

STATEMENT OF ENVIRONMENTAL EFFECTS

**Service Station and Takeaway Food and Drink Premises
5-13 Louth Park Road, South Maitland NSW 2320**

Prepared for:
Bunder Family Trust

SLR Ref: 631.30625.00000-R01
Version No: -v0.1
May 2022

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BASIS OF REPORT

This report has been prepared by SLR Consulting Australia Pty Ltd (SLR) with all reasonable skill, care and diligence, and taking account of the timescale and resources allocated to it by agreement with Bunder Family Trust (the Client). Information reported herein is based on the interpretation of data collected, which has been accepted in good faith as being accurate and valid.

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DOCUMENT CONTROL

Reference	Date	Prepared	Checked	Authorised
631.30625.00000-R01-v0.1	12 May 2022	Roxy Richardson	Kate Young	Benjamin Young

EXECUTIVE SUMMARY

This Statement of Environmental Effects (SEE) is submitted to Maitland City Council (Council) in support of a Development Application (DA) at 5-13 Louth Park Road, South Maitland NSW 2320 (the site) for the construction and use of a service station and takeaway food and drink premises.

Figure 1 provides a 3D perspective of the front of the building (western elevation).



Figure 1 3D Perspective

The proposed development will provide a valuable service and convenient facility for motorists travelling along Les Darcy Drive, as well as residents and workers in the surrounding area. The proposal is considered to be in the public interest as it will deliver a number of public, social and economic benefits with minimal adverse impacts.

The proposed development incorporates high-quality building presentation and signage with an integrated overall approach to site development. The proposed development will provide a safe, functional and environmentally responsive development outcome for the site.

The proposal is compliant with relevant legislative requirements and Environmental Planning Instruments (EPIS). The land uses proposed are permissible as additional permitted uses at the site under the Maitland Local Environmental Plan (LEP) 2011 as well as the proposal being compliant with all standards and controls under the LEP 2011. It will provide conveniently located services while maintaining an appropriate level of amenity for the area and sympathetic to heritage values for the Maitland Conservation Area in which the site is located. The development is generally compliant with the relevant controls of the Maitland Development Control Plan (DCP) 2011 with a justified variation to the proposed finish floor level of the building.

EXECUTIVE SUMMARY

This SEE has addressed the potential impacts arising from the proposal on surrounding properties including traffic, access and parking, noise, fuel hazard, visual amenity, flooding, heritage impact, and waste and water management. Where necessary, mitigation measures are proposed to minimise potential impacts and reduce potential risk associated with the development. Furthermore, it is in the interest of the future operator to employ strict management procedures to ensure that the development is a safe, efficient, and pleasant operation in which to work and visit.

Given the merit of the design and the absence of any significant adverse environmental impacts or planning issues, the DA is considered to be in the public interest and worthy of Council's support.

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1 Introduction

This Statement of Environmental Effects (SEE) is submitted to Maitland City Council (Council) in support of a Development Application (DA) at 15-13 Louth Park Road, Maitland NSW 2320 (the site) for the demolition of existing dwellings and site improvements, removal of trees and vegetation and construction and use of a service station and takeaway food and drink premises including the following elements:

- Convenience store building (GFA 211m²) with retail area, customer service counter, back of house food preparation areas, storeroom, cool room, staffroom and amenities;
- Takeaway food and drink premises (GFA 200m²) with drive-thru lane;
- Fuel canopy (appropriately bunded) containing four double sided fuel bowsers;
- Two (2) underground fuel tanks and associated infrastructure;
- Customer and staff parking;
- Service yard and loading bay;
- Removal of existing driveway crossovers on Louth Park Road and construction of a consolidated entry and exit driveway; and
- Associated fencing, signage, and landscaping.

A Construction Certificate (CC) for the development will be sought separately.

This SEE has been prepared by SLR Consulting Australia Pty Ltd (SLR) on behalf of the Bunder Family Trust. It describes the site, its environs, the proposed development and provides an assessment of the proposal in terms of the matters for consideration under Section 4.15 of the *Environmental Planning and Assessment Act 1979* (EP&A Act). It should be read in conjunction with all supporting information and Plans prepared by Brown Building included at **Appendix A**.

2 Site Analysis

2.1 Site Location and Context

The site is located on the corner of Les Darcy Drive (New England Highway) and Louth Park Road, within the Local Government Area (LGA) of Maitland City Council.

The site is located within a low density residential area zoned RU1 Primary Production zone. The site immediately adjoins SP2 Infrastructure (Road) to the north with B4 Mixed Use Business zoned lands further afield.

The immediate surrounds include an undeveloped site to the east/southeast; residential dwellings to the south; and a service station across Louth Park Road to the west. A rail corridor is located along the northern side of Les Darcy Drive with High Street Railway Station located 300m to the east.

Les Darcy Drive (New England Highway) is a State Classified Road and Louth Park Road is a local road. The T-intersection between Les Darcy Drive and Louth Park Road is not signalised and allows movement in every direction with a turning lane from each direction off Louth Park Road.

In the vicinity of the site, Les Darcy Drive provides a four-lane carriageway with a dual traffic lane in each direction, separated by a landscaped median. Louth Park Road is a two-lane carriageway with a single lane of traffic each way. Refer to **Figure 2** for site aerial.



Figure 2 Site Aerial (Source: Sixmaps)

2.2 Site Description

The site comprises nine separate lots, formally described in **Table 1** below.

Table 1 Formal Lot and Plan Description of Site

Lot	Deposited Plan
1	DP1109043
2	
3	
4	
17	DP1044795
18	
6	DP199882
1	DP782596
1	DP794525

The site is known as 5-13 Louth Park Road, South Maitland, refer to **Figure 3**. The site is generally flat, is a total area of approximately 4,412m² and irregular in shape.

Detailed survey of the subject site suggests grades are generally flat with elevations ranging between 7.2m AHD to 7.5m AHD. Lot 1 DP1109043 is an exception, which drops down to elevations ranging between 6.4m AHD to 7.2m AHD.

The site has approximately 90m frontage to Les Darcy Drive on the northern side of the site with a large grassed road reserve and pedestrian path between the road and the boundary. The pedestrian path is fenced off from the road. No vehicle crossovers are currently available from Les Darcy Drive.

A 50m frontage to Louth Park Road provides one large crossover into two existing properties as well as one kerb cut out that it not utilised and one that traverses much of the Les Darcy Drive road reserve.

The site currently contains four (4) detached dwellings and ancillary structures, one dwelling fronting Les Darcy Drive and the other three fronting Louth Park Road. The buildings and structures are generally in poor condition and in need of repair and maintenance.

