Greater Hume Shire

To: «Name»

EXTRAORDINARY MEETING OF GREATER HUME SHIRE COUNCIL

WEDNESDAY, 5 AUGUST 2015

NOTICE is hereby given that an Extraordinary Meeting of the Greater Hume Shire Council will be held at 5.30pm at the Council Chambers, Balfour Street, Culcairn.

The purpose of the meeting is to receive the following reports as listed below:

Environment and Planning:

- Variation of Operating Hours for 2015/2016 and subsequent swimming seasons – Walla Walla Swimming Pool
- DA 10.2015.34 – Application for Service Station and Signage – 99 Urana Street, Jindera

Engineering

- Tender TL 23 - 2014/2015 – Jingellic Road (Yarara Gap) Reconstruction
- Tender TL 24 – 2014/2015 – Reconstruction of Albury Street/Young Street, Holbrook

STEVEN PINNUCK
GENERAL MANAGER

ORDER OF BUSINESS TO BE CONSIDERED
REFER OVERLEAF

EXTRAORDINARY MEETING OF GREATER HUME SHIRE COUNCIL

WEDNESDAY, 5 AUGUST 2015

BUSINESS TO BE CONSIDERED

1. PRAYER

2. ACKNOWLEDGEMENT OF COUNTRY

"I would like to acknowledge that this meeting is being held on the traditional lands of the Wiradjuri people, and pay my respect to elders both past and present".

3. DECLARATIONS OF PECUNIARY INTEREST OR NON-PECUNIARY INTEREST (CONFLICT OF INTEREST)

4. APOLOGIES

5. REPORTS FROM OFFICERS

PART A For Determination

- Environment and Planning Items 1 and 2
- Engineering Items 1 and 2

TABLE OF CONTENTS
EXTRAORDINARY MEETING
5 AUGUST 2015

OFFICER'S REPORT – PART A – FOR DETERMINATION 3

ENVIRONMENT AND PLANNING 3

1. VARIATION OF OPERATING HOURS FOR 2015/2016 AND SUBSQUENT SWIMMING SEASONS – WALLA WALLA SWIMMING POOL 3

2. DEVELOPMENT APPLICATION 10.2015.34 – APPLICATION FOR SERVICE STATION AND SIGNAGE – LOT 1 DP1202059 - 99 URANA STREET JINDERA 5

ENGINEERING 35

1. TENDER NO. TL23 – 2014/15 JINGELLIC ROAD (YARARA GAP) RECONSTRUCTION 35

2. TENDER NO. TL24 – 2014/15 RECONSTRUCTION OF ALBURY ST / YOUNG ST HOLBROOK 40

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EXTRAORDINARY MEETING OF GREATER HUME SHIRE COUNCIL
TO BE HELD AT THE COUNCIL CHAMBERS, BALFOUR STREET, CULCAIRN
ON WEDNESDAY, 5 AUGUST 2015

OFFICER'S REPORT – PART A – FOR DETERMINATION

ENVIRONMENT AND PLANNING

1. VARIATION OF OPERATING HOURS FOR 2015/2016 AND SUBSQUENT SWIMMING SEASONS – WALLA WALLA SWIMMING POOL

Report by Manager for Waste and Facilities – Andrew Shaw

REASON FOR REPORT

At the July meeting Council resolved that in accordance with requirements of the Local Government Act, 1993 and Local Government Regulations, 2005 Council advertise for tender the leasehold of the Jindera and Walla Walla swimming pools for the next three swimming seasons. As mentioned in the Council report, to better align the core opening hours with user requirements the Department of Environment & Planning were liaising with the Walla Walla swimming pool committee opportunity to decrease the hours of operation at the Walla Walla pool.

REFERENCE TO DELIVERY PLAN

Strategy 5.11: To maintain and improve our sports and recreation facilities.

DISCUSSION

Following discussions with the previous season's lifeguards and the Walla Walla swimming pool committee, the Department of Environment & Planning recommend a change to the hours of operation at the Walla Walla pool to better accommodate pool user visitation times. The current opening hours at the pool requires that the lifeguard be present with little or no patronage at certain times of the swim season.

To better align with user requirements and have the potential to have lower lease costs over a 3 year period. The following hours of operation have been developed in consultation with the Walla Walla swimming pool committee.

		Start Date	End Date	Monday to Friday
Sat 2.00 to 8.00pm	Sun 12.30pm – 6.00pm	Sat 7/11/2015	Sun 20/12/2015	3.00pm - 6.30pm closed Tues
Sat 2.00 to 8.00pm	Sun 12.30pm – 7.00pm	Mon 21/12/2015	Sun 31/1/2016	2.00pm – 7.00pm
Sat 2.00 to 8.00pm	Sun 12.30pm – 6.00pm	Mon 1/2/2016	Sun 13/3/2016	3.00pm – 6.30pm closed Tues

BUDGET IMPLICATION

When the pools are offered for lease the reduced core opening hours should see a cost saving to Council by reducing lessee payments. At this stage it is difficult to quantify until the tender prices have been received but a reduction in costs would be expected.

VARIATION OF OPERATING HOURS FOR 2015/2016 AND SUBSQUENT SWIMMING SEASONS – WALLA WALLA SWIMMING POOL [CONT'D]

CONCLUSION

This paper has been prepared to inform Council there is an opportunity to reduce the cost of leasing the Walla Walla pool over the next 3 year lease period by making the suggested change to the core opening hours which will better align the core opening hours with the pool user requirements.

RECOMMENDATION

To better align with user requirements and have the potential to have lower lease costs over a 3 year period. Council endorse the following opening hours for the Walla Walla swimming pool.

		Start Date	End Date	Monday to Friday
Sat 2.00 to 8.00pm	Sun 12.30pm – 6.00pm	Sat 7/11/2015	Sun 20/12/2015	3.00pm - 6.30pm closed Tues
Sat 2.00 to 8.00pm	Sun 12.30pm – 7.00pm	Mon 21/12/2015	Sun 31/1/2016	2.00pm – 7.00pm
Sat 2.00 to 8.00pm	Sun 12.30pm – 6.00pm	Mon 1/2/2016	Sun 13/3/2016	3.00pm – 6.30pm closed Tues

2. DEVELOPMENT APPLICATION 10.2015.34 – APPLICATION FOR SERVICE STATION AND SIGNAGE – LOT 1 DP1202059 - 99 URANA STREET JINDERA

Report by Director Environment and Planning - Colin Kane

REASON FOR REPORT

Council has received a development application from Kurrawa Pty Ltd for the development of a new service station at Lot 1 DP1202059 99 Urana Street Jindera. This application is being reported to Council because a number of objections have been received by Council.

DISCUSSION

Description of Proposal and Location

The proposed service station development will incorporate the following features:

- Service Station Store of 126 m^2.
- 3 fuel bowsers (with 6 pumps).
- 8 car parking spaces.
- Landscaping along Urana Street and Adams Street.
- Signage Pylon.

Lot 1 DP 1202059 99 Urana Street Jindera is a flat allotment with no significant vegetation it is bounded by Urana Street and Adams Street. There is a commercial property to the North along Urana Street and residential properties on the opposite side of Urana Street and to the east facing Adam Street and Huon Street. The following picture is an aerial image of the location of the proposed service station:

DEVELOPMENT APPLICATION 10.2015.34 – APPLICATION FOR SERVICE STATION AND SIGNAGE – LOT 1 DP1202059 - 99 URANA STREET JINDERA [CONT'D]

The proposal including the site plan, floor plans, elevations and landscape plans are attached at **ANNEXURE 1**.

CONSULTATION & REFERRAL PROCESS

The application was referred to eight (8) adjoining landowners and given public notification of exhibition between 15 April 2015 to 30 April 2015. Referral of the application was also made to NSW Roads and Maritime Services (RMS).

Council received a total of five (5) submissions objecting to the proposal, including adjoining neighbours, landlords and the proprietor of a business.

Following completion of the notification period, Council sought further information from the applicant on a range of matters, including those relevant planning matters identified in submissions. The applicant provided a response to these matters on 6 July 2015, and a copy of this response is also included at **ANNEXURE 1**.

When the additional information was received the application was renotified to adjoining landowners between the 8 July 2015 and 23 July 2015 and as a result of this re-notification Council received 2 additional submissions.

The issues raised in the submissions are summarised as follows:

Noise impacts

- potential noise from truck movements accessing and exiting the property for deliveries;
- no acoustic report/details submitted with the proposed application;
- noise impacts will adversely affect nearby residences;
- Wall on eastern boundary should be setback and extend along boundary to minimise noise impacts;
- 24 hour operation is not warranted for Jindera.

Traffic

- Increased traffic and parking issues;
- Concerns about increased traffic and children using nearby bus stops.

Amenity

- potential amenity issues (i.e. noise, lights, odours from fuel vapours and vermin) with adjacent residential properties;
- potential to affect the ability of a nearby residence to be used as a suitable location for family day care business;
- concerns that the proposal will allow a 24 hour, seven day per week operation and the consequential noise impacts upon the surrounding area;
- proposed access point to Adam Street will present noise and light impacts upon the adjacent residential properties, by movement of trucks, cars and delivery vehicles;

- potential for light spill and amenity impacts from the site;
- proposal is poorly designed lacking architectural merit and does not make a positive contribution to the commercial areas streetscape;
- devaluation of properties.

