



**COOTAMUNDRA-
GUNDAGAI REGIONAL
COUNCIL**

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PO Box 420, Cootamundra NSW 2590
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Business Paper

ORDINARY COUNCIL MEETING

COUNCIL CHAMBERS, GUNDAGAI

6:00PM, TUESDAY 28th November, 2017

Cootamundra Office: Ph: 02 6940 2100

Gundagai Office: Ph: 02 6944 0200
www.cgrc.nsw.gov.au



The Mayor & Councillors
Cootamundra-Gundagai Regional Council
PO Box 420
Cootamundra NSW 2590

NOTICE OF MEETING

An Ordinary Meeting of the Council will be held in the Council Chambers, Gundagai on:

Tuesday, 28th November, 2017 at 6:00pm.

The agenda for the meeting is enclosed.

Allen Dwyer
General Manager

AGENDA

1. Open Forum
2. Acknowledgement of Country

Council acknowledges the Wiradjuri people, the Traditional Custodians of the Land at which the meeting is held and pays its respects to Elders, both past and present, of the Wiradjuri Nation and extends that respect to other Aboriginal people who are present.

3. Apologies
4. Disclosures of Interest
5. Confirmation of the Minutes (circulated separately) of the Ordinary Meeting of Council held on 31st October, 2017

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6 MAYORAL MINUTES

Mayoral Engagements

RECOMMENDATION:

They Mayoral Minutes be received and noted.

So as to keep Councillors and the community aware of my engagements on behalf of Council I intend to provide regular updates through my Mayoral Minutes. These Minutes will also include copies of relevant correspondence received by me.

Tuesday, 31st October, 2017

The Deputy Mayor, Cr Palmer and the General Manager, Allen Dwyer accompanied me to Riverina Eastern Region of Councils (REROC) meeting at the International Hotel in Wagga Wagga. The Premier Berejiklian addressed the meeting and we were able to spend time with Michael McCormack, MP and local member Steph Cooke discussing regional concerns.

Wednesday, 1st November, 2017

Councillors Palmer, Graham, Kelly, Nicholson, Phillips, Sheahan, Stewart and the General Manager, Allen Dwyer attended the 'Hit the Ground Running Workshop' held in Gundagai. This workshop was hosted by the State Government to coincide with the Local Government elections held in September, 2017.

Thursday, 2nd November, 2017

Council held a workshop for Councillors and senior staff. A summary of this workshop, agenda Item 7.2.2.3, provides an overview of the day.

Saturday, 11th November, 2017

Cr Graham attended the Remembrance Day Ceremony in Gundagai in my stead as I was unable to attend while Cr Stewart represented me at the Cootamundra Service.

Saturday, 18th November 2017

Cr Palmer represented me at a Soroptimist meeting in my stead as I was unable to attend.

Tuesday 14th November, 2017

Cr Palmer attended the inaugural speech of our new Member Steph Cooke in my stead accompanied by the General Manager. The opportunity was taken to raise several local issues with the new Member for Cootamundra

Friday, 24th November, 2017

I attended the opening ceremony for the International Scale Classic Downunder at the Cootamundra State Flying Field.

As I was unable to attend, Cr Palmer represented me at the event to open the Rotary Peace Path and Garden and to celebrate 80 years of Rotary in Cootamundra.

The NSW Rural Fire Service Association provided correspondence requesting Council to provide written support for 40 kilometre per hour speed limit at Emergency Incidents. The matter has been referred to the Local Traffic Committee for consideration. That correspondence follows:

13 NOV 2017

File No.

Initials



RFSA

NSW Rural Fire Service Association
Incorporated
www.rfsa.org.au
enquiries@rfsa.org.au
ABN 65 291 969 153

PO Box 845, Penrith BC NSW 2751

Phone: (02) 4722 2122
Fax: (02) 4722 2144

6 November 2017

Clr Abb McAlister
Mayor
Cootamundra-Gundagai Regional Council
81 Wallendoon Street
COOTAMUNDRA NSW 2590

40 kilometre per hour speed limit at Emergency incidents

Dear Mayor,

I am writing to you as President of the NSW Rural Fire Service Association (RFSA), the representative Association of the 74,000 plus Volunteer fire fighters around the state, who are all integral to providing emergency response 24 hours a day 7 days a week across New South Wales.

As responders to emergency incidents our members face challenges from all kinds of potential hazards and approach them with a great deal of skill and experience through the training and competencies they maintain.

One of the most concerning safety factors our members (and other responders) are faced with at a variety of emergency incidents is road users, who fail to slow down and approach an emergency incident with due care and attention. In a situation where emergency service personnel are at a motor vehicle accident and working to extract or provide lifesaving first aid medical attention, there is no current legislated requirements on road users to slow down as they approach an incident.

In South Australia and Victoria steps have been taken to facilitate a safe speed limit when traveling past an emergency incident, i.e. when emergency lights are activated and an appliance is parked on a road.

The RFSA believes that the speed limit passing emergency incidents should be limited by legislation to 40 kilometres per hour in NSW. Implementing this will make work situations much safer for our volunteer and career personnel (from all emergency services) as they attend to the tasks of saving lives in and around our roads.

We are appealing to you to assist us in advocating change for the safety of the everyday men and women who volunteer their time to work together in keeping New South Wales safe and allow us to continue to provide the excellent emergency response in a safe environment.

Supporting Our Members To Protect The Community

Form001Version1 150211



Please encourage your Council to support the push for change and to make the speed limit at emergency incidents 40 kilometres per hour by writing to NSW Premier Gladys Berejiklian, the Roads and Maritime Minister, the Hon. Melinda Pavey, your local State member and the RMS advocating for new legislation to protect all emergency service personnel.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Ken Middleton', is written over a horizontal line.

Ken Middleton
President

Supporting Our Members To Protect The Community

Form001Version1_150211

Northern Football NSW (NNSWF) and Football NSW (FNSW)

NNSWF and FNSW contacted Council hoping to engage Council and local football clubs to collaboratively apply for a funding opportunity through the NSW Asian Cup 2015 Legacy Fund.

They explained the importance of maintaining and strengthening the relationship between the organisations as sport continues to grow and develop for young men and women across NSW.

The NSW Asian Cup 2015 Legacy Fund was established to provide funding assistance to community football clubs to partner with local councils in an attempt to improve the quality, availability and standard of community facilities. That correspondence follows:



3 November 2017

Cootamundra Gundagai
Regional Council

Document Received

Cootamundra-Gundagai Regional Council

Mayor Abb McAlister

PO Box 420

COOTAMUNDRA NSW 2590

9 NOV 2017

File No.....

Initials.....

Dear Cllr. McAlister,

On behalf of Football NSW (FNSW) and Northern NSW Football (NNSWF), we'd like to offer you our sincere congratulations on your election as a Councillor and Mayor of Cootamundra-Gundagai Regional Council. We look forward to working with you, your fellow councillors and staff, during your term as Mayor.

We believe it is very important to maintain and strengthen the relationship between our organisations as our sport continues to grow and develop in NSW.

The NSW Facilities and Advocacy Unit, is a joint initiative between FNSW and NNSWF. The centralised unit provides tangible assistance and advice to clubs and local government authorities throughout NSW. The unit is committed to providing members and constituents with access to football facilities and local infrastructure across the state.

Football is Australia's most participated team sport, with more players than all other football codes combined. The recent AusPlay (2016) statistics confirm football's dominance across the country as the top sport among children and adults with almost 1.1 million participants. In NSW, there are over 350,000 people that participate in football whether that be as a player, volunteer, referee or a coach.

Football provides considerable economic, health and social benefits to our local communities, and an independent report has valued this contribution at over \$420 million annually to the NSW economy.

However, our strong growth in recent years has put extreme pressure on community facilities – which means clubs are having to turn players away. Many Australian communities, including those in Cootamundra-Gundagai, require better football facilities to boost participation and give more residents a chance to play our great game.

In Cootamundra-Gundagai Regional Council, there are football clubs who have identified projects that, if funded, would lift the quality of facilities and allow more people to play sport and improve their health and fitness. Projects range from infrastructure upgrades such as floodlighting, drainage, irrigation, amenity upgrades, etc.

The NSW Asian Cup 2015 Legacy Fund – Round 2 is due to open shortly, this is a fantastic opportunity for football clubs and local councils to partner together to improve facilities across Cootamundra-Gundagai Regional Council. The fund has been established to provide funding

Northern NSW Football PO Box 149, Boolaroo NSW 2284
T (02) 4941 7200 | E reception@northernnswfootball.com.au
northernnswfootball.com.au

Football NSW Limited PO Box 6146, Baulkham Hills BC NSW 2153
T (02) 8814 4400 | E reception@footballnsw.com.au
footballnsw.com.au

assistance to community football clubs to partner with local councils, to improve the quality, availability and standard of community facilities.

Investing in community football would directly support a range of key Local policies, such as increasing female participation in sport, boosting activity levels, reducing obesity and increasing community cohesion. Local funding would also support the many hard-working local volunteers who help run competitions week in, week out.

The time is now for Councils, football associations, zones and clubs to collaborate to build quality facilities, improve the safety for residents and promote inclusive opportunities within local communities through football.

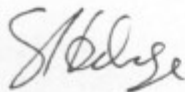
FNSW, NNSWF and the respective local association/zone would appreciate the opportunity to further discuss how we can build a strong productive partnership to assist the whole sporting community in your area. Your contact in the NSW Facilities and Advocacy Unit is Daniel Ristic, Manager – Government Relations, Funding and Infrastructure: |

P: (02) 8814 4451

E: danielr@footballfacilities.com.au

We look forward to working with Cootamundra-Gundagai Regional Council to ensure that football continues to be the number one sport in NSW and Australia.

Yours sincerely,



Stuart Hodge,
Chief Executive Officer
Football New South Wales



David Eland,
Chief Executive Officer
Northern Football New South Wales

Northern NSW Football PO Box 149, Boolaroo NSW 2284
T (02) 4941 7200 | E reception@northernnswfootball.com.au
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Football NSW Limited PO Box 6146, Baulkham Hills BC NSW 2153
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footballnsw.com.au

7 GENERAL MANAGER'S REPORT

7.1 DEVELOPMENT AND COMMUNITY SERVICES DIVISION

7.1 DEVELOPMENT AND BUILDING

7.1.1.1 DEVELOPMENT APPLICATIONS APPROVED OCTOBER 2017

REPORTING OFFICER	Chris Imrie – Interim Director Development & Community
ATTACHMENTS	There are no attachments included for this report
RELEVANCE TO COMMUNITY STRATEGIC PLAN	To be included from July, 2018 following adoption of new CSP
FINANCIAL IMPLICATIONS	There are no Financial implications to this report.
LEGISLATIVE IMPLICATIONS	There are no Legislative implications to this report.
POLICY IMPLICATIONS	There are no Policy implications to this report.

RECOMMENDATION:

The information on Development Applications Approved in October 2017 be noted.