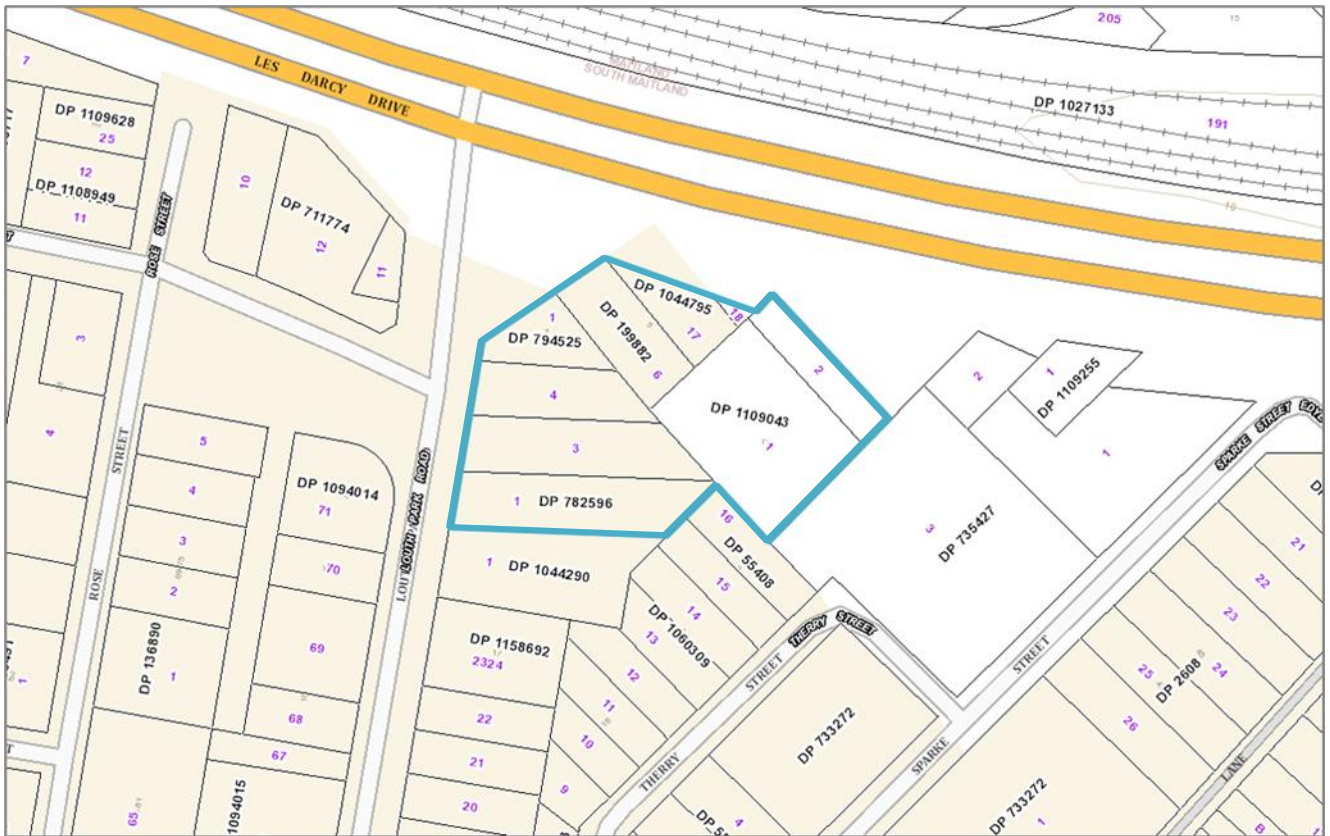


Figure 3 Cadastre (Source: Six Maps)

3 Proposed Development

This section of the SEE provides a detailed description of the proposed development.

3.1 Development Description

The proposed development includes:

- Convenience store building (GFA 211m²) with retail area, customer service counter, back of house food preparation areas, storeroom, cool room, staffroom and amenities;
- Takeaway food and drink premises (GFA 200m²) with drive-thru lane and internal seating capacity of 20;
- Fuel canopy (appropriately bunded) containing four double sided fuel bowsers;
- Two (2) underground fuel tanks and associated infrastructure;
- Customer and staff parking;
- Service yard and loading bay;
- Removal of existing driveway crossovers to Louth Park Road and construction of a consolidated entry and exit driveway; and
- Associated fencing, signage, and landscaping.

Please refer to the full set of Development Plans prepared by Brown Building at **Appendix A**.

3.1.1 Demolition

The four (4) dwellings and other site improvements such as metal sheds currently present on the site are proposed to be demolished/removed as part of this DA.

The demolition works will be carried out in accordance with the requirements of WorkCover NSW and Australian Standards AS 2601:2001 (The Demolition of Structures) and AS 2436 (Guide to Noise Control on Construction, Maintenance and Demolition Sites). A Hazardous Material Survey (HMS) will be prepared prior to any demolition being carried out to determine the presence or absence of any hazardous materials within the onsite structures, storage areas or soil surface.

All demolition waste will be disposed of at an approved facility. A Waste Management Plan (WMP) covering demolition works is included at **Appendix K**.

3.1.2 Earthworks

Relatively minor earthworks are required in order to provide suitable building and fuel canopy levels as well as a suitably graded car park. Excavation will occur to implement ground surface stormwater management measures and for fuel tank instillation. Refer to the Civil Engineering Plans and Stormwater Management Plan contained at **Appendix B** for full details.

3.1.3 Built Form

The building is of a modern design, consistent with standard service station and take away food and drink designs nationwide. The nominated materials and finishes are identified on the Plans included at **Appendix A** and includes precast concrete wall panels, corrugated look cladding, black powder coated window frames, timber look feature, glazed auto-sliding entry doors, glazed windows and a black paint wall finish. An awnings is provided over the drive-thru pick up bay.

A 3D perspective of the front of the building (western elevation) is provided at **Figure 4**.



Figure 4 3D Perspective

3.1.4 Fuel Storage Tanks

There will be two underground double wall fuel tanks (split compartment) with a combined capacity of 180,000L. Fuel tank capacity is outlined in **Table 2**.

Table 2 Fuel Tank Capacity

Tank/Compartment No.	Product	Compartment Capacity (L)
1	91 ULP	50,000
2	E10	30,000
3	95 PULP	30,000
4	98 PULP	30,000
5	Diesel	40,000
TOTAL		180,000L

The new underground fuel tanks will be prefabricated off-site and transported to the site. The installation of the new tanks will take approximately one week. The ancillary works and commissioning of the new tanks will take approximately 4-5 weeks.

The design and installation of the underground storage systems will comply with AS 4897-2008 and the *Protection of the Environment Operations (Underground Petroleum Storage Systems) Regulations 2019*.

A Risk Screening Assessment prepared by SLR is provided within **Appendix D**.

3.1.5 Operations

The proposed hours of operation for the service station and take away food and drink premises are 24 hours a day, 7 days a week. The service station will have an average of 2 staff on site. The food premises will have approximately 4-6 staff.

3.1.6 Deliveries

Consumable goods will be delivered by 8.8m Medium Rigid Vehicles (MRV) to the loading bay. The proposed delivery schedule is anticipated to have fresh food deliveries occur daily with dry storage goods twice weekly. This detail will be refined upon commencement of the operation.

Fuel deliveries will be made by a 19m semi-trailer on an as need basis in off peak times to avoid conflict with customers. Swept paths for service vehicles are identified on the Site Plan **Appendix A**.