Economic

- potentially detrimental to other Jindera businesses that sell food.

Documentation submitted

- Lack of detail in the application on lighting, location of plant and machinery, finishes, acoustic study, signage and stormwater collection treatment and discharge of stormwater;
- no landscaping plan or considerations provided within the submitted documentation.

Stormwater and flooding

- no consideration has been provided of the stormwater management for the property;
- proposal has not considered the potential for flood impacts to the property or any future potential impacts;
- potential for contamination stormwater to enter the drains or runoff to creeks and other water courses.

Environmental risks

- risks associated with ignition of fuel and harmful effects of fuel vapours.

Suitability of the site

- more appropriate locations for the development can be found elsewhere surrounding Jindera.

Consideration of the issues raised in the submissions is made later within this report. A copy of the received submissions is attached at **ANNEXURE 1**.

The application was notified to the RMS as the proposal qualified as a 'traffic generating development' under the SEPP Infrastructure, and Urana Street is presently a classified road under Council control. The RMS raised no objections to the development, and also confirmed that the proposal did not qualify as 'integrated development' under the *Roads Act 1993*. A number of conditions were imposed by the RMS, which are set out further in this report.

A copy of response from the agency is provided at **ANNEXURE 1**.

ENGINEERING COMMENTS

Drainage/Stormwater

- On-site drainage to be directed to existing stormwater pit on Urana Street.

Driveway/Crossovers

- Two (2) new driveway crossovers are to be constructed to Council's Driveway Crossover Specifications along Adams Street. Also complete new reconstruction of the existing driveway crossover in Urana Street which will be required to enable vehicles more turning curve to enter the proposed new service station premises.

- Note: Existing mountable kerb & gutter in Adams Street and standard kerb & gutter along Urana Street Jindera.

Lighting

- All lighting to be kept within the developed site.

Footpaths

- A 1.5 metre wide footpath is to be extended along Adams Street to match into the existing footpath continuing on to Huon Street Intersection.

- A 2.0 metre wide footpath is to be constructed along Urana Street matching into pedestrian access across to the western side of Urana Street.

Trade Waste

- Applicant will require submission of a Trade Waste Application to Greater Hume Shire Council (GHSC) and upon approval enter into a Trade Waste Agreement with GHSC.

Water & Sewerage

- Water and sewerage services are available and adequate to accommodate the development.

ASSESSMENT

The following represents an assessment of the application as required by Section 79C of the EP&A Act.

- **79C(a) The provisions of any current or draft environmental planning instrument, development control plan, or matters prescribed by the regulations**

State Environmental Planning Policies

State Environmental Planning Policy No. 64 – Advertising Signage (SEPP64)

SEPP64 is applicable as the proposal involves signage which requires consent under the *Greater Hume Local Environmental Plan 2012* and is visible from a public place.

DEVELOPMENT APPLICATION 10.2015.34 – APPLICATION FOR SERVICE STATION AND SIGNAGE – LOT 1 DP1202059 - 99 URANA STREET JINDERA [CONT'D]

Clause 8 refers to granting of consent under SEPP64 generally and states:

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 1.

The objectives of the policy are considered below. The assessment criteria of Schedule 1 has been completed by the applicant which is endorsed by the assessing officer and contained at **ANNEXURE 1**.

The *Greater Hume Development Control Plan 2012* ("the DCP") includes provisions relating to advertising signs, which is addressed further below. In addition, the RMS has provided a response to the proposal stating that they have no objection to the signage having regard to the Guidelines.

Clause 22 of the SEPP refers to wall advertisements, and states:

(1) Only one wall advertisement may be displayed per building elevation.

(2) The consent authority may grant consent to a wall advertisement only if:

(a) the consent authority is satisfied that the advertisement is integrated with the design of the building on which it is to be displayed, and

(b) for a building having:

(i) an above ground elevation of 200 square metres or more—the advertisement does not exceed 10% of the above ground elevation, and

(ii) an above ground elevation of more than 100 square metres but less than 200 square metres—the advertisement does not exceed 20 square metres, and

(iii) an above ground elevation of 100 square metres or less—the advertisement does not exceed 20% of the above ground elevation, and

(c) the advertisement does not protrude more than 300 millimetres from the wall, unless occupational health and safety standards require a greater protrusion, and

(d) the advertisement does not protrude above the parapet or eaves, and

(e) the advertisement does not extend over a window or other opening, and

(f) the advertisement does not obscure significant architectural elements of the building, and

(g) a building identification sign or business identification sign is not displayed on the building elevation.

(2A) In the case of the display of a wall advertisement on transport corridor land, subclause (2) does not apply and the consent authority may grant consent only if satisfied that the advertisement is consistent with the Guidelines.

(3) In this clause, ***building elevation*** *means an elevation of a building as commonly shown on building plans.*

The proposed wall signage for the building is incorporated into the building fascia, in a manner which is not uncommon for developments of this type. The wall signage is applied to three of the building elevations being the west, south and east and will contain the names and branding requirements of the building tenants.

The proposed wall signage does not project above the height of the building parapet given that it is incorporated into the building fascia. Likewise, it does not extend over a window or opening.

Clause 23 of SEPP64 refers to freestanding advertisements and states:

(1) The consent authority may grant consent to the display of a freestanding advertisement only if the advertising structure on which the advertisement is displayed does not protrude above the dominant skyline, including any buildings, structures or tree canopies, when viewed from ground level within a visual catchment of 1 kilometre.

(2) This clause does not prevent the consent authority, in the case of a freestanding advertisement on land within a rural or non-urban zone, from granting consent to the display of the advertisement under clause 15.

The intent of clause 23 is to ensure that any proposed freestanding sign is consistent with the surrounding context and not visually dominate the area. The proposed freestanding sign is 6 metres high and therefore will be suitable in the terms of the context of where it is to be located.

DEVELOPMENT APPLICATION 10.2015.34 – APPLICATION FOR SERVICE STATION AND SIGNAGE – LOT 1 DP1202059 - 99 URANA STREET JINDERA [CONT'D]

Assessment Criteria	Comment
Clause 3- Aims and Objectives	
(a) to ensure that signage (including advertising): (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, and	The proposed signage package for the development comprises wall signage and an illuminated freestanding sign. The signage is considered to effectively communicate the proposed activities of the property. The signage is generally considered to be compatible with the surrounding area and given its location will have limited amenity impacts.
(b) to regulate signage (but not content) under Part 4 of the Act, and	No comment.
(c) to provide time-limited consents for the display of certain advertisements, and	The proposed signage is intended to be permanent for the building and activity. No time limit is intended to be imposed on the proposed signage.
(d) to regulate the display of advertisements in transport corridors, and	The signage considered as part of this application is located wholly within the subject land only, with no signs proposed in transport corridor land. Any signs in transport corridors will require separate consideration by the RMS.
(e) to ensure that public benefits may be derived from advertising in and adjacent to transport corridors.	The proposed signage is for the identification of a service station, with the likely public benefit being to provide adequate warning and identification of the service station. It is noted that the proposed signage does not incorporate use of any elements which may distract drivers, such as flashing lights or intense beams.

State Environmental Planning Policy (Infrastructure) 2007

The State Environmental Planning Policy (Infrastructure) 2007 ("Infrastructure SEPP"), applies to all LGA's across the State. The purpose of the Infrastructure SEPP is to set out a consistent State policy basis for provision of infrastructure. In this instance, the Infrastructure SEPP is triggered due to the proposal being located adjacent to a classified road (Urana Street).

DEVELOPMENT APPLICATION 10.2015.34 – APPLICATION FOR SERVICE STATION AND SIGNAGE – LOT 1 DP1202059 - 99 URANA STREET JINDERA [CONT'D]

Clause 101 of the SEPP refers to development which has frontage to a classified road, and states:

(1) The objectives of this clause are:

(a) to ensure that new development does not compromise the effective and ongoing operation and function of classified roads, and

(b) to prevent or reduce the potential impact of traffic noise and vehicle emission on development adjacent to classified roads.

(2) The consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that:

(a) where practicable, vehicular access to the land is provided by a road other than the classified road, and

(b) the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of:

(i) the design of the vehicular access to the land, or

(ii) the emission of smoke or dust from the development, or

(iii) the nature, volume or frequency of vehicles using the classified road to gain access to the land, and

(c) the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.

Urana Street is identified as a classified road, and is therefore considered to provide adequate road access provisions, and the proposal is considered to be of a type which is appropriate to front a classified road.

The proposal has also been referred to the RMS and no objections have been raised to the proposal subject to conditions of consent.

Clause 104 of the Infrastructure SEPP relates to traffic generating development. Under the Infrastructure SEPP, a development of a relevant size or capacity listed, is considered to be a 'traffic generating development'. Under the provisions of the Infrastructure SEPP, a service station which fronts a classified road is considered to be a 'traffic generating development', regardless of the size of the proposal. As a result, the proposal is considered to be a 'traffic generating development' and has been referred to the RMS for comment.