The following development applications were approved by the Cootamundra Office in October 2017:

APP. NO.	PROPOSED BUILDING	STREET NAME
DA2017/54	Change of Use - Childcare Centre & Fence	Poole Street
DA2017/78	New Single Dwelling	Barana Road
DA2017/80	Carport	Morris Street
DA2017/82	New Commercial Building	Wallendoon Street
DA2017/84	Awning	Matilda Avenue
DA2017/86	Carport	O'Donnell Street
DA2017/88	New Single Dwelling	Adams Street
DA2017/89	Dwelling Alterations	Cooper Street
DA2017/90	Enclose Patio	Richards Street
DA2017/91	Awning	Pinkerton Road
DA2017/92	Extend Storage Shed	Temora Street
DA2017/93	Boundary Adjustment	Back Brawlin Road
DA2017/94	Shed additions	Ross Friend Place
DA2017/96	Change of Use - Coffee Shop	Wallendoon Street

VALUE OF WORK REPORTED TO THIS MEETING:

\$873,700.00

VALUE OF WORK REPORTED YEAR TO DATE:

\$3,662,898.00

THIS TIME LAST YEAR COOTAMUNDRA:

VALUE OF WORK – OCT 2016 - \$ 725,282.00

VALUE OF WORK – YTD 2016 - \$2,306,505.00

The following development applications were approved by the Gundagai Office in October 2017:

APP. NO.	PROPOSED BUILDING	STREET NAME
DA287-2017	2 x sheds	Middle Street
DA290-2017	Construction of concrete retaining wall	Punch Street
DA270-2017	Telecommunications Tower	Hume Highway
DA271-2017	Telecommunications Tower	Hume Highway
DA288-2017	Transportable Dwelling	O'Briens Road

VALUE OF WORK REPORTED TO THIS MEETING:

\$930,000.00

VALUE OF WORK REPORTED YEAR TO DATE:

\$2,096,886.00

THIS TIME LAST YEAR GUNDAGAI:

VALUE OF WORK – OCT 2016 - \$180,620.00

VALUE OF WORK – YTD 2016 - \$2,483,120.00

7.1.1.2 DA2017/83 – 2 LOT SUBDIVISION - GUNDAGAI ROAD, COOTAMUNDRA

REPORTING OFFICER	Grace Foulds, Town Planner
ATTACHMENTS	79C Report Plans
RELEVANCE TO COMMUNITY STRATEGIC PLAN	To be included from July, 2018 following adoption of new CSP
FINANCIAL IMPLICATIONS	There are no financial implications in relation to this report
LEGISLATIVE IMPLICATIONS	There are no Legislative implications in relation to this report
POLICY IMPLICATIONS	There are no policy implications in relation to this report

RECOMMENDATION

DA2017/83 be approved subject to the Conditions of Consent listed in the report.

Introduction

The proposed development is a subdivision into two lots seeking to separate the dual zoning of the existing lot into two separate lots.

Applicant

Gillgroup Pty Ltd

Owner

Cootamundra Sunfarm Pty Ltd

Property Description

Lot 50 DP 753601

Zoning

IN1 – General Industrial
RU1 – Primary Production

Existing Use

Vacant

Proposal

Two lot subdivision.

Discussion

The subject lot is dual zoned. The intent of this application is to create two separate lots along zoning boundaries. While proposed lot 5 is still dual zoned, it has been nominated at a dimension which is most appropriate for general industrial land uses and is of such an extent that the zoning could be corrected to extend the IN1 – General Industrial zone boundary via a corrections amendment to the Cootamundra Local Environmental Plan 2013.

DEVELOPMENT ASSESSMENT REPORT

Pursuant to the Environmental Planning & Assessment Act 1979
Section 79C (as amended)

**DATE OF REPORT COMMENCEMENT:**

20 November 2017

COUNCIL OFFICER COMPLETING DEVELOPMENT ASSESSMENT:

Grace Foulds

DEVELOPMENT REFERENCE:

DA 2017/83

DEVELOPMENT ADDRESS:

Gundagai Road COOTAMUNDRA

DEVELOPMENT LOT / SEC / PLAN:

Lot: 50 DP: 753601

OWNER(S):

Cootamundra Sunfarm Pty Ltd ACN 612187890

APPLICANT:

Gillgroup Pty Ltd

APPLICANT ADDRESS:

PO Box 316
DOUBLE BAY NSW 1360

PROPOSAL:

New Subdivision - Torrens - No New Road

ZONING (LEP):

IN1 – General Industrial
RU1 – Primary Production

OTHER SPECIAL ZONING IMPACTS:

6.4. Groundwater Vulnerability

BACKGROUND:

The subject lot is dual zoned. The intent of this application is to create two separate lots along zoning boundaries. While proposed lot 5 is still dual zoned, it has been nominated at a dimension which is most appropriate for general industrial land uses and is of such an extent that the zoning could be corrected to extend the IN1 – General Industrial zone boundary via a corrections amendment to the Cootamundra Local Environmental Plan 2013.

PREVIOUS DEVELOPMENT PROPOSALS AND DECISIONS:

DA2014/68 was issued which allows for a dwelling on lot 50 DP 753601. Consideration for a dwelling on this site was undertaken in accordance with the Cootamundra LEP 2013, despite being below the minimum lot size. The proposed application to subdivide and thereby

DEVELOPMENT ASSESSMENT REPORT

Pursuant to the Environmental Planning & Assessment Act 1979
Section 79C (as amended)



minimise the lot further is not considered as fragmenting rural land as the intention is to isolate the two land use zones at this site.

INTEGRATED / DESIGNATED / ADVERTISED / NEIGHBOUR NOTIFICATION / CROWN DEVELOPMENTS:

N/A

STATUTORY CONSIDERATIONS / EP&A ACT / EP&A REGULATION:

State Environmental Planning Policies:

State Environmental Planning Policy (Rural Lands) 2008

Part 3 Clause 9(2) allows for land to be subdivided with consent below the minimum lot size, however Part 3 Clause 9(3) states that such a subdivision cannot occur if a dwelling is situated on the lot.

This site has an existing development consent for a dwelling which has been substantially commenced (DA2014/68), meaning that clause 9(3) does apply. However the dual zoning of the site is problematic as the IN1 – General Industrial Zone has no minimum lot size. The SEPP does not address dual zoning and so, it is the officer's assessment that as the site will be no more fragmented than it already is and so clause 9(3) does not apply.

Regional Environmental Planning Policies:

Riverina-Murray Regional Plan 2036

This application supports the outcomes of this regional strategy.

Cootamundra LEP 2013:

IN1 – General Industrial

RU1 – Primary Production

6.4. Groundwater Vulnerability

Gundagai LEP 2011:

N/A

Cootamundra-Gundagai Draft LEP:

N/A

Section 117 Directions:

N/A

Model Provisions:

N/A

Council Policy Considerations:

N/A

Cootamundra DCP:

4.1. Rural Subdivision

DEVELOPMENT ASSESSMENT REPORT

Pursuant to the Environmental Planning & Assessment Act 1979
Section 79C (as amended)



Traffic Generating Guidelines:

N/A

Section 94 Contributions Policies:

N/A

Section 94a Contributions Policies:

N/A

REFERRALS:

This application was referred to RMS on 27 September 2017 and a response was received 3 November 2017. The response indicates that RMS has minimal concerns regarding the two lot subdivision, however makes the suggestion that proposed lot 6 be accessed via the unformed Nashs Lane via Pinkerton Road.

SECTION 79C CONSIDERATIONS:

Provisions of any Environmental Planning Instrument:

IN1 – General Industrial

There is no minimum lot size for this zone. Consent is applied for via this application.

RU1 – Primary Production

The minimum lot size is 200ha, however this lot is already below this. As the RU1 zone is not proposed to be fragmented by this subdivision, with the purpose of this subdivision being to separate the dual zones, the application of minimum lot size is applied in the same way that a boundary realignment would be considered. That is, it is permissible with consent. This application seeks consent.

6.4. Groundwater Vulnerability

Not considered for subdivision.

Provision of any Draft Environmental Planning Instrument:

N/A

Development Control Plans:

4.1. Rural Subdivision

The general requirement that a carriageway be permitted only in exceptional circumstances applies in this case as it may not be possible to achieve access for proposed lot 6 via the unformed Nashs Lane from Pinkerton Road. In this case a carriageway would be accepted in the final plan over proposed lot 5 utilising the existing access onto Gundagai Road.

All other general requirements and performance criteria are met.

Matters Prescribed by Regulations:

N/A

DEVELOPMENT ASSESSMENT REPORT

Pursuant to the Environmental Planning & Assessment Act 1979
Section 79C (as amended)



Likely Impact of Development:

Context and Setting:

The proposed development is appropriate in the context and will increase the usability of the site.

Access, Transport and Traffic:

Access is to remain unchanged from Gundagai Road, however access to proposed lot 6 could be achieved via the unformed Nashs Lane via Pinkerton Road.

Public Domain:

The subdivision will have negligible impact on the public domain.

Utilities:

N/A

Heritage:

N/A

Other Land Resources:

N/A

Water:

N/A

Soil:

N/A

Air and Microclimate:

N/A

Flora and Fauna:

N/A

Waste:

N/A

Energy:

N/A

Natural Hazards:

This site is neither bushfire nor flood prone.

Social Impact and Locality:

This subdivision will allow greater flexibility for the use of this site, particularly with regards to the industrial land which can be further subdivided/developed.

DEVELOPMENT ASSESSMENT REPORT

Pursuant to the Environmental Planning & Assessment Act 1979
Section 79C (as amended)



Economic Impact and Locality:

Subdivision will allow for increased opportunity for development along Gundagai Road which will have an overall positive economic impact.

Site Design and Internal Design:

N/A

Construction Matters:

N/A

Submissions:

N/A

Public Interest:

N/A

FINANCIAL IMPACTS:

N/A

POLICY IMPACTS:

N/A

ORGANISATIONAL IMPACT:

N/A

RISK MANAGEMENT IMPACTS:

N/A

LEGAL ISSUES:

N/A

CONCLUSION:

The application addressed the Cootamundra LEP and DCP and seeks consent. The complication with this application is the dual zoning and the application of the minimum lot size for the RU1 Zone. As this application is to isolate these zones, this application is treated in the same manner as a boundary realignment for the purpose of minimum lot sizes.

RECOMMENDATION:

That DA2017/83 be approved subject to the following conditions:

DEVELOPMENT ASSESSMENT REPORT

Pursuant to the Environmental Planning & Assessment Act 1979
Section 79C (as amended)



Determination and Conditions:

Application Approved subject to the following conditions and reasons: -

GENERAL CONDITIONS

(1) GEN Condition - Compliance Standards

Any building and associated works shall comply with the statutory requirements of the Environmental Planning & Assessment Act, Local Government Act, 1993 and the Building Code of Australia (BCA).

Reason: The legal obligations of the Council to administer the New South Wales building and planning laws in order to provide satisfactory standards of living and development.

(2) GEN Condition - Compliance with Council

The Development being completed in accordance with plans and specifications stamped by Council listed in the table below and the Statement of Environmental Effects, except where varied by conditions of this consent.

Document Reference	Description	Author	Date
-	Statement of Environmental Effects	CMS Surveyors	13/9/17
1/3	Plan of Subdivision	CMS Surveyors	14/9/17

Reason: To confirm the details of the application as submitted by the applicant and as approved by Council.

(3) GEN Condition – Public Land Costs

Costs attributed to all work involved on public land shall be borne by the proponent.

Reason: Need for applicants to be reasonable for costs arising as a result of development work

DEVELOPMENT ASSESSMENT REPORT

Pursuant to the Environmental Planning & Assessment Act 1979
Section 79C (as amended)



(4) GEN Condition - Previous Consents.

The Applicant shall comply with the conditions of Council's Development Consent No. DA2014/68.

Reason: To ensure that conditions listed in a previous consent are complied with.

(5) GEN Non Standard Condition – ACCESS TO PROPOSED LOT 6

Access to proposed lot 6 is to either be via the unformed road (Nashs Lane) via Pinkerton Road or via a carriageway over proposed lot 5 utilising existing entry point.

Reason: to ensure that adequate vehicle access is provided to all lots.

PRIOR TO ISSUE OF SUBDIVISION CERTIFICATE (if applicable)

(1) PSC Condition – Formal Plan of Subdivision.

A formal Plan of Subdivision being prepared generally in accordance with the plan submitted with the Development Application DA2017/83 and prepared by the applicant.

Reason: To confirm the details of the application as submitted by the applicant and as approved by Council.

(2) PSC Condition – Subdivision Plan Release - Other Authorities.

The requirements of other public utility authorities shall be satisfied prior to Council releasing the Subdivision Plan.

Reason: To ensure that the requirements of public authorities are met prior to work commencing.

DEVELOPMENT ASSESSMENT REPORT

Pursuant to the Environmental Planning & Assessment Act 1979
Section 79C (as amended)



(3) PSC Condition – Registration of Subdivision Plans.

In accordance with s.109C of the Environmental Planning & Assessment Act, the applicant is required to obtain a subdivision certificate from the consent authority that will authorise the registration of the plan of subdivision under Division 3 of Part 23 of the Conveyancing Act, 1919. The subdivision certificate is in the format supplied to the consent authority upon the plan acceptable to the Registrar General.