3.2 Signage

Proposed signage at the site includes the following:

- 9m high, internally illuminated, freestanding fuel pricing pylon sign fronting Les Darcy Drive;
- 1 x directional sign at site entrance;
- 2 x fascia signs on front (western) building elevation (one for each premises);
- 1 x digital display sign on the front (western) elevation;
- 1 x high level wall sign on the east elevation;
- 1 x high level wall sign on the north elevation;

- 2 x posterboard signs on front (western) elevation;
- Illuminated fuel canopy signage;
- Drive-thru signage including menuboard, entry gantry, directional signage and line markings; and
- Other ancillary signage including pump numbers and pump information boards, air and water signs.

Signage specifications including size, location, dimensions and illumination are included within the Plans located at **Appendix A**.

3.3 Waste Management

Waste will be stored in the designated service yard with direct access from both premises. A minimum of 2 bulk bins will be provided (for the separation of general waste and recycling) as well as used cooking oil containers. Waste collection will be undertaken by a private contractor in the loading bay via a MRV. The refuse area will be maintained to high cleanliness standards. The bins and waste storage areas will be cleaned by staff with protective gloves on a regular basis.

Further details on waste management are provided in the Waste Management Plan (WMP) at **Appendix K**.

3.4 Stormwater Management

A Stormwater Drainage Plan has been prepared by Northrop and is located within the Civil Plans at **Appendix B**. The development proposes a network of pipes and pits to convey the runoff from all proposed hardstand and rooftop areas and discharge to the existing drainage pit in the northwestern corner of the site.

The fuel forecourt has been designed in accordance with the NSW EPA Managing runoff from service station forecourts and is supported by an oil/water separator ensuring oils are captured and disposed of in a responsible manner.

3.5 Vehicular Access and Parking

Vehicle access is proposed via single entry/exit crossover from Louth Park Road. The access has been designed in accordance with Council and Australian Standards and to accommodate an articulated fuel truck.

The internal layout of the proposal will provide for service vehicles, including petrol delivery tankers and service vehicles, to enter the site, circulate and make deliveries, and exit in a forward direction. Circulation aisles at the site satisfy the requirements of the Australian Standard for Parking Facilities (Part 1: Off-street car parking and Part 6: Off-street parking for people with disabilities), AS 2890.1:2004 and AS 2890.6:2009.3.11.

The layout of the site allows vehicles to be located wholly within the site and away from the entry point to ensure that no queues will occur back onto the road.

A minimum of 7 vehicles can queue within the drive-thru prior to the pick-up point, including a minimum of 4 vehicles to queue prior to the ordering point.

The development includes 43 parking spaces, including two (2) accessible spaces. In addition, an air and water space is provided. Parking spaces will typically be 2.6 metres wide by 5.5 metres long. The accessible parking spaces will be 2.4 metres wide, with a 2.4 metre wide adjacent area for adequate circulation.

Full details on access and parking are included in the Traffic Impact Statement at **Appendix G**.

3.6 Tree Removal

The proposal requires the removal of six (6) trees of varying sizes from within the site. Appropriate compensatory landscaping is proposed as replacement, as outlined below.

3.7 Landscaping

A landscaping scheme to compliment the development has been prepared by JK’s Garden Creations and Tolero Landscape Design, refer to **Appendix E**. The proposal includes a number of suitable trees, shrubs, accents, grasses and groundcovers throughout the development to improve onsite amenity.

The planting palette is based generally on durable native species and cultivars which will enhance the local urban landscape and complement the character of the development. 3 x water gums and 3 x Tukeroos are included in the scheme proposed with mass planted areas around the site’s boundaries, adjacent to parking spaces and between the building and drive-thru lane.

The proposed plant schedule is provided in **Table 3**. Refer to the Landscape Plan at **Appendix E** for full planting specifications.

Table 3 Plant Schedule Extract (Source: Landscape Plan)

PLANT SCHEDULE					
TREES, SHRUBS, GRASSES & GROUNDCOVERS				Pot Size	Mature Size
ID	Botanical Name	Common Name	Qty	mm/ltr	W x H mtrs
AAM	Acmena smithii 'Allyn Magic'	Dwarf lilly pilli	11	200mm	1 x 1m
ACS	Acmena smithii 'Cherry Surprise'	Red tipped lilly pilli	36	200mm	2 x 2.5m
BF	Buxus faulkner	Korean box	105	200mm	1.2x1.2m
CLJ	Callistemon 'Little John'	Dwarf red bottlebrush	7	200mm	1.5x1.5m
CA	Cupaniopsis anacardioides	Tukeroo	3	25ltr	8 x 8m
JHG	Juniperus horizontalis 'Glauca'	Creeping Juniper	100	150mm	G/cover
LT	Lomandra tanika	Dwarf mat rush	31	200mm	.7x.7m
MP	Myoporum parvifolium	Creeping boobialla	10	200mm	G/cover
PAR	Pennisetum advena rubra	Purple fountain Grass	31	200mm	.75 x 1m
PMM	Pittosporum miss muffed	Dwarf Japanese mock orange	48	200mm	1.2x1.2m
RAB	Raphiolepis 'Apple Blossom'		20	200mm	1 x 1m
ROP	Raphiolepis oriental pearl		37	200mm	1 x 1m
RBL	Rosmarinus blue lagoon	Dwarf rosemary	24	200mm	1 x .7m
SR	Syzygium Resilience	lilly pilli	82	200mm	3 x 5m
TLL	Tristaniopsis laurina 'Luscious'	Water gum	3	25ltr	5 x 9m
TVV	Tulbaghia violacea variegata	Ornamental Variegated society garlic	66	200mm	.3x.3m
ZF	Zamia furfuracea	Cardboard palm	7	200mm	1.2mx1.2m

ALL HEIGHTS ARE AVERAGE DEPENDENT ON SOIL, CLIMATE, MAINTENANCE, ETC.

The proposal also includes boundary fencing, in particular, 2m high acoustic fencing will be erected along the southern boundary to mitigate noise to the south. Further details are provided in the Noise Assessment at **Appendix F**.

3.8 Construction Management

A Construction Management Plan will be prepared and be submitted to the Certifier for approval prior to issue of a Construction Certificate.

4 Relevant Legislation and Planning Controls

The following legislation, Environmental Planning Instruments (EPIs) and Development Control Plan (DCPs) are relevant to the proposed development:

- Environmental Planning and Assessment Act 1979;
- Protection of the Environment Operations (Underground Petroleum Storage Systems) Regulation 2019;
- Protection of the Environment Operations (Clean Air) Regulation 2021;
- State Environmental Planning Policy (Resilience and Hazards) 2021;
- State Environmental Planning Policy (Industry and Employment) 2021;
- State Environmental Planning Policy (Transport and Infrastructure) 2021;
- Maitland Local Environmental Plan 2011; and
- Maitland Development Control Plan 2011.

4.1 Environmental Planning and Assessment Act 1979

The proposal, as with all development applications, is subject to the provisions of the Environmental Planning and Assessment Act 1979 (EP&A Act). Section 4.15(1) of the EP&A Act provides criteria which a consent authority is to take into consideration, where relevant, when considering a DA. An assessment of the subject DA, in accordance with the relevant matters prescribed under Section 4.15(1), is provided in this report.