Subclause (3) of Clause 104 states:

(3) Before determining a development application for development to which this clause applies, the consent authority must:

(a) give written notice of the application to the RTA within 7 days after the application is made, and

(b) take into consideration:

(i) any submission that the RTA provides in response to that notice within 21 days after the notice was given (unless, before the 21 days have passed, the RTA advises that it will not be making a submission), and

(ii) the accessibility of the site concerned, including:

(A) the efficiency of movement of people and freight to and from the site and the extent of multi-purpose trips, and

(B) the potential to minimise the need for travel by car and to maximise movement of freight in containers or bulk freight by rail, and

(iii) any potential traffic safety, road congestion or parking implications of the development.

A copy of the proposal has been provided to the RMS for comment, with a response received indicating no objection to the proposal subject to a number of conditions being included in the development consent.

As discussed within this assessment, the subject site is considered to have adequate accessibility, from a classified road which has been designed for high volumes of traffic. Likewise, the access and egress arrangements for the site are considered to be safe and functional and not cause any detriment to the road function or traffic flow.

SEPP 33 Hazardous and Offensive Industries

State Environmental Planning Policy No 33—Hazardous and Offensive Development ("SEPP 33") amends the definitions of hazardous and offensive industries where used in environmental planning instruments and requires consideration to be given to current circulars or guidelines published by the Department of Planning relating to hazardous or offensive development in determining whether a development is:

a) a hazardous storage establishment, hazardous industry or other potentially hazardous industry, or
b) an offensive storage establishment, offensive industry or other potentially offensive industry.

Guidelines have been published by the Department of Planning in January 2011 titled "Hazardous and Offensive Development Application Guidelines Applying SEPP 33" ("SEPP 33 Guidelines").

On the basis of that submitted information from the applicant it would seem that the development would be a "potentially hazardous industry" and the preparation and submission of a preliminary hazard analysis has been submitted to Council to assess.

DEVELOPMENT APPLICATION 10.2015.34 – APPLICATION FOR SERVICE STATION AND SIGNAGE – LOT 1 DP1202059 - 99 URANA STREET JINDERA [CONT'D]

On page 3 of the SEPP 33 Guidelines it is relevantly stated:

> *The Department of Planning has developed a checklist and a risk screening procedure to assist in determining whether a development proposal falls within the definition of potentially hazardous industry.*
>
> *The information in Appendix 3 may also be helpful in identifying development that may be potentially hazardous.*
>
> *The screening procedure is based on the quantity of dangerous goods involved in the proposal and, in some cases, the distance of these materials from the site boundary. The identification procedure for potentially hazardous industry is explained in section 7,with additional information in the appendices.*
>
> *Some basic information about the proposal is required to apply the risk screening method. The information which should be obtained from the applicant (at the earliest opportunity) is shown in Appendix 2.*

It is noted that an environment protection licence would not be required for the development under the provisions of the Protection of the Environment Operations Act 1997.

Where a development is a "potentially hazardous industry" Clause 13 of SEPP 33 requires the consent authority to consider the following matters (in addition to any other matters specified in the Act or in an environmental planning instrument applying to the development):

"a) current circulars or guidelines published by the Department of Planning relating to hazardous or offensive development, and
b)whether any public authority should be consulted concerning any environmental and land use safety requirements with which the development should comply, and
c) in the case of development for the purpose of a potentially hazardous industry—a preliminary hazard analysis prepared by or on behalf of the applicant, and
d) any feasible alternatives to the carrying out of the development and the reasons for choosing the development the subject of the application (including any feasible alternatives for the location of the development and the reasons for choosing the location the subject of the application), and
e) any likely future use of the land surrounding the development."

In this case where no environmental license is required the relevant public authority is the Council and in relation to requirements of Clause 13 of SEPP 33 the Author makes the following responses:

a) The submitted "SEPP 33 – Risk Screening Document and Preliminary Hazard Analysis" appears to have been prepared utilising current circulars and guidelines that have been prepared by the Department of Planning.

b) The EPA was contacted by telephone by the Author and representatives confirmed that the proposal does not require an Environmental Protection License and nor would they ordinarily supply any comments on a service station of this scale. The RMS were contacted and supplied comments.
c) An acceptable preliminary hazardous analysis was submitted which found the risks from the proposal to be negligible.
d) The site of the service station is adjacent to the commercial precinct of Jindera which is a suitable location for a service station. Typically service stations are sited in similar locations and anecdotally there appears to be little issues with their operation adjacent to retail and residential land uses.
e) The land around the proposed service station has been developed for commercial, residential and public uses and the proposed service station should not have any adverse effects on adjacent land uses.

On the abovementioned basis it may be concluded that the development could be operated in a manner which would not have a significant adverse impact in the locality or on the existing or likely future development.

Local Environmental Plan:
Greater Hume Local Environmental Plan 2012
The *Greater Hume Local Environmental Plan 2012* ("the LEP") is the principal environmental planning instrument applicable to the property. The relevant matters of the LEP are addressed as follows.

Zoning
The subject land is zoned RU5 Village by the LEP, as is all of Jindera. The objectives of the RU5 zone are:

- *To provide for a range of land uses, services and facilities that are associated with a rural village.*
- *To protect the amenity of residents.*

The objectives of the RU5 zone are aimed at encouraging a range of urban development opportunities to support village locations. This proposal will provide a new service station within the township area, representing a new commercial activity. The potential impact upon amenity is considered elsewhere within this assessment.

The development of a service station is permitted with consent in the RU5 zone.

Essential Services
Clause 6.7 of the LEP relates to essential services and states:

> *Development consent must not be granted to development unless the consent authority is satisfied that any of the following services that are essential for the development are available or that adequate arrangements have been made to make them available when required:*
> *(a) the supply of water,*
> *(b) the supply of electricity,*
> *(c) the disposal and management of sewage,*
> *(d) stormwater drainage or on-site conservation,*
> *(e) suitable vehicular access.*

The subject land can be serviced by all necessary urban infrastructure, as confirmed by Council's Engineers. In addition, the proposal has demonstrated an appropriate access and egress arrangement, as per the amended plans attached.

In this instance, the proposal involves below ground storage of fuel and delivery of fuel to vehicles, which presents risk to stormwater and drainage. The applicant has indicated that appropriate interceptor devices will be installed to prevent any contaminated stormwater leaving the subject land. This commitment will be imposed by way of a condition of consent.

Development Control Plan
Greater Hume Development Control Plan 2013
The Greater Hume Development Control Plan 2013 ("the DCP") applies to all land within the Shire.

Chapter 4 of the DCP relates to commercial development generally, and sets out relevant considerations. The objectives of this chapter are set out as:

- *encourage orderly and economic development within the Shire having regard to its commercial and retail needs;*
- *accommodate the expansion of retail, commercial, professional services and community facilities for local residents in convenient locations within the Shire;*
- *promote pedestrian movement and connectivity within commercial areas;*
- *encourage the provision of additional parking spaces within any redevelopment to address the current parking deficiency within the centres;*
- *ensure the orderly and safe flow of traffic along main roads by prohibiting direct vehicular access to individual commercial activities;*
- *ensure the integrated shopping centre by reinforcing existing pedestrian movements and creating pleasant and interesting linkage to the extensions;*
- *ensure a safe and comprehensive pedestrian network throughout the expanded centres. Particular attention being paid to the separation of pedestrian access from parking, manoeuvring and loading/unloading areas;*

- *ensure that new or extension to a commercial development is compatible with the character of the area and enhances the streetscape and is compatible with adjoining nearby residences; and*
- *encourage the provision and retention of existing landscaping to be used as a buffer between proposed extension and the existing residential area and to be used to create an attractive streetscape to the main roads.*

The proposal generally responds to these objectives as it represents an economic development outcome for Jindera. In addition, sufficient parking and circulation areas are provided within the property to ensure that there are no detrimental impacts upon the flow of traffic along Urana and Adams Streets. The design of the facility including noise wall fencing on the eastern boundary adjacent to a laneway can satisfactorily address any amenity issues arising in the surrounding area.

The development standards of the DCP are considered below.

Location
Part 4.1 sets out development standards for location of commercial activities. The relevant standards are set out as:

2. *New commercial activities (including retail and office) to be located within the existing commercial centres and those centres identified within the adopted structure plans for each town or village.*

3. *Small businesses which principally service local neighbourhoods may be located outside of town centres where it is demonstrated that such services are necessary and appropriate.*

4. *Commercial activities are encouraged in areas accessible to residents and visitors.*

Given the Jindera village is covered by an RU5 village zoning rather than differentiated urban activities (i.e. commercial, residential etc.), the standards within the DCP are important in terms of assessing applications for different types of village activities. The structure plan for Jindera within the DCP indicates the land as being a commercial area.

Appearance and design
Part 4.2 sets out controls in relation to appearance and design, and states the following development standards:

1. *Shopfronts are to be designed to be inviting and active at street level.*

2. *Building facades facing the street are to contribute to the 'main street' commercial character of town centres.*

3. *Large expanse of blank or flat walls along a street frontage will be considered as incompatible with the objectives of these controls.*

4. *Car parking areas and access should be located behind the building frontage wherever possible.*

5. *Development is designed having regard to safety and where possible implements measure for Crime Prevention Through Environment Design.*

The DCP seeks to ensure that commercial developments within the Shire respond appropriately to their context and best practice design principles.

In this instance, the proposal provides a frontage that is compatible with other development for both the southern Urana Street (approach) and western Adams Street (approach) and partly to the north east facade. This includes use of glazed facades, variation in signage, colours and materials.

Car parking is proposed behind landscaping along Urana Street and in front of the store which is considered acceptable.

The proposal does not appear to promote any design elements which would conflict with the principles of *Crime Prevention Through Environment Design*. The use of lighting will discourage any potential safety issues.

Landscaping
Part 4.3 of the DCP refers to landscaping, and sets out the following development standards for consideration:

1. *Developments that are set back from the street frontage shall incorporate appropriate landscaping with the front setback that enhances the visual quality and character of the street.*

2. *On-site car parking areas in excess of 10 spaces are to be provided with appropriate internal landscaping.*

Given the type of development proposed, the provision of an appropriate landscaping regime for the property is considered essential to mitigate amenity issues. The original submission contained a basic landscaping plan. A more comprehensive plan was subsequently requested from the applicant and the applicant has since provided an acceptable landscaping plan.

Heritage
Clause 4.4 of the DCP refers to Heritage generally and sets out the following development standards:

1. *Developments adjoining and in the vicinity of a heritage item are to be designed to complement rather than detract or dominate.*

DEVELOPMENT APPLICATION 10.2015.34 – APPLICATION FOR SERVICE STATION AND SIGNAGE – LOT 1 DP1202059 - 99 URANA STREET JINDERA [CONT'D]

The proposal is located in proximity to Jindera School of Arts and St Pauls Anglican Church. With reference to the criteria of the DCP it is considered that the proposal will not detract or dominate the heritage items as they are located approximately 90 metres away. Further the service station will be compatible and blend in with adjacent commercial development.

Signage
Part 4.5 of the DCP refers to signage and states the following development standards:

1. *Signage to be kept to a minimum and appropriate for the type of commercial activity being undertaken.*
2. *Signage to be of a scale in proportion of the building (i.e. must not to dominate the building facade or street frontage).*
3. *Signage not to be a hazard for pedestrians or motorists.*
4. *Moving and/or flashing signs are to be avoided.*

The proposal includes a combination of signage, primarily being the use of wall signage applied at the fascia of the southern, western and eastern facades, and a 6 metre high freestanding pylon sign at the Urana Street frontage on the south western corner of the subject land.

The proposed signage types are considered to be appropriate to the type of development being proposed, and would represent the type of signage being applied to a typical service station. In accordance with the requirements of SEPP 64 the signage was assessed by the RMS and determined to be satisfactory.

Parking
Part 4.6 of the DCP relates to car parking for commercial development and has the following requirements:

1. *Car parking is to be located to the side or rear of the development.*
2. *Car parking to be provided at the rate required in Chapter 5 of the NSW Roads & Maritime guide, shown in Table 4.1 below.*
3. *Parking spaces should be designed in accordance with Australian Standard 2890.1 and 2890.2.*
   - *Car parks adjoining public land (including a road) shall be provided with a landscape strip at the interface.*
   - *Car parking to be accessible at all times during the business hours of the premises.*
   - *Car parks to be designed to provide pedestrian connectivity and minimise conflicts between vehicles and pedestrians.*

- *Loading facilities are to be located at the rear or side of the building and not adjacent to any residential property.*

4. *Loading and unloading facilities are to be provided in accordance with the provisions of Policies Guidelines and Procedures for Traffic Generating Development.*

5. *Loading and unloading areas are to be located separate from other vehicle manoeuvring areas, car parking areas and pedestrian movement areas.*

The development proposes a total of 8 car parking spaces inclusive of a disabled space which complies with the requirements of the DCP. The submitted traffic study addresses unloading of goods for the service station building and deliveries of fuel and it indicates that the design is adequate for these activities to occur.

GREATER HUME SHIRE COUNCIL SECTION 94A PLAN

Council has in place a shire-wide Section 94A plan that requires a developer contribution for most development applications. If development consent is granted for the proposal then a contribution amounting to 1% of the cost of the development is applicable and this amount is $12,000.

- **79C(b) The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality.**

please turn to page 21.

DEVELOPMENT APPLICATION 10.2015.34 – APPLICATION FOR SERVICE STATION AND SIGNAGE – LOT 1 DP1202059 - 99 URANA STREET JINDERA [CONT'D]

The following table assesses the likely impacts of the development.

ISSUE	ACCEPTABLE	COMMENT
Context & setting	✓	The subject land is located at the southern end of the Jindera commercial precinct and is presently vacant land. The surrounding context presents a mix of commercial, residential land uses and the adjacent Jindera Village Green. The subject land is located within the fringe of the Jindera commercial area and consideration must be given to achieving a suitable amenity to existing sensitive uses (residential properties). In addition to the service station building and bin enclosure that are built along the eastern boundary the applicant proposes to construct a 2.1 metre high acoustic wall along the eastern boundary from the southern end of the service station building to the southern boundary. The submitted acoustic report indicates the wall and other measures will reduce noise levels on adjacent properties to an acceptable level. This wall would also assist in preventing light spill. The acoustic wall will be required by Council to demonstrate an appropriate degree of design merit including use of varied colour and wall treatments (such as embossed elements and contrasting elements). The wall should also be screened with vegetation to soften its visual impact, including both sides along the rear boundary. The use of landscaping within the property and along the boundaries will assist in screening the development from the street and sensitive interfaces, particularly to Adams Street.
Access & parking	✓	The subject land is considered to have suitable access arrangements to the site, with the submitted plans indicating an access from Urana street and separate access and egress points to the development from Adams Street Internally, the proposal provides an adequate provision of car parking to accommodate the proposed uses of the building.
Roads & traffic	✓	Urana Street is still controlled and maintained by Council. As mentioned the development proposal has been referred to the RMS for comment. No objection to the proposal has been raised by the RMS, with indications that the road infrastructure is considered adequate to accommodate the proposal. Further Councils engineering department is satisfied with the development in relation to the access to the property.

DEVELOPMENT APPLICATION 10.2015.34 – APPLICATION FOR SERVICE STATION AND SIGNAGE – LOT 1 DP1202059 - 99 URANA STREET JINDERA [CONT'D]

ISSUE	ACCEPTABLE	COMMENT
Utilities	✓	All utilities are available to the property, including reticulated sewer, water, electricity, gas and telecommunications.
Heritage	✓	The subject site does not contain any identified heritage items. The land is also not within any heritage conservation area.
Stormwater	✓	The proposal will comprise hardstand or roof catchments to the majority of the site. At present, the site has vegetation and is unsealed. It is anticipated that there will be an increase in stormwater run-off from the property. Council engineers have confirmed that the existing constructed drainage services can accommodate the expected stormwater run-off from the site. The nature of the proposed activities is such that there is potential for fuel and other contaminants to enter the stormwater run-off. The applicant has advised that the proposal will incorporate a stormwater treatment system that will collect and treat stormwater (to remove any contaminants and the like) prior to discharging to Council's drainage infrastructure.
Soils & erosion	✓	Potential for erosion is at its greatest during the construction stage of the development. The proposal will include excavation for underground tanks and other major earthworks. Site stabilisation will be required to prevent sediment run-off or erosion.
Flora & fauna	✓	No impacts from the development of the property.
Flooding	✓	Preliminary investigations on flooding indicate that the site is not unaffected by flooding.
Bushfire	✓	The subject land is not bushfire prone.
Technological hazards	**N/A**	None.
Safety, security & crime prevention	**N/A**	None.
Privacy	✓	The proposal is located within the fringe commercial area, and has the potential for privacy impacts at shared residential interfaces, primarily the east where an acoustic wall will be constructed which will minimise potential privacy impacts. The south and western interface of the land is to both Urana and Adams Street it is considered that use of landscaping to this interface will be sufficient.
Landscaping	✓	The site is largely devoid of vegetation. The proposal will involve provision of new landscaping, as well as along the acoustic wall in appropriate locations.

ISSUE	ACCEPTABLE	COMMENT
Overshadowing	✓	No significant overshading is likely as a result of the proposed development
Land resources	**N/A**	None

- **79C(c) The suitability of the site for the development.**

The proposed development involves establishing a service station and the location of the property is considered to be appropriate for such an activity given its position at the fringe of the Jindera commercial precinct.

- **79C(d) Any submissions made in accordance with this Act or the regulations.**

The application was referred to eight (8) adjoining landowners and given public notification of exhibition between 15 April 2015 to 30 April 2015. Referral of the application was also made to NSW Roads and Maritime Services (RMS).

Council received a total of five (5) submissions objecting to the proposal, including adjoining neighbours, landlords and the proprietor of a business.

Following completion of the notification period, Council sought further information from the applicant on a range of matters, including those relevant planning matters identified in submissions. The applicant provided a response to these matters on 6 July 2015.

When the additional information was received the application was renotified to adjoining landowners between the 8 July 2015 and 23 July 2015 and as a result of this re-notification Council received 2 additional submissions

The issues raised in the submissions were summarised in the earlier section of this report, however for the purposes of providing a response to these submissions, the issues have been grouped by specific concerns (in no particular order):

Noise Impacts
Noise was an issue that was raised within the majority of submissions and in response Council made a request for additional information. The applicant has provided details of an acoustic wall to be constructed along the eastern boundary of the subject land which in conjunction with the service station building and the bin enclose will reduce the noise impacts to adjacent land to an appropriate level (confirmed by the submitted acoustic report).

Given the submitted acoustic report Council has determined that noise impact should not affect nearby residents during the hours of 5am to 11.00pm which is the hours of operation that the applicant has sort.

DEVELOPMENT APPLICATION 10.2015.34 – APPLICATION FOR SERVICE STATION AND SIGNAGE – LOT 1 DP1202059 - 99 URANA STREET JINDERA [CONT'D]

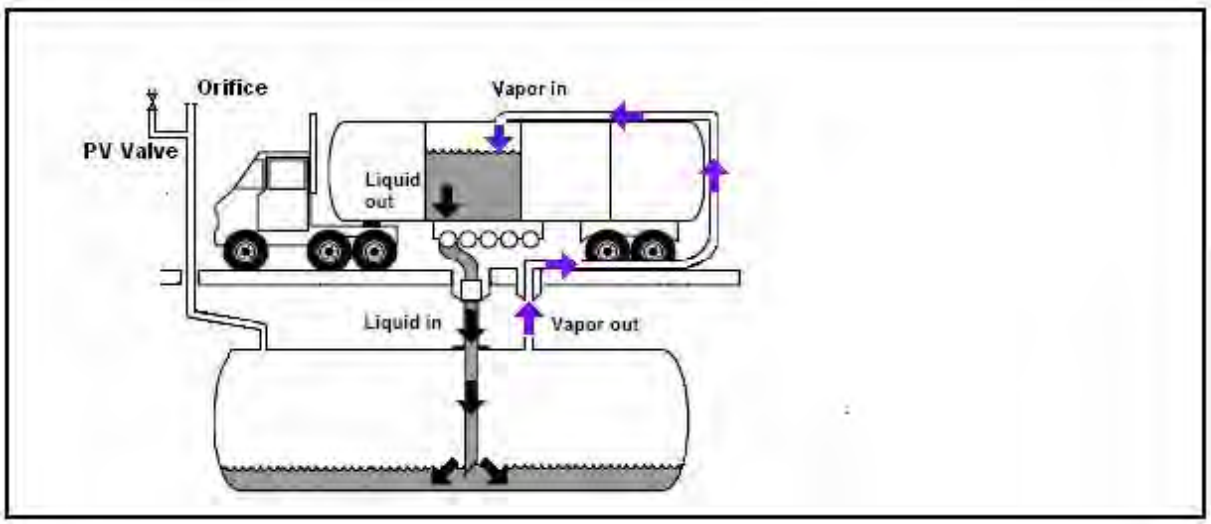
Amenity Impacts

A range of concerns have been identified in relation to amenity concerns, primarily relating to noise, but also lights, odours from fuel vapours and vermin. In addition people were concerned that the development was poorly designed and incompatible with other development or could impact on their ability to operate a family day care business.

It is acknowledged that the nature of the proposal is such that the premises will operate with longer operating hours than other commercial businesses, with lighting and vehicle movements expected to be undertaken throughout the day to 11.00 pm. The most sensitive interfaces of the land are to the east (Adams Street). As a result of Council's request for further information, the applicant has undertaken a light impact assessment and allowed for the abovementioned acoustic wall to be built on this boundary. The wall will not only deal with noise impacts but also address lighting issues.

Further issues relating to the hazards associated with the development have been addressed within the preliminary hazard assessment. The storage of fuel and other substances on site will be appropriately managed to ensure that there is no contamination or impacts on surrounding land or air. In relation to the vapour issue the following comment addresses this and was supplied by the author of the preliminary hazard assessment.

> *I can bring to your attention that service stations these days do not suffer from the issue of unpleasant vapours as did service stations of the past. State government EPA legislation requires all service stations to incorporate vapour recovery (VR1) on any new site that dispenses flammable liquids in retail sales to members of the public. This vapour recovery captures all vapours within an underground fuel tank that are displaced by the rising level of liquid, and returns them to the delivery vehicle to replace the liquid level that is dropping. Consequently, no vapours are discharged to atmosphere. Vents are still required on a site to allow for any small expansion and contraction or the liquid due to temperature changes and the like, but this in effect is negligible.*



DEVELOPMENT APPLICATION 10.2015.34 – APPLICATION FOR SERVICE STATION AND SIGNAGE – LOT 1 DP1202059 - 99 URANA STREET JINDERA [CONT'D]

Based upon the preliminary hazard assessment Council cannot forsee that there will be any impediment which would prevent the operation of the family day care business. As previously mentioned the design of the building is compatible with other commercial development.

Finally there were concerns about devaluation of nearby properties however this matter is not a consideration of the Environmental Planning and Assessment Act 1979.

Council is satisfied that the proposed combination of an appropriately designed acoustic wall, and high quality landscaping will result in appropriate protection of amenity for adjacent properties.

Traffic Impacts
Concerns have been raised in relation to the potential traffic impacts, parking issues and pedestrian safety of the development upon Urana Street and Adams Street, by way of increased traffic.

The Roads and Maritime Services and Councils engineers have both confirmed that they have no concerns in relation to the traffic, parking or pedestrian arrangements for the proposal.

Economic Issues
A submission claimed that the proposal would be detrimental to existing businesses in Jindera.

The question of economic benefit or detriment is not a matter for consideration under Section 79C of the EP&A Act. In this instance, the proposal will generate a new commercial investment in Jindera. Considerations relating to potential economic improvement or detriment have not been substantiated by either the applicant or the submitter and this issue should therefore be given limited weight.

Stormwater and flooding
A number of concerns were raised in relation to stormwater management and potential contamination to stormwater. Submissions also noted the potential for flooding.

The applicant has confirmed that the proposal will involve the installation of a below ground stormwater treatment system, which will collect and treat stormwater prior to entering the Council's constructed drainage infrastructure. Council engineers have confirmed that there are no concerns in relation to capacity of Council's infrastructure to accommodate proposed stormwater flows and the site will be unaffected by flooding.

Environmental Risks
As mentioned the Prelimanary Hazard Assessment has determined that the risk posed by the development is negligible. Given the propensity for service stations to be located in similar locations Council is satisfied with this response.

Suitability of site and alternatives
A number of submissions raised concerns in relation to the suitability of the subject site, and that alternative locations would be more appropriate.

It is not necessary for Council to consider potential alternative locations, as the application only needs to address the land upon which the development is proposed. The issues in terms of suitability of the site involve a variety of considerations such as land use zoning, access and amenity issues which are addressed.

BUDGET IMPLICATIONS
Nil.

CONCLUSION
In making a decision as the consent authority under the EP&A Act, Council can:
1. approve the application, subject to conditions;
2. defer the application for further information or redesign; or
3. refuse the application.

After considering the requirements of Section 79C of the EP&A Act, the proposal is recommended for approval subject to the following conditions

RECOMMENDATION
Pursuant to section 81(1)(a) of the Environmental Planning and Assessment Act 1979 and subject to the following conditions of consent Council approve the service station at Lot 1 DP 1202059 99 Urana Street Jindera:

1 APPROVED PLANS
1.1 Compliance with Plans and Conditions
The development shall take place in accordance with the approved development plans, except as modified in red by Council and/or any conditions of this consent.

2 PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE
The following conditions of consent must be complied with prior to the issue of a construction certificate by a Certifying Authority. The Certifying Authority can be either Greater Hume Shire Council or an Accredited Certifier. All necessary information to comply with the following conditions of consent must be submitted with the application for a construction certificate.

Approvals required prior to the issue of construction certificate
2.1 The applicant is to submit for approval by the consent authority detailed plans and documentation demonstrating compliance with the relevant provision of the Protection of the Environment Operations Underground Petroleum Storage Systems Regulation 2014.

2.2 The applicant is to submitted updated calculations based on the selected equipment to support and substantiate the Environmental Noise Impact Assessment by Day Design Pty Ltd dated 3 July 2015 Report Number 5714-1.1R.

2.3 The applicant is to submit for further approval of the consent authority details of the acoustic wall including:

i) Three (3) design options for the external appearance of both sides of the perimeter wall. Consideration should be given to the use of different textures, colours, materials and offset heights or alignments to minimise both public and private amenity impacts.

ii) The approved option shall become part of this development consent.

3 PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

3.1 Section 94A Levy Development Contributions

Prior to the issue of a construction certificate, a receipt for the payment to Greater Hume Shire Council of Section 94A Levy Contributions shall be submitted to the Certifying Authority.

The Section 94A Levy is calculated at 1% of the cost of development, as determined at the date of this consent. The total contribution to be paid has been calculated at $12,000.

NOTE: This amount may change if there is a delay with payment of the levy, as the cost of works is to be indexed before payment to reflect quarterly variations in the Consumer Price Index (CPI).

4 PRIOR TO THE COMMENCEMENT OF ANY WORKS

The following conditions of consent have been imposed to ensure that the administration and amenities relating to the proposed development comply with all relevant requirements. A Certifying Authority can either be Greater Hume Shire Council or an accredited certifier. All of these conditions are to be complied with prior to the commencement of any works on site.

4.1 Construction Certificate Required

Prior to the commencement of any works, a construction certificate is required to be issued by a Certifying Authority.

Enquiries regarding the issue of a construction certificate can be made to Council on 02) 6029 8588.

4.2 Appointment of a Principal Certifying Authority

Prior to the commencement of any works, the person having benefit of a development consent, or complying development certificate must:

a. appoint a Principal Certifying Authority; and

b. notify Council of the appointment.

4.3 Notify Council of Intention to Commence Works

The applicant must notify Council, in writing of the intention to commence works at least two (2) days prior to the commencement of any works on site.

4.4 Kerb and Gutter Protection

Prior to the commencement of any works on site, the developer shall provide and lay adequate footpath, kerb and gutter protection at all points of entry to the site in accordance with Council's Code of Protection of Footpaths and Erection of Hoardings. This protection shall be maintained in good condition throughout the course of construction.

4.5 Erosion and Sedimentation Control

Prior to the commencement of any works on site, controls shall be implemented prior to clearing of any site vegetation, to ensure the maintenance of the environment and to contain soil erosion and sediment on the property. Erosion and sediment controls shall be maintained until all construction works are completed and all disturbed areas are restored by turfing, paving and revegetation.

Note: On the spot penalties up to $1,500 will be issued for any non-compliance with this requirement without any further notification or warning.

4.6 Toilet Facility

Prior to the commencement of any works on site, a flushing toilet facility is to be provided on site. The toilet must be connected to either a public sewer, or an accredited sewage management facility, or to an alternative sewage management facility (chemical closet) approved by Greater Hume Shire Council.

4.7 Vehicular Crossing Application

Prior to commencement of works, a vehicular crossing application shall be submitted to and approved by Council. Note: see condition 5.3 for driveway requirements.

4.8 Sign During Construction

Prior to the commencement of works, a sign must be erected in a prominent position on site during construction:

a. Stating that unauthorised entry to the work site is prohibited,
b. Showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours, and
c. Showing the name, address and a telephone number of the Principal Certifying Authority for the development.

Note: A $600 on the spot fine may be issued for non-compliance with this condition.

4.9 Proposed Sub-floor and Sewer Drainage Plan

A proposed Sub-floor and Sewer Drainage Plan for the service station shall be submitted to and approved by Council prior to the commencement of any such works.

5 PRIOR TO OCCUPATION OF THE DEVELOPMENT

The following conditions of consent must be complied with prior to the issue of an Interim Occupation Certificate or Final Occupation Certificate by the Principal Certifying Authority.

5.1 Interim/Final Occupation Certificate Required

Prior to the commencement of any use and/or occupation of the subject development (whole or part), either an Interim Occupation Certificate or Final Occupation Certificate must be issued.

Prior to the issue of any Occupation Certificate the Principal Certifying Authority must be satisfied that the development (part or whole) is in accordance with the respective Development Consent, Construction Certificate or Complying Development Certificate.

5.2 NSW Fire Brigade Notification

Prior to the issue of an occupation certificate (Interim or Final), evidence that the NSW Fire Brigade has been notified of the exact location and operational procedures of the proposed stormwater isolation valve to be installed at the subject premises shall be submitted to the Principal Certifying Authority and Greater Hume Shire Council.

5.3 Full Width Footpath Paving

Prior to the issue of the final occupation certificate, full width (concrete footpath paving / paving block footpath) shall be constructed for the full road frontage of the property. The developer shall complete any necessary transitioning to the existing footway beyond the boundary of this property at no cost to Council. The width of the footpath is to be:

- A 1.5 metre wide footpath is to be extended along Adams Street to match into the existing footpath continuing on to Huon Street Intersection.

- A 2.0 metre wide footpath is to be constructed along Urana Street matching into pedestrian access across to the western side of Urana Street.

5.4 Prior to the issue of an Occupation Certificate two (2) new driveway crossovers are to be constructed to Council's Driveway Crossover Specifications along Adams Street. Also complete new reconstruction of the existing driveway crossover in Urana Street will be required to enable vehicles more turning curve to enter the proposed new service station premises.

6 GENERAL CONDITIONS

The following conditions have been applied to ensure that the use of the land and/or building is carried out in such a manner that is consistent with the aims and objectives of the planning instrument affecting the land. A Principal Certifying Authority can either be Greater Hume Shire Council or an accredited certifier.

6.1 Compliance with Construction Certificate

All building works approved in this development consent must comply with the terms of the consent the plans, specifications and any other approved documents relevant to the approved Construction Certificate.

6.2 Submission of an Annual Fire Safety Certificate

The owner of any building in which fire safety measures are installed, must cause the Council to be given an annual fire safety statement, within 12 months after the last such statement or final fire safety certificate was issued.

The certificate shall certify:

a. that each essential fire safety measure has been assessed by a properly qualified person and was found, at the date of assessment, to be capable of performing to a standard not less than that required by the current fire safety schedule, and
b. that a properly qualified person has inspected the building and has certified that, as at the date of inspection, the condition of the building did not disclose any grounds for a prosecution under Division C.

6.3 During Construction

During the construction period the applicant must ensure that:

a. There is provision of a trade waste service to ensure that all debris and waste material is removed from the site for the period of construction;
b. All plant equipment, fencing or materials of any kind is not placed or stored upon any public footpath or roadway; and
c. Any building work is to be carried out within the following hours.
    1. Monday – Friday between the hours of 7:00am to 6:00pm and Saturday between 8:00am and 1:00pm in all zones. No work may be carried out on Sundays or public holidays.

Note: On the spot penalties up to $1,500 for an individual or $3,000 for a Corporation will be issued for any non-compliance with this requirement.

6.4 Hoarding/Fencing

During construction, a hoarding or fence must be erected between the work site and a public place if the work involved in the development is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or if the building involves the enclosure of a public place.

If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place.

The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.

6.5 No external sound amplification equipment or loudspeakers are to be used for the purposes of announcement, broadcast, playing of music, ringing of telephones or similar purpose.

6.6 The finishes of all structures are to be maintained at all times and any graffiti or vandalism immediately removed/repaired.

6.7 The approved development must not adversely affect the amenity of the neighbourhood in any way, including:

a. the appearance of any building, works or materials used;
b. the parking of motor vehicles;
c. the hours of operation;
d. electrical interference;
e. the storage of chemicals, gasses or other hazardous materials; or
f. emissions from the site.

6.8 Rubbish skips and the like must not be placed or allowed to remain in the view of the public. Offensive odour must not emit from any rubbish receptacle on the site.

6.9 All external lighting of the site, including to parking areas and buildings, must be located, directed, baffled and shielded and of such limited intensity that no nuisance or loss of amenity is caused to any person beyond the site.

6.10 All loading and unloading of vehicles shall take place entirely within the site and only within those areas designated as loading/unloading bays, as approved. Any vehicles waiting to be loaded/unloaded shall be located within boundaries of the subject land.

6.11 The acoustic fences are to be maintained at all times to the satisfaction of the responsible authority.

6.12 The operation of the development must be carried out in accordance with the approved acoustic report prepared by *Day Design Pty Ltd dated 3 July 2015 Report Number 5714-1.1R.*

6.13 Hours of Operation

The approved hours of operation for the use of the premises are 5.00am to 11.00 pm seven (7) days per week.

6.14 Submit a Trade Waste Application

The applicant is to submit a trade waste application to the Greater Hume Shire Council and upon approval enter into a Trade Waste Agreement with the Greater Hume Shire Council.

Reason: To prevent damage to Council's Waste Water Treatment Works and subsequent pollution of waterways, to comply with the Local Government (General) Regulation 2005 and to satisfy Section 79C(1)(b) of the Environmental Planning and Assessment Act, 1979, as amended.

6.15 Cross Connection Control or Backflow Prevention Devices

The applicant is to install cross connection control; and/or back flow prevention devices throughout the water supply system, all in accordance with AS/NZS 3500 and the Plumbing Code of Australia.

6.16 Food Conditions

Compliance with Food Act 2003

The premises shall comply with the requirements of the Food Act 2003, FSANZ Food Standards Code, and the Australian Standard AS 4674-2004 (Design, Construction and Fit Out of Food Premises) prior to commencement of operations.

6.17 Notify Council

All food businesses in NSW must either:

a. Notify the Council of their food activity details; and
b. Have a nominated Food Safety Supervisor for the premises.

7 ROADS & MARITIME CONDITIONS

7.1 Vehicular access to the development site from Urana Road (MR125) is to be restricted to ingress only as per the submitted plans. Appropriate signage and line marking is to be installed and maintained at this driveway to enforce this.

7.2 The off-street car park layout associated with the proposed development including driveway design and location, internal aisle widths, ramp grades, parking bay dimensions and loading bays are to be in accordance with AS 2890.1-2004 "Off-street car parking" and AS 2890.2-2002 "Off-street commercial vehicle facilities".

7.3 The swept path of the largest vehicles entering and exiting the subject site and manoeuvrability through the site is to be in accordance with AS 2890.2-2002 "Off-street commercial vehicle facilities" and to Councils satisfaction. For road safety reasons the layout of the development and any access driveway shall be designed to allow all vehicles to enter and exit the subject site in a forward direction and not be required to reverse onto the adjoining road reserve.

DEVELOPMENT APPLICATION 10.2015.34 – APPLICATION FOR SERVICE STATION AND SIGNAGE – LOT 1 DP1202059 - 99 URANA STREET JINDERA [CONT'D]

7.4 Any access driveway to the development site is to be constructed so that the formed vehicle path rises to the level of the pedestrian footpath along the frontage of the site and not have the footpath step down onto the roadway. As a minimum the driveways shall be sealed from the edge of seal of the carriageway to the property boundary.

7.5 Internal vehicular manoeuvring aisles, parking areas and loading bays shall be maintained clear of obstruction and used exclusively for the purposes of vehicle access, parking and loading and unloading respectively. Under no circumstances shall these areas be used for the storage of goods or waste receptacles or any other purpose.

7.6 Any landscaping, fencing or signage to be provided within the site or along the boundary with any adjoining road reserve is to be designed and maintained to provide safe sight distance to pedestrians for motorists entering and exiting the site to minimise conflict in accordance with AS2890.1-2004 "Off-street car parking".

7.7 All activities including, loading and unloading associated with this development are to take place within the subject site. Fill points for petrol and gas storage are to be located so that tankers can stand clear of access driveways and not impede on access to and from the subject site. A plan is to be submitted to indicate compliance with this condition prior to release of the Construction Certificate.

7.8 Any redundant driveway or layback to the subject site is to be removed and the road reserve including kerb and gutter reinstated to Councils satisfaction. Any damage or disturbance to the road reserve of adjoining roads is to be restored to match surrounding landform in accordance with Council requirements.

7.9 Stormwater run-off from the subject site onto an adjoining road reserve as a result of the proposed development is to comply with relevant standards relating to service station developments. Any access driveway is to be designed and constructed to prevent water from proceeding onto, or ponding on the carriageway of the adjoining roads.

7.10 A management plan to address demolition and construction activity, access and parking, is to be prepared to ensure that suitable provision is available on site for all vehicles associated with the construction of the development to alleviate any need to access the subject site, park within, or load/unload from the road reserve of Urana Road (MR125). The storage of any material within the road reserve is denied. Appropriate signage and fencing is to be installed and maintained to effect this requirement.

DEVELOPMENT APPLICATION 10.2015.34 – APPLICATION FOR SERVICE STATION AND SIGNAGE – LOT 1 DP1202059 - 99 URANA STREET JINDERA [CONT'D]

7.11 Any works within the road reserve of Urana Road (MR125) which is a Classified Road requires concurrence from Roads and Maritime Services under section 138 of the Roads Act 1993 prior to commencement of any such works. The developer is responsible for all public utility adjustment/relocation works, necessitated by the proposed development and as required by the various public utility authorities and/or their agents.

7.12 Any works associated with the proposed development shall be at no cost to the Roads and Maritime Services.

ENGINEERING

1. TENDER NO. TL23 – 2014/15 JINGELLIC ROAD (YARARA GAP) RECONSTRUCTION

Report prepared by Director Engineering – Greg Blackie

REASON FOR REPORT

For Council to consider tenders received for the reconstruction of Jingellic Road at Yarara Gap.

REFERENCE TO DELIVERY PLAN ACTION

Strategy 5.2 To provide and maintain safe and serviceable public facilities and infrastructure including roads, drainage and footpaths.

Action 5.2.6 Ensure that a quality rural road network is provided and maintained throughout the shire.

DISCUSSION

Introduction

Jingellic Road (MR331) is a key regional road in Greater Hume Shire linking Holbrook to Jingellic and the Upper Murray in Victoria. The road is gazetted as a B-Double route for its entirety except for a 2.2km section at Yarara Gap sometimes known as Chinaman's Gap. Where most of the road is a two lane road with reasonable grades and alignment, the section through Yarara Gap has very steep grades (up to 15% at its steepest) and has a narrow seal only 5m wide in places. Regular users of Jingellic Road regard this location as a notorious section of road to traverse. It has been the scene of two fatalities some years ago and numerous near miss incidents.

Council acknowledging the safety issues developed plans for this section of the road to be upgraded, however for this to effectively occur it would require all works to be undertaken at one time due to the large amount of earthworks required. Due to the estimated $3.5 Million cost to undertake the works, grant funding was required to have the project proceed.

In 2014 Council applied for funding for the project through two grant programs, one from the NSW State Government (Fixing Country Roads $750,000) and the other from the Federal Government (Heavy Vehicle Safety and Productivity Programme $1.75 Million). In support of this application Council committed $1 million dollars towards the construction of the project acknowledging it as a high priority for Council, to be completed.

Council also undertook further detailed work on the project including geotechnical and environmental investigations and a review of the design and prepared a detailed estimate of the project in order to have it "shovel ready" to support any grant application.

In February of this year Council was advised it had successfully secured the grant funding for this project with the requirement however that works must be undertaken in the 2015/2016 financial year and be completed by mid-2016.

TENDER NO. TL23 – 2014/15 JINGELLIC ROAD (YARARA GAP) RECONSTRUCTION [CONT'D]

Since the announcement of the successful funding bid and due to the tight deadlines, Council engaged GHD Pty Ltd from Wodonga to undertake the management of the project including the preparation of the tender documentation, assessment of the tenders and onsite management of the successful contractor.

Tender Scope and Documentation Main Points

Due to the project being more complex than a traditional road project because of its location and site conditions a number of issues needed to be incorporated in the tender documentation so that the prospective tenderers understood the intent of the project and to enable Council to make an appropriate assessment of any tenders received as part of the tender process.

Issues considered were:

1. Traffic and Possible Detour Issues

It was noted that the location of the site meant that the project would have a major impact on Jingellic Road traffic during construction because of the extensive nature of the earthworks required and because there were few alternatives for traffic to "detour" around the site. This being the case Council undertook a detailed investigation of the possible alternatives including using Four Mile Lane as a detour for "local traffic" from the Lankeys Creek area and detouring "regional traffic" around MR85 (Jingellic Road) in Tumbarumba Shire, MR284 (Little Billabong Road) and the Hume Highway.

Council staff and GHD personnel met with an earthmoving contractor (not one of the contractors who has tendered on the project) prior to tendering the project in order to understand what was possible during construction and whether the works could be effectively undertaken with traffic still being able to pass through the site.

From discussions held it was determined that there could be a sizable impact on the efficiency of undertaking construction under traffic during the "earthworks component of the project" but that managing traffic could be undertaken during the remainder of the works with little impact.

The use of the "old road" on the gap now a designated stock route was discussed, however environmental constraints and the restricted alignment and width of the road/track meant it could not be cost effectively upgraded for use as a safe detour option.

Noting all the issues Council undertook an extensive evaluation of the detour alternatives, especially Four Mile Lane and its 10km section of unsealed pavement (gravel road) and the number of "single lane" bridges on the route. Council engaged an approved road safety auditor to undertake a formal Road Safety Audit of the proposed detour route on Four Mile Lane and Coppabella Road. Council has now received a detailed audit report identifying issues that would require remediation if the road was used as a detour.

TENDER NO. TL23 – 2014/15 JINGELLIC ROAD (YARARA GAP) RECONSTRUCTION [CONT'D]

Whilst acknowledging the possible cost and additional time to undertake the earthworks component of the project and acknowledging the cost associated with upgrading Four Mile Lane, providing additional maintenance of that road and undertaking appropriate traffic management to manage the detours, it was decided that the tender documentation would require prospective tenderers to price options for undertaking the project either with a **full closure of the road for 8 weeks** to allow the earthworks to be completed free of any traffic or **undertaking of all the project under traffic**. This approach then allowed for detailed analysis of the cost and time impacts of both options, so an appropriate decision could be made following the receipt of the tenders.

From community meetings held by Council at the Lankeys Creek Hall the preference for the project to be completed under traffic and not using Four Mile Lane as a detour was clearly supported although it was noted that the project would take longer to complete and that there would be on average 10min delays at the construction site on a daily basis.

2. Separable Portions of Work

The tender for this project has been created with three separable portions (Portions A, B and C). This has been done so that Council may select any option of works dependent upon the prices submitted to provide flexibility in determining the preferred tender.

Separable Portion A (Ch 25425 to Ch 26050) is approximately 600m long on the western end of the project, and involves some moderate earthworks and drainage, and road reconstruction

Separable Portion B (Ch 26050 to Ch 28200) is approximately 2200m long in the centre of the project and includes the extensive earthworks components of the project along with major realignments and reconstruction works.

Separable Portion C (Ch 28200 to Ch 28839) is approximately 600m long at the eastern end of the project and involves only road reconstruction which if undertaken would be considered as a bonus, but has been costed to allow work to take place if possible.

Separable Portion B of the Project is the core component of the project, which must be completed to meet the minimum requirements of the funding criteria. Separable Portion A is the next highest ranked component for completion as it links the core component to the rest of the most recently upgraded section of Jingellic Road. Separable portion C has been included to allow additional works to be undertaken if the funds allowed.

The tender was created in this way so the cost of doing one, two or all three could be assessed independently, rather than having to directly negotiate with a tenderer about resizing his tender bid.

3. Time Frames

Following notification of Council's success in securing grant funding, and due to the size of the project (estimated minimum 6 months to complete) it was necessary to have contractors commence on the project as soon as possible. The most appropriate time for the project to commence is September/October to ensure the project is completed over the warmer months more appropriate to undertaking of major roadworks.

TENDER NO. TL23 – 2014/15 JINGELLIC ROAD (YARARA GAP) RECONSTRUCTION [CONT'D]

The failure of a contractor to complete the works or delays by contractor issues would have serious consequences on completing the important final sealing of the road in the more appropriate conditions prior to winter, and would also impact on Council's ability to meet funding criteria timeframes.

Tender Advertising

The tender was advertised in the Sydney Morning Herald on Tuesday 2 June 2015 and locally in the Border Mail and Wagga Advertiser and closed on Tuesday 7 July at 12.00 midday. The tender was available through the Tenderlink website, and met all requirements of tendering under NSW Local Government Tendering Legislation.

Tenders Received

At the time of closing four tenders had been received for the project. The four tenderers were:

1. Bost Civil
2. Excell Grey Bruni
3. Kennedy Bros Earthmoving
4. RECivil

Tender Assessment

A detailed assessment report on the tenders received is attached in **ANNEXURE 2** which has been completed by GHD Pty Ltd.

Please note that the appendices attached to the GHD assessment report will be available at the meeting for Councillors to view but due to the size of the appendices (approximately 350 pages) and due to the need to protect the Commercial in Confidence component of the submitted tenders, copies will only be available for Councillors at the meeting.

A CONFIDENTIAL summary of the financial assessment of the two contractors undertaken has been provided separately for Councillors, however if Councillors wish to discuss any matter associated with this Council will need to enter Closed Council for this discussion.

BUDGET IMPLICATION

The total budget for the project is $3.5Million however with current and committed costs of $150,000, the budget available for the tendered construction is $3.35 Million. Current and committed costs include costs associated with the project management of the contract by GHD Pty Ltd, land acquisitions costs, and other minor costs such as project signage, etc.

CONCLUSION

From the four tenders received and detailed analysis of these tenders undertaken by GHD Pty Ltd including interviews with the two lowest tenderers it is recommended that the tender from RECivil for $3,381,567 including provisional items of $90,289 but excluding GST for Separable portions A and B constructed under traffic be accepted, with the $ 31,567 additional cost if expended under the provisional items being funded from Council current road maintenance budget.

RECOMMENDATION

That Council:

1. accept the tender from RECivil for Separable Portions A and B of TL 23-2014/15 Jingellic Road (Yarara Gap) Reconstruction constructed under traffic for $3,381,567 including provisional items of $90,289 but excluding GST
2. use Council's current road maintenance budget to fund the $31,567 additional cost if expended under the provisional items
3. notify the unsuccessful tenders in writing of the outcome of the tender
4. authorise the Mayor and General Manger to sign the contract documentation as detailed within this report under the Common Seal of Council.

2. TENDER NO. TL24 – 2014/15 RECONSTRUCTION OF ALBURY STREET / YOUNG STREET, HOLBROOK

Report prepared by Director Engineering – Greg Blackie

REASON FOR REPORT

For Council to consider tenders received for the reconstruction of Albury Street/Young Streeet at Holbrook.

REFERENCE TO DELIVERY PLAN ACTION

Strategy 5.2 To provide and maintain safe and serviceable public facilities and infrastructure including roads, drainage and footpaths.

Action 5.2.6 Ensure that a quality rural road network is provided and maintained throughout the shire.

DISCUSSION

Introduction

As part of the Holbrook Bypass works, funding was provided to Council for the beautification of Albury St to help support the ongoing economic viability of Holbrook following the bypassing of the town.

From the funding received major work has been undertaken in Albury Street including the reconstruction of footpaths and kerb and channel and installation of stormwater drainage between Wallace Street and Hume Street and extensive tree planting along the entire length of Albury Street.

Remaining funds totalling $465,879.00 and carried forward funding of $68,085.00 committed by Council to remedy the high kerb and stepped footpath issue on Albury Street near the Young Street intersection has provided a total of $533,964.00 to undertake further works in Albury Street. This funding along with additional funding received from Roads and Maritime Service (RMS) and committed funding from Council to “repair” Young Street (from Albury Street to Tip Road) following damage sustained during the construction work of $1,590,147.00 has provided a total of $2,124.111.00 to undertake major works in both Albury and Young Streets.

As the projects in Albury Street and Young Street are close in proximity and due to similar works being undertaken apart from the major road pavement upgrade being undertaken in Young Street, it was determined that the best course of action was to combine both projects into one and put out to tender.

RMS has advised that their preference is to have the works undertaken as soon as possible as they are trying to finalise the Holbrook Bypass project. A condition of the funding for the projects was prefaced on them being completed prior to the end of 2015.

Due to the urgency to undertake the work Council has employed Albury-based professional engineering consultancy Development Outcomes Pty Ltd to undertake the management of the project including tender preparation, tender assessment and project management of the works.

TENDER NO. TL24 – 2014/15 RECONSTRUCTION OF ALBURY STREET / YOUNG STREET HOLBROOK [CONT'D]

Tender Scope

Albury Street Works (Between Hume Street and Young Street) includes

- Removing and replacing footpaths on both side of Albury Street
- Removing and replacing Kerb and Channel on both sides of Albury Street
- Installing new underground stormwater system to drain this section of the street directly to 10 Mile Creek
- Installing new grass turf on the nature strip and installing new driveways to all properties.

It is to be noted that some investigation and strengthening works are being undertaken by a separate contractor engaged by Council on the existing veranda posts on the buildings in the work zone (corner Young and Albury Streets) to ensure they are not affected by the proposed work and to ensure that the selected contractor is not delayed by these issues.

Young Street Works (Between Albury Street and Tip Road)

- Complete reconstruction of road pavement and seal
- Removal and replacement of existing kerb and channel
- Removal and replacement of existing footpaths
- Installation of new stormwater drainage in some locations
- Removal of some trees (Removed only if affected by the works)

Riverina Water has been engaged by Council to replace the existing AC water mains within the work zones prior to the commencement of the main contract to ensure that no issue will arise during the construction or in the near future following completion of the works.

In the contract the contractor is required to undertake a dilapidation report on the houses in Young Street directly adjacent to the work site prior to commencement of the project. This is to ensure that any damage sustained during the work that can be associated with the works being undertaken can be quantified and rectified appropriately by the contractor.

Traffic

Under the tender specification the successful contractor is allowed to detour traffic around the worksite during work hours but must ensure the road is open to traffic each night. This is to ensure no detouring of traffic through residential street will occur out of hours. It also ensures property owners have access on a daily basis however at some stages of works such as the replacement of driveway accesses some properties may be inaccessible for a short period.

Tender Advertising

The tender was advertised in the Sydney Morning Herald on Tuesday 9 June and locally in the Border Mail and Wagga Advertiser and closed on Tuesday 7 July at 12.00 midday. The tender was available through the Tenderlink Website, and met all requirements of tendering under NSW Local Government Tendering Legislation.

TENDER NO. TL24 – 2014/15 RECONSTRUCTION OF ALBURY ST / YOUNG ST HOLBROOK [CONT'D]

Tenders Received

At the time of closing three tenders had been received for the project. The three tenderers were:

1. Burgess Earthmoving
2. Excell Gray Bruni
3. Hurst Earthmoving

Tender Assessment

A detailed assessment report on the tenders received is attached in **ANNEXURE 3** which has been completed by Development Outcomes Pty Ltd.

BUDGET IMPLICATION

The total budget for the project is $2,124.111.00 however with current and committed cost of $190,000 the budget available for the tendered works is $1,934,111.00.

Current and committed costs include costs associated with the project management by Development Outcomes, water main replacement, veranda post stabilisation works and some other minor costs such as project signage and design works.

CONCLUSION

From the three tenders received and detailed analysis of the these tenders undertaken by Development Outcomes Pty Ltd it is recommended that the tender from Excell Gray Bruni for $1,939,362.85 including provisional items of $100,916.00 excluding GST be accepted, with the $5,251.85 additional cost if expended under the provisional items being funded from Council's current road maintenance budget.

RECOMMENDATION

That Council:

1. accept the tender from Excell Grey Bruni for the TL 24 – 2015/15 Reconstruction of Albury Street and Young Street, Holbrook for $1,939,362.85 including provisional items of $100,916.00 excluding GST
2. use Council's current road maintenance budget to fund the $5,251.85 addition cost if expended under the provisional items
3. notify the unsuccessful tenders in writing of the outcome of the tender
4. authorise the Mayor and General Manger to sign the contract documentation as detailed within this report under the Common Seal of Council.