

Shire of
Gunnedah
Land of Opportunity

MEETING NOTICE

COMMITTEE	PLANNING ENVIRONMENT AND DEVELOPMENT COMMITTEE
DIRECTORATE	Planning and Environmental Services
DATE	Wednesday 7 December 2016
TIME	4:00pm
VENUE	Council Chambers, 63 Elgin Street, Gunnedah
ATTACHMENTS	Director Planning and Environmental Services Report

AGENDA

Present

Apologies

Declarations of Interest

Report of Director of Planning and Environmental Services

1. Development Application No 2016/079 – Service Station and Associated Road and Infrastructure Worka – Lot 2 DP858991 – 110 Kamilaroi Highway Gunnedah.

Objectives

Andrew Johns
DIRECTOR PLANNING AND ENVIRONMENTAL SERVICES

Apologies to: 6740 2120

** See Over*

Gunnedah Shire Council
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The ordinary, extraordinary and committee open meetings of Council will be audio recorded for minute-taking purposes and may be broadcast live over the internet.

*** Local Government Act 1993 – Definition of Closed Meeting Items**

10A Which parts of a meeting can be closed to the public?

- (1) A council, or a committee of the council of which all the members are councillors, may close to the public so much of its meeting as comprises:
- (a) the discussion of any of the matters listed in subclause (2), or
 - (b) the receipt or discussion of any of the information so listed.
- (2) The matters and information are the following:
- (a) personnel matters concerning particular individuals (other than councillors),
 - (b) the personal hardship of any resident or ratepayer,
 - (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business,
 - (d) commercial information of a confidential nature that would, if disclosed:
 - (i) prejudice the commercial position of the person who supplied it, or
 - (ii) confer a commercial advantage on a competitor of the council, or
 - (iii) reveal a trade secret,
 - (e) information that would, if disclosed, prejudice the maintenance of law,
 - (f) matters affecting the security of the council, councillors, council staff or council property,
 - (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege,
 - (h) information concerning the nature and location of a place or an item of Aboriginal significance on community land.
 - (i) alleged contraventions of any code of conduct requirements applicable under section 440.

VISION

TO BE A FOCUSED COMMUNITY VALUING GUNNEDAH'S IDENTITY AND QUALITY LIFESTYLE.

MISSION

TO PROMOTE, ENHANCE AND SUSTAIN THE QUALITY OF LIFE IN GUNNEDAH SHIRE THROUGH BALANCED ECONOMIC, ENVIRONMENTAL AND SOCIAL MANAGEMENT IN PARTNERSHIP WITH THE PEOPLE.

ORGANISATIONAL VALUES

In partnership with the community:

- 1. EQUITY**
- 2. INTEGRITY**
- 3. LEADERSHIP**
- 4. OPENNESS & ACCOUNTABILITY**
- 5. CUSTOMER SATISFACTION**
- 6. COMMITMENT TO SAFETY**
- 7. EFFICIENT & EFFECTIVE USE OF RESOURCES**

Director Planning and Environmental Services' Report

ITEM 1	Development Application No. 2016/079 – Service Station and associated Road and Infrastructure Works – Lot 2 DP858991 – 110 Kamilaroi Highway, Gunnedah
MEETING	Planning Environment and Development Committee – 7 December 2016
DIRECTORATE	Planning and Environmental Services
AUTHOR	Town Planner
POLICY	Nil
LEGAL	Environmental Planning & Assessment Act, 1979 Gunnedah Local Environmental Plan, 2012 Gunnedah Development Control Plan, 2012
FINANCIAL	Nil
STRATEGIC LINK	Community Strategic Plan 1.2.2 Implement a fully integrated planning framework that aligns to Council plans and guides the development of Gunnedah area. 2.2.8 Implement and maintain developer contribution plans which require appropriate contributions for development impact upon infrastructure so as not to unfairly burden existing ratepayers or future developers. Operational Plan 1.2.2.4 Assess and process development proposals in accordance with the Environmental Planning and Assessment Act. 2.2.8.1 Implement Council's Section 94A Contributions Plan where applicable.
ATTACHMENTS	Nil

OFFICER'S RECOMMENDATIONS:

That the Development Application No. 2016/079, for the construction of a service station and associated infrastructure and road works, at 110 Kamilaroi Highway, Gunnedah, Lot 2 DP 858991, be approved subject to the following conditions:

A. That development consent be granted subject to the following conditions:

- A1.** The proposed development shall be carried out generally in accordance with the details set out in the following:
- Development Application form lodged 23/08/2016;
 - Statement of Environmental Effects, prepared by W.A Brown Building Pty Ltd, dated 16 August 2016;
 - Additional Information letters, dated 15 September 2016, ref: WAB 918; & dated 6 October 2016, ref: WAB 923;
 - Submitted plans:
 - Prepared by W.A Brown Building Pty Ltd, dated 13/09/2016, ref: DA0161, Sheet 00, rev D (Title Plan), and Sheet 03, rev C (Building Roof Plan), Sheet 05, Rev C (Canopy Plans), Sheet 06, rev D (Canopy Roof Plans), Sheet 08, rev F (Vehicle Turning Paths), Sheet 09, rev E (Signage + Car Shade Details); & dated 26/09/2016, Sheet 01, Rev K (Proposed Site Plan); & dated 05/07/2016, Sheet 02, Rev D (Building Layout Plan), Sheet 04, rev D (Building Elevations), Sheet 07, rev B (Truck Canopy Elevations); & dated 06/10/2016, Sheet 10, rev A (Service Strategy Plan);

- Prepared by Myros Design Pty Ltd, dated July 2016, Ref: 0616, Drawing No. 2380-E50 (Fuel Systems Electrics), Drawing No. 2380-E51 (Proposed Fuel System Conducts), Drawing No. 2380-F02-1 (Dangerous Goods Partial Site Layout), Drawing No. 2380-F02-2 (Dangerous Goods Fuel System Noted);
- Prepared by W.A Brown Building Pty Ltd, dated 07/07/2016, Sheet 1 of 5 (Site Analysis Plan), Sheet 2 of 5 (Overall Landscape Plan), Sheet 3 of 5 (Front Section Landscaping Plan), Sheet 4 of 5 (Rear Section Landscaping Plan), Sheet 5 of 5 (Specification Plan);
- Prepared by Eclipse, dated 05/08/2016, ref: 9270, Drg No. C01-A (General Notes), Drg No. C04-A (Stormwater Drainage Plan – Sheet 2 of 2), Drg No. C06-A (Stormwater Line Long Sections – Sheet 1 of 2), Drg No. C07-A (Stormwater Line Long Sections – Sheet 2 of 2); & dated 27/09/2016, Drg No. C02-A (Sediment & Erosion Control Plan), Drg No. C03-A (Stormwater Drainage Plan – Sheet 1 of 2), Drg No. C05-A (Stormwater Catchment Plan), Drg No. C08-A (Stormwater Details), Drg No. C09-A (External Pavement Plan);
- Supporting Documentation:
 - Noise Assessment, Prepared by Muller Acoustic Consulting, dated September 2016, MAC160281RP1;
 - Flood Survey Report, prepared by Stewart Surveys Pty Ltd, dated 24 September 2015, ref: 3089;
 - SEPP 44 Assessment, prepared by Stewart Surveys Pty Ltd, dated 4 October 2016, ref: 3089;
 - Multi-Level Risk Assessment, Prepared by Myros Design Pty Ltd, dated 13 July 2016; & dated 5 September 2016;
 - Traffic Engineering Assessment, prepared by MRCagney, dated 17 August 2016, ref:6029;

except as otherwise provided by the conditions of consent.

Reason: To ensure compliance with application and plans.

- A2.** To confirm and clarify the terms of this approval, consent is granted for the construction of business identification signs as illustrated on the submitted plans prepared by W.A Brown Building Pty Ltd, dated 13/09/2016, ref: DA0161, Sheet 09, rev E (Signage + Car Shade Details); and dated 05/07/2016, Sheet 04, rev D (Building Elevations). The approved signage is only to be used specifically for the purposes of business identification signage.

Note: No advertising signs have been approved as part of this application.

Reason: To ensure compliance with development approval.

B. Prescribed conditions

Note: The following conditions are prescribed conditions and may or may not relate directly to this development.

B1. Compliance with Building Code of Australia and insurance requirements under the Home Building Act 1989

(cf clauses 78 and 78A of EP&A Regulation 1994)

- (1) For the purposes of section 80A (11) of the Act, the following conditions are prescribed in relation to a development consent for development that involves any building work:
- (a) that the work must be carried out in accordance with the requirements of the Building Code of Australia,

- (b) 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.
- (1A) For the purposes of section 80A (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.
- (2) This clause does not apply:
- (a) 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
 - (b) to the erection of a temporary building, other than a temporary structure to which subclause (1A) applies.
- (3) 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:
- (a) development consent, in the case of a temporary structure that is an entertainment venue, or
 - (b) 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.

Reason: To ensure compliance with the statutory requirements.

B2. Erection of signs

- (1) For the purposes of section 80A (11) of the Act, the requirements of subclauses (2) and (3) are prescribed as conditions of a development consent for development that involves any building work, subdivision work or demolition work.
- (2) 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:
 - (a) showing the name, address and telephone number of the principal certifying authority for the work, and
 - (b) 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
 - (c) stating that unauthorised entry to the work site is prohibited.
- (3) 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.
- (4) 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.
- (5) 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.

- (6) 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 which currently imposes a maximum penalty of \$1,100).

Reason: To ensure compliance with the statutory requirements.

B3. Notification of Home Building Act 1989 requirements

- (1) For the purposes of section 80A (11) of the Act, the requirements of this clause are prescribed as conditions of a development consent for development that involves any residential building work within the meaning of the Home Building Act 1989.
- (2) Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the following information:
- (a) in the case of work for which a principal contractor is required to be appointed:
- (i) the name and licence number of the principal contractor, and
- (ii) the name of the insurer by which the work is insured under Part 6 of that Act,
- (b) in the case of work to be done by an owner-builder:
- (i) the name of the owner-builder, and
- (ii) if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.
- (3) If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under subclause (2) becomes out of date, further work must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the updated information.
- (4) 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.

Reason: To ensure compliance with the statutory requirements.

B4. Condition relating to shoring and adequacy of adjoining property

- (1) For the purposes of section 80A (11) of the Act, it is a prescribed condition of development consent that if the development involves an excavation that extends below the level of the base of the footings of a building, structure or work (including any structure or work within a road or rail corridor) on adjoining land, the person having the benefit of the development consent must, at the person's own expense:
- (a) protect and support the building, structure or work from possible damage from the excavation, and
- (b) where necessary, underpin the building, structure or work to prevent any such damage.

- (2) The condition referred to in subclause (1) does not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying.

Reason: To ensure compliance with the statutory requirements.

C. Prior to Commencement of Infrastructure Works

- C1.** A Construction Certificate is to be obtained prior to commencement of any infrastructure work and can be obtained by applying to either Council, or a private certifier. Please note that under Council's currently planning instrument, Gunnedah Local Environmental Plan 2012, the Principal Certifying Authority for infrastructure must be the Council.

Reason: To ensure compliance with application and plans.

- C2.** Sediment and erosion control measures must be installed prior to the commencement of any construction and maintained for the duration of the works in accordance with legislative requirements.

Reason: To ensure that adequate control measures are installed.

D. Prior to the issue of a Construction Certificate – Infrastructure Works

- D1.** Engineering drawings and specifications for the construction and installation of all works relative to the proposed infrastructure works shall be submitted to Council for approval prior to the issue of a Construction Certificate. The design of all works is to be related to the adjoining infrastructure. All drawings and specifications are to be in accordance with Council's Engineering Guidelines for Subdivision and Development, 2013.

Reason: To ensure compliance with application and plans.

- D2.** All works undertaken by contractors (ie. other than Council) shall be inspected by Council to ensure that the works are undertaken in accordance with Council's Engineering Guidelines for Subdivision and Development, 2013. The inspection fee for each section of the work carried out by contractors shall be paid to Council prior to the issue of a Construction Certificate.

Reason: To ensure compliance with Council's requirements.

- D3.** The contractors engaged on the development of the subdivision must maintain public liability insurance cover to the minimum value of \$20 million. The policy shall specifically indemnify Council from all claims arising from the execution of the works. Documentary evidence of the currency of the policy shall be provided to the Council prior to commencement of work and upon request, during the progress of the work.

Reason: To ensure compliance with Council's requirements.

- D4.** Erosion and sediment control facilities shall be provided to avoid damage to the environment during construction. The plan and specification for these facilities are considered an integral part of the development and must be approved by Council prior to the issue of a Construction Certificate.

Reason: To ensure compliance with Council's requirements.

E. Prior to Commencement of Building Works

- E1.** Prior to the commencement of any building works the developer is to apply to an Accredited Private Certifier or Council for a Construction Certificate for the erection of the building. **NO BUILDING WORKS SHALL COMMENCE WITHOUT FIRST OBTAINING A CONSTRUCTION CERTIFICATE.**

Reason: To meet statutory requirements.

- E2.** Prior to any works commencing a "Peg out Survey" is to be provided to Council demonstrating the position of the Service Station in relation to the resulting approved subdivision plan lot boundaries, 472876.

Note: The development is to be located wholly within the boundaries of proposed lot 1 and is to be consistent with the setbacks as per the submitted plan prepared by Stewart Surveys, dated 16 September 2015, Ref: 4485, Sheet 2 (Proposed industrial Shed Site Plan);

Reason: To ensure the positioning of the services station within the future subdivision plan.

- E3.** Appropriate measures are to be implemented in relation to erosion and sediment control prior to work commencing. Such measures are to be maintained during the construction of the development in accordance with Council's Development Control Plan 2012.

Reason: To ensure erosion and sediment control on the development site.

F. Prior to the issue of a Construction Certificate – Building Works

- F1.** Prior to the issue of a Construction Certificate a revised Stormwater Management Plan prepared by a suitably qualified and experienced engineer or registered surveyor is to be submitted to and approved by Council.

The Stormwater Management Plan is to include detailed calculations and supporting drawings/documentation, which demonstrate that stormwater can be intercepted, drained and lawfully discharged for the purpose of preventing stormwater from entering the building in the designed storm event and not create nuisance to any downstream neighbours.

Note. All stormwater from the development is to be diverted to an approved retention system to ensure stormwater is discharged at pre-development flows. Hydraulic calculations are to be provided for 1 in 10 year events with models indicating 1 in 50 and 1 in 100 year flow paths. Stormwater is to be disposed of onsite via appropriate means. All stormwater is to be processed in accordance with Environmental Protection Authority regulations (under the Environmentally Hazardous Chemicals Act, 1985) to ensure hydrocarbons are removed prior to dispersal.

Reason: To ensure satisfactory drainage whilst ensuring that the surface water is not diverted onto adjoining properties.

- F2.** Prior to issue of any Construction Certificate, a detailed landscaping plan is to be submitted to and approved by Council. Landscaping is to be conducted as a minimum, along the primary road frontage for the first 3 metres from the property boundary. Landscaping is to include drought tolerant and frost resistant species.

Reason: To ensure compliance.

- F4.** Prior to issue of a Construction Certificate, construction plans, specifications and documentation as required by conditions of this consent and being consistent with this development consent and the Building Code of Australia, are to be submitted to the Principal Certifying Authority.

Reason: To comply with statutory requirements.

- F4.** Prior to the issue of a Construction Certificate, a Site Waste Management Plan is to be provided to Council.

Reason: To comply with statutory requirements.

- F5.** Prior to the issuing of a Construction Certificate, the Developer shall obtain from Council, approval under Section 68 of the Local Government Act, 1993 to:

- (a) Carry out water supply works
- (b) Carry out sewerage works
- (c) Carry out stormwater drainage works

Note: All works are to be carried out by an appropriately licensed contractor in accordance with NSW Code of Practice for Plumbing and Drainage-2006.

Reason: To ensure environmental health standards are met.

- F6.** Prior to the issuing of a Construction Certificate by the Council or an Accredited Certifier, the Long Service Levy is to be paid.

Reason: To comply with statutory requirements.

- F7.** Prior to the issuing of a Construction Certificate, the Developer shall pay to Council a levy as applicable at the time of payment, relative to the total project value, in accordance with the Council's Section 94A Contributions Plan 2013 under Section 94A of the Environmental Planning and Assessment Act 1979. The current levy payable is 1% of the cost of the development.

Note: The Gunnedah Shire Council's Section 94A Contributions Plan 2013 can be viewed on Council's web site at: <http://www.gunnedah.nsw.gov.au>.

Reason: To make provision for public amenities and services within the community.

- F8.** A Liquid Trade Waste Application shall be submitted to Council. The application shall be accompanied by hydraulic plans illustrating sewer, stormwater and water servicing, the bunded area around the bowsers, proposed discharge point of any spillage waste and any treatment of waste prior to discharge.

Reason: To ensure compliance.

- F9.** A Compliance Certificate under Division 2 of Part 3 of the Water Supply Authorities Act 1987 must be obtained from the Council (as the local water supply authority).

Note: Council requires the following contributions to be paid prior to issuing a compliance certificate to allow continued funding of water and sewer facilities.

- \$32,400 for Water headworks
- \$34,668 for Sewer headworks

The contributions shall be paid prior to the issue of a Construction Certificate.

The contributions are determined in accordance with the Development Servicing Plan for Gunnedah Shire Council Water Supply and Development Servicing Plan for Gunnedah Shire Council Sewerage commencing on 01 July 2012, a copy of which may be inspected at the office of the Council. The above contributions have been adopted under the Council's 2016/2017 Operational Plan. Revised rates adopted by Council in the subsequent Operational Plans will apply to lots released in later financial years.

Reason: To ensure compliance with Council's Development Services Plans.

G. General

Underground Petroleum Storage System (UPSS)

- G1.** The petrol station development shall be carried out in accordance with the Protection of the Environment Operations (Underground Petroleum Storage Systems) Regulation 2014 and relevant Australian Standards.

Reason: To comply with statutory requirements.

- G2.** An Underground Petroleum Storage System (UPSS) must be appropriately designed, installed and commissioned by duly qualified persons in accordance with the Protection of the Environment Operations (Underground Petroleum Storage Systems) Regulation 2014.

Reason: To comply with statutory requirements.

- G3.** An Underground Petroleum Storage System (UPSS) must have mandatory pollution protection equipment installed, consistent with the Protection of the Environment Operations (Underground Petroleum Storage Systems) Regulation 2014, comprising non-corrodible secondary containment tanks and associated pipework and overflow protection devices.

Reason: To comply with statutory requirements.

- G4.** An Underground Petroleum Storage System (UPSS) must have groundwater monitoring wells installed and tested in accordance with the Protection of the Environment Operations (Underground Petroleum Storage Systems) Regulation 2014.

Reason: To comply with statutory requirements.

- G5.** An Underground Petroleum Storage System (UPSS) must have a certificate showing that an equipment integrity test (EIT) has been carried out in line with the written directions of duly qualified persons, in accordance with the Protection of the Environment Operations (Underground Petroleum Storage Systems) Regulation 2014.

Reason: To comply with statutory requirements.

- G6.** 'As-built' drawings of the Underground Petroleum Storage System (UPSS) shall be provided to Council, in accordance with the Protection of the Environment Operations (Underground Petroleum Storage Systems) Regulation 2014.

Reason: To comply with statutory requirements.

- G7.** The developer is to install a Vapour Recovery (VR2) System is to be installed at the petrol tanks as part of construction works. The system is to be installed in accordance with Protection of the Environment Operations (Clean Air) Regulation.

Reason: To comply with statutory requirements.

Road Works

G8. The intersection of the Kamilaroi Highway and proposed internal road shall be designed and constructed in accordance with the Roads and Traffic Authority requirements as an AUSTRROADS CHR for right-turning traffic and AUSTRROADS AUL left-turn deceleration lane. The intersection design shall take into consideration right-turning traffic from the Riley Road and shall extend the return kerb along the Kamilaroi Highway to the tangent point. The alignment shall maintain a minimum footpath width of five (5) metres adjacent to the development.

Reason: To ensure compliance with the Roads and Traffic Authority and Council's requirements.

G9. The proposed internal road shall be constructed in accordance with Council's Engineering Guidelines for Subdivision and Development, 2013 from the intersection of the Kamilaroi Highway to a point 20 metres past the northern most vehicle access to the site as set out generally in accordance with plans prepared by W.A Brown Building Pty Ltd, dated 26/06/2016, Rev K, Ref: DA0161, Dwg No. 01 (Proposed Site Plan). The road is to be constructed having a total road reserve of 25 metres, 150mm barrier kerb and gutter and 2 x 5.0 metre wide footpath reserves.

Reason: To ensure compliance with Council's Engineering Guidelines for Subdivision and Development, 2013.

G11. The proposed road shall be dedicated as a public road. The applicant is to apply to the Land and Property Management Authority and meet the full costs associated with having the road dedicated as a local public road.

Reason: To ensure adequate physical and legal access to the development site.

G12. The developer shall meet the cost to Council of supply and installation, of all street signage (both traffic and name). The signage shall be installed by Council upon completion of development works.

Reason: To ensure compliance with Council's Engineering Guidelines for Subdivision and Development, 2013.

Street Lighting

G13. The developer shall extend, supply and install street lighting along the development site frontage of Kamilaroi Highway and the proposed Road, in accordance with the relevant electrical supply authority industrial development standards.

Reason: To ensure compliance with Council's Engineering Guidelines for Subdivision and Development, 2013.

Access and Parking

G14. Vehicle accesses to the development shall be from the proposed road. Driveway locations and dimensions are to be constructed generally in accordance with plans prepared by W.A Brown Building Pty Ltd, dated 26/06/2016, Rev K, Ref: DA0161, Dwg No. 01 (Proposed Site Plan). No vehicle access is permitted from Kamilaroi Highway. The entry and exit driveways will require the construction of a concrete driveway across the road reserve in accordance with Council's Engineering Guidelines for Subdivision and Development, 2013 for Industrial developments.

a) Before commencement of this work a security bond being half of the estimated cost of the construction work is to be lodged with Council, before work on the driveway is commenced.

- b) Upon the satisfactory completion of the driveway by the developer, the security bond will be released.

Note: Council promotes a nominal cross-fall across the footpath from the kerb top to the boundary line of 2%. Internal driveway grades shall be in accordance with AS 2890 – 2004. Council's Infrastructure Services can be contacted on 02 6740 2130.

Reason: To implement Council's Engineering Guidelines for Subdivision and Development, 2013.

- G15.** All internal driveways, parking areas, loading bays and vehicular turning areas are to be constructed with a base course of adequate depth to suit design traffic, being hard sealed with either bitumen seal, asphaltic concrete, concrete or interlocking pavers or other alternative product that is approved by Council. Parking areas must comply with AS 2890 – *Parking Facilities*.

Reason: To ensure compliance with relevant Australian Standards and to facilitate the use of vehicular access and parking facilities.

- G16.** Onsite parking accommodation shall be provided for a minimum of forty-nine (49) vehicles, to ensure the provision of adequate on-site parking facilities commensurate with the demand likely to be generated by the proposed development. Such being set out generally in accordance with the details indicated on the submitted plans, except as otherwise provided by the conditions of this consent. All parking onsite shall be in accordance with AS2890 and Austroads Guidelines with reference to RMS Supplements.

Reason: To ensure compliance with Council's requirements.

- G17.** The developer is to provide covered parking spaces for a minimum 17 parking spaces onsite. Covered parking spaces are to be provided as per development plans, prepared by W.A Brown Building Pty Ltd, dated 13/09/2016, ref: DA0161, Sheet 09, rev E (Signage + Car Shade Details); & dated 26/09/2016, Sheet 01, Rev K (Proposed Site Plan).

Reason: To ensure compliance with the Gunnedah Development Control Plan 2012.

- G17.** All delivery and loading/unloading areas are to be clearly signposted to be clearly visible from the central driveway area.

Reason: To ensure loading bays are adequately indicated.

Stormwater

- G18.** All Stormwater works identified in the approved Stormwater Management Plan shall be implemented. All works are to be undertaken and inspected in accordance with Council's Engineering Guidelines for Subdivision and Development, 2013.

Reason: To ensure implementation of stormwater works.

Water

- G19.** A single water supply service shall be provided to the development site in accordance with the approved Servicing Strategy. All works are to be undertaken and inspected in accordance with Council's Engineering Guidelines for Subdivision and Development, 2013.

Note: A Water Application Form shall be submitted to Council, together with the installation costs. The installation costs are adopted in the Council's Management Plan. Revised rates adopted in the subsequent Management Plans will apply to lots released in later financial years.

Reason: To ensure compliance with Council's Engineering Guidelines for Subdivision and Development, 2013.

Sewer

G21. A single sewer service shall be provided to the development site. Sewer services shall be provided by extending Council's sewer main within the road reserve of Kamilaroi Highway, from Council's current gravity sewer mains located in Kamilaroi Highway to a point 20 metres past the northern most alignment of the proposed building within the proposed road reserve. A 225mm reticulation main, manholes and junctions will be required to service the lot as per Sewer Code of Australia WSA 02-2003. The development will include construction of a collection well and pumping station to deliver effluent and waste to Council's Sewer Treatment Plant. All works are to be undertaken and inspected in accordance with Council's Engineering Guidelines for Subdivision and Development, 2013.

Reason: To ensure compliance with Council's Engineering Guidelines for Subdivision and Development, 2013.

Allotment Filling

G24. All allotment filling will require certification as to suitability and capability of the filling from an appropriately qualified Consulting Engineer for approval by Council. The certification shall include drawings/specifications which shall clearly indicate the location and depth of proposed filling. Matters taken into consideration in the certification shall include drainage, services, fill material standards, compaction standards, dust control and impact on adjacent lands.

Reason: To ensure compliance with Council's requirements.

G25. Where allotment filling has been carried out, the "Works-As-Executed" plans shall indicate the contours prior to and after filling and also the compaction test results.

Reason: To ensure compliance with Council's requirements.

Easements

G26. No permanent structures are to be placed on any easement.

Reason: To ensure legal requirements.

Outdoor Lighting

G27. Outdoor lighting is to comply with *AS/NZS 11583.1 Pedestrian Area (Category P) Lighting* and *AS4282 Control of Obtrusive Effects of Outdoor Light*.

Reason: To ensure compliance.

Advertising Signage

G28. Lighting **must not be flashing or intermittently illuminated**. Signage must comply with AS 4282—1997, *Control of the obtrusive effects of outdoor lighting*. Signage, where lit must be fitted with a timer switch to be dimmed or turned off between the hours of 11pm and 6am each night.

Reason: To ensure compliance.

Landscaping

G29. A minimum of 3 metres from the Primary Road frontage along Kamilaroi Highway and the new unnamed road is to be landscaped. Landscaping is to commence from the property boundary to within the development site. No landscaping is to be conducted within Council's road reserve.

Reason: To ensure adequate landscaping along road frontage.

Flooding

G30. All electrical installations and wiring will be required to be located 500mm above the 1% AEP flood level.

Reason: To ensure adequate landscaping along road frontage.

H. During Construction Works

H1. A stamped copy of the development consent, the approved plans and specifications are to be kept at the construction site at all times during the construction period.

Reason: To ensure compliance with approved application and plans.

H2. The storage of all building materials shall be confined within the boundaries of the allotment.

Reason: To ensure site safety.

H3. No permanent structures are to be placed on any easement.

Reason: To ensure legal requirements.

H4. The developer shall provide Council with certification from a registered Surveyor that the finished floor height has been constructed at or above the 1% AEP flood level at the following mandatory inspection stage;

(a) Concrete slab formwork with reinforcement prior to pouring of concrete.

Reason: To meet statutory requirements.

H5. All infrastructure works undertaken by contractors (ie. other than Council) shall be inspected by Council to ensure that the works are undertaken in accordance with Council's Engineering Guidelines for Subdivision and Development, 2013. The inspection fee for each section of the work carried out by contractors shall be paid to Council prior to the issue of a Construction Certificate.

Reason: To ensure compliance with Council's Engineering Guidelines for Subdivision and Development, 2013.

H6. Toilet facilities

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.

Each toilet provided:

(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

- (iii) 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.

The provision of toilet facilities in accordance with this clause must be completed before any other work is commenced. In this clause:

accredited sewage management facility means a sewage management facility to which Division 4A of Part 3 of the *Local Government (Approvals) Regulation 1993* 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 95B of the Regulation.

approved by the Council means the subject of an approval in force under Division 1 of Part 3 of the *Local Government (Approvals) Regulation 1993*.

public sewer has the same meaning as it has in the *Local Government (Approvals) Regulation 1993*.

sewage management facility has the same meaning as it has in the *Local Government (Approvals) Regulation 1993*.

Reason: To ensure environmental health standards are met.

- H7.** Work on the development shall be limited to the following hours to prevent unreasonable disturbance to the amenity of the area:

Monday to Friday - 7.00am to 5.00pm;
Saturday - 8.00am to 1.00pm if audible on other residential premises,
otherwise 7.00am to 5.00pm;

No work to be carried out on Sunday or Public Holidays.

Note: The builder shall be responsible to instruct and control sub-contractors regarding the hours of work.

Council will exercise its powers under the Protection of the Environment Operations Act, 1997, in the event that the building operations cause noise to emanate from the property on Sundays or Public Holidays or otherwise than between the hours detailed above.

Reason: To ensure amenity of the neighbourhood is maintained.

I. Prior to the issue of an Occupation Certificate

- I1.** Occupation of the building is not to occur until all work has been completed, the conditions of consent satisfied and an Occupation Certificate issued by the Principal Certifying Authority.

Reason: To meet statutory requirements.

Landscaping

- I2.** All landscaping, as detailed in the submitted landscaping plan, is to be undertaken prior to the issue of an Occupation Certificate.

Reason: To comply with statutory requirements.

- I3.** One set of approved construction drawings shall be amended to show the “work-as-executed”. These drawings in both hard copy and electronic form shall be provided prior to issue of any Occupation Certificate. The drawings are required to ensure that adequate records are maintained of community infrastructure. The drawing shall be certified by a registered surveyor or a Chartered Professional Civil Engineer. Also an electronic copy of the WAE in dwg format shall be also provided prior to the issue of an Occupation Certificate.

Reason: To ensure compliance with Council’s requirements.

J. Continued Operations

- J1.** The owner of the building shall submit to Council at least once in each period of twelve (12) months following the building’s completion, an Annual Fire Safety Statement with respect to each essential fire safety measure associated with the building.

Reason: To ensure compliance and fire safety of the building.

- J2.** All landscaping shall be maintained at all times in accordance with the approved landscape plan.

Reason: To ensure maintenance of landscaping.

- J3.** The sealing to all vehicular parking, manoeuvring and loading areas is to be maintained at all times.

Reason: To ensure maintenance of car parking areas.

- J4.** All vehicular movement to and from the site shall be in a forward direction to ensure that the proposed development does not give rise to vehicle reversing movements on or off the Public Road with consequent traffic accident potential and reduction in road efficiency.

Reason: To ensure compliance with Council’s requirements.

PURPOSE

The Development Application is being referred to Council as the total value of project works exceeds Council’s staff delegations for determination of development applications.

Applicant:	GN Partners Pty Ltd
Owner:	Mayderi Pty Ltd
Property Description:	Lot 2 DP858991 110 Kamilaroi Highway, Gunnedah

Proposed Development

The development application is seeking approval for the construction of a service station, containing truck facilities, convenience store, two refuelling canopies and shaded parking spaces. The development will also include the construction of a new public road and extension of Council’s infrastructure within the new road reserve.

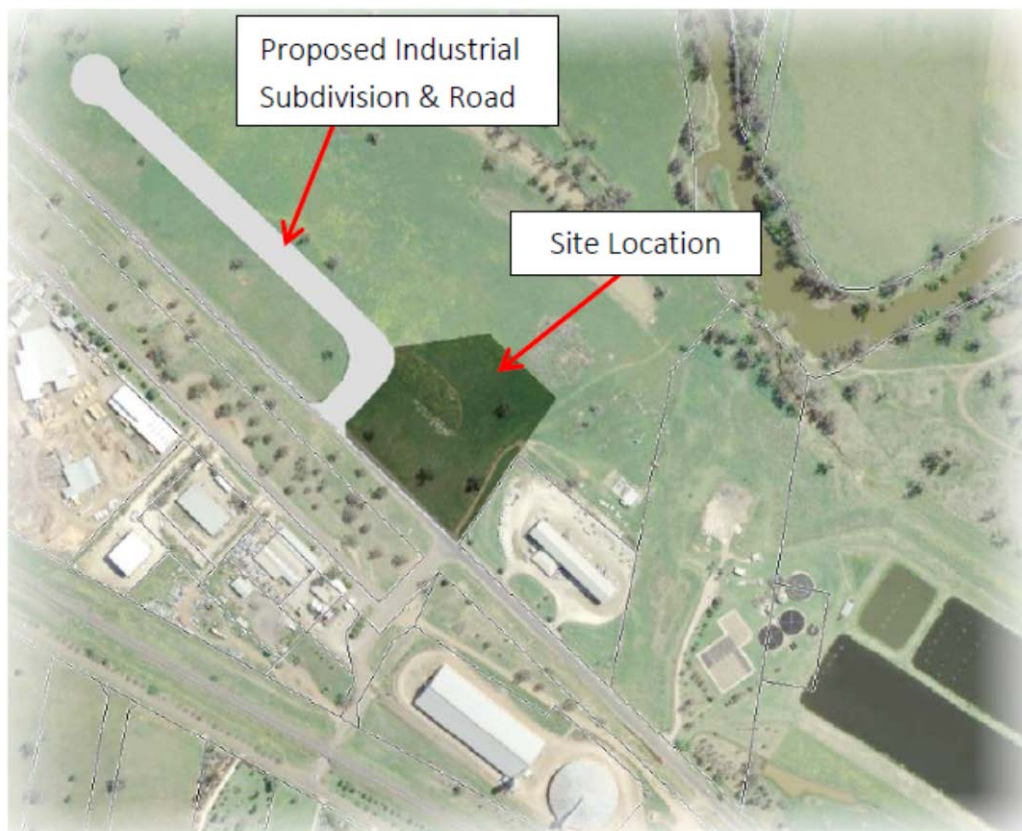
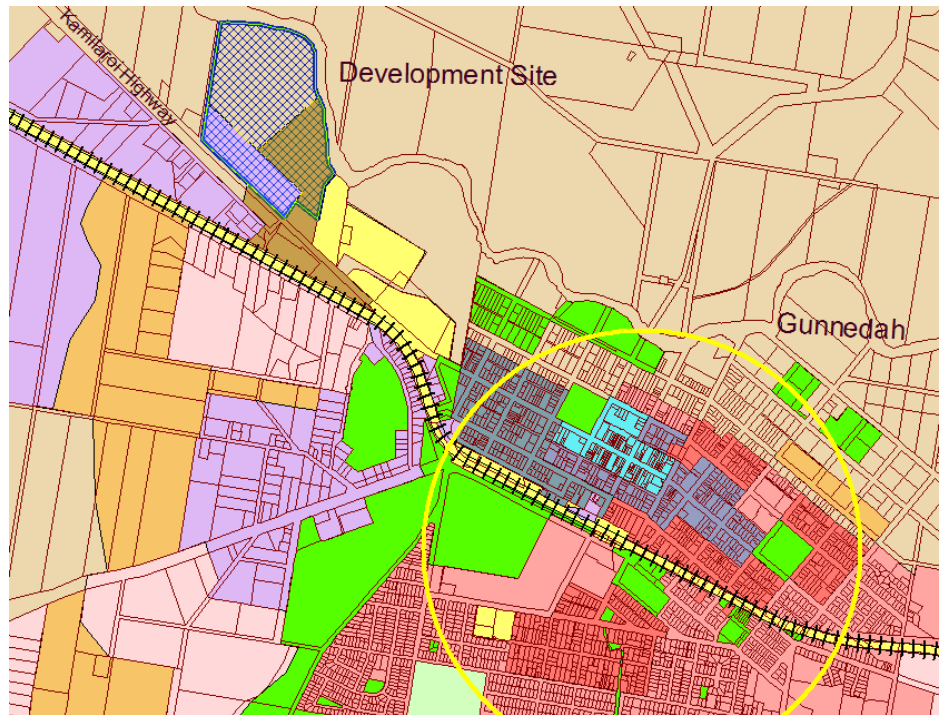
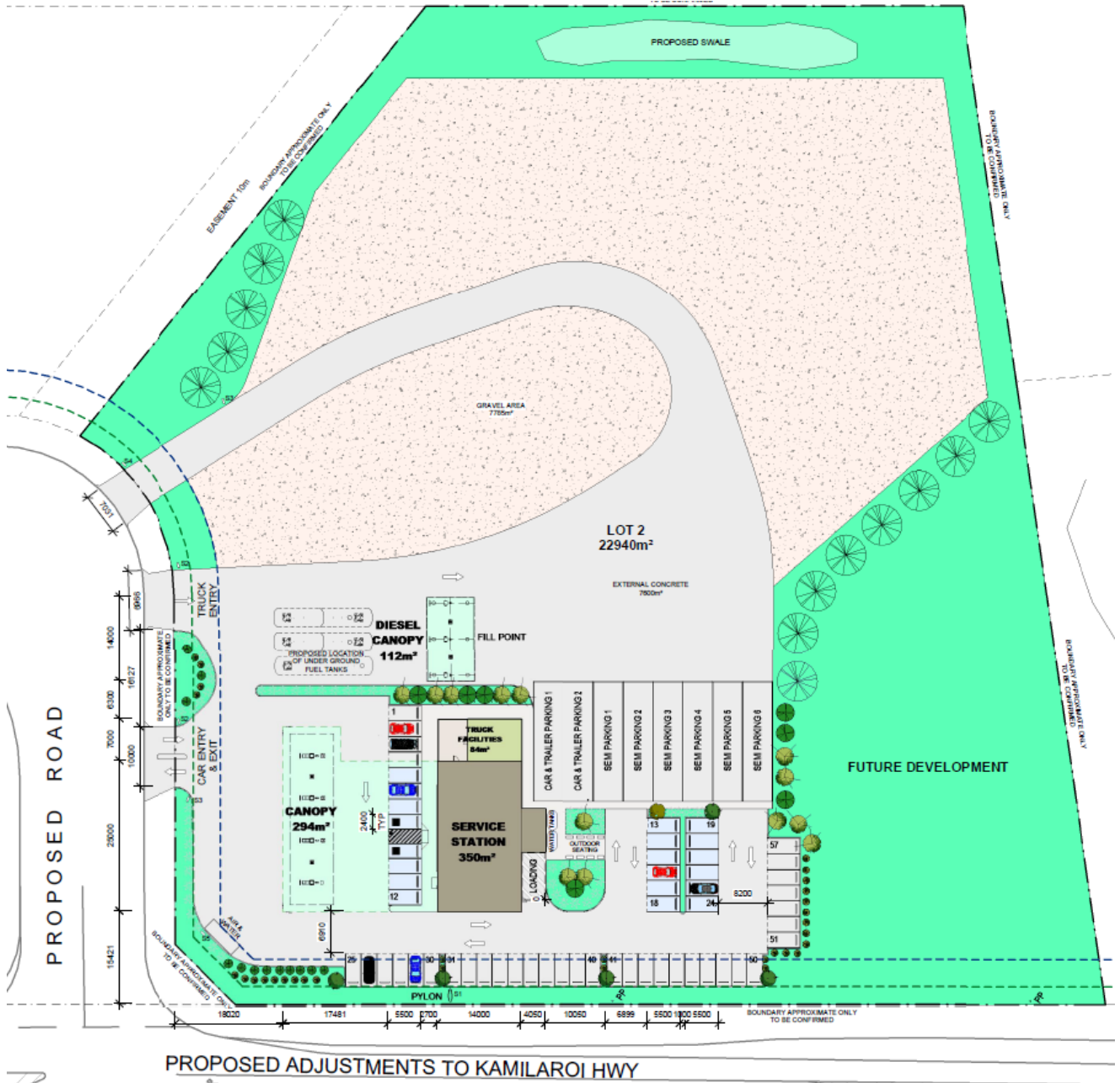


Figure 1: Proposed Lot 1, No.110-168 Kamilaroi Highway, Gunnedah



BACKGROUND

Council approved Development Application No. 472876 for the subdivision of the site into 19 lots in November 2010. Subdivision works have commenced, including significant earth works to raise the ground level of the site, construction of a public road and installation of infrastructure. The proposed service station is to be located on proposed Lot 1 of the subdivision.

As the subdivision works have not been completed and the infrastructure dedicated to Council, the application for the service station has been submitted on the original parcel of land. It is highlighted that a development application is unable to be subject to the conditions of another application. Hence, this development application also includes some of the road and infrastructure works associated with the subdivision consent.

COMMENTARY***S79C(1)(a)(i) the provisions of any environmental planning instrument
Gunnedah LEP, 2012***

The development site is zoned IN1 General Industrial, RU6 Transition and RU1 Primary Production under the provision of the Gunnedah Local Environmental Plan, 2012. The use of the site as service station is permitted subject to development consent within the IN1 zoning. The proposed development is consistent within the objectives of the zone as the development will encourage employment opportunities and the development is expected to provide a supportive role to the adjoining industrial area. The following clauses of the Gunnedah Local Environmental Plan 2012 are applicable to the development.

4.4 – Floor Space Ratio

The proposed development will have a floor space ratio of 0.00276:1, complying with the maximum floor space ratio for the site of 0.6:1. Upon registration of the new subdivision plan, the resulting floor space ratio of the development on proposed lot 1 will be 0.063:1. Hence, the development will comply with the floor space ratio requirement of the site for the registration of the subdivision.

5.9 – Preservation Trees or Vegetation

The development site is largely clear of vegetation with the development works not proposing the removal of any trees or vegetation. There are no tree species located onsite that are listed within Council's Development Control Plan 2012 that may require approval prior to being removed.

6.1 – Flood Planning

The development site is identified as being flood prone land. The development application included a flood survey report that identified the expected flood levels for a 1 in 100 year flood event level, across the entire development site. It is expected that the development will not increase any potential risk to life or property. There will be no adverse impacts to flood behaviour that could potentially increase or intensify the flood characteristics on other development or properties. Hence, the development is considered to be compatible with the flood land zoning. The ground level of the site (as part of the subdivision development) will be constructed at the 1 in 100 year flood event. All electrical installations and wiring will be required to be located above the flood standard.

6.2 – Airspace Operations

The site is located within the area marked on the Limitation or Operations Surface Map. The development site is marked as being within the 40 metre maximum height contour, which ensures that building construction does not exceed safe construction height due to proximity to the Gunnedah Airport. The development will not approach a height of 40 metres and hence is not expected to create any safety impacts on air traffic safety.

6.5 – Essential Services***Water***

The development will include the extension of Council's water main to ensure that a water service can be provided to the site. The water service is to be provided of sufficient capacity to accommodate the proposed development.

Electricity

Above ground electrical services are present along the Kamilaroi Highway. Any required upgrade to electrical service provision is the responsibility of the local service provider in conjunction with the developer.

Sewerage

The development will include the extension of Council's sewer main to ensure that a sewer service can be provided to the site. Any works associated with the construction of this main is to be conducted by the developer in accordance with Council's Engineering Guidelines for Subdivisions and Developments, Version 2 August 2013.

General waste generated by staff and visitors on the site will be collected onsite and disposed of by licensed contractor and disposed of offsite to a suitably licensed water management facility. No waste is to be disposed of onsite.

Stormwater

There is no council stormwater infrastructure within the boundaries of the lot. There is sufficient area within the lot boundaries for onsite disposal of stormwater. The development application included stormwater drainage plans for the buildings and hard sealed areas of the site. The current details and plans provided to Council addressing stormwater disposal is currently insufficient regarding overflow calculations and flow paths for the 1 in 10 year flood event level and 1 in 100 year over flow paths. This information is to be submitted and approved by Council prior to a Construction Certificate being issued.

Access

The site has frontage to Kamilaroi Highway. Vehicle access is to include the construction of a new public road to ensure that vehicle access is not provided directly from the Highway. The development will create three new vehicle accesses to the site from the new public road. Two of these accesses are proposed to be utilised as separate entry and exit driveways for trucks and vehicles with trailers, with the final driveway to be a combined entry/exit driveway for all other small vehicles and patron access.

State Environmental Planning Policy No. 44 – Koala Habitat Protection (SEPP44)

Due to the density of Koala Feed Trees listed within Schedule 2 of the SEPP44, listed onsite the development site was regarded as being potential Koala Habitat. The site contains 3 different tree species listed within SEPP44, as being Koala Feed Trees, which result in a density of around 90% of the entire trees onsite. Hence, as per the definition the site is regarded as being potential Koala Habitat.

A site investigation concluded that there was no evidence of Koala activity at any of the trees investigated. Historical records do not identify the site as having historical sightings of Koalas. Hence, the site is not regarded as being core Koala Habitat.

State Environmental Planning Policy No. 55 – Remediation of Land

The development site is currently vacant with no approved land use. Previous land use was agricultural, with no known contamination. The submitted Statement of Environmental Effects concludes that “the site is deemed to be suitable for use as a service station and truck stop”.

State Environmental Planning Policy No. 64 – Advertising and Signage

The proposed development will include external façade mounted signs on the fuel bowser canopies and a freestanding pylon sign that is located within the primary road frontage to the Kamilaroi Highway. The pylon sign is proposed to be illuminated but is to be fitted with a timer to turn off or dim the illumination between 11pm and 7am. The façade mounted signs will display the operating business of the services station and the pylon will include provision of fuel prices for each fuel type. As the application does not include the details of the pylon sign wording, a condition is imposed to clarify that the approved pylon sign is to be used for business identification only.

The proposed signs are compatible with the existing character of the area being a mixed commercial/industrial precinct. There are no items of heritage significance or sensitive environmental areas within the surrounding area that may be impacted by the development. The sign does not project above the surrounding building elevations or compromise important views or vistas. The signage respects viewing rights of other commercial activities and does not block any signage.

S79C(1)(a)(iii) provisions of any development control plan

Gunnedah Development Control Plan 2012

1.8 – Consultation

The development application required notification and advertisement in accordance with the requirements of the Development Control Plan requirements. The application was notified to adjoining land holders and advertised in the local paper. No submissions were received.

4.1 – Building Setbacks

Development setbacks require a minimum setback requirement of 7.5 metres from either Kamilaroi Highway or the proposed new road. The development will be located 15.4 metres from the property boundary along Kamilaroi Highway and 18 metres from the boundary to the proposed new road. The development will be positioned an adequate distance from all property boundaries.

4.2 – Design

The design of the development does not create any large scale building elements along either of the road frontages. The incorporation of the various rooflines and canopies will provide a variation to elevation appearances. The roofing material will be constructed from non-reflective materials.

4.3 – Utilities and Services

The development will require the extension of Council's water and sewer mains within Kamilaroi Highway road reserve to the site, including the provision of a sewer pump station to enable the servicing of the site by the Gunnedah Waste Treatment Plant. The mains that are located close to the site are of adequate size and capacity to accommodate the increased demand placed on Council's service by the development.

4.4 – Traffic and Access

A Traffic Engineering Assessment (TEA) has been submitted with the application to address the suitability of the current road and proposed intersection conditions for the proposed development. The development proposes entry and exit of all vehicles from the proposed internal road that is to be completed as part of this development or as part of the approved subdivision works for DA No. 472876 (whichever occurs first). The TEA has indicated that an expected 2% increase in traffic movements is expected within the surrounding road network as a result of the development operations.

The assessment concluded that the proposed intersection design proposed within DA No. 472876, for the subdivision works and included in this application, is suitable to accommodate for the proposed development. Conditions of consent have been recommended to ensure that all required road construction works are completed and consultation with RMS is conducted due to works occurring on the Kamilaroi Highway.

All driveway accesses are to be concrete and a constant grade across footpath to the property boundary, constructed in accordance with Council's access standard. Development plans have demonstrated vehicle turning circles and manoeuvring within the development site to ensure that there will be adequate ability for all vehicles entering the site to manoeuvre and exit in a forward direction. Driveway accesses are positioned away from the intersection with the Kamilaroi Highway. Currently sighting distances from the site are unobstructed and will aid in the safety of vehicles entering and exiting the site. All driveway entry and exits are to be clearly signposted to clearly indicate to motorist where entry is permitted and where traffic will exit onto the new road.

4.5 – Parking

The development is a service station and includes a convenience store. The service station does not have a workshop or vehicle repair component. As per parking calculation the development requires 1 space per 20m² of gross floor area, plus 1 space per 6.5m² of convenience store area. The development requires a minimum of 49 parking spaces provided onsite.

4.6 – Landscaping

Development plans indicate a 3 metre setback along each road frontage for landscaping purposes. A detailed landscaping plan is to be provided prior to the issue of a Construction Certificate.

As the development requires more than 30 onsite parking spaces, vehicle shade structures are to be constructed over a minimum of 33% of the onsite parking spaces. As the site requires a minimum of 49 parking spaces, 17 parking spaces are to incorporate shade structures.

The canopy over vehicle refuelling bowsers is to be extended over parking areas along the front of the service centre building and the provision of a shade structure over 12 onsite parking spaces the development will provide covered spaces to 20 onsite parking spaces. Hence, the number of covered parking spaces is adequate.

4.7 – Fencing

The development does not propose the provision of any fencing. The development does not include any work areas onsite that may require screening from public areas.

4.8 – Loading/Unloading Facilities

Loading facilities have been provided to the rear of the service station with a designated loading area located clear of pedestrian access or internal driveways. Loading facilities are to be included entirely onsite. All loading facilities are able to be accessed from internal driveway with service vehicles accessing the site in a forward direction.

4.9 – Outdoor Lighting

Outdoor lighting is to comply with *AS/NZS 11583.1 Pedestrian Area (Category P) Lighting* and *AS4282 Control of Obtrusive Effects of Outdoor Light*.

4.10 – Outdoor Signage

The development is not an industrial use tenancy and hence there are no restrictions on number of signs permitted within the Gunnedah Development Control Plan 2012. Details of the pylon sign imagery is yet to be included as the signage will be specific to the tenant. Signage is identified on each side of the awning on the fascia as business identification, two business identification signs on the front elevation and a single free standing pylon sign within the development setback along the Kamilaroi Highway frontage.

The proposed signage proposed as part of this development application has been previously assessed against the requirements of SEPP64.

4.11 – Noise

The development application proposes to operate 24 hours per day and 7 days per week. The surrounding area comprises industrial receivers which provide a buffer to surrounding residential receivers. The closest residential receiver to the site will be approximately 450 metres.

The development application Statement of Environmental Effects included a noise assessment report that assessed the noise generation from the site in accordance with the EPA's NSW Industrial Noise Policy. The report assesses potential noise generation levels created during construction and ongoing operation of the service station for each period of the day. Major noise generators identified were customer car noises, truck movements and mechanical plant noise generation. The noise generation from the proposed operational noises generated from the site were predicted to be minimal and below the EPA's NSW Industrial Noise Policy guidelines at all receptors including adjoining commercial and industrial activities. Hence, the noise levels from the site were at an acceptable level without the need for any noise reduction devices.

S79C(1)(b) the likely environmental impacts on the natural and built environments and social and economic impacts in the locality

Context and Setting

The development site is currently vacant. The site is zoned for industrial use and adjoining rural primary production and transition zones. The adjoining allotments predominately contain dwelling houses or industrial uses. The proposed development is expected to be consistent with development on the site and adjoining lots.

Access, transport and traffic

The development site has frontage to Kamilaroi Highway and will include the construction of a new public access road. The access, transport and traffic details have been addressed previously through this report.

The development application was referred to the Roads and Maritime Services (RMS) under Clause 104 of the State Environmental Planning Policy (Infrastructure) 2007 as the development proposed works on the Kamilaroi Highway. The received response was addressed with conditions included relating to illumination of signage and parking and manoeuvring standards adopted. Council is satisfied with the development in its current form, meeting the required safe sighting distances and minimal traffic impediment.

Public domain

The development does not include the dedication of any public land. A condition is to be imposed that requires public liability insurance for any contractor that is working on Council's road reserve. A contribution under the S94A contribution plan is to be applied to this development to facilitate the additional demand that will be imposed on Council's services as a result of the proposed development.

Utilities

The development site does not have provision of any of Council's services. Council's water and sewer services are present within the road reserve close to the site and must be extended to the site to ensure that suitable services are provided. Details of service extension have been previously addressed throughout this report. Stormwater is to be disposed of onsite.

Heritage

The development site is not identified within the Gunnedah Local Environmental Plan 2012 as containing an item of local or state significance, nor are there any on the adjoining allotments that will be impacted by the development.

Other land resources

The proposed usage is consistent with the land use objectives of the adjoining allotment. The site is not regarded as being prime agricultural land or containing any valuable resources that would be impacted from the proposed land use.

Water

The development site will require the extension of Council's water mains. Current water services surrounding the site are able to cater for the expected increase in water demand. Council's Development Servicing Plan 2011 is also applicable to the development. A condition will be imposed in regard to the payment of headworks charges.

Soils

An assessment was submitted pertaining to the soil classification and soil structure to ensure the appropriateness of the development. The site's soils are considered to be adequate for the proposed development. Any soil being utilised onsite as fill is to be free of any contamination to ensure that no contamination is transported to the site. Appropriate sediment and erosion control plans have been provided and will be implemented during construction works.

Air and microclimate

The surrounding road network and new internal road is to be bitumen sealed. All internal driveways and parking areas are to be hard sealed to ensure that there is no dust generation from the site resulting from internal vehicles movements. Sediment and erosion control measures are to be implemented for the extent of construction works. Vapour recovery equipment is to be installed at the site, which will recover at least 85% of displaced vapour. Given the preventative measures proposed and the distance of fuel storage tanks from adjoining residences, it is expected that the air quality impacts have been suitably addressed.

Waste

Waste generated from the site includes general operational waste with no offensive waste expected to be created on the site. Waste collection bins are to be provided to the rear of the exiting building within screened areas to ensure that they are not visible from public areas. Two bins are to be provided one dedicated each for general waste and recycling material. Waste collection is to be undertaken by private contractor.

Extension of Council's sewer mains will enable the disposal of effluent to Council's waste treatment plant. Council's Development Servicing Plan 2011 is also applicable to the development. A condition will be imposed in regard to the payment of headworks charges.

Energy

A new electrical service is to be provided to the development, as an underground service. Any upgrade to the current electrical service network is to be completed in consultation with the local service provider.

Noise & vibration

The development is not expected to create any significant noise generation within the surrounding locality. A noise assessment has been provided to outline any potential noise generation as a result of ongoing operations. Noise impacts have previously been addressed within 4.11 – *Noise*. Council's standard hours of operation will be imposed during construction works to retain the amenity within the area during construction works.

Natural hazards

The development site is identified as being flood prone land as per the Gunnedah LEP Flood Planning Maps. The flood impacts have been addressed previously in this report.

Safety, security & crime prevention

The proposed development will not result in any decrease in the safety, security and crime prevention on the site. Due to the locality, it is expected that patrons will predominately arrive on site by vehicle with no or minimal pedestrian access expected. Operational security measures are to be implemented to ensure staff and patron security. There will be no security fencing incorporated in to the development.

Social & Economic impact in the locality

The proposed development is considered to have minimal social and economic impact. The development will create employment opportunities within the Gunnedah region during construction and ongoing job creation during its operation.

Site design and internal design

The proposed service station and associated structures will be located with adequate setbacks from all lot boundaries. The service station is not considered to be an over development of the site and will be consistent with the current and future use within the locality.

Construction

The proposed development will be required to comply with the provisions of the Building Code of Australia. The proposed construction materials are considered to be consistent with the existing development in the locality.

Cumulative impacts

The proposed development is considered to have minimal cumulative impacts. All potential impacts have been addressed previously in this report. An accumulation of all potential affects from the development is not expected to result in the development causing nuisance to the surrounding area.

S79C(1)(c) *the suitability of the site for the development*

The proposed development is consistent with the existing and future development in the locality. The development will include the construction of a new public road and extension of Council's infrastructure to the site. The site is not identified as being bushfire prone land and does not contain an item of heritage significance. Flood reduction measures are to be implemented to ensure that the development will not be below recorded flood levels. Hence, the site is considered to be suitable for the development.

S79C(1)(d) any submissions made in accordance with this Act or the regulations

The development application was notified to adjoining land holders and placed on public exhibition for 14 days as per the requirements of the Gunnedah Development Control Plan. No Submissions were received during this exhibition period.

S79C(1)(e) the public interest

The application was referred to the Roads and Maritime Services (RMS) in accordance with Clause 104 of the State Environmental Planning Policy (Infrastructure) 2007. Comments provided by RMS have been considered as part of the evaluation of this development application.

Conclusion

The development application is seeking development consent for the construction of a service station and associated infrastructure works. The application has been assessed under the provision of the *Environmental Planning and Assessment Act 1979* and the *Environmental Planning and Assessment Regulation 2000*. The evaluation of this development application has concluded that the proposed development is compliant with the legislative requirements for this development.

As per the recommendation of this report, it is concluded that Development Application No. 2016/079 for the construction of a service station and associated infrastructure and road works, Lot 2 DP 858991,110 Kamilaroi Highway, Gunnedah, be approved subject to conditions of consent.

Andrew Johns

DIRECTOR PLANNING AND ENVIRONMENTAL SERVICES

Shire of
Gunnedah
Land of Opportunity