It is noted that no access or road works are proposed to Les Darcy Drive, a State Classified Road under the care and control of Transport for NSW (TfNSW). Therefore, the proposal does not trigger integrated development under S4.46 of the EP&A Act 1979 and S138 approval under the Roads Act 1993 is not required.

4.2 Protections of the Environment Operations (Underground Petroleum Storage Systems) Regulation 2019

The proposal process will comply with Part 2 Commissioning of storage systems of the POEO Regulation including installation, use and record keeping. The new tanks have been designed and will be installed by duly qualified persons, and the system will include the mandatory equipment required by AS 4897–2008: The design, installation and operation of underground petroleum storage systems.

A leak detection system will be installed on the storage site in accordance with Part 3 Leak detection systems. Furthermore, an equipment integrity test of the system will be carried out in accordance with the written directions of a duly qualified person, and the system will be certified, by the person by whom the test was carried out, as having satisfied the test.

The service station tanks will also fully comply with Part 4 Use of Storage Systems including the preparation of a complying Fuel System Operation Plan prior to the use of the service station. It will be reviewed and updated as required and a copy will be kept on site at all times. A loss monitoring system for a storage system will also be designed by a duly qualified person in accordance with EPA guidelines as required under this regulation.

4.3 Protection of the Environment Operations (Clean Air) Regulation 2021

The proposed development will comply with the necessary requirements prescribed under Part 6, Division 5 – Petrol Service Stations, Subdivision 3 - Stage two vapour recovery of the *POEO (Clean Air) Regulation 2021* with stage 2 vapour recovery installed at the site.

4.4 State Environmental Planning Policy (Resilience and Hazards) 2021

Chapter 3 – Hazardous and Offensive Development

This chapter aims to ensure that in considering any application to carry out potentially hazardous or offensive development, the consent authority has sufficient information to assess whether the development is hazardous or offensive and to impose conditions to reduce or minimise any adverse impact.

A Preliminary Risk Screening Report has been prepared and is included at **Appendix D**. It concludes that the Resilience and Hazards SEPP screenings for storage of dangerous goods indicated the development would not be classified as a hazardous or offensive industry.

Chapter 4 – Remediation of Land

In relation to development applications, Chapter 4 of this SEPP requires the consent authority to consider whether the land is contaminated. Clause 4.6 of the SEPP states:

(1) A consent authority must not consent to the carrying out of any development on land unless:

(a) it has considered whether the land is contaminated, and

(b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and

(c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose...

A Preliminary Site Investigation (PSI) has been carried out by ESP and is provided at **Appendix H**. The assessment found that the site is suitable for commercial/industrial use provided that a Detailed Site Investigation (DSI) be undertaken, any excess soil be appropriately disposed of, and a hazardous material survey (for asbestos) be conducted prior to demolition.

Since completing the PSI, ESP has provided an addendum letter which is also included at **Appendix H**. It recommends that the DSI be undertaken during bulk construction activities and that Council include appropriate Construction Conditions during the development process. It also notes that groundwater wells will be required to be installed at the site as per EPA requirements for petrol station sites. These groundwater wells will be able to serve a dual purpose of compliance monitoring for the petrol station as well as for DSI testing of groundwater in the area.

Overall, the potential risks to human health and the environment can be approximately managed and the proposal is consistent with Chapter 3 and 4 of SEPP (Resilience and Hazards).

4.5 State Environmental Planning Policy (Industry and Employment) 2021

Chapter 3 – Advertising and Signage

A number of signs are proposed to be installed both on the buildings and fuel canopy and within the site to appropriately identify the user(s). Clause 3.6 of SEPP (Industry and Employment) states the following:

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

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

(b) that the signage the subject of the application satisfies the assessment criteria specified in Schedule 5”

It is considered that the proposed signage satisfies the relevant criteria as described in Clause 3.6 of SEPP (Industry and Employment). The assessment criteria in Schedule 5 of the SEPP relates to matters for consideration such as character of the area, amenity of residential areas, views and vistas, streetscape, setting and landscape, site and building, illumination, and safety.

Consistency of the development with clause 3(1)(a) is discussed further in **Section 5.8** of this Report and a detailed assessment of the proposal against the Schedule 5 Assessment Criteria is provided at **Appendix C**.

Clause 3.11(1) matters for consideration in relation to the proposal include the following:

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

Addressed in **Section 5.8** of this SEE.

(b) has been assessed by the consent authority in accordance with the assessment criteria in Schedule 5 and the consent authority is satisfied that the proposal is acceptable in terms of its impacts, and

A compliance table with Schedule 5 Assessment criteria is provided at **Appendix C**.

(c) satisfies any other relevant requirements of this Chapter.

The proposal does not conflict with any other controls of Chapter 3 of the SEPP and complies with relevant requirements as detailed in this SEE.

It is noted that pursuant to Clause 3.15 and 3.16, concurrence from TfNSW is required for any pylon sign greater than 8m in height and/or 20m² in area and located within 250m of a Classified Road. In deciding whether or not concurrence should be granted, TfNSW must take into consideration the impact of the display of the advertisement on traffic safety; and Transport Corridor Outdoor Advertising and Signage Guidelines. The SEPP and Guidelines state that it will be assumed that TfNSW has given its concurrence if they have not advised the consent authority of its decision within 21 days after it receives the DA.

Transport Corridor Outdoor Advertising and Signage Guidelines

The guidelines require that the consent authority must not grant development consent for an advertising structure that the authority does not consider is compatible with the desired amenity and visual character of the area, addresses public safety considerations, provides acceptable communication in suitable locations and

is of a high quality design and finish. The pylon signage proposed in conjunction with the land uses under this proposal is, by definition 'advertising' under the SEPP and therefore is given due consideration within this SEE.

As shown on the proposed development plans and as detailed within this SEE, the signage associated with the proposal is ancillary to the land uses proposed and integrated into the site layout. No public safety concerns arise as the signage is located within the bounds of the site and would not reduce the safety for any public road or footpath. The pylon signs is purposed for the display of fuel pricing for the service station and has been designed to meet the requirements of the *Fair Trading Regulation 2012* in terms of being readily seen by motorists. The sign at 9m in height will not protrude greatly above existing pylon signage along the road frontage and will not detract from the existing or intended environmental quality or character of the road corridor.

It is considered that the public benefit test is not required for the proposal as the signage is ancillary to the proposed development.

4.6 State Environmental Planning Policy (Transport and Infrastructure) 2021

Chapter 2 – Infrastructure

Clause 2.118 Development with Frontage to Classified Road

The objectives of Clause 2.118 of SEPP Transport and Infrastructure are:

- (a) to ensure that new development does not compromise the effective and ongoing operation and function of classified roads, and*
- (b) to prevent or reduce the potential impact of traffic noise and vehicle emission on development adjacent to classified roads.*

As noted in the TIA, whilst Les Darcy Drive is a classified road, access is not proposed from that road. The design and nature of the development ensures vehicles have satisfactory access to and from Louth Park Road as well as the proposal being an appropriate land use for the location on a classified road.

It is noted that under this clause, vehicular access should, where practicable and safe, be provided from a road other than the classified road. In this instance, sole access from Louth Park Road is proposed.

Clause 2.121 Traffic Generating Development

The proposal is defined as a 'service station without heavy vehicle refuelling or maintenance services' and 'take away food and drink premises with drive-through facilities' on a site that has access to a road that connects to classified road (if access within 90m of connection, measured along alignment of connecting road). The proposed access is within 90m of Les Darcy Drive. Both uses therefore trigger traffic generating development as per Clause 2.121 and Schedule 3 of the SEPP. This will require referral to TfNSW inviting comment on the project.

A TIA has been prepared by SECA Solution, which addresses potential traffic related impacts from the proposal (refer to **Appendix G**). The report demonstrates that the proposed development will not adversely affect the surrounding road network or cause any unreasonable or unsafe traffic and parking implications. The proposed development is therefore consistent with SEPP (Transport and Infrastructure).

4.7 Maitland Local Environmental Plan 2011

Pursuant to the Maitland Local Environmental Plan (LEP) 2011, the site is within the RU1 Primary Production zone, as illustrated in **Figure 5** below.

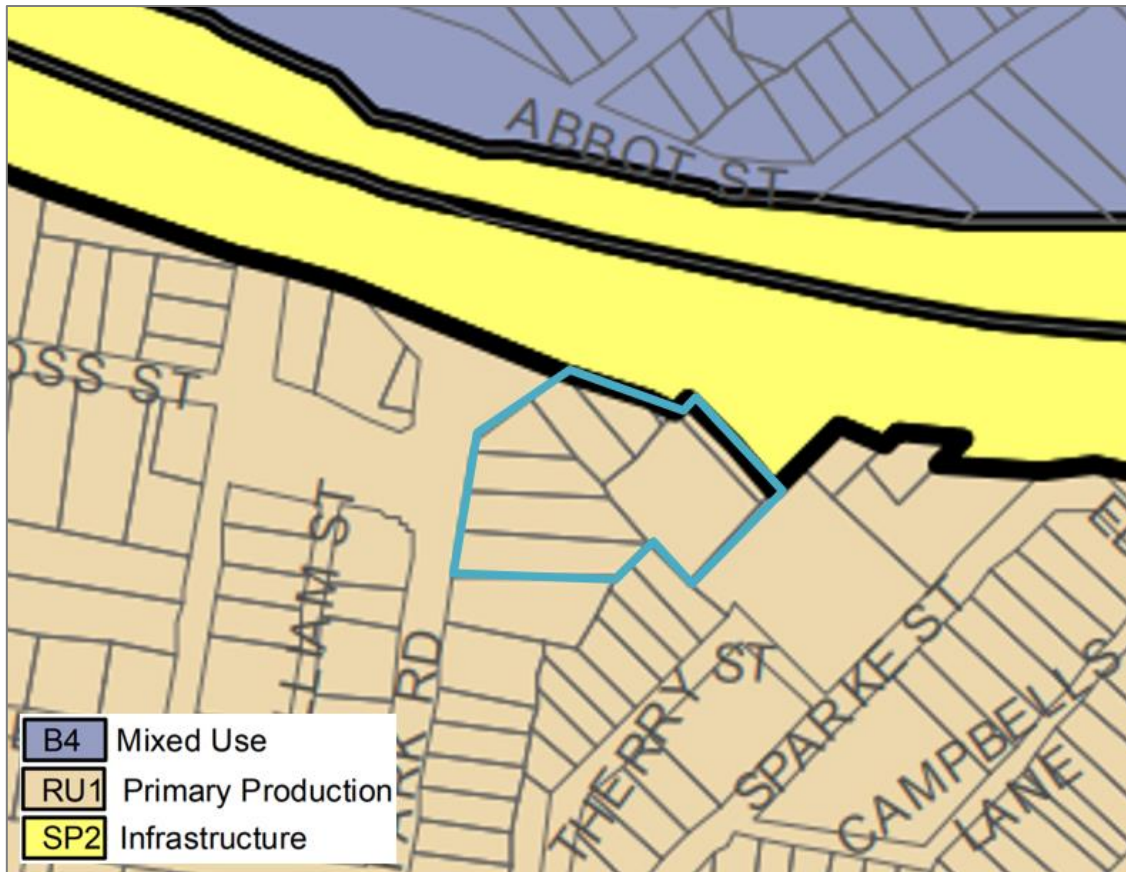


Figure 5 Zoning Map Extract from LEP 2011 (LZN_004B)

The objectives and land use tables for the RU2 zone is provided below:

Zone RU1 Primary Production

1 Objectives of zone

- *To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.*
- *To encourage diversity in primary industry enterprises and systems appropriate for the area.*
- *To minimise the fragmentation and alienation of resource lands.*
- *To minimise conflict between land uses within this zone and land uses within adjoining zones.*

2 Permitted without consent

Extensive agriculture; Home occupations; Intensive plant agriculture.

3 Permitted with consent

Airstrips; Animal boarding or training establishments; Aquaculture; Bed and breakfast accommodation; Boat launching ramps; Boat sheds; Cellar door premises; Dual occupancies; Dwelling houses; Environmental facilities; Environmental protection works; Extractive industries; Farm buildings; Farm stay accommodation; Flood mitigation works; Forestry; Helipads; Home-based child care; Home businesses; Home industries; Intensive livestock agriculture; Jetties; Landscaping material supplies; Markets; Open cut mining; Plant nurseries; Recreation areas; Roads; Roadside stalls; Rural industries; Rural supplies; Signage; Turf farming; Water supply systems.

4 Prohibited

Any other development not specified in item 2 or 3.

Based on the above, neither a service station nor a takeaway food and drink premises are permitted in the zone.

Planning proposal (PP-2021-4400) has been assessed for amendment to LEP 2011 to add additional permitted land uses to the subject site for service station and takeaway food and drink premises. The proposal is in its finalisation stage and gazettal is imminent. Schedule 1 Additional permitted uses will identify the change. As such, the proposed uses will be permitted with consent.

Clause 2.7 Demolition requires development consent

The proposal seeks approval for the demolition of the existing four (4) dwellings and ancillary structures.

Clause 4.3 Height of Buildings

There is no maximum height limit currently pertaining to the site under the LEP 2011.

Clause 4.4 Floor Space Ratio

There is no maximum height limit currently pertaining to the site under the LEP 2011.

Clause 5.10 Heritage Conservation

The site is identified as being within the 'Central Maitland Heritage Conservation Area' (C2), see **Figure 6**.



Figure 6 Heritage Map Extract from LEP 2011 (HER_004B)

A Statement of Heritage Impact (SoHI) has been prepared Contemporary Heritage which is included at **Appendix L**. The statement reviews the existing cottages and describes their poor, deteriorating condition and the replacement works that have reduced the significance of the buildings. The houses contribute to the streetscape and Conservation Area in form only as a continuation of single dwelling housing. Retention of the cottages would require significant replacement works, to the extent that very little of the original dwelling would remain. As such it is unfeasible to retain and restore the cottages and not an ideal location to do so. It concludes that an alternative land use is considered reasonable.

Therefore, the proposed demolition and development of a service station and takeaway food and drink premises is considered appropriate and will not impact the significance of the Central Maitland Heritage Conservation Area.

Clause 5.21 Flood Planning

The site is identified as flood prone land, as identified in **Figure 7**, LEP Map extract.



Figure 7 Flood Planning Map Extract from LEP 2011 (FLD_004B)

A Qualitative Flood Assessment has been completed by Northrop and is included at **Appendix M**. The report addresses the controls contained within Clause 5.21 of the LEP.

The proposal is expected to reduce the existing flood risk on the subject site by reducing the duration of occupation and reliance of tenants to the land (i.e reducing the number of people exposed to the hazard). Occupation is expected to change from permanent residents to employees. As such, with the introduction of appropriate flood management measures, the facility can be closed and evacuated prior to inundation.

The report concludes that the developed flood risk can be appropriately managed with a Flood Emergency Response Plan. Overall, the new uses at the site is considered an improvement to the existing flood risk at the site.

Clause 7.1 Acid Sulfate Soils

The whole site is subject to Class 4 Acid Sulfate Soils (ASS). Therefore, consent is required for works more than 2 metres below the natural ground surface.

A Preliminary Desktop Acid Sulfate Soil Assessment has been completed by EP Risk which is included at **Appendix N**. It concludes that the proposed works will disturb ASS but can be reasonably managed through the implementation of an ASS Management Plan (ASSMP). An ASSMP will be prepared as a part of the construction phase.

Clause 7.6 Earthworks

The objective of this clause is to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring land uses, cultural or heritage items or features of the surrounding land.

All earthworks conducted on site will be mitigated to minimise impact on environmental functions and processes, neighbouring uses, or features of the surrounding land. Details of the proposed erosion and sediment controls and drainage measure have been included in the Civil Plans at **Appendix B**.

4.8 Maitland Development Control Plan 2011

The Maitland Development Control Plan (DCP) 2011 provides detailed guidelines to guide the design and assessment of development applications for land covered by Maitland LEP 2011.

The DCP 2011 components relevant to the proposed development are:

- Part B – Environmental Guidelines:
 - B.3 – Hunter River Floodplain
 - B.5 – Tree Management
 - B.6 – Waste Not – Site Waste Minimisation & Management
- Part C – Design Guidelines:
 - C.4 – Heritage Conservation
 - C.6 – Outdoor Advertising
 - C.11 – Vehicular Access & Car Parking
 - C.12 – Crime Prevention through Environmental Design
- Part E – Special Precincts:
 - E.3 – Heritage Conservation Areas

The proposal is generally compliant with each of the DCP chapters. A detailed compliance table is included at **Appendix B**.

5 Assessment of Planning Issues

The following is an assessment of the environmental effects of the proposed development as described in the preceding sections of this report. The assessment considers only those matters under Section 4.15(1) of the EP&A Act relevant to the proposal.

5.1 Compliance with Planning Instruments and Controls

The proposal is generally compliant and consistent with all applicable legislative requirements, environmental planning instruments, development controls and guides as outlined in Section 4 of this SEE, and as summarised below:

- The service station achieves compliance with Chapter 3 of SEPP (Resilience and Hazards), POEO (Underground Petroleum Storage Systems) Regulation and POEO (Clean Air) Regulation;
- Potential contamination of the land has been considered in accordance with Chapter 4 of SEPP (Resilience and Hazards);
- Proposed external signage is consistent with the criteria contained in Chapter 3 and Schedule 5 of SEPP (Industry and Employment);
- The proposal meets traffic and access requirements of Chapter 2 of SEPP (Transport and Infrastructure) and requires referral from TfNSW;
- The proposed development is permissible at the site under Maitland LEP 2011 and the proposal meets all LEP development standards and controls; and
- The proposed development generally achieves the controls contained within the relevant sections of the Maitland DCP 2011.

5.2 Traffic, Parking and Access

A Traffic Impact Statement (TIS) has been undertaken by SECA Solution and is attached at **Appendix G**. The report examines the traffic implications of the proposed development including the predicted traffic generation and its impact on existing road and intersection capacities. The report also reviews parking requirements, access provisions and public transport, including assessment against Council, Australian Standards and TfNSW requirements as required.

5.2.1 Access, Servicing and Internal Layout

Vehicle access is proposed via a single entry and exit crossover to Louth Park Road with. The driveway will provide for the turning movements of cars and service vehicles and to accommodate up to an articulated fuel truck.

The internal layout will provide for all relevant vehicles, including service vehicles and fuel trucks to enter the site, circulate, make deliveries and exit safely in a forward direction. The hardstand area provides sufficient dimensions to facilitate vehicle movement through the site satisfying the requirements of the Australian Standard for Parking Facilities (Part 1: Off-street car parking and Part 6: Off-street parking for people with disabilities), AS 2890.1:2004 and AS 2890.6:2009. Refer to the swept path plans shown on the Plans at **Appendix A**.

5.2.2 Traffic Generation

The anticipated rates of traffic likely to be generated from the proposed development are discussed in the TIS, having regard for the RMS 'Guide to Traffic Generating Development' and using SIDRA computer analysis.

Traffic generated by the proposed development will have its greatest effects during weekday afternoon peak periods when it combines with other traffic on the surrounding road network. Based on traffic generation calculations the proposal could see a maximum 260 vehicle movements, equally split between 130 inbound and 130 outbound. This would occur in the PM peak with significantly lower flows in the AM peak given the food outlet generates lower traffic flows in this period. The majority of these demands would be passing trips, not generating additional movements along the New England Highway, but seeing more turning movements in/out of Louth Park Road.

The additional traffic was modelled on the road network where it was found that road network will be able to accommodate the additional traffic from the proposed development with negligible changes until 2032.

5.2.3 Parking Provision

The Maitland Development Control Plan (DCP) 2011 contains the following parking rates:

Drive In Take Away Food Outlets (premises which cater for customers being able to park on-site, get take away service, seating provided for on-site consumption and the addition of a drive through facility):

- 1 space per 8m² GFA plus
- 1 space per 3 seats
- An exclusive area for queuing of cars for a drive through facility is required (queue length of 5 to 12 cars measured from pick up point). There should also be a minimum of four car parking spaces for cars queued from the ordering point. Provision should also be made for car/trailer combinations at strategic locations

Service Stations/ Highway service centres:

- 6 spaces per work bay plus
- 1 space per 20m² GFA of convenience store plus
- 1 space per 6.5m² GFA or 1 space per 3 seats if a restaurant is provided (whichever is the greater);
- These additional requirements should be cumulative but may be reduced where it can be demonstrated that the times of peak demand for the various facilities do not coincide. All parking should be clearly designated and located so as not to obstruct the normal sale of petrol and should minimise the potential for vehicular/pedestrian conflict. Consideration should be given to providing adequate manoeuvring space for caravans and B-Doubles

Calculation:

200m² takeaway food and drink premises = 25 spaces, plus

1 space per 3 seats (20 seats proposed) = 6.7 spaces, plus

211m² service station convenience store = 10.5 spaces

(No work bays or restaurant component)

Total: 42.5 (43) car parking spaces required

The proposed development includes 43 car parking spaces (including 2 disabled access spaces) plus an air and water space and consequently complies with the DCP parking requirement. The drive-thru provides queuing for at least 7 vehicles from the pick up point and 4 from the ordering point.

Given the cumulative provision of car parking opportunities across the site, the onsite car parking provision will meet the needs of the proposed development as well as DCP controls.

Within the site, parking spaces will be typically 2.6 metres wide by 5.5 metres long. The disabled parking space will be 2.4 metres wide, with a 2.4-metre-wide adjacent area for wheelchairs. These dimensions satisfy the requirements of the Australian Standard for Parking Facilities (Part 1: Off-street car parking and Part 6: Off-street parking for people with disabilities), AS 2890.1:2004 and AS 2890.6:2009.

The proposal is therefore satisfactory in terms of parking, traffic generation and access provisions.

5.3 Visual Impact

The proposed works will enhance the visual amenity and not detract from the heritage character of the area given:

- The proposal will replace dilapidated buildings and structures with a modern development containing high quality materials and finishes;
- The development incorporates an appropriate scale, bulk and density for the location adjacent to residential development;
- The proposed building presents positively to Les Darcy Drive with on-site landscape plantings further enhancing the streetscape and internal amenity of the proposal; and
- A consistent theme for signage within the site is proposed, in order to achieve orderly and coordinated site presentation.

Overall, the development proposal will have a positive visual impact on the surrounding streets, nearby premises and Central Maitland Heritage Conservation Area.

5.4 Stormwater Management

The proposed development's stormwater management scheme has been designed in accordance with Council's DCP 2011 for drainage. A summary of the calculations provided within the Stormwater Management Report is included at **Appendix B**.

It is proposed to construct a new stormwater network to convey stormwater from the site on the following principles:

- A new network of pipes and pits will convey the runoff from the site to a stormwater treatment train prior to exiting the site at the main existing drainage pit in the north western corner of the site; and
- Drips and spills that occur under the fuel dispensing area, under the canopy, will be directed to underground sump pits prior to treatment via a Purceptor (or approved equivalent). Treated runoff will be discharged to sewer in accordance with Hunter Water guidelines.

The proposed system of stormwater management satisfies the relevant requirements of Council. Stormwater quality strategies have been taken into consideration and incorporated within the proposed stormwater drainage scheme proposed at the site.

5.5 Noise

A Noise Assessment (NA) for the proposal has been conducted by Muller Acoustic Consulting Pty Ltd (MAC), a copy of which is provided at **Appendix F**. The Assessment has been prepared in accordance with and having regard for:

- NSW Department of Environment and Climate Change (DECCW) – NSW Interim Construction Noise Guideline (ICNG), July 2009;
- NSW Environment Protection Authority (EPA), Noise Policy for Industry (NPI) 2017;
- Australian Standard AS 1055:2018 - Acoustics - Description and measurement of environmental noise - General Procedures; and
- International Standard ISO 9613:1993 - Acoustics - Attenuation of sound during propagation outdoors.

5.5.1 Operational Noise

The NA has considered the following noise sources: light and heavy vehicles, deliveries, mechanical plant, drive-thru service, and cumulative customer generated noise sources. The closest sensitive receivers include the residential properties immediately to the south.

The NA includes the following recommendations for the proposal:

- the project is constructed as per the site design and plans, which includes the barrier attenuation provided by project building orientation;
- the mechanical AC plant are located on the roof top of the operation which is surrounded by an acoustic barrier which extends 500mm above the top of the highest item of plant. The barrier should be constructed of materials that have a minimum density of 10kg/m² and doesn't contain any gaps;
- construction of a loading bay barrier. The barrier should extend 2.0m above the final floor level of the loading bay and be constructed of materials consistent with those outlined above;
- construction of an impervious noise barrier along the southern boundary. The barrier should extend 2.0m above the final floor level of the forecourt along the southern boundary and be constructed of materials consistent with those outlined above; and
- the COD's are assumed to be set at the lowest volume setting.

The results of the NA demonstrate that emissions from the project would satisfy the relevant project noise trigger levels at all assessed receivers for all assessment periods once the recommendations are implemented. Furthermore, sleep disturbance is not anticipated, as emissions from impact noise are predicted to remain below the EPA's Sleep Disturbance Criteria.

5.5.2 Construction Noise

The results of the NIA demonstrate that levels during standard construction hours are above the ICNG Noise Management Levels at the majority of assessed receivers surrounding the project. Accordingly, it is recommended that noise management and mitigation measures be adopted during noise intensive construction activities to limit impacts on surrounding receivers, including:

- Toolbox and induction of personnel prior to shift to discuss noise control measures that may be implemented to reduce noise emissions to the community;
- where possible use mobile screens or construction hording to act as barriers between construction works and receivers;
- all plant should be shut down when not in use. Plant to be parked/started at farthest point from relevant assessment locations;
- operating plant in a conservative manner (no over-revving);
- selection of the quietest suitable machinery available for each activity;
- avoidance of noisy plant/machinery working simultaneously where practicable;
- minimisation of metallic impact noise;
- all plant are to utilise a broadband reverse alarm in lieu of the traditional hi frequency type reverse alarm; and
- undertake letter box drops to notify receivers of potential works.

5.6 Odour

The proposal will have no significant impact as a result of potential odours associated with either refuelling, cooking or waste storage. Operation of the kitchen area of the take away food and drink premises will be in accordance with the Food Standards Code in *The Food Act 2003* and Australian Standard 4674 – *Design Construction and Fit-out of Food Premises*.

During construction and earthworks, the following measures may be implemented to minimise odours:

- a. Covering of stockpiles;
- b. Use of fine mist sprays and /or odour mitigating agent on impacted areas and materials; and
- c. Adequate maintenance of equipment and machinery to minimise exhaust emissions.

5.7 Safety and Security

The development has been designed to and shall be managed to minimise and discourage criminal activity and ensure the safety of customers, staff, and the local community. The proposal has been designed to be consistent with Crime Prevention through Environmental Design (CPTED) principles.

A Crime Risk Assessment has been undertaken and is included at **Appendix I**. The purpose of the Crime Risk Assessment is to identify and assess crime risk associated with the proposed development, and to minimise opportunities for crime through design. The Crime Risk Assessment has regard for the 4 key strategies

(surveillance, access control, territorial reinforcement and activity and space management) of crime prevention and public safety.

In addition to CPTED principles, appropriate lighting will be installed on the proposed premises, including lighting for car parking and outdoor areas. External lighting will be directed inward and away from nearby properties with boundary fencing obscuring the majority of potential light spill and/or glare. Lighting will be in accordance with *AS4282-1997 Control of the obtrusive effects of outdoor lighting*. External lighting will contribute to the overall safety of the site, in conjunction with other security measures such as CCTV cameras and alarm systems.

A Plan of Management (POM) has been prepared and is included at **Appendix J**. It outlines the measures in place to promote the premises as a safe and well managed facility.

5.8 Signage

An integrated approach has been adopted for signage within the site, comprising a mix of flush wall signage and branding on building facades and the fuel canopy, as well as a freestanding fuel pylon sign and suitable directional signs.

The location of all proposed signage is illustrated on the Plans provided at **Appendix A**.

The aims of Chapter 3 of SEPP (Industry and Employment) 2021 are to ensure that signage:

- (i) is compatible with the desired amenity and visual character of an area, and*
- (ii) provides effective communication in suitable locations, and*
- (iii) is of high quality design and finish*

It is considered that the proposed signage scheme is compatible with the site's location and setting; and will be of an appropriate height, scale and proportion.

The proposed signage will be of a high quality and finish and will be illuminated at an acceptable level that will not result in unreasonable glare that would affect the safety of vehicles or pedestrians, nor will the illuminated signage detract from the amenity of neighbouring development. The 9m fuel pylon sign is large enough to display fuel pricing to passing motorists in accordance with legislative requirements.

Overall, the proposed signage is appropriate for the use and setting of the site and will contribute to the visual interest of the area. The proposed signage meets the objectives and provisions of Chapter 3 of SEPP (Industry and Employment) 2021 and the Maitland DCP 2011 as demonstrated in the compliance table at **Appendix C**.

5.9 Landscaping

A detailed Landscape Plan prepared by JK's Garden Creations and Tolero Landscape Design is included at **Appendix E**. New landscaping is proposed within the site to complement the built form and layout of the proposal primarily consisting of boundary plantings with a focus on dense landscaping at the site entrance and setback to the highway.

Plant selection includes hardy native species suitable to the local environment to enhance the local urban landscape as well as having regard for the practicality of ongoing management.

It is considered that the proposed landscape scheme, prepared by experienced landscape consultants, provides both visual relief and successfully assists in screening the car parking spaces and hard stand areas from the public domain. In summary, the new landscaping proposed will help integrate the proposed development into the surrounds and enhance the visual amenity at the site.

5.10 Sediment and Erosion Control

Temporary contractors' vehicular access to the site will be restricted to a single entry and single exit point on Louth Park Road with a vehicle shaker grid and stabilised site access to reduce the likelihood of sediment being trafficked off site. Sediment/silt fencing will be erected around the boundaries of the site as necessary.

All sediment control devices will be constructed, placed, and maintained in accordance with respective Council specifications and Landcom "soil and construction" manual and as shown on the proposed Erosion and Sediment Control Plans at **Appendix B**.

5.11 Flooding

A Qualitative Flood Assessment is included at **Appendix M** which responds the relevant requirements under the Maitland LEP 2011 and Maitland DCP 2011.

The report notes that the proposed development is sited below the Flood Planning Level (FPL) with a Finished Floor Level (FFL) of 7.6AHD. However, the Floodplain Development Manual (2005) recognises the placement of the FFL for commercial facilities to be based on its economic benefit, personal safety and risk. To achieve a floor level set at the FPL, the building would need to be raised 2.63m to an elevation of 10.23m AHD. This would create significant additional cost, result in un-desirable aesthetics and overshadowing, and would require significant changes to the existing landform making both vehicular and pedestrian site access difficult to facilitate. Further, changes to the landform would result in adverse flood impacts on adjoining land. As such, the building floor level of 7.6m AHD is considered suitable in this instance. Residual risk can be managed by the preparation of a Flood Emergency Response Plan.

With a change in use from residential to commercial, the extended warning time prior to the peak of a flood event, and the introduction of a Flood Emergency Response Plan, a reduction in the existing flood risk is observed when compared to the existing site land use. A Flood Emergency Response Plan will be developed as a part of the construction phase.

5.12 Waste Management

A Waste Management Plan (WMP) has been prepared for the proposed development, addressing each stage of the proposed development from earthworks and construction through to the ongoing management of waste when the premises is operational. The WMP has been prepared in accordance with Council requirements and will be implemented throughout the life of the development, refer to **Appendix K**.

5.13 Public Interest

The proposal is considered to be in the public interest as it will deliver a number of public, social and economic benefits with minimal adverse impacts (as detailed within this report). The land use(s) and style of development are appropriate for the location on a State Classified Road and will provide valuable services to passing traffic and locals.

5.14 Building Access

Access will be compliant with the relevant legislation and criteria including The Building Code of Australia (BCA), The Disability Discrimination Act 1992 and AS1428 – Design for Access and Mobility to ensure that adequate pedestrian and disabled access is provided for the development.

6 Conclusion

The proposed redevelopment of the site for a service station and takeaway food and drink premises located at 5-13 Louth Park Road, South Maitland will provide valuable services and convenient facilities for residents living within the area, employees within the locality and motorists travelling along the surrounding road network.

The proposal is compliant with relevant legislative requirements and EPI's including the Maitland LEP 2011. The proposed uses are permitted as additional permitted uses on the site under Schedule 1 of LEP 2011 and the proposal is compliant with all LEP clauses applicable to the site. The proposal is generally compliant with the applicable requirements of Maitland DCP 2011 with the exception of FFL of the building proposed below the FPL. The developed case topography has been designed to match existing levels as much as possible to limit flood affectation on adjacent properties caused by topographic changes. This variation is justified in this instance with an overall reduction in flood risk when compared to the existing residential land use. Preparation of a Flood Emergency Response Plan will sufficiently mitigate against detrimental flood impacts.

The proposed development incorporates high quality presentation to Les Darcy Drive and Louth Park Road frontages with an integrated site development approach. Landscaping is focused around the perimeter of the site softening the proposal, acoustically and visually. The proposal is compatible with surrounding residential land uses due to its modest height, bulk and scale and as a result, will cause minimal adverse environmental and amenity impact.

This SEE has addressed the potential impacts arising from the proposal on surrounding properties including traffic and access, odour, noise, heritage, visual amenity and waste and water management. Where required, mitigation measures are proposed to minimise potential impacts and reduce risk associated with the development. Furthermore, the operator will employ strict management procedures for the premises to ensure that the development is a safe, efficient and pleasant environment in which to work and visit.

Given the merit of the design and the absence of any significant adverse environmental impacts or planning issues, the DA is considered to be in the public's interest and worthy of Council's support.

APPENDIX A

Development Plans

APPENDIX B

Civil Engineering Plans

APPENDIX C

Compliance Tables

APPENDIX D

Risk Screening Analysis

APPENDIX E

Landscape Plans

APPENDIX F

Noise Assessment

APPENDIX G

Transport Impact Statement

APPENDIX H

Preliminary Site Investigation and Addendum Letter

APPENDIX I

Crime Risk Assessment

APPENDIX J

Plan of Management

APPENDIX K

Waste Management Plan

APPENDIX L

Statement of Heritage Impact

APPENDIX M

Qualitative Flood Assessment

APPENDIX N

Acid Sulfate Soil Assessment

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