Reason: The legal obligations of Council to administer the Environmental Planning & Assessment Act, 1979.

DEVELOPMENT ASSESSMENT SIGNING OFFICER:

A handwritten signature in blue ink, appearing to read 'G Foulds'.

Grace Foulds
Town Planner

20 November 2017
Date

7.1.1.3 DA2017/106 – CONSOLIDATION AND BOUNDARY REALIGNMENT - 940 WEST JINDALEE ROAD, COOTAMUNDRA

REPORTING OFFICER	Grace Foulds, Town Planner
ATTACHMENTS	79C Report Plans
RELEVANCE TO COMMUNITY STRATEGIC PLAN	To be included from July, 2018 following adoption of new CSP
FINANCIAL IMPLICATIONS	There are no financial implications associated with this report
LEGISLATIVE IMPLICATIONS	There are no Legislative implications associated with this report
POLICY IMPLICATIONS	There are no policy implications associated with this report

RECOMMENDATION

DA2017/106 be approved subject to the Conditions listed in the report.

Introduction

The proposed development is a consolidation and boundary realignment subdivision, which seeks to rationalise an existing five lots into four.

Applicant

E. Roberts

Owner

E. Roberts

Property Description

Lot: 4 DP: 264077, Lot: 21 DP: 608734, Lot: 22 DP: 608734, Lot: 3 DP: 627147, Lot: 3 DP: 733484

Zoning

RU1 – Primary Production

Existing Use

Agriculture

Proposal

Consolidation and boundary realignment subdivision of five lots to four.

Discussion

This application is a boundary realignment and consolidation which will result in two proposed lots above the minimum lot size where previously all lots were below 200 ha. No concessional lots are attached to any of the proposed lots below 200 ha. Overall this application complies with the requirements and intentions of the RU1 Zone and results in some lots achieving the minimum lot size.

DEVELOPMENT ASSESSMENT REPORT

Pursuant to the Environmental Planning & Assessment Act 1979
Section 79C (as amended)

**DATE OF REPORT COMMENCEMENT:**

20 November 2017

COUNCIL OFFICER COMPLETING DEVELOPMENT ASSESSMENT:

Grace Foulds

DEVELOPMENT REFERENCE:

DA 2017/106

DEVELOPMENT ADDRESS:

940 West Jindalee Road COOTAMUNDRA, 640 West Jindalee Road COOTAMUNDRA

DEVELOPMENT LOT / SEC / PLAN:

Lot: 4 DP: 264077, Lot: 21 DP: 608734, Lot: 22 DP: 608734, Lot: 3 DP: 627147, Lot: 3 DP: 733484

OWNER(S):

Elizabeth Gabrielle May Roberts

APPLICANT:

Elizabeth Gabrielle May Roberts

APPLICANT ADDRESS:

C/- CMS Surveyors
PO Box 525
COOTAMUNDRA NSW 2590

PROPOSAL:

Subdivision - Boundary Adjustment 5 Lots into 4

ZONING (LEP):

RU1 - Primary Production

OTHER SPECIAL ZONING IMPACTS:

- 6.3. Terrestrial Biodiversity
- 6.4. Groundwater Vulnerability

BACKGROUND:

The applicant wishes to rationalise their current lot layout from 5 lots to 4 lots.

PREVIOUS DEVELOPMENT PROPOSALS AND DECISIONS:

N/A

INTEGRATED / DESIGNATED / ADVERTISED / NEIGHBOUR NOTIFICATION / CROWN DEVELOPMENTS:

N/A

DEVELOPMENT ASSESSMENT REPORT

Pursuant to the Environmental Planning & Assessment Act 1979
Section 79C (as amended)



STATUTORY CONSIDERATIONS / EP&A ACT / EP&A REGULATION:

State Environmental Planning Policies:

State Environmental Planning policy (Rural Lands) 2008

This application proposes to decrease the fragmentation of rural land and will establish the only existing dwelling on a lot larger than the minimum lot size (231.6 ha). The SEPP is complied with.

Regional Environmental Planning Policies:

Riverina-Murray Regional Plan 2036

This application supports the outcomes of this regional strategy.

Cootamundra LEP 2013:

RU1 – Primary Production

6.3. Terrestrial Biodiversity

6.4. Groundwater Vulnerability

Gundagai LEP 2011:

N/A

Cootamundra-Gundagai Draft LEP:

N/A

Section 117 Directions:

N/A

Model Provisions:

N/A

Council Policy Considerations:

N/A

Cootamundra DCP:

4.1. Rural Subdivision

Traffic Generating Guidelines:

N/A

Section 94 Contributions Policies:

N/A

Section 94a Contributions Policies:

N/A

DEVELOPMENT ASSESSMENT REPORT

*Pursuant to the Environmental Planning & Assessment Act 1979
Section 79C (as amended)*



REFERRALS:

This application did not require referral.

SECTION 79C CONSIDERATIONS:

Provisions of any Environmental Planning Instrument:

RU1 – Primary Production

This application is a boundary realignment and consolidation which will result in two proposed lots above the minimum lot size where previously all lots were below 200 ha. No concessional lots are attached to any of the proposed lots below 200 ha. Overall this application complies with the requirements and intentions of the RU1 Zone and results in some lots achieving the minimum lot size.

6.3. Terrestrial Biodiversity

Negligible impact on existing flora and fauna is expected due to this subdivision.

6.4. Groundwater Vulnerability

Not considered for subdivision.

Provision of any Draft Environmental Planning Instrument:

N/A

Development Control Plans:

4.1. Rural Subdivision

All general requirements and performance criteria are met.

Matters Prescribed by Regulations:

N/A

Likely Impact of Development:

Context and Setting:

The proposed development is appropriate in the context and will increase the usability of the site.

Access, Transport and Traffic:

Unchanged.

Public Domain:

The subdivision will have negligible impact on the public domain.

Utilities:

N/A

Heritage:

N/A

DEVELOPMENT ASSESSMENT REPORT

Pursuant to the Environmental Planning & Assessment Act 1979
Section 79C (as amended)



Other Land Resources:

N/A

Water:

N/A

Soil:

N/A

Air and Microclimate:

N/A

Flora and Fauna:

N/A

Waste:

N/A

Energy:

N/A

Natural Hazards:

This site is neither bushfire nor flood prone.

Social Impact and Locality:

This subdivision will allow greater flexibility for the use of this site.

Economic Impact and Locality:

This subdivision will result in two lots above the minimum lot size. One will have an existing dwelling, however the other may apply for a dwelling which would have a positive impact on the community.

Site Design and Internal Design:

N/A

Construction Matters:

N/A

Submissions:

N/A

Public Interest:

N/A

FINANCIAL IMPACTS:

N/A

POLICY IMPACTS:

N/A

DEVELOPMENT ASSESSMENT REPORT

Pursuant to the Environmental Planning & Assessment Act 1979
Section 79C (as amended)



ORGANISATIONAL IMPACT:

N/A

RISK MANAGEMENT IMPACTS:

N/A

LEGAL ISSUES:

N/A

CONCLUSION:

This application addresses the Cootamundra LEP and DCP and seeks consent. The proposed subdivision will result in less lots and two resulting lots will achieve the minimum lot size (200 ha).

RECOMMENDATION:

That DA2017/106 be approved subject to the following conditions:

Determination and Conditions:

Application Approved subject to the following conditions and reasons: -

GENERAL CONDITIONS

(1) GEN Condition - Compliance Standards

Any building and associated works shall comply with the statutory requirements of the Environmental Planning & Assessment Act, Local Government Act, 1993 and the Building Code of Australia (BCA).

***Reason:** The legal obligations of the Council to administer the New South Wales building and planning laws in order to provide satisfactory standards of living and development.*

(2) GEN Condition - Compliance with Council

The Development being completed in accordance with plans and specifications stamped by Council listed in the table below and the Statement of Environmental Effects, except where varied by conditions of this consent.

Document Reference	Description	Author	Date
-	Statement of Environmental Effects	CMS Surveyors	8/11/17
1/2	Plan of Subdivision	CMS Surveyors	24/10/17

DEVELOPMENT ASSESSMENT REPORT

Pursuant to the Environmental Planning & Assessment Act 1979
Section 79C (as amended)



Reason: To confirm the details of the application as submitted by the applicant and as approved by Council.

(3) GEN Condition – Subdivision Boundaries.

For the subdivision of the land and the creation of a Land Title Plan, the following setbacks are required: -

1. From the existing dwelling: -
 - a. 50m to rear and side property boundaries
 - b. 30m from the front property boundary facing a road
2. From existing outbuildings, i.e. sheds and the like: -
 - a. 10m from all boundaries
3. From on-site sewage management systems, effluent disposal areas: -
 - a. 10m from all boundaries

Reason: Compliance with the Cootamundra LEP and development standards.

(4) GEN Condition – Subdivision On Site Sewerage Management System.

Any existing on site sewerage management system on the subject properties, including any effluent disposal areas, is to maintain a minimum six (6) metre clearance from the proposed new boundary. If a six (6) metre clearance cannot be achieved, a Section 68 Application must be submitted to Council to undertake the necessary works to maintain the six (6) metre clearance.

Reason: To ensure on site sewerage management system is adequately located on the proposed new allotment.

PRIOR TO ISSUE OF SUBDIVISION CERTIFICATE (if applicable)

(1) PSC Condition – Formal Plan of Subdivision.

A formal Plan of Subdivision being prepared generally in accordance with the plan submitted with the Development Application DA2017/106 and prepared by the applicant.

Reason: To confirm the details of the application as submitted by the applicant and as approved by Council.

DEVELOPMENT ASSESSMENT REPORT

Pursuant to the Environmental Planning & Assessment Act 1979
Section 79C (as amended)



(2) **PSC Condition – Subdivision Plan Release - Other Authorities.**

The requirements of other public utility authorities shall be satisfied prior to Council releasing the Subdivision Plan.

Reason: To ensure that the requirements of public authorities are met prior to work commencing.

(3) **PSC Condition – Registration of Subdivision Plans.**

In accordance with s.109C of the Environmental Planning & Assessment Act, the applicant is required to obtain a subdivision certificate from the consent authority that will authorise the registration of the plan of subdivision under Division 3 of Part 23 of the Conveyancing Act, 1919. The subdivision certificate is in the format supplied to the consent authority upon the plan acceptable to the Registrar General.

