity Development Assessment Report– Rev 02 – Anderson Environment & Planning – 6 August 2021*
- *Weed Management Plan – Anderson Environment & Planning – 7 October 2021*
- *Aboriginal Cultural Heritage Assessment – Urbis – 4 August 2021*
- *Bushfire Assessment Report – BEMC – 12 April 2021*
- *Remedial Action Plan – Ampol Pheasants Nest Service Station, Hume Highway Northbound– AECOM – 9 August 2021*
- *Remedial Action Plan – Ampol Pheasants Nest Service Station, Hume Highway Southbound – AECOM – 6 August 2021*
- *Ampol Pheasants Nest - Asbestos Management Plan – AECOM – 12 April 2021*
- *Soil and Site Assessment for Onsite Wastewater Disposal Version 1.2 – Harris Environmental Consulting – 11 October 2021*
- *Addendum to Onsite Wastewater Management Report Version 1.2 – Pheasants Nest Transport Service Centre – Harris Environmental Consulting – 15 November, 2021*
- *Wastewater Management Report – Rev 07 - ADP Consulting : Engineering – 13 December 2021*
- *Pheasants Nest Wastewater Treatment Plan Odour Analysis – AECOM – 6 August 2021*
- *Noise Impact Assessment Report – Rev 03 – ADP Consulting : Engineering – 23 July 2021*
- *Geotechnical Investigation Report - Intrax Consulting Engineers – 17 February 2021*
- *Ampol Pheasants Nest – Light Spill Report - Rev 02 – ADP Consulting : Engineering – 9 April 2021*
- *Transport and Traffic Assessment and Construction Management Plan – Urbis – 9 April 2021*
- *Construction Management Plan and Staging Plan Overview – Rev 08 – Buildcorp – 5 August 2021*
- *Stormwater Management Report – Rev G – Stantec – 6 August 2021*
- *Construction Site Waste Minimisation and Management Plan - Buildcorp – 9 April 2021*
- *Operational Waste Management Plan – Ampol – April 2021*
- *Statement of Environmental Effects – Urbis – 15 April 2021*

(4) The requirements from the following agencies must be complied with prior to, during, and at the completion of the development.

These are as follow:

- Transport for NSW, Reference Number SYD21/00844/02, 1 October 2021
- NSW Rural Fire Service, Reference Number DA20210510001896, 16 August 2021
- Endeavour Energy, 2 June 2021
- NSW Police Force, Reference Number D/2021/707466, 12 May 2021
- Subsidence Advisory NSW, reference number TBA21-01630, 17 June 2021

A copy of the Requirements is attached to this determination notice.

**(5) Amended Plans – Pylon Signs**

Amended Plans are to be submitted to the Principal Certifying Authority prior to the issue of any Construction Certificate demonstrating the proposed pylon signs do not exceed a maximum height of 17m above existing ground level.

- (6) Where any work associated with this consent has the potential to disturb neighbours through the generation of noise, dust, odour, vibration or through deliveries to the site the person with control over the works shall advise the occupants of all adjoining and potentially affected properties of the timing and duration of such works. The land owner has the ultimate responsibility for ensuring that anybody undertaking works under this development consent on their behalf is aware of this requirement and completes the task required by this condition.

**2. BUILDING AND FIRE SAFETY CONDITIONS**

- (1) Construction shall not commence on the site, including earthworks, site excavation, filling or other site preparation works (with the exception of site survey work, site shedding and fencing as per the Construction Management Plan), prior to the issue of a Construction Certificate by Council or a nominated Accredited Certifier for the relevant stage of works.
- (2) All essential services (i.e. emergency lighting, exit signs, portable fire extinguishers, hose reels, smoke alarms, hydrants, fire blankets, etc.) are to be inspected and certified with the regulations under the Environmental Planning and Assessment Act 1979, every 12 months from the date of this approval. Council shall be provided with the compliance certificates in accordance with the Environmental Planning and Assessment Act 1979.
- (3) The building shall comply with AS1428 – Design for access and mobility in respect of accessibility for people with a disability. Prior to the issue of any Construction Certificate a certificate certifying compliance with this condition prepared by a suitably qualified person must be provided to Council or the nominated Accredited Certifier.
- (4) All building work must be carried out in accordance with the provisions of the Building Code of Australia. This condition does not apply to the extent to which an exemption is in force under Clause 187 or 188 of the Environmental Planning & Assessment Regulations, 2000, subject to the terms of any condition or requirement referred to in Clause 187(6) or 188(4).
- (5) The buildings shall not be occupied or used until an Occupation Certificate is issued by the Principal Certifying Authority.
- (6) Erection of signs
- (a) For the purposes of section 80A (11) of the Act, the requirements of subclauses (b) and (c) are prescribed as conditions of a development consent for development that involves any building work, subdivision work or demolition work.
- (b) A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
- (i) showing the name, address and telephone number of the principal certifying authority for the work, and

(ii) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and

(iii) stating that unauthorised entry to the work site is prohibited.

(c) Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

(d) This clause does not apply in relation to building work, subdivision work or demolition work that is carried out inside an existing building that does not affect the external walls of the building.

(e) This clause does not apply in relation to Crown building work that is certified, in accordance with section 109R of the Act, to comply with the technical provisions of the State's building laws.

(f) This clause applies to a development consent granted before 1 July 2004 only if the building work, subdivision work or demolition work involved had not been commenced by that date.

**Note.** Principal Certifying Authorities and principal contractors must also ensure that signs required by this clause are erected and maintained (see clause 227A of the Environmental Planning and Assessment Regulation 2000 which currently imposes a maximum penalty of \$1,100).

### 3. BUILDING DESIGN

**These conditions have been imposed to ensure that the appearance /construction of building works complies with the aims and objectives of Council's relevant Development Control Plans, Policies and relevant Statutory Regulations.**

- (1) The design details of the proposed building façade, including all external finishes, glazing and colours, must be in accordance with the approved plans submitted and approved as part of this application.

### 4. CONSTRUCTION GENERAL

**These conditions have been imposed to ensure that all construction work is undertaken to an approved standard and related approvals.**

- (1) Construction shall not commence on the site, including earthworks, site excavation, filling or other site preparation works (with the exception of site survey work, site shedding and fencing as per the Construction Management Plan), prior to the issue of a Construction Certificate by Council or a nominated Accredited Certifier for the relevant stage of works.
- (2) The provision for access and mobility in respect of accessibility for people with a disability. Prior to the issue of a Construction Certificate, complete design, construction and fitout details shall be provided to the nominated Accredited Certifier.
- (3) All construction and building work shall be restricted to between 7:00am and 6:00pm Mondays to Fridays (inclusive), 7.00am and 3.00pm Saturdays and prohibited on Sundays and Public Holidays unless written approval to vary the hours of work is granted by Council.
- (4) Toilet facilities are to be provided, at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every

20 persons or part of 20 persons employed at the site. These facilities are to be provided prior to the commencement of any works and:

- (a) Must be a standard flushing toilet; and
- (b) Must be connected:
  - (i) to a public sewer, or
  - (ii) if connection to a public sewer is not practicable, to an accredited sewage management facility approved by the Council, or if connection to a public sewer or an accredited sewage management facility is not practicable, to some other sewage management facility approved by the Council.

In this condition:

Accredited sewage management facility means a sewage management facility to which Division 4 of Part 2 of the Local Government (General) Regulation 2005 applies, being a sewage management facility that is installed or constructed to a design or plan the subject of a certificate of accreditation referred to in clause 41 of the Regulation.

Approved by the Council means the subject of an approval in force under Division 4 of Part 2 of the Local Government (General) Regulation 2005.

Sewage Management Facility has the same meaning as it has in the Local Government (General) Regulation 2005.

- (5) Sanitary and other facilities must be provided in accordance with the deem-to-satisfy provisions of the Building Code of Australia.
- (6) A construction waste storage area (bins or bays) must be provided. This area shall separate construction waste into categories such as hard waste (e.g. bricks, concrete, tiles), soft waste (e.g. timber, gyprock, metal, glass) and light waste (e.g. paper, plastic, pods). The light waste storage area must be enclosed so as to prevent the material from escaping the enclosure.

## 5. ENVIRONMENTAL HEALTH

### (1) Prior to the Issue of a Construction Certificate

#### **Sydney Water Section 73 Certificate**

Approval in accordance with 'Feasibility Letter from Sydney Water dated 18 February 2021 – Case number: 187592 prior to the issues of the Occupation Certificate for the relevant stage.

A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. Application must be made through an authorised Water Servicing Co-ordinator. Please refer to the Building Developing and Plumbing section of the web site, then refer to "Water Servicing Co-ordinator" under "Developing Your Land" or telephone 13 20 92 for assistance.

**The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to the issue of an Occupation Certificate for the development.**

### (2) Prior to the Issue of an Occupation Certificate or Use of the Development

Upon completion of the work and prior to operation or use, the premises must be inspected by Council's Environmental Health Officer to ensure compliance with Australian Standard

4674 and relevant Food Safety Standards. Evidence of a satisfactory inspection result shall be provided to the Principal Certifying Authority prior to issue of any Occupation Certificate for the relevant stage.

Prior to the commencement of business operations the operator of the business is to complete and submit Council's Food Business Notification Form to Wollondilly Shire Council.

(3) **Compliance with the Food Act 2003**

The premises shall comply with the requirements of the Food Act 2003, Australia New Zealand Food Standards Code, and the Australian Standard AS 4674-2004 Construction and fit out of food premises.

(4) **Food Premises Requirements**

The food premises shall comply with the following requirements:

- **Walls**

Walls in food preparation areas of the premises shall be:

- a. Of solid construction.
- b. To a height of at least 2 metres above floor level and to the underside of canopy hoods.
- c. Sealed to prevent the entry of dirt, dust and pests; unable to absorb grease, food particles or water; and able to be easily and effectively cleaned.
- d. Finished with glazed ceramic tiles, stainless steel or laminated plastics adhered directly to the wall.
- e. Walls that are not tiled or otherwise finished, must be cement rendered to a smooth even surface and painted with a light coloured washable paint or sealed with other approved materials.

- **Floors**

The flooring in the food preparation areas of the premises shall be:

- f. Designed and constructed so that they can be effectively cleaned
- g. Unable to absorb grease, food particles or water
- h. Be laid so that there is no ponding of water; and,
- i. To the extent that is practicable, be unable to provide harborage for pests.

Coving of not less than 25mm in radius shall be provided to the intersections of floors with walls in the food preparation area. The coving shall be integral to the surface finish of both floor and wall in such a manner as to form a continuous uninterrupted surface.

- **Ceiling**

- j. The ceiling in food preparation areas and storage areas shall be finished with impervious sealed material without joints, cracks and crevices. (Note: Drop-in, removable panel ceilings shall not be used in food preparation areas or over areas where open food is stored, displayed or served.)
- k. The ceiling in food preparation and bottling areas shall be painted with a light coloured washable paint.

- Washing Facilities

- l. A separate hand wash basin, supplied with a constant supply of warm running water through a single outlet or mixer, shall be provided in the food preparation and bottling areas
- m. All hand wash basins installed within the premises, including those inside the toilets, shall be supplied with warm running water delivered through a single outlet
- n. Hand wash basins shall be located no further than 5m from any place where food handlers are handling open food
- o. A liquid soap dispenser (that dispenses liquid soap) and a towel dispenser (that dispenses a single-use towel) shall be provided adjacent to or near each hand wash basin.
- p. Hand wash and washing up facilities shall be kept in clean and sanitary conditions and in good repair at all times
- q. Hand wash facilities shall not be used for any other purpose other than the washing of hands, arms and face.

In addition to hand washing facilities, the following washing facilities shall also be provided:

- r. To the food preparation area - commercial dishwashing machine capable of achieving a hot water temperature of at least 77 degrees Celsius that is fitted with a temperature thermometer or gauge; and at least one single bowl wash up sink or tub containing at least one compartment.
- s. A single bowl wash up sink is required to any bottle preparation area/s in addition to a dedicated hand wash basin.

- Fixtures, Fittings and Equipment

- t. All fixtures, fittings and equipment shall be constructed so as to be capable of being easily and effectively cleaned.
- u. Service pipes, conduits and electrical wiring shall either be –
  - i. concealed in floors, plinths, walls or ceiling; or
  - ii. fixed on brackets so as to provide at least 25mm clearance between the pipe and adjacent vertical surface and 100mm between the pipe or conduit and adjacent horizontal surfaces.

- Mechanical Exhaust Ventilation System

- v. Where cooking or extensive heating processes or such other processes as may be specified are carried out in the food preparation areas, an approved mechanical exhaust ventilation system shall be installed and operated in accordance with AS/NZS 1668.1 - 2015 and AS 1668.2 – 2012.
- w. The mechanical exhaust ventilation system shall be designed and installed in accordance with AS/NZS 1668.1 – 2015 and AS 1668.2 – 2012. A certificate (issued by a licensed mechanical ventilation contractor) stating compliance with these Australian Standards shall be submitted to Council.

- Waste Management

- x. Waste and recyclable material generated from the operations of the business shall be managed in a satisfactory manner that does not give rise to offensive odour or encourage pest activity. Food residues, food scraps, and waste material shall be regularly removed from the premises. Waste shall not be permitted to accumulate near the allocated waste storage bins.
- y. A stainless steel cleaner's sink or a floor waste shall be provided for the disposal of waste water. The cleaner's sink or floor waste shall be located outside of areas where open food is handled.

- Pest Control

- z. Practicable measures shall be taken to exclude and prevent the entry of vermin into the food preparation area through windows and doors.

(5) Noise Control

- All recommendations made in the submitted Noise Impact Assessment Report (Prepared by ADP Consulting : Engineering dated 23 July 2021) shall be implemented to minimise the noise from the proposed development.

(6) NSW Protection of the Environment Operations Act 1997

- The use of the premises shall operate in accordance with the *Protection of the Environment Operations Act (POEO) 1997*. All activities and operations carried out shall not give rise to air pollution (including odour), offensive noise or pollution of land and/or water as defined under the *Protection of the Environment Operations Act 1997*.

(7) On-site Sewage Management

- Prior to issue of a Construction Certificate for the twin service centres, Development Consent shall be sought, finalised and approved for the development of the Recycled Wastewater Treatment Plant.
- Prior to the issue of a Construction Certificate, full details are to be provided for the location and specifications, including capacity, of any grease traps as required by food premises.
- The management and re-use of treated water, for toilet flushing, from the Recycled Wastewater Treatment Plant shall meet the requirements of the Framework for the Management of Recycled Water Quality and Use as outlined in 'Australian Guidelines for Water Recycling: Managing Health and Environmental Risks (Phase 1)', Natural Resource Management Ministerial Council, Environment Protection and Heritage Council, and Australian Health Ministers Conference, 2006.
- Prior to the issue of a Construction Certificate, the person or entity having the benefit of this consent shall prepare a comprehensive Maintenance Matrix Schedule, for the operation, maintenance and monitoring regime of the Recycled Wastewater Treatment Plant.

Operational monitoring and ongoing sampling of recycled water quality must be carried out, by a suitably qualified professional, to ensure that effluent output parameters are in

accordance with those set out in 'Wastewater Management Report – Rev 07' - ADP Consulting : Engineering – 13 December 2021

Monitoring shall include, but not be limited to:

- Ongoing inspections of effluent disposal area/s, plant and equipment,
  - Provision of quarterly service reports to the Appropriate Regulatory Authority,
  - Recording of metered flow for incoming water usage and metered flow for treated effluent generation to provide clear monitoring usage patterns, to be included in a quarterly report to the Appropriate Regulatory Authority,
  - Recycled water quality, soils and groundwater.
  - An emergency management procedure shall be developed for any failure of the Recycled Wastewater Treatment Plant and located in a prominent area, available to all staff. All staff shall be trained in, and be made aware of their role in the activation of the Emergency Management Procedure, should there be a failure in the plant.
- Duty/standby pumps are to be incorporated into the plant design to ensure that should one pump fail, then an alternative pump shall be activated to ensure seamless operation of the plant.
  - Any fill/soil used to raise the ground level for soil absorption beds shall consist of existing loam to clay loam soil excavated from the development. Close supervision by an appropriately qualified wastewater consultant shall be carried out during construction of the soil absorption beds to ensure that the base of the beds is level and that all construction requirements of the Harris Environmental Consulting Wastewater report are met.
  - Should fill be required to be brought onto the site for the purpose of installing the raised soil absorption beds, then only Virgin Excavated Natural Material (VENM) shall be accepted, and shall consist of a loam to clay loam soil commensurate with what is currently on the site. All fill shall be validated as VENM and validation certificates be provided to Council.
  - The existing North Bound wastewater treatment system shall continue to operate until such time as the proposed replacement recycled wastewater treatment plant has been constructed and commissioned.
  - Decommissioning of the existing North Bound wastewater treatment system shall not occur until such time as the South Bound Recycled Wastewater Treatment Plant has been commissioned and validated in accordance with the requirements of 'Australian Guidelines for Water Recycling: Managing Health and Environmental Risks (Phase 1)', Natural Resource Management Ministerial Council, Environment Protection and Heritage Council, and Australian Health Ministers Conference, 2006.
  - Decommissioning of the existing North Bound on-site sewage management system shall be carried out in accordance with the requirements of NSW Health Advisory Note 3 – Revised January 2017, Destruction, Removal or Reuse of Septic Tanks, Collection Wells, Aerated Wastewater Treatment Systems (AWTS) and other Sewage Management facility Vessels (SMF).

(8) **Underground Petroleum Storage Systems**

- The underground Petroleum Storage Systems and leak detection systems, shall be installed, commissioned, maintained, and have records kept in accordance with the requirements of the Protection of the Environment Operations (Underground Petroleum Storage Systems) Regulation 2014.



## 6. CONTAMINATION

(1) All proposed remediation works must comply with the following:

- Remedial Action Plan (SOUTHBOUND) prepared by AECOM Australia Pty Ltd dated 6 August 2021;
- Remedial Action Plan (NORTHBOUND) prepared by AECOM Australia Pty Ltd dated 9 August 2021

(2) Unexpected Finds (Remediation) – Should any additional contamination or hazardous materials be encountered during any stage of the remediation process, all remediation works in the vicinity of the findings shall cease and compliance with the contingency recommendations in the approved remediation action plan shall be adopted.

### (3) Validation Report

A validation report prepared by a Certified Contaminated Land Consultant shall be provided to the Certifying Authority and Council within 30 days following completion of the remediation works, which demonstrates;

- (a) Compliance with the approved RAP;
- (b) That the remediation acceptance criteria (in the approved RAP has been fully complied with;
- (c) That all remediation works undertaken comply with the contaminated lands planning guidelines, Contaminated Lands Management Act 1997 and SEPP 55;  
And includes:
  - (d) A 'Notice of Completion of Remediation Work' as required under Clause 18 of SEPP 55; and
  - (e) A statement confirming that the site following remediation of contamination is suitable for the intended use.

(4) **Stormwater runoff** - Provision shall be made for stormwater runoff management to prevent the escape of contaminated runoff from the property.

(5) **Site fencing** - The developer shall ensure that suitable fencing is provided to prevent public access to the site for the duration of demolition and remediation works to the satisfaction of Council.

(6) **Delivery Register** – The applicant must maintain a register of deliveries which includes date, time, truck registration number, quantity of fill, origin of fill and type of fill delivered. This register must be made available to Council Officers on request and be provided to the Council at the completion of the development.

(7) Only fill characterised as VENM or ENM under the guidelines of the NSW Environmental Protection Authority may be used in this development. Copies of validation reports for all fill used shall be retained and presented to Council on request.

## 7. ENGINEERING & CONSTRUCTION SPECIFICATIONS

**These conditions have been imposed to ensure that developments within the Shire are of a standard which is both safe and acceptable to Council and members of the public.**

Stage 1

- (1) All works are to be designed and carried out in accordance with Wollondilly shire Council's adopted Design Code and Construction Specifications.
- (2) The plans for the car parking area, loading area, access, footpath and canopy pavement area and stormwater drainage including Detention Basins to be submitted to and approved by the Nominated Principal certifying authority with building Construction Certificate.
- (3) A "soil and water management plan" (SWMP) that outlines the measures that will be taken to limit and contain sediment laden runoff during construction shall be submitted to Council or the Nominated Accredited Certifier. The measures shall be in accordance with Council's Construction Specifications and the department of Housing's "blue book". The plan is to be approved by council or the Nominated Accredited Certifier with the engineering plans.
- (4) A "Traffic Management Plan" that details suitable safety measures that will be implemented whenever work is being undertaken in the public road reserve shall be submitted to Council or Nominated Accredited Certifier. The safety precautions are to be in accordance with the requirements of the RTA's "Traffic Control at Work sites" manual. The plan is to be approved with the approved drawings and to the levels specified.

All stages

- (5) A certified "Works as Executed" plan from a Chartered Professional Engineer or Registered Surveyor is to be submitted to Council or Nominated Accredited Certifier before the final inspection for the Certificate of Practical Completion. The "Works as Executed" plan must certify that the works have been constructed in accordance with the approved drawings and to the level specified.
- (6) Engineer's Certification shall be provided for all civil works carried out within the private property prior to issue of an Occupation certificate.

**8. PUBLIC ROADS**

**These conditions have been imposed to ensure all public road works required by the development are provided to an adequate standard.**

Stage 1

- (1) The applicant shall provide a dilapidation report of the surrounding infrastructure including Avon Dam Road (construction vehicles will use section of this road) for prior to commencement of any construction works.

All stages

- (2) The developer must apply for and obtain a road Occupancy Licence (ROL) from the RMS Traffic Operations Unit (TOU) prior to commencing road works on RMS road.

- (3) Prior to issue a Construction Certificate, the applicant shall provide detailed plans as recommended by Traffic impact assessment and construction traffic management plan by URBIS dated 9 April 2021.

## 9. DRAINAGE/STORMWATER

These conditions have been imposed to ensure drainage/stormwater is constructed to an approved standard.

### All stages

- (1) A stormwater management plan shall be submitted for the highway service centre/s prior to the issue of a Construction certificate which complies with the environmental Protection Authority Guideline "Surface water Management on the Covered Forecourt Areas of Service Stations".
- (2) Stormwater runoff from all impervious surfaces on the property shall be collected and conveyed to a point suitable for integration with Council's stormwater drainage system. A piped drainage system shall be provided to convey runoff from storms up to the 5% AEP. Defined overland flow paths shall be provided to safely convey runoff from storm events up to the 1% AEP.
- (3) The applicant shall provide stormwater drainage as per stormwater management report by Stantec ref no. 30135004 Rev F dated 13 April 2021 & 30135004 Rev G dated 06 August 21 for approval prior to issue Construction Certificate.
- (4) The person having the benefit of this consent shall, at no cost to Council, carry out any necessary amplification or upgrading of downstream drainage.
- (5) Stormwater discharge from the site shall have adequate stormwater quality treatment measures installed, generally in accordance with the stormwater management report by Stantec ref no. 30135004 Rev F dated 13 April 2021 & 30135004 Rev G dated 06 August 21 for the control of litter, sediment pollution and dissolved pollutants in accordance with the treatment reduction targets outlined in the Wollondilly Shire Council Design Specification.
- (6) Details of the stormwater quality treatment system and computer modelling shall be submitted with the Design plans for approval by the nominated Certifier prior to issue of the building Construction Certificate.
- (7) Prior to issue of a Construction Certificate, the person or entity having the benefit of this consent shall undertake a Risk Assessment on the design and operation of any On-site Detention and Bio-Retention stormwater quality treatment measures to determine the appropriate level of public safety measures to be provided. Safety measures shall include, but not be limited to, the following:
- (a) Safety fencing along all sides of the basin to prevent unauthorised access to the basins;
  - (b) Side slope batters, rails or steps for easy egress;
  - (c) Water depth indicators, and
  - (d) Safety signage warning of floodway and other appropriate hazards to be installed and be visible from all adjacent properties, dwellings and public land.

All safety measures shall be shown on the Engineering Design plans for approval by the nominated Accredited Certifier prior to issue of **Construction Certificate**. Safety measures are

to be satisfactorily installed or be in place prior to issue of **any Occupation Certificate for the relevant stage**.

- (8) Prior to issue of Occupation Certificate, the person or entity having the benefit of this consent shall prepare a Maintenance Management Plan, for the operation, maintenance and inspection of the proposed Detention Basin and Bio-Retention Basins.

## 10. CAR PARKING & LOADING

### All stages

- (a) **To ensure that adequate provision is made for off street parking, appropriate to the volume and turnover of traffic generated by the development.**
- (b) **To ensure that adequate manoeuvring space is provided for parking areas, loading bays and entry to facilities.**

- (1) Concrete vehicle footway crossings and gutter crossings shall be provided at all locations where vehicles cross the footway.
- (2) All driveways, parking spaces for cars, heavy rigid vehicles, Coach Parking, parking bays, service areas, loading areas, breakdown bays and caravan /trailer spaces on the property shall be paved using either concrete pavement or asphaltic concrete pavement.
- (3) The development is to be provided 254 car parking spaces and access thereto. Such spaces are to measure not less than 2.6m x 5.4 and are to be constructed and marked in accordance with Wollondilly Shire Council's adopted Design and Construction Specification.
- (4) 4 of the required car parking spaces shall be reserved for people with mobility impairment in accordance Australian Standard AS/NZS 2890.6. – Parking facilities – Off-street parking for people with disabilities. These spaces shall have dimensions as required by AS/NZS 2890.1 – Parking facilities – Off-street car parking and shall be appropriately signposted and marked on the pavement.

## 11. EARTH FILL

### All stages

**These conditions have been imposed to ensure the safe disposal of fill:**

- (1) All filling on the site, including footpath areas, shall be compacted to not less than 95% Standard Compaction. A report on the site filling is to be submitted in accordance with Wollondilly Shire Council's Design & Construction Specifications by an appropriately qualified Geotechnical Engineer or Soil Scientist. Such a report shall be supported by a survey plan of the site indicating the areas filled and depth of fill in relation to the lot boundaries.
- (2) The applicant shall carry out earth filling works as per cut and fill plans By Stantec ref no. 301350044 ref, sheet nos. PNN CV 101,102 Rev E &111,112,113 & 114 Rev B dated by 05 August 2021 and PNN CV 101,102, 103 Rev C dated 08 April 2021.
- (3) There shall be no encroachment onto adjoining lands by fill placed near boundaries.
- (4) Notice shall be provided to Council one or two business days prior to the commencement of land filling works and within two business days of the completion of such works.

- (5) No landfilling or works shall be carried out within 40 metres of a watercourse, as defined by the Water Management Act, 2000 unless a controlled activity permit has been issued by the Department of Primary Industries – Office of Water.
- (6) Surface stormwater shall be controlled in such a manner that no significant alterations to existing flows onto adjoining properties occur.
- (7) Only fill characterised as VENM or ENM under the guidelines of the NSW Environmental Protection Authority may be used in this development. Copies of validation reports for all fill used shall be retained and presented to Council on request.
- (8) Where Council cannot be satisfied that the fill is suitable for its proposed use with regard to potential contamination the filled area shall not be used and works in that area shall cease until the fill is validated to the satisfaction of a NSW EPA accredited Site Auditor.
- (9) Fill batters shall be limited to a maximum slope of 1 in 2 for batters greater than 0.6 metres in height unless supported by a geotechnical report prepared to the satisfaction of Council. In the case of batters less than 0.6 metres in height the maximum slope shall be 1 in 4 unless supported by a geotechnical report prepared to the satisfaction of Council.
- (10) There shall be no encroachment onto adjoining lands by fill placed near boundaries.

## **12. EROSION AND SEDIMENT CONTROL**

### All stages

- (1) These conditions have been imposed to minimise the impact of the construction of the building(s) on the environment and on adjoining properties:
- (2) All disturbed areas are to be stabilised by turfing, mulching, paving or otherwise suitably stabilised within 30 days of completion.
- (3) Vehicle access is to be controlled so as to prevent tracking of sediment onto adjoining roadways, particularly during wet weather or when the site has been affected by wet weather.
- (4) Erosion and sediment control devices are to be installed prior to any construction activity on the site. These devices are to be maintained for the full period of construction and beyond this period where necessary.
- (5) Topsoil stripped from the construction site is to be stockpiled and protected from erosion until re-used during landscaping.
- (6) The installation of the erosion and sediment control devices identified on the Soil and Water Management Plan shall be completed prior to any construction taking place on the site. These devices are to be maintained so as to prevent the discharge of silt into adjoining bays, rivers, creeks, streams, gutters or drains.
- (7) Stockpiles of construction and landscaping materials, and site debris are to be located clear of drainage lines and in such position that they are within the erosion containment boundary or are equivalently protected from erosion and do not encroach upon any footpath, natural strip or roadway.

## **13. CULTURAL HERITAGE CONDITIONS**

- (1) No works are to commence on the southbound site until an Aboriginal Heritage Impact Permit (AHIP) has been obtained under s90 of the National Parks and Wildlife Act for the impact to the identified sites within the subject area in accordance with the recommendations of the Aboriginal Cultural Heritage Assessment prepared by Urbis dated 4 August 2021.
- (2) All recommendations of the Aboriginal Cultural Heritage Assessment prepared by Urbis dated 4 August 2021 must be followed throughout the construction and operational phase of the development.

#### 14. VEGETATION MANAGEMENT

- (1) Evidence of the retirement of biodiversity credits (species and ecosystem) is to be documented and provided to Council prior to issue of Construction Certificate as it relevant to the stage of works being undertaken:
  - 94 ecosystem credits of PCT 1395-Narrow-leaved Ironbark - Broad-leaved Ironbark - Grey Gum open forest of the edges of the Cumberland Plain, Sydney Basin Bioregion (Shale Sandstone Transition Forest)
  - 11 ecosystem credits of PCT 849 -Cumberland Plain Woodland in the Sydney Basin Bioregion
  - 126 species credits of *Caladenia tessellata*
  - 20 species credits of *Epacris purpurascens* var. *purpurascens*
  - 76 species credits of *Grevillea parviflora* subsp. *parviflora*
  - 19 species credits of Southern Myotis
  - 84 species credits of *Persoonia bargoensis*
  - 84 species credits of Squirrel Glider
  - 8 species credits of *Pomaderris brunnea*
  - 84 species credits of *Pterostylis saxicola*
- (2) Tree Protection Fencing, erected as near as practicable to the edge of the Tree Protection Zones, should be used to protect trees to be retained. Where works are required that encroach into TPZs of trees to be retained, additional protection measures, which include trunk and low branch guards, and ground protection measures should be implemented in accordance with Australian standard AS 4970 – 2009 Protection of trees on development Sites.
- (3) As specified in the BDAR, a **Vegetation Management Plan** (VMP) prepared by a suitably qualified and experienced person is to be submitted to Council prior to issue of Construction Certificate. The VMP is to include the following items:
  - Actions for the restoration of retained vegetation of both PCT 1395 and PCT 849 to a moderate to good condition over a minimum period of 3 years;
  - Management of the Asset Protection Zone to meet RFS requirements while improving the ecological value of the highly disturbed areas of native vegetation.
  - If practical, all cleared vegetation is to be mulched on site and spread to help stabilise any exposed soil and minimise offsite movement of biomass. Fallen timber and hollow logs identified to be retained are to be relocated into areas of retained vegetation.
  - Council's Environmental Services section is to be contacted a minimum of 7 days prior to commencement of vegetation clearing.

## 15. FAUNA MANAGEMENT

- (1) Temporary construction fencing around the project site is to be erected during the construction phase to limit incursions of fauna and delineate the boundary of clearing works.
- (2) As specified in the BDAR, a Wildlife Management Strategy is to be prepared by a suitably qualified Ecologist and submitted to Council prior to the issue of Construction Certificate. The report is to include the following:
  - Measures to minimise harm to welfare of native animals during stages of development
  - All fencing must support fauna movement, including koala movement, throughout the site. Fencing should have no barbed wire and have a gap of at least 30cm from the ground.
  - Off leash dog areas are to be fenced with koala proof fencing to prevent koalas from accessing these areas.
  - Koala signage is to be installed near car parks and off leash dog areas to raise awareness of the potential for koalas to occur on site.
  - Where possible, vegetation clearing is to be timed to avoid extended cold weather periods (Cold weather is likely to make it difficult for resident hollow dependant fauna to successfully relocate).
  - A staged approach to clearing is to be undertaken to provide fauna the opportunity to disperse outside the area of impact. Staging to include:
    - Phase 1 Clearing: Underscrubbing (minimal due to sparse shrub layer);
    - Phase 2 Clearing: Removal of non-habitat trees, and
    - Phase 3 Clearing: If identified during pre-clearance surveys removal of habitat trees must be undertake 48 hours after clearing of other non-habitat trees. All clearing works to be undertaken under the supervision of the Project Ecologist.

## 16. BUSHFIRE ASSESSMENT

- (1) Prior to issuing occupation certificate, the entire property is to be managed as an Inner Protection Area (IPA) as outlined within Appendix 4 of Planning for Bushfire Protection 2019, and NSW Rural Fire Service 'Standards for Asset Protection Zones'.

## 17. STORMWATER MANAGEMENT

- (1) Species selected for planting within the rain gardens and bio-retention swales and basins are to be consistent with those listed in Wollondilly Council's Water Sensitive Urban Design Guidelines. Non-native grass/lawn species are to be avoided.

## 18. WASTE MANAGEMENT

- (1) Disposal of construction and building waste material shall be undertaken in accordance with the Waste Management Plan submitted with the Development Application.
- (2) During demolition and construction stages, the applicant be required to provide a traffic controller when waste bins are being delivered, removed or serviced.
- (3) Prior to the issue of an Occupation Certificate appropriate screening must be provided for the waste bin compound.

## 19. OCCUPATION & USE

**These conditions have been imposed to ensure the development and associated activities/operation are acceptable in terms of the amenity of the neighbourhood and the public interest whilst maintaining its functional operation.**

- (1) The disturbed areas surrounding the building work shall be reinstated to the satisfaction of the Principal Certifying Authority upon completion of the work.
- (2) The hours of operation for the highway service centre are 24 hours a day seven days a week.
- (3) Separate approval for the fit out and use of the tenancies not approved under this application will need to be sought prior to their occupation and use.
- (4) The building shall not be occupied or used until an Occupation Certificate is issued by the Principal Certifying Authority.
- (5) The premises shall be maintained in a clean and tidy state at all times.
- (6) Dangerous and hazardous goods shall be stored in accordance with NSW WorkCover Authority requirements, dependant on the quantities stored. Any flammable or combustible liquids shall be stored in accordance with AS 1940 'The Storage and Handling of Flammable and Combustible Liquids'. Hazardous and/or industrial waste arising from the use shall be removed and/or transported in accordance with the requirements of the EPA and the NSW WorkCover Authority.
- (7) All loading and unloading operations are to be carried out wholly within the building/site.
- (8) Proposed parking areas, service bays, truck docks, driveways and turning areas shall be maintained clear of obstructions and be used exclusively for purposes of car parking, loading/unloading, and vehicle access respectively for the life of the development. Under no circumstances are such areas to be used for the storage of goods or waste materials.
- (9) The approved sign(s) shall be maintained in a presentable and satisfactory state of repair. Where illumination has been approved, the level of illumination and/or lighting intensity used to illuminate the sign/s shall comply with AS 1158 and AS 4282.
- (10) All access crossings and driveways shall be maintained in good order for the life of the development.
- (11) Parking Areas to be Kept Clear - At all times, the loading, car parking spaces, driveways and footpaths shall be kept clear of goods and shall not be used for storage purposes.
- (12) Sufficient supplies of appropriate absorbent materials and other spill prevention and clean-up materials shall be kept on site to recover any liquid spillage. Liquid spills shall be cleaned up using dry methods, by placing absorbent material on the spill and sweeping or shovelling the material into a secure bin. Materials used to clean up shall be disposed of to an appropriately licensed waste facility.
- (13) Storage of goods - At no time shall goods, materials or advertising signs be displayed or placed within the designated car parking spaces, landscaped areas or road reserve.
- (14) Chemical Bunding - All paints, chemicals and other liquids shall be stored in approved receptacles, which shall be housed in a suitably constructed, covered, impervious bunded area. The bunded area shall be constructed of impervious material and being able to effectively store



a minimum of 110% of the volume of the largest container stalled or 25% of total volume of the stored product for facilities storing small containers.

- (15) Pollution Control - The use and operation of the premises shall not give rise to the discharge (by air, water or land) of any pollutant which may degrade the environment or be prejudicial to its inhabitants, in accordance with the requirements of the Protection of the Environment Operations Act 1997.

The use shall operate in accordance with the following:

- a) all pollution control devices (Including drainage systems, sumps and traps) shall be regularly maintained;
  - b) all liquid wastes shall be collected and disposed of in a manner which does not pollute the stormwater system;
  - c) all paints, chemicals and other liquids shall be stored in approved receptacles which are to be housed in a suitably constructed bunded area;
  - d) appropriate equipment and absorbent material shall be provided and maintained in a prominent position in order to combat any spill; and
  - e) the emission of gases, vapours, dusts or other impurities which are in breach of the Protection of the Environment Operation Act 1997 is forbidden;
- (16) The use and occupation of the premises including all plant and equipment shall not give rise to any offensive noise within the meaning of the Protection of the Environment Operations Act 1997 and shall comply with the NSW Industrial Noise Policy 2000 (as amended).
- (17) All wastewater shall be managed in accordance with the requirements of the Australian Institute of Petroleum and specifically "Surface Water Management on the Covered Forecourt areas of Service Stations" prepared by the EPA.
- (18) Compliance with POEO Regulations - The operation of the development shall comply with the minimum requirements contained within the Protection of the Environment Operations (Underground Petroleum Storage Systems) Regulation 2008 and the Protection of the Environment Operations (Clean Air) Amendment (Vapour Recovery) Regulation 2009.
- (19) No Waste to Be Stored Outside of the Site – No waste is to be placed on any public land (eg. footpaths, roadways, plazas, reserves, etc.) or any other properties at any time.
- (20) Maintenance of Landscaping - Landscaping shall be maintained in accordance with the approved landscape plan.
- (21) All wastewater treatment devices (including drainage systems, sumps, traps and pumps) shall be regularly maintained in good working order to ensure that they remain effective. A maintenance schedule shall be developed and incorporated into a Plan of Management (PoM) and kept on-site at all times for staff to comply with. All liquid and solid wastes collected from the treatment device shall be disposed of in accordance with relevant environmental protection and waste control legislation.
- (22) Food Premises - All equipment (including pie warmers, hot food display units, etc) used for the display or storage of hot food shall maintain the food at a temperature of not less than 60°C.

All equipment used for the display or storage of cold food shall maintain the food at a temperature of not more than 5°C.

A food business must, at food premises where potentially hazardous food is handled, have a temperature measuring device ( eg probe thermometer ) that:

- a) Is readily accessible; and
- b) Can accurately measure the temperature of potentially hazardous food to +/-1oC

A suitable waste contractor(s) must be engaged for the removal of wastes generated at the premises. All bins and waste storage facilities at the premises are to be sealed and emptied on a regular basis to prevent odour, vermin and fire hazards from occurring.

## **20. PRESCRIBED CONDITIONS UNDER THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979.**

**These conditions are imposed as they are mandatory under the Act.**

### **(1) COMPLIANCE WITH BUILDING CODE OF AUSTRALIA AND INSURANCE REQUIREMENTS UNDER THE HOME BUILDING ACT 1989**

- (a) For the purposes of section 4.17 (11) of the Act, the following conditions are prescribed in relation to a development consent for development that involves any building work:
  - (i) that the work must be carried out in accordance with the requirements of the Building Code of Australia,
  - (ii) in the case of residential building work for which the Home Building Act 1989 requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance is in force before any building work authorised to be carried out by the consent commences.
- (b) For the purposes of section 4.17 (11) of the Act, it is prescribed as a condition of a development consent for a temporary structure that is used as an entertainment venue, that the temporary structure must comply with Part B1 and NSW Part H102 of Volume One of the Building Code of Australia.
- (c) This clause does not apply:
  - (i) to the extent to which an exemption is in force under clause 187 or 188, subject to the terms of any condition or requirement referred to in clause 187 (6) or 188 (4), or
  - (ii) to the erection of a temporary building, other than a temporary structure to which subclause (b) applies.
- (d) In this clause, a reference to the Building Code of Australia is a reference to that Code as in force on the date the application is made for the relevant:
  - (i) development consent, in the case of a temporary structure that is an entertainment venue, or
  - (ii) construction certificate, in every other case.

**Note: There are no relevant provisions in the Building Code of Australia in respect of temporary structures that are not entertainment venues.**

(2) ERECTION OF SIGNS

- (a) For the purposes of section 4.17 (11) of the Act, the requirements of subclauses (b) and (c) are prescribed as conditions of a development consent for development that involves any building work, subdivision work or demolition work.
- (b) A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
  - (i) showing the name, address and telephone number of the principal certifying authority for the work, and
  - (ii) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
  - (iii) stating that unauthorised entry to the work site is prohibited.
- (c) Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.
- (d) This clause does not apply in relation to building work, subdivision work or demolition work that is carried out inside an existing building that does not affect the external walls of the building.
- (e) This clause does not apply in relation to Crown building work that is certified, in accordance with section 6.28 of the Act, to comply with the technical provisions of the State's building laws.
- (f) This clause applies to a development consent granted before 1 July 2004 only if the building work, subdivision work or demolition work involved had not been commenced by that date.

**Note: Principal Certifiers and principal contractors must also ensure that signs required by this clause are erected and maintained (see clause 227A of the Environmental Planning and Assessment Regulation 2000 which currently imposes a maximum penalty of \$1,100).**

**21. MINE SUBSIDENCE – SCHEDULE 2 CONDITIONS OF APPROVAL.**

- (1) Approval in accordance with stamped plans approved by Subsidence Advisory NSW and determination dated 17 June 2021 with attached Schedule 2 - Conditions of Approval.

**22. ADVICES**

- (1) At all times work is being undertaken within the public road, adequate precautions shall be taken to warn, instruct and guide road users safely around the work site with a minimum of disruption.
- (2) All reasonable efforts shall be taken to protect the public footway and road pavement from damage during the course of construction. Restoration of any damaged road or footway shall be at the applicant's expense. A builder's security deposit is to be lodged with Council prior to any work being undertaken on the property. Any costs incurred by Council as a result of repairing damages caused directly or indirectly by the development will be deducted from the security deposit.
- (3) During the course of construction, care must be taken to prevent damage to any public utility or other service and the applicant will be held responsible for any damage caused by him or his agents, either directly or indirectly. Any mains, services, poles, surface fittings etc., which require alterations shall be altered at the applicant's expense and to the satisfaction of Council and the authority concerned.

#### **ATTACHMENTS**

- 1. Site Survey**
- 2. Architectural Plans**
- 3. Landscape Plan**
- 4. Engineering Plans**
- 5. DCP Assessment**
- 6. Internal External Responses Table**