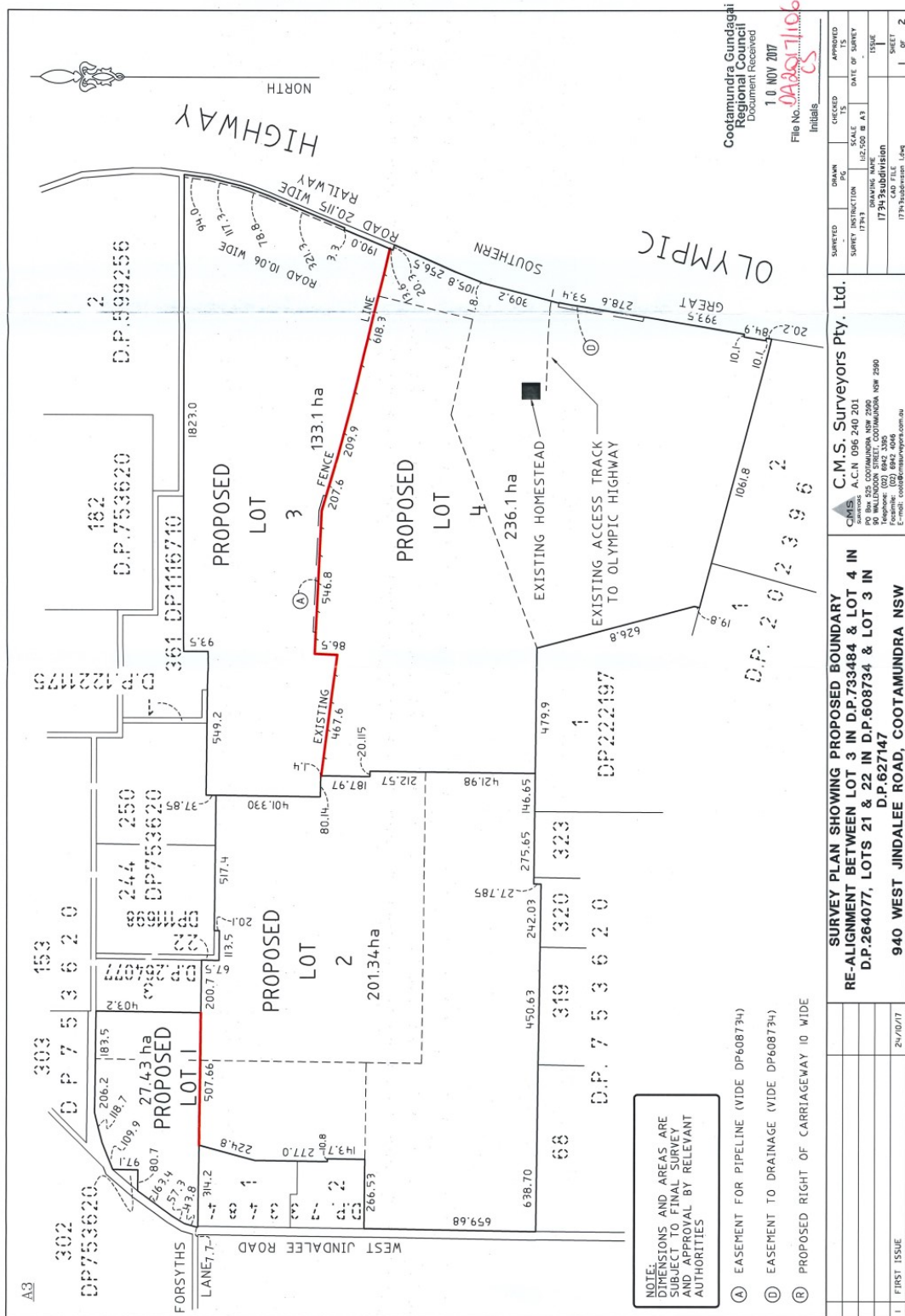
Reason: The legal obligations of Council to administer the Environmental Planning & Assessment Act, 1979.

DEVELOPMENT ASSESSMENT SIGNING OFFICER:

A handwritten signature in blue ink, appearing to read 'G Foulds'.

Grace Foulds
Town Planner

20 November 2017
Date



**7.1.1.4 DA267/2017 – HIGHWAY SERVICE CENTRE AND ASSOCIATED SUBDIVISION - 495
COOLAC ROAD, COOLAC**

REPORTING OFFICER	Grace Foulds, Town Planner
ATTACHMENTS	79C Report Submissions Plans
RELEVANCE TO COMMUNITY STRATEGIC PLAN	To be included from July, 2018 following adoption of new CSP
FINANCIAL IMPLICATIONS	There are no financial implications associated with this report
LEGISLATIVE IMPLICATIONS	There are no Legislative implications associated with this report
POLICY IMPLICATIONS	There are no policy implications associated with this report

RECOMMENDATION

DA2017/267 be approved subject to the Conditions listed in the report.

Introduction

The proposed development is for a consolidation and boundary realignment subdivision and a highway service centre.

Applicant

J McMahon

Owner

AB & DL Scott

Property Description

Lot 100 DP 1065752, Lot 101 DP 1065752 and Lot 102 DP 1065752.

Zoning

RU1 – Primary Production

Existing Use

Agriculture

Proposal

Consolidation and boundary realignment of three lots into two and a highway service centre.

Discussion

See 79C Report for a comprehensive discussion on this application.

DEVELOPMENT ASSESSMENT REPORT

Pursuant to the Environmental Planning & Assessment Act 1979
Section 79C (as amended)



DATE OF REPORT COMMENCEMENT:

20 November 2017

COUNCIL OFFICER COMPLETING DEVELOPMENT ASSESSMENT:

Grace Foulds

DEVELOPMENT REFERENCE:

DA 2017/267

DEVELOPMENT ADDRESS:

518 Coolac Road COOLAC

DEVELOPMENT LOT / SEC / PLAN:

Lot 100 DP 1065752, Lot 101 DP 1065752 and Lot 102 DP 1065752.

OWNER(S):

Mr A B & Mrs D L Scott

APPLICANT:

Mr J McMahon

APPLICANT ADDRESS:

58 Fitzroy Street
TUMUT
NSW 2720

PROPOSAL:

Service Station

ZONING (LEP):

RU1 – Primary Production

OTHER SPECIAL ZONING IMPACTS:

6.1. Biodiversity Protection

BACKGROUND:

In 2016 Cootamundra-Gundagai Regional Council completed a planning proposal which rezoned the northern portion of Coolac to SP3 – Tourism to support a development proposal of an unmanned fuel station. The SP3 Zone is the same zoning which applies to the Five Mile, also known as the Dog on the Tuckerbox and is generally a zone for highway services and tourism related activity.

While an application for an unmanned fuel station has not eventuated, Council received an application for a subdivision and Highway Service Centre, being this application, on 27 July 2017 after two pre lodgement meetings with the proponents.

PREVIOUS DEVELOPMENT PROPOSALS AND DECISIONS:

N/A

DEVELOPMENT ASSESSMENT REPORT

Pursuant to the Environmental Planning & Assessment Act 1979
Section 79C (as amended)



INTEGRATED / DESIGNATED / ADVERTISED / NEIGHBOUR NOTIFICATION / CROWN DEVELOPMENTS:

This application was notified to neighbours on 2 August 2017 with advertisement in the newspaper (Gundagai Independent and Cootamundra Herald) beginning on Thursday 17 August 2017. Both neighbour notification and the newspaper advertisement advised that submissions would be received until close of business 31 August 2017, in accordance with statutory guidelines of a minimum of 14 days for notification. However a newspaper article was published on Monday 28 August 2017 in the Gundagai Independent which raised public awareness and led to Council extending the date for submissions until close of business on 14 September 2017.

Council received total of 14 submissions both in support and opposition to the proposed development. A total of 37 individual issues were raised in submissions. The majority of these issues are addressed in this report, however issues around competition are not addressed as competition is not considered under Section 79C of the *Environmental Planning and Assessment Act 1979* when determining an application.

STATUTORY CONSIDERATIONS / EP&A ACT / EP&A REGULATION:

State Environmental Planning Policies (SEPPs):

State Environmental Planning Policy No 33 – Hazardous and Offensive Development

The proposed highway service centre is both a potentially hazardous industry and potentially offensive industry in accordance with the definition under clause 3 of this SEPP. In assessing in accordance with this SEPP, consideration was given to the Hazardous and Offensive Development Application Guidelines: Applying SEPP 33 2011 by the Department of Planning and Environment. A revised Statement of Environmental Effects dated 8 October 2017 includes an assessment against SEPP 33 by the applicant and concludes that the development by utilising a number of mitigating measures such as self-bunded underground fuel storage, will have negligible impact on the environment. In accordance with clause 14, this application was advertised. SEPP 33 is complied with.

State Environmental Planning Policy No 64 – Advertising and Signage

Signage fronting the Hume Highway and Muttama Road (aside from conditioned traffic signage) is not considered in this application and will be subject to a further development application at a later date. Signage considered in this application includes canopy/roof signage and signage along Coolac Road.

Clause 17 of this SEPP deals with signage which is 8 metres above the ground (see plan 15/17) and requires that Council and RMS be satisfied with the signage and that it be advertised. This has occurred.

Clause 21 deals with roof signage (see plan 6/17) and highlights that notwithstanding the period of consent issued to the development as a whole, consent for this signage expires after a period of 10 years.

SEPP 64 is complied with.

DEVELOPMENT ASSESSMENT REPORT

Pursuant to the Environmental Planning & Assessment Act 1979
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State Environmental Planning Policy (Infrastructure) 2007

This development is assessed under this SEPP in accordance with Part 3, Division 17, Subdivision 2 with clauses 101 and 104 in particular.

In accordance with clause 101, vehicle access is facilitated via Coolac Road which is not a classified road and the classified road (being Muttama Road) will be augmented to ensure that the proposed development does not have an adverse impact on the current function of that road.

In accordance with clause 104, this development is considered a traffic generating development in line with Schedule 3 of this SEPP and was referred to RMS for consideration. The response provided by RMS was considered when compiling this report and conditions specified by RMS are listed in the proposed conditions.

SEPP (Infrastructure) is complied with.

State Environmental Planning Policy (Rural Lands) 2008

This application is assessed under this SEPP due to the proposed subdivision, being that the land is zoned RU1 – Primary Production. This development proposes that three lots of six parts be consolidated into two lots of three parts, with proposed lot 11 being in two parts but totalling 41.4 ha (above the minimum lot size) and proposed lot 12 being 9.4 ha. To reduce fragmentation of land, the existing dwelling which would be on proposed lot 12 is to be repurposed as a caretaker's residence and be ancillary to the proposed highway service centre.

The proposed development of a highway service centre will impact the agricultural viability of proposed lot 12, however this lot is within an area which is adjacent to land zoned for SP3 – Tourism which supports this land use and would be considered part of the village of Coolac and is therefore more residential/business in character than agricultural.

Overall this development improves rational of this site, with proposed lot 11 meeting the minimum lot size as applicable to this zone and site. Furthermore, the creation of lot 12 will not result in fragmented rural land as it will not contain a dwelling, as per the meaning of "residential accommodation" and is not proposed to be used for agricultural purposes, but rather an inordinate use of the RU1 Zone.

SEPP (Rural Lands) is complied with.

Regional Environmental Planning Policies:

Riverina-Murray Regional Plan 2036

This development is consistent with the Regional Plan as it reduces the fragmentation of rural land and supports economic opportunities along major road and freight corridors.

Cootamundra LEP 2013:

N/A

Gundagai LEP 2011:

RU1 – Primary Production

DEVELOPMENT ASSESSMENT REPORT

Pursuant to the Environmental Planning & Assessment Act 1979
Section 79C (as amended)



6.1. Biodiversity Protection

Cootamundra-Gundagai Draft LEP:

N/A

Section 117 Directions:

N/A

Model Provisions:

N/A

Council Policy Considerations:

N/A

Cootamundra DCP:

N/A

Traffic Generating Guidelines:

Council has no adopted traffic generating guidelines, however Australian Standards for road design, load and car parking are referenced by the applicant and in conditions specified. While there is more than required car parking, Council and RMS do have some issues with the proposed light vehicle parking area layout. These issues include provision for pedestrians, real life vehicle movements and disabled car parking provision and location. This has been highlighted and proposed as a prior to construction certificate condition, that is, the applicant is to propose a new car parking layout for approval by the council and RMS.

Section 94 Contributions Policies:

N/A

Section 94a Contributions Policies:

The declared cost of development (quantity surveyors report provided by the applicant) has the indicative cost of development at \$9,277,155. The applicable contribution under Section 94A is \$92,771.55.

The applicant has expressed a desire to enter into a Works In Kind Agreement with Council. Because of this the condition for payment of Section 94A fees has been delayed until prior to occupation certificate and allows for the applicant to enter into a Works In Kind Agreement, should Council wish to do so in lieu of a Section 94A contribution.

REFERRALS:

This application was referred to RMS in accordance with SEPP (Infrastructure) 2007. RMS provided a detailed response on 16 November 2017. Recommendations from RMS have been considered in this report and inform a number of Council's conditions. Separate conditions requested by RMS are expressly listed as being conditions of RMS.

This application was referred to WaterNSW in relation to viability of a proposed bore and water security of the site. Separate application will be made by the applicant to WaterNSW for any future bore licence, however recommendation from WaterNSW that water security

DEVELOPMENT ASSESSMENT REPORT

Pursuant to the Environmental Planning & Assessment Act 1979
Section 79C (as amended)



be assured before the development is complete has informed prior to construction certificate, condition 8.

SECTION 79C CONSIDERATIONS:

Provisions of any Environmental Planning Instrument:

RU1 – Primary Production

The proposed subdivision of the site will take three lots to two lots, with one lot to be above the minimum size. The subdivision is discussed in further detail above under the SEPP (Rural Lands) 2008, however as the proposal is for a consolidation and boundary realignment the proposal generally complies with the specifications of the zone.

The use of proposed lot 12 being a highway service centre is an inordinate use of the zone, meaning that it is not expressly listed as a permissible land use, but falls under the cover all of “any development not specified in item 2 or 4.” While being permissible with consent, inordinate uses should meet the majority of the objectives of the zone. A highway service centre does not meet the majority of the objectives in the primary production zone, however the Gundagai LEP 2011 clause 5.3 “Development near zone boundaries” allows for any land that is within 20m of another zone to allow for a permissible land use of that other zone to occur. In this case the SP3 – Tourism Zone is within 20m. The SP3 zone lists Highway Service Centre under item 3 – permissible with consent. Using clause 5.3 of the Gundagai LEP 2011 adds the justification required to support the suitability of this inordinate use in the RU1 Zone.

6.1. Biodiversity Protection

Some areas in proposed lot 11 are mapped as being “terrestrial biodiversity” which is addressed under the biodiversity protection clause of the LEP. Clause 6.1 does not list criteria for subdivision, however the subdivision and subsequent land use being agriculture is a continuation of the current land use. Because of this, it is expected that there will be negligible impact on the biodiversity of proposed lot 11 due to the proposed subdivision.

Provision of any Draft Environmental Planning Instrument:

N/A

Development Control Plans:

N/A

Matters Prescribed by Regulations:

N/A

Likely Impact of Development:

Context and Setting:

The proposed development fronts Coolac Road with direct access to the Muttama Road Overpass from the Hume Highway which is constructed to allow for B Double movements.

DEVELOPMENT ASSESSMENT REPORT

Pursuant to the Environmental Planning & Assessment Act 1979
Section 79C (as amended)



COOTAMUNDRA-
GUNDAGAI

The proposed development is in keeping with the sort of highway service industry highlighted for this area by the Draft Coolac Village Strategy.

The proposed subdivision improves the agricultural viability of proposed lot 11 by consolidating into one holding above the minimum lot size.

Access, Transport and Traffic:

The proposed highway service centre utilises the wide road width of Coolac Road to allow for traffic movement and movement of large, long vehicles without impacting the Hume Highway. The site is accessed from the Hume Highway by the Muttama Road Overpass, which has the capacity to handle B double vehicles. Reconfiguration of the Muttama Road and Coolac Road intersection will be required with turning lanes installed as a minimum.

The proposed lot 11 will utilise existing access arrangements.

Public Domain:

The proposed development will be visible and has the potential to be physically intrusive on the surrounding landscape. To mitigate this, landscaping is proposed as a light, noise and odour barrier. To ensure the success of such a barrier it is proposed that a condition be applied to the development which will require the establishment of perimeter trees within 6 months of consent. Other landscaping can occur as the development progresses.

Utilities:

Connection to an energy supplier is possible at this site.

Heritage:

N/A

Other Land Resources:

N/A

Water:

The proposed highway service centre will have negligible impact on Muttama Creek, with stormwater retained and used on site in all but an extreme inundation event.

Water security for the development is an issue which has been raised and will be addressed with the developer providing proof to Council that they have secured a bore with capacity to supply 30,000 litres a day and/or they have another logistical arrangement for water provision.

Soil:

Land Capability Assessment supports the proposed highway service centre and associated septic system.

Air and Microclimate:

Disturbance to the air and microclimate may occur during construction, however conditions of consent will mitigate this.

DEVELOPMENT ASSESSMENT REPORT

*Pursuant to the Environmental Planning & Assessment Act 1979
Section 79C (as amended)*



Flora and Fauna:

Areas mapped as being “terrestrial biodiversity” will experience negligible impact due to the proposed subdivision. The proposed highway service centre will have extensive tree plantings and gardens which will significantly increase the native flora in the area and fauna will also increase with the increase in habitat.

Waste:

During construction, all waste will be co-located on site and disposed of in accordance with Cootamundra-Gundagai Regional Council’s waste management policy. During the operation of the highway service centre, waste will be collocated and disposed of in accordance with the development’s waste management plan, which may include direct disposal at the Gundagai landfill facility.

Energy:

The proposed highway service centre will utilise rainwater tanks and a solar array to minimise energy burdens on the power network and surrounding landscape.

Natural Hazards:

The site is not mapped as being flood prone, however areas of proposed lot 11 are mapped as being bushfire prone. With the continuation of the agricultural land use, namely grazing, mitigation of grassfires are likely to continue.

Social Impact and Locality:

The proposed development is in keeping with the Draft Coolac Village Strategy and has been generally well received by Coolac residents. The development offers employment opportunities for the area, but in particular Cootamundra which suffers from a lack of opportunities for youth employment.

Economic Impact and Locality:

The proposed development is likely to be a positive economic development for the Coolac Village. Existing businesses in Coolac have stated that they have no problem with the development and see that the expected increase in traffic can only be of benefit to the whole of Coolac.

Some submissions raised the issue of competition with the existing Five Mile highway service centre and South Gundagai highway service centre; competition is not a consideration under 79C of the Environmental Planning and Assessment Act 1979.

Site Design and Internal Design:

The proposed subdivision is logical in layout and realistically doesn’t alter the function of the land, except to excise the highway service centre from the agricultural land.

The proposed highway service centre fronts Coolac Road, utilising the wide pavement of the former highway for entry and exit to the site. The site is within proximity to the Muttama Road Overpass and will have negligible impact on the function of the Hume Highway and Coolac Road, south of the Muttama and Coolac Road intersection.

DEVELOPMENT ASSESSMENT REPORT

Pursuant to the Environmental Planning & Assessment Act 1979
Section 79C (as amended)



Construction Matters:

To be addressed as a part of the construction certificate.

Submissions:

Council received total of 14 submissions both in support and opposition to the proposed development. A total of 37 individual issues were raised in submissions. The majority of these issues are addressed in this report, however issues around competition are not addressed as competition is not considered under Section 79C of the *Environmental Planning and Assessment Act 1979* when determining an application.

Redacted submissions are included as an attachment to this report.

Public Interest:

This proposed development has generated a lot of public interest, however this has not translated into many submissions – with total submissions for and against numbering just 14. Because of this it is hard to gauge whether public interest is the result of genuine concerns or heresy about the proposed development. Certainly, all submissions made have been addressed and have assisted in the assessment of this application and the formulation of conditions of consent.

FINANCIAL IMPACTS:

N/A

POLICY IMPACTS:

N/A

ORGANISATIONAL IMPACT:

N/A

RISK MANAGEMENT IMPACTS:

N/A

LEGAL ISSUES:

N/A

CONCLUSION:

The proposed subdivision, consolidates three lots into two with one to be greater than the minimum lot size and the other to be created without the ability for a dwelling to be applied for.

The proposed highway service centre in an inordinate use in the RU1 Zone, but is supported by the neighbouring SP3 Zone via clause 5.3 of the Gundagai LEP 2011.

RECOMMENDATION:

That DA267/2017 be approved subject to the following conditions:

DEVELOPMENT ASSESSMENT REPORT

Pursuant to the Environmental Planning & Assessment Act 1979
Section 79C (as amended)



Determination and Conditions:

Application Approved subject to the following conditions and reasons: -

GENERAL CONDITIONS

(1) GEN Condition - Compliance Standards

Any building and associated works shall comply with the statutory requirements of the Environmental Planning & Assessment Act, Local Government Act, 1993 and the Building Code of Australia (BCA).

Reason: The legal obligations of the Council to administer the New South Wales building and planning laws in order to provide satisfactory standards of living and development.

(2) GEN Condition - Compliance with Council

The Development being completed in accordance with plans and specifications stamped by Council listed in the table below and the Statement of Environmental Effects, except where varied by conditions of this consent.

Document Reference	Description	Author	Date
17023	Proposed 2 Lot Subdivision	AllSpec & Partners	25/7/17
3/17	Site Plan	AllSpec & Partners	24/7/17
5/17	Ground Floor Plan	AllSpec & Partners	25/7/17
6/17	Elevations	AllSpec & Partners	25/7/17
10/17	Fuel Dispenser Details	AllSpec & Partners	25/7/17
11/17	Site Landscaping Concept Plan	AllSpec & Partners	22/6/17
15/17	Service Station Main ID Sign	AllSpec & Partners	22/6/17
-	Statement of Environmental Effects	AllSpec & Partners	8/10/17

Reason: To confirm the details of the application as submitted by the applicant and as approved by Council.

DEVELOPMENT ASSESSMENT REPORT

Pursuant to the Environmental Planning & Assessment Act 1979
Section 79C (as amended)



(3) GEN Condition - Compliance with Legislation

Regardless of consent the applicant is still responsible for adhering to the requirements of State Legislation including (but not limited to) the Protection of Environment Operations Act and Dangerous Goods (Road and Rail Transport) Act.

Reason: This consent does not remove obligations imposed by State and Federal Legislation.

(4) GEN Condition - Utilities

Approval is given subject to the location of, protection of, and/or any necessary modifications to any existing public utilities situated within or adjacent to the subject property.

Reason: To ensure that any public utilities are maintained and protected from damage.

(5) Gen Condition – Not certify compliance with BCA or NCC

The issue of this Development Consent does not certify compliance with the relevant provisions of the Building Code of Australia or National Construction Code Series.

Reason: This consent does not certify compliance with the BCA or NCC.

(6) GEN Condition – Public Land Costs

Costs attributed to all work involved on public land shall be borne by the proponent.

Reason: Need for applicants to be reasonable for costs arising as a result of development work

(7) GEN Condition – Subdivision Boundaries.

For the subdivision of the land and the creation of a Land Title Plan, the following setbacks are required: -

1. From the existing dwelling: -
 - a. 50m to rear and side property boundaries
 - b. 30m from the front property boundary facing a road
2. From existing outbuildings, i.e. sheds and the like: -
 - a. 10m from all boundaries

DEVELOPMENT ASSESSMENT REPORT

Pursuant to the Environmental Planning & Assessment Act 1979
Section 79C (as amended)



COOTAMUNDRA-
GUNDAGAI REGIONAL COUNCIL

3. From on-site sewage management systems, effluent disposal areas: -
 - a. 10m from all boundaries

Reason: Compliance with the Cootamundra LEP and development standards.

(8) GEN Condition – Subdivision On Site Sewerage Management System.

Any existing on site sewerage management system on the subject properties, including any effluent disposal areas, is to maintain a minimum six (6) metre clearance from the proposed new boundary. If a six (6) metre clearance cannot be achieved, a Section 68 Application must be submitted to Council to undertake the necessary works to maintain the six (6) metre clearance.

Reason: To ensure on site sewerage management system is adequately located on the proposed new allotment.

(9) GEN Condition – Highway Signage

Highway signage or any signage fronting the Hume Highway or Muttama Road is not approved as a part of this application and is to be subject to a separate development application in accordance with State Environmental Planning Policy No 64 – Advertising and Signage.

Reason: to limit distraction to highway commuters and ensure consistency in signage.

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

(1) PCC Condition - Certificates in Relation to Energy Efficiency.

Prior to obtaining a Construction Certificate, the Applicant shall furnish Council with Certificates in relation to energy efficiency. In general terms, these certificates shall be provided by appropriately qualified persons and reference compliance of the particular element of construction with Part J of the Building Code of Australia. Certificates shall be provided for the following parts of construction:

1. Building Fabric
2. External Glazing
3. Air Movement
4. Air Conditioning and Ventilation Systems
5. Artificial Lighting and Power
6. Hot Water Supply
7. Access for Maintenance

DEVELOPMENT ASSESSMENT REPORT

Pursuant to the Environmental Planning & Assessment Act 1979
Section 79C (as amended)



Reason: To ensure the development meets the energy requirements of Section J of the Building Code of Australia.

(2) PCC Condition - Traffic Control Plan.

The applicant shall provide to Council, for approval, a Traffic Control Plan for those areas which involve work in the vicinity of the intersection of Muttama Road and Coolac Road to the Roads & Traffic Authority Guidelines.

Reason: To ensure acceptable standards of safety for both vehicular and pedestrian traffic.

(3) PCC Condition - Carpark Design.

A detailed car parking plan of the light vehicle parking area is to be submitted to Council and Roads and Maritime Services for approval and is to consider the following:

1. The path of the largest vehicles entering and exiting the subject site and manoeuvrability through the site in accordance with AS 2890.2-2002 "Off-street commercial vehicle facilities" and to Councils satisfaction. For road safety reasons, all vehicle access driveways, and the internal layout of the development, shall be designed and maintained 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.

2. Facilities are to be provided within the car park to facilitate safe pedestrian movements throughout the car park. Pedestrian crossing stripes are not to be placed as it resembles to the pedestrian crossing on the road and creates confusion as to who has the priority. Raised pedestrian walkways enhance the visibility of the walkway and the safety of pedestrians.

3. Disabled car parking is to be provided at a rate of 1 space for every 50 car parking spaces or part thereof and is to be designed in accordance with AS/NZS 2890.6-2009.

Reason: To ensure that adequate and practical off-street parking and access to the development has been provided.

(4) PCC Condition – New Connection: Plumbing and Drainage Works.

An application shall be lodged and approved by Cootamundra-Gundagai Regional Council under Section 68 of the Local Government Act for any new water, sewerage or drainage connection prior to the issue of a Construction Certificate.

DEVELOPMENT ASSESSMENT REPORT

Pursuant to the Environmental Planning & Assessment Act 1979
Section 79C (as amended)



All plumbing works must be undertaken by a licenced plumber or drainer. They must submit their Notice of Work (N.O.W) and pay for any associated inspections 48hrs before the first inspection. They also must submit a correct Sewer Service Diagram (S.S.D) for all works. The C.O.C and S.S.D. must be submitted before an Occupation Certificate can be released by the Principal Certifying Authority (P.C.A).

The proponent shall comply with all requirements tabled under any approval issued under section 68 of the *Local Government Act 1993*, NSW Fair Trading and The Plumbing Code of Australia.

Reason: Statutory compliance.

(5) PCC Condition - Onsite Sewerage Management System.

An application shall be lodged and approved by Cootamundra-Gundagai Regional Council under Section 68 of the Local Government Act for the installation of an onsite sewerage management system prior to the issue of a Construction Certificate. Details of the proposed system are to be included with the application detailing the tank capacity, type and location and size of effluent disposal area.

The proponent shall comply with all requirements tabled under any approval issued under section 68 of the Local Government Act.

Reason: To comply with the requirements of Section 68 of the Local Government Act.

(6) PCC Condition - Trade Waste Device Required.

Any business or premises proposing to discharge a pollutant discharge greater than or differing from domestic usage is to submit to Council an application for a Trade Waste Licence. This application is to be approved by Council. This application is to be approved by Council prior to any discharge to sewer being commenced. A trade waste fee may be applicable in accordance with Council's adopted Fees and Charges.

Reason: To comply with Council's Trade Waste Policy

(7) PCC Condition - Driveway & Layback Installations.

The provision of adequate vehicle access, including the provision of an invert crossing at the kerb and gutter is required to be installed as part of the development. The installation of the vehicle access and kerb and gutter crossing are to be constructed in accordance with Councils "Typical vehicle kerb and gutter crossing KG 65/1".

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Pursuant to the Environmental Planning & Assessment Act 1979
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An Application is to be lodged with Council along with appropriate current fee's paid, for approval under Section 138 of the Roads Act 1993 prior to the issue of a Construction Certificate.

Twenty four (24) hours' notice is to be given to Council's Operations Department group before placement of concrete to enable formwork to be inspected. Failure to do so may result in rejection of the works and a need for reconstruction.

Reason: *To ensure that adequate vehicle access is achieved and maintained throughout the development*

(8) PCC Condition – Water Security

To ensure the viability of the highway service centre development, the applicant is to provide to Council proof that they have secured enough water via an approved bore or other logistical arrangement to allow for consumption of up to 30,000 litres a day.

Reason: *to ensure the viability of the development.*

PRIOR TO ISSUE OF SUBDIVISION CERTIFICATE

(1) PSC Condition – Formal Plan of Subdivision.

A formal Plan of Subdivision being prepared generally in accordance with the plan submitted with the Development Application DA267/2017 and prepared by the applicant.

Reason: *To confirm the details of the application as submitted by the applicant and as approved by Council.*

(2) PSC Condition – Subdivision Plan Release - Other Authorities.

The requirements of other public utility authorities shall be satisfied prior to Council releasing the Subdivision Plan.

Reason: *To ensure that the requirements of public authorities are met prior to work commencing.*

(3) PSC Condition – Registration of Subdivision Plans.

In accordance with s.109C of the Environmental Planning & Assessment Act, the applicant is required to obtain a subdivision certificate from the consent authority

DEVELOPMENT ASSESSMENT REPORT

Pursuant to the Environmental Planning & Assessment Act 1979
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COOTAMUNDRA-
GUNDAGAI

that will authorise the registration of the plan of subdivision under Division 3 of Part 23 of the Conveyancing Act, 1919. The subdivision certificate is in the format supplied to the consent authority upon the plan acceptable to the Registrar General.

Reason: *The legal obligations of Council to administer the Environmental Planning & Assessment Act, 1979.*

PRIOR TO COMMENCEMENT OF WORKS

(1) PCW Condition – Prior to Building Work Commencing.

The erection of a building in accordance with the development consent must not commence until:-

1. a construction Certificate for the building work has been issued by the consent authority, the council (if the council is not the consent authority) or an accredited certifier, and
2. the person having the benefit of the development consent has:
 - a. appointed a principal certifying authority for the building work, and
 - b. notified the principal certifying authority that the person will carry out the building work as an owner-builder, if that is the case, and
3. the principal certifying authority has, no later than 2 days before building works commences:
 - a. notified the consent authority and the council (if the council is not the consent authority) of his or her appointment, and
 - b. notified the person having the benefit of the development consent of any critical stage inspections and other inspections that are to be carried out in respect to the building work, and
4. the person having the benefit of the development consent, if not carrying out the work as an owner-builder, has,
 - a. appointed a principal contractor for the building work who must be the holder of a contractor licence if any residential work is involved, and
 - b. notified the principal certifying authority of any such appointment, and
 - c. unless that person is the principal contractor, notified the principal contractor of any critical stage inspection or other inspections that are to be carried out in respect of the building work.

Reason: *To ensure compliance with the requirements of the Environmental Planning and Assessment Regulations.*

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(2) PCW Condition – Signage.

Site signage shall apply and must be erected on the site in a prominent, visible position for the duration of the construction. The signage must include: -

1. Statement that unauthorised entry to the site is not permitted
2. Show the name of the builder or another person responsible for the site and a telephone number at which the builder or other person can be contacted outside working hours
3. The name, address and telephone contact of the Principal Certifying Authority for the work

Any structures erected to meet the requirements of this condition must be removed when it is no longer required for the purpose for which it was erected.

Reason: To meet the minimum requirements of the Environmental Planning & Assessment Regulation.

(3) PCW Condition – Notice of Commencement.

Prior to work commencing a 'Notice of Commencement of Building Work and Appointment of Principal Certifying Authority' shall be submitted to Council at least 2 days prior to work commencing.

Reason: To meet the minimum requirements of the Environmental Planning & Assessment Regulation.

(4) PCW Condition – Public Safety – Hoardings.

A hoarding or fence must be erected between the building or site of the proposed building and the public place (street frontage). If necessary, an awning sufficient to prevent any substance from, or in connection with, the work, falling onto a public place is also to be erected. Such hoardings require separate approval by Council and must comply with the requirements of the WorkCover Authority.

The hoarding or fence is to be kept lit during the time between sunset and sunrise if the work may be a source of danger to persons using the public place.

The hoarding, fence or awning is to be removed when it is no longer required for the purposes for which it was provided. Restriction of public access to the building site shall restrict entry by members or equipment on the site when building work is in progress or the site is otherwise unoccupied.

Reason: To protect the general public.

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(5) PCW Condition – Waste Storage During Construction.

Provision shall be made on site for the proper storage and disposal of waste such that no builders' waste shall be left in the open. Specific attention should be given to items which are subject to relocation by the action of wind, e.g. Paper, sheets of iron, ridge capping, cement and lime bags and the like.

Reason: To ensure that the site is not a source of wind-blown litter.

(6) PCW Condition – Construction Safeguards.

Fire precautions during construction are to comply with PART E1.9 Building Code of Australia. Not less than one fire extinguisher to suit Class A, B and C fires and electrical fires must be provided at all times on each storey adjacent to each required exit.

Reason: To provide a minimum standard of fire safety during construction.

(7) PCW Condition – Soil Erosion Control.

Details of the proposed sediment control measures are to be detailed in the site management plan which shall be submitted to and approved by the Principal Certifying Authority (PCA) prior to the commencement of any site works. The sediment and erosion control measures must be implemented prior to the commencement of any site works and be maintained throughout construction. A copy of the approved details must be forwarded to the Council and a copy shall be maintained on-site and be made available to Council officers upon request.

Procedures shall be adopted for the prevention of loose or contaminated material, spoil, dust and litter from being deposited anywhere onto the public road reserve from trucks and associated equipment, and the proposed method of cleaning the roadway from such deposits. (Note: With regard to demolition of buildings, dust emission must be minimised for the full height of the building. A minimum requirement is that perimeter scaffolding, combined with chain wire and shade cloth must be used, together with continuous water spray during the demolition process. Compressed air must not be used to blow dust from the building site).

Details of proposed sediment and erosion control measures shall include; a site plan; indicating the slope of land, access points & access control measures, location and type of sediment & erosion controls, location of existing vegetation to be retained, location of material stockpiles and storage areas, location of building operations and equipment, methods of sediment control, details of drainage systems and details of existing and proposed vegetation.

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Reason: Because of the requirement to comply with appropriate standards for environmental control. Section 79C(1)(a), (b) & (e) of the Environmental Planning and Assessment Act 1979, as amended.

(8) PCW Condition – Underground Services.

The applicant shall locate and identify all existing underground services prior to commencement of works and ensure there shall be no conflict between the proposed development and existing infrastructure including areas external to the development site where works are proposed.

Reason: To ensure the utility services are protected and satisfactory for the proposed development.

ROADS AND MARITIME SERVICES

1. As a minimum a sealed Channelised Right Turn (CHR) and Auxiliary Left Turn (AUL) treatment is to be constructed at the intersection of Muttama Road and that part of Coolac Road to the north of Muttama Road. The intersection treatment is to be designed and constructed in accordance with the Austroads Guide to Road Design as amended by the supplements adopted by Roads and Maritime Services for the posted speed limit. The design vehicle is to be a B-Double heavy vehicle.
2. The required intersection treatment and ancillary median structures shall be designed and constructed so as to maintain appropriate vehicular access to Coolac Road to the south of Muttama Road in accordance with the Austroads Guide to Road Design as amended by the supplements adopted by Roads and Maritime Services for the posted speed limit.
3. Any vehicular access driveways to the subject property from the Hume Highway or Muttama Road shall be removed and the road reserve reinstated to match the surrounding roadside landform in accordance with Council requirements.
4. No signage with frontage or exposure to the Hume Highway is approved as part of this Development Application.
5. A management plan to address construction activity access and parking is to be prepared to ensure that suitable provision is available on site for all vehicles associated with the on-site works for the construction of the development to alleviate any need to park within, or load/unload from the road reserve of the public road network. Access to the development site shall be from Coolac Road only. Appropriate signage and fencing is to be installed and maintained to effect this requirement.

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6. Any works within the road reserve of 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. Works associated with the development shall be at no cost to Roads and Maritime Services.

DURING CONSTRUCTION

(1) DUR Condition – Works to be undertaken in Accordance with the Approval.

All proposed works to be undertaken are to be carried out in accordance with the conditions of development consent, approved construction certificate drawings and specifications.

Reason: ensure all works are carried out in accordance with the development consent.

(2) DUR Condition – Hours of Construction Site Works.

Construction site works including the entering and leaving of vehicles is limited to the following hours, unless otherwise permitted by Council:-

Monday to Saturday from 7.00am to 7.00pm

Sundays and public holidays from 9.00am to 12.00pm

The applicant is responsible to instruct and control subcontractors regarding hours of work.

Reason: So that the development does not reduce the amenity of the area.

(3) DUR Condition – Footpath Storage.

Building materials not to be stored on Council footway or nature strip at any time.

Reason: To ensure an adequate level of public safety is maintained.

(4) DUR Condition – Waste Removal.

All debris and any waste fill are to be removed from the site and disposed of at Cootamundra Garbage Depot, in the building refuse section of the garbage depot. Please note that a separate fee applies for disposal of waste at Council's waste

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depot. You should contact Council's Facilities Manager for an estimate of costs in this regard.

Reason: To ensure that the amenity and unsightly condition is minimised.

(5) DUR Condition - BCA Compliance.

All building work (other than work relating to the erection of a temporary building) must be carried out in accordance with the requirements of the Building Code of Australia (as in force on the date the application for the relevant construction certificate was made).

Reason: To ensure the building complies with the BCA.

(6) DUR Condition – Inspections.

The Principal Certifying Authority is to be given a minimum of 48 hours' notice prior to any critical stage inspection or any other inspection nominated by the Principal Certifying Authority via the notice issued under Section 91A of the Environmental Planning and Assessment Act 1979.

All building work (other than work relating to the erection of a temporary building) must be carried out in accordance with the requirements of the Building Code of Australia (as in force on the date the application for the relevant construction certificate was made).

Reason: To ensure that adequate time is given of required inspections.

(7) DUR Condition – Restricted Public Access.

It is the responsibility of the applicant to restrict public access to the building site, building works or materials or equipment on the site when building work is not in progress or the site is otherwise unoccupied in accordance with WorkCover Regulations.

Reason: To ensure public safety is maintained.

(8) DUR Condition – Exit Doors.

In accordance with Clause D2.20 and Clause D2.21 of the Building Code of Australia, all exit doors must swing in the direction of egress. Exit doors must be readily openable without a key from the side that faces a person seeking egress, by a single handed downward action or pushing action on a single device which is located between 900mm and 1200mm from the floor.

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Reason: To facilitate exit from the building.

(9) DUR Condition – Fire Hazard Index.

The early fire hazard indices of materials, linings and surface finishes must comply with specification C1.10 of the Building Code of Australia.

Reason: To suppress fire within places of public entertainment.

(10) DUR Condition – Disabled Fitouts.

All ramps, hand rails and ablution fitouts shall be installed in accordance with Australian Standard 1428.1-2009 "Design for Access and Mobility, Part 1: General Requirements for Access – Buildings".

Reason: To provide access for disabled people.

(11) DUR Condition – Provide Suitable Access.

Access is to be constructed to Council specification and location. The access to be constructed and maintained at the owners cost such no soil erosion is caused.

Reason: To ensure that traffic movement generated by the development does not adversely affect the road system of the locality and that siltation of waterways is minimised.

(12) DUR Condition – New connection: Plumbing and Drainage Works.

All plumbing works must be undertaken by a licenced Plumber or Drainer. They must submit their Notice of Work (N.O.W.) and pay for associated inspections 48hrs before the first inspection. They also must submit a Certificate of Compliance (C.O.C) after the work has been completed and also submit a correct Sewer Service Diagram (S.S.D.) for all works. The C.O.C and S.S.D must be submitted before an Occupation Certificate can be released by the Principal Certifying Authority (P.C.A.)

The proponent shall comply with all requirements tabled under any approval issued under Section 68 of *The Local Government Act 1993*, NSW Fair Trading and The Plumbing Code of Australia.

Reason: Statutory compliance.

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POST CONSTRUCTION

(1) POC Condition – Occupation of Building.

A person must not commence occupation or use of the whole or any part of the buildings unless an occupation certificate has been issued by the appointed Principal Certifying Authority.

Reason: So that the development is substantially completed to a safe standard to allow use or occupation of said building.

(2) POC Condition – Compliance Certificates.

Prior to occupation of the building an Occupation Certificate is to be obtained. If Council is requested to issue the Occupation Certificate, all relevant compliance certificates must be submitted.

Reason: So that the development is substantially completed to a safe standard to allow use or occupation of said building.

(3) POC Condition – Landscaping, Fencing and Outdoor Structures.

All proposed landscaping, fencing and outdoor structures such as water tanks etc. are to be installed in strict accordance with the approved plans for the development prior to the release of a Final Occupation Certificate by the PCA.

Changes to these items during construction may require the submission of amended plans and a Section 96 Application to modify the development consent.

Reason: So that the completed appearance and functionality of the development is maintained from that which was originally approved.

(4) POC Condition – Driveway and Layback Crossings.

The applicant shall ensure that the provision of an adequate vehicle access, including the provision of an invert crossing at the kerb and gutter is installed as part of the development. The installation of the vehicle access and kerb and gutter crossing are to be constructed in accordance with Councils 'Typical vehicle kerb and gutter crossing KG 65/1' and the approval issued under Section 138 of the Roads Act 1993.

Reason: To ensure appropriate vehicle access is provided to the development which does not adversely impact on pedestrian traffic or Council's public road infrastructure.

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(5) POC Condition - Section 94A Contributions/Works In Kind Agreement.

At the time of submission of an Occupation Certificate all owing monies as they relate to Section 94A contributions must be paid in full or the Applicant and Council must have entered into a Works In Kind Agreement.

Section 94A contributions are calculated on the estimated cost of development as specified on the Development Application at time of lodgement and may be subject to change with the coming of a new financial year or revised estimated cost of development.

Reason: So that the Section 94A Developer Contributions are paid in accordance with Council's Section 94A policy.

(6) POC Condition – treatment of Coolac Road

1. Signage shall be erected on the development site to provide motorists with directions from the development site to the Hume Highway. Signage is to be located on Coolac Road north of the development site advising that Coolac Road is a no through road.

2. The driveways to Coolac Road are to be located and the roadside maintained so as to provide the required Sight Distance criteria in accordance with Austroads Standards for the posted speed limit. Compliance with this requirement is to be certified by an appropriately qualified person prior to construction of the vehicular access.

3. As a minimum the intersection of the proposed entry with Coolac Road is to be constructed to provide a sealed Channelised Right Turn (CHR) and the exit is to have a Basic Left Turn (BAL) treatment in accordance with the Austroads Guide to Road Design for the posted speed limit. As a minimum the driveways are to cater for B-Double vehicle access to and from the site to Coolac Road.

4. As a minimum all driveways shall be sealed from the edge of seal of the carriageway to the property boundary and be designed and constructed to a standard to accommodate the proposed vehicle traffic generated by the development. Vehicles movement areas within the development site shall be sealed to provide an all-weather surface.

5. A Full time "No Stopping" restriction is to be implemented along both sides of Coolac Road for the full frontage of the subject property to Coolac Road prior to commencement of any works, subject to Traffic Committee endorsement.

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6. Suitable drainage treatment is to be implemented to retard any increased storm water run-off directly from the subject site on to the road reserve. Any access driveway is to be designed and constructed to prevent water from proceeding onto the carriageway of the adjoining public road network. Any culvert proposed to be located within the clear zone of Coolac Road for the posted speed limit shall be constructed with a driveable type headwall.

7. Any damage or disturbance to the road reserve of a public road network shall be restored to match surrounding landform in accordance with Council requirements.

Reason: *improve traffic flow and minimise impact on Coolac Residents*

ONGOING USE

(1) USE Condition – Annual Certificate.

The owner of the building shall submit to Council an 'Annual Fire Safety Statement' (Form 1) by 1 July, each subsequent year after obtaining a 'Fire Safety Certificate' for the building from Council.

The 'Annual Fire Safety Statement' shall comply with the provisions set out in the Environmental Planning & Assessment Regulation 2000. Forms for this purpose can be collected from Council's offices.

Reason: *To ensure that fire and other safety measures are maintained in a proper working condition.*

(2) USE Condition – Discrimination Laws.

The applicant's attention is drawn to legislation regarding responsibility to provide an improved environment for disabled persons.

The *Disability Discrimination Act* (DDA) is commonwealth legislation that aims to increase the economic and social independence of people with a disability.

The DDA applies to discrimination against any person on the grounds of disability in the areas of: accommodation; education; access to premises; provision of goods; services and facilities; the activities of clubs or sports; and the request for information.

It should be noted that by the issuing of this consent the Council does not guarantee that all legislative requirements of the DDA or subsequent premises standards have been satisfied and that the owners/operators may still be subject to complaints being made under the DDA. It is advisable that the applicant should satisfy

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themselves with the requirements of the DDA and seek further professional advice if deemed necessary.

Reason: To clarify that the issuing of this development consent does not certify that the establishment or operation of the development satisfies all requirements of the Disability Discrimination Act.

(3) USE Condition – Establishment of Landscaping.

Proposed landscaping in accordance with the approved plans for tree planting shall be maintained to ensure a dense screen is established. Such plantings along the perimeter of the highway service centre development are to occur within six (6) months from the date of this approval.

Reason: To minimise visual impact and promote/enhance the rural character of the area and Council's concern that the amount of vegetation in the Shire should continue to increase to improve the climate and appearance.

(4) USE Condition – Hours of Operation.

The operation of the fuel bowlers and associated payment area are permitted to operate on a 24 hour, 7 days a week basis.

The operation of the truckers lounge area and food hall tenancies are to be conducted between the hours of:-

Monday to Saturday from 6am to 10pm

Sundays and public holidays from 6am to 10pm

Reason: So that the development does not reduce the amenity of the area.

(5) USE Condition – Clean and Tidy.

The premises are to be maintained in a clean and tidy condition at all times.

Reason: So that the development does not reduce the amenity of the area.

(6) USE Condition –Amenity General.

The development is to be conducted in a manner that will not interfere with the amenity of the locality within reason. Mitigation of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit, oil, interference to television or radio reception or otherwise is to be considered during operation.

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Reason: So that the development does not reduce the amenity of the area.

(7) USE Condition – Caretakers Residence

The existing dwelling on proposed lot 12 is to be the caretaker's residence of the highway service centre and is therefore ancillary to that land use. The dwelling cannot be used for residential accommodation within the meaning of the term in accordance with the Gundagai Local Environmental Plan 2011 once an occupation certificate is granted for the highway service centre.

Reason: to prevent the fragmentation of rural land.

(8) USE Condition – Vehicle Queuing

The development is to be designed and managed to ensure that vehicles do not queue onto Coolac Road.

Reason: to improve traffic flow and minimise impacts on Coolac residents

(9) USE Condition – Water Storage For Fire Fighting Purposes.

The water storage shall be by enclosed storage tanks with at least 200kl to be dedicated for firefighting purposes with a 40mm Storz water coupling suitable for connection to the local fire brigade water tanker.


Reason: To ensure that adequate water storage is available for self-sufficiency in fighting fires or a bushfire occurrence adjacent to the site.

DEVELOPMENT ASSESSMENT SIGNING OFFICER:

A blue ink signature of Grace Foulds.

Grace Foulds
Town Planner

20 November 2017
Date



Cootamundra-Gundagai Regional Council
PO Box 420
COOTAMUNDRA NSW 2590

By Email: mail@cgrc.nsw.gov.au

Re: DA267/2017 Highway Service Centre, Coolac Road, COOLAC NSW 2727

Firstly, I'd like to say how disappointing it is to find that as a resident and neighbouring property which will be affected by this development, the Council did not have the decency to include me in the mailed out notifications of the development. Instead this development was notified to me by a neighbour in minimum time to contact to the Gundagai Council to receive the details of this development.

Secondly, while not opposed to the development I do have **several concerns**, they are:

1. **Security.** With my residence being at the end of the old highway it leads to intrigue to people wondering what is at the end of the dead end road. This issue was raised several years ago at a town meeting for the trial of and location of the transfer station. Gundagai Shire confirmed in writing they would erect a fence and gate at the guard rail to prevent the curiosity of motorists extending their travels to the end of the road, however as at today's date the fence and gate have never been erected and I have been subjected to property theft, destruction of livestock, vandalism and break and enters on several occasions and as recently as 25 August 2017.

I am extremely concerned that the additional traffic will lead to increased curiosity and further break and enters and trespass and notwithstanding the lack of privacy resultant from such traffic.

I would like the developers to situate their CCTV cameras to include facing toward the end of the road to capture those vehicles who decide to detour from their destination for a sticky beak and be observed, should yet another break and enter occur.

Additionally, I would like to see the Council honour their commitment of erecting the fence and gate at the commencement of the guard rail. If this does not occur then I would request the Developers to replace both my front fences and approaching boundary fence adjoining the property of John Harpley and paddock and house yard gates with six foot high fences and gates to aid as a deterrent to would be thieves and trespassers.

2. **Rubbish.** Is the Council intending to increasing the number of skip bins at the transfer station to accommodate the increased rubbish generated from this development or will the transfer station be relocated to the old RTA site as originally considered?

If the existing transfer station is increased in capacity and size, this will also increase security risks.

3. **Water.** Where will the water come from for the toilets, showers etc. If the Development includes utilising underground water sources i.e. bores, this will impact of all the local land holders as the majority have bores for use to households and stock in the absence of creeks and dams. **NB.** During the last drought the underground water levels suffered significantly and over pumping is bound to affect everyone and while there are numerous underground streams and at varying levels I believe this should be taken into consideration so as to not negatively impact on the local landholders.
4. **Fire Hazard.** November 2012 saw a large acreage on the opposite side of the New Hume Highway with strong winds pushing the fire toward Jugiong. That day had the winds turned the fire would have jumped the highway and not only reversed toward Coolac town but subjected my residence to being burnt out.

At the end of the dead end and end of my property is an overgrown RTA seclusion which is never maintained and also even roadside maintenance of grass cutting and weed spraying by the Council on the Coolac Road only extends as far as the transfer station, all of which is a fire hazard from spring through to Autumn.

I would like to know what fire prevention mechanisms will be put into place should a fire commence at the service station or immediately surrounding it and the winds force the fire up the hill of my dead end street?

5. **Road Access.** Additional traffic at the cross roads of Muttama Road and Coolac Road will become hazardous at times of school holiday and public holidays.

Is there going to be a means of safe access from the intersection to my property for myself, family and invited visitors?

Yours sincerely

[Redacted Signature]

[Redacted Address]

13 September 2017

[REDACTED]
[REDACTED]
[REDACTED]
12 September 2017

Cootamundra-Gundagai Regional Council
Email – mail@cgrc.nsw.gov.au

Dear General Manager,

NOTICE OF DEVELOPMENT – HIGHWAY SERVICE CENTRE COOLAC

I am writing my distress and outrage in regard to the development proposal at Coolac. I am a local business franchise owner at [REDACTED] operating a business that I have spent many years building a great reputation for travellers to come in and have a break, meal, coffee, use our toilet facilities and freshen up for their next journey on the Hume highway.

I strongly disagree on the development proposal. There was limited notice given to the residents and business owners to read and investigate the development plan. How is this going to benefit Gundagai is the question? It won't. I believe that if this development plan is accepted it will NOT benefit the community of Gundagai and there is going to be no growth.

Before this development proposal is voted on the questions need to be answers for the community and I draw you to read my concerns:

- **Small Business** - Yes there will be job opportunities, BUT at what cost to the other small business owners of Gundagai already struggling now. Businesses in Gundagai will not benefit, again moving the holiday travellers to stay on the highway, this will affect local owners, especially the cafes and the tourism that we are trying to promote in Gundagai. Hotels will drop as no one will come off the highway, to increase our income.
- **Safety** – The Youth will need to travel 24 km from Gundagai to Coolac to drive on Highway early and late hours when the risk is at a high especially around the holiday times and when the trucks are on schedule to Melbourne/Sydney on a daily basis. Parents will now need to give worry more and drive more putting more pressure on parents and when you consider the death rate of P plate driver, it's putting more of our youth in life-threatening positions. Being a Senior SES representative of Gundagai I have seen what happens on the Hume highway it's not good and I would hate to see one of more of our kids killed on that busy highway. It will just place more pressure on our community to drive on a highway when they are not required to.
- **Upgrades** - Rate payers have just spent \$3.5 million on the upgrade of the main street of Gundagai. Plus another recent approval of \$1 million of a playground area which was a great idea to encourage travellers to have a break with their children, get something to eat maybe stay the night at a hotel or even bring them back in the future. This was going to bring more people into our township. Who is going to be using this if a playground is going to be built at Coolac? This is not rocket science. There is no benefit. There will be no growth to our economy.

- **Tourism- Identify- Heritage - History** - Gundagai will cease we will lose our history and identity not to mention our heritage. No one will enter into the town to see the Historical Gundagai Bridge or other manly historical tourist places that we have over time bought back to life. Examples like the Gundagai Railway Building which over the last couple of year's members of our community has worked hard to attract travellers to our town. Money has just been spent on the Yarri Statue in Sheridan Street this year again to promote Gundagai of our Indigenous hero's. Who will come in to see all of our famous icons if another big service station is built? Our World Famous Dog on the Tucker box our local song, On the Road to Gundagai will be no more. Is the council willing to lose our heritage, our landmark surely not?
- **Losing Staff** -- The new centre will want qualified local staff to be established straight way, this will affect the businesses in Gundagai who have spent time and money training there employees to just be taken away for a new site and probably more hours and throw more money at them. This is going to put more pressure on owners to pay more and again local businesses will lose out and be forced to close.
- **Loss in Sales** - The last service station built at the 5 Mile, took about 30% of sales from the main street, is the council willing to take even more from the Gundagai township. This will result in leaving more shops empty with people having to close due to lack of turnover and some income. Gundagai owners depend on some income are you willing to kill the industry of tourism in Gundagai.
- **Service Stations** - Recently a new service station just opened in the main street, more than likely they will be forced to close. What is the benefit to the community; we already have two service centres 10 km apart on either side of the highway. Can you explain why we need an extra service station only a short distance from Five Mile? The only time it is busy is throughout the Easter and Christmas holidays, this is when it is busy. What happens to the staff for the other 44 weeks of the year, I can tell you that won't have a job.
- **Sporting – Community Assistance** - There will be no sponsors from the likes of [REDACTED] as I would not be able to afford it, nor would the other businesses. Many other local small businesses will feel the same way and again our children and members of the community will miss out and this would have a financial bearing for our residents.

Overall I know that my sales will drop severely leaving me to be very concerned to even try to stay afloat. I have ongoing costs being an ongoing lease, wages and employees to pay, with another service centre is not going be liable for me to make a turnover and to keep my business growing.

I will have no choice to put off staff, and place them on casual wages, of course they will leave my business, that's a given, no one will survive on part time or casual wages and they will either be forced to leave Gundagai or work 10km on a busy highway if they can get there and take the risk.

In the past 15 years I have employed over 250 high school students, some who I have helped with holiday work when they come back from University knowing that they have a long term positions and always a place at [REDACTED] they are family. This won't happen with at Coolac they will not look after Gundagai people like the small businesses here. We are family we support each other that's what small communities do.

I donate and sponsor many sporting organisations and community projects throughout Gundagai; this would have to stop as I will not be able to afford it any longer and I would not be the only one affected here. Community programs rely on our small businesses throughout the township, they would not get by. How can the council approve this development?

I am concerned for the safety of our Youth in Gundagai, and our local small businesses. Please do not accept this development proposal and consider what will really happen to Gundagai.

Say no and let this big developer go elsewhere and leave Gundagai alone.

Yours Sincerely,

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

The Interim General Manager

Cootamundra Gundagai Regional Council

COOTAMUNDRA NSW 2590

31 August 2017

Dear Sir

Regarding Proposed Development of a Service Centre at Coolac.

Please accept this letter as support for the proposed development of a service centre at Coolac. The proposed development would be a long overdue, positive addition to the village of Coolac.

- It would offer a small number of employment opportunities for locals.
- It would offer some competition for the current Coles group fuel outlets – better prices and less distance for local farmers to travel to obtain fuel.
- It would offer a greater range of fast food choices for travellers.
- It would be a safer stopping point for travellers than the Dog on the Tuckerbox/ Five Mile is.
- It would provide facilities for those travelling with dogs and horses.
- School buses on excursion typically have to pull in to the Coolac Store and then get back on the Highway. This proposal may offer a more direct and secure option.
- The existence of the Service Centre may generate additional development. Existing businesses may be more prepared to grow their establishments and diversify which may lead to further employment opportunities for locals.

This is an ideal time to invest in one of the Cootamundra-Gundagai Shire's villages. Coolac is an important link between the two towns of Gundagai and Cootamundra and in recent times it has been neglected. The proposed development would be a positive addition to the Shire.

Yours sincerely

[Redacted signature block]

Catherine Smith

From: [REDACTED]
Sent: Thursday, 31 August 2017 2:17 PM
To: Mail
Subject: Fw: Highway service centre .Coolac
Categories: Orange Category

Dear Sir / Madam

Please accept my letter of support for the service centre at Coolac.

I think this development will be good for Coolac as it will provide many jobs for both the youth and mature aged people of the area / shire .

There will be a fuel out let once again for Coolac so the locals / farmers don't have to travel too far to get fuel.

Access to & from the H'way will be safer with the over pass than at the 5mile centre where there have been many accidents and an over pass has not (probably never will) be built.

History
Before the by pass of Coolac the village had 3 fuel out lets and a cafe a tea room and a bakery. The windmill building was a truck stop for some years also a restaurant for a time.

It would be good to see the village get this development up and running to put it back on the map .The publican at Coolac is all for it also.

I have not received or made any political donations in the last 2 years .

Regards [REDACTED]

Cootamundra Gundagai
Regional Council
Document Received

14 SEP 2017

File No.....

Initials.....

14 September 2017

The General Manager
Cootamundra Gundagai Regional Council
255 Sheridan Street Gundagai

Dear Sir,

Re: Development application DA267/2017, Highway Service Centre, Coolac

I wish to lodge an objection to this proposed development on the following grounds:

Unnecessary duplication of existing amenities

The unencumbered open space at the Dog on the Tucker Box is a quiet jewel of the Hume Highway. It engenders fierce loyalty in thousands of repeat travellers through the years, and brings multiple thousands of dog handlers, and several hundred horse handlers, to the site each year. Tesla electric car charging facilities are already located at the adjacent Oliver's site, while a full service centre including dedicated truckies' parking and rest area are nearby at Shell. Duplicating such amenities within such close proximity can only have a detrimental effect on visitor numbers to the Dog site.

Negative effect on existing multiple businesses at the Five Mile precinct

It is surely evident to Council that the creation of a third service centre in a distance along the highway of less than 20km will increase neither the overall levels of traffic nor the frequency of stops made by travellers. Therefore, the new centre can only succeed by taking market share from the two existing service outlets, at South Gundagai and at the Five Mile. No-one expects or asks to be quarantined from fair competition, but overloading any market with a surplus of supply, without in any way increasing demand, can only lead to the demise of some businesses and the loss of jobs.

It is erroneous to propose that this development will bring an increase of jobs to the CGRC area. Since it does not offer anything which will increase the overall Hume highway traffic, it can only redistribute existing jobs by taking custom away from those businesses currently serving this traffic, forcing them to reduce shifts and/or close, moving some of the lost hours and jobs to the new Coolac location, but resulting in minimal or no increase of jobs in the area overall. A short-term burst of work during construction may eventuate, but even that is not guaranteed to benefit local suppliers or workers, and will not result in any permanent increase in jobs.

Long-term threat to viability of Five Mile precinct

It is alarming to think that Council proposes to destabilise business confidence and frighten off potential investment in the existing Five Mile commercial precinct. Substantial employment is provided through the multiple business operating in this area. If council seeks to shift travellers away from the Five Mile, the viability of not merely its own Dog site, but also all these other business operators, is threatened.

Threat to business and investor confidence in CGRC, with negative effects on potential economic development in the whole Shire

If CGRC is willing to sacrifice the long-term viability of existing businesses in favour of a single new one, what confidence can any business operator have in such a Council? Today's new kid on the block will be the next to be sacrificed when someone even newer and shinier comes along, and long-

established enterprises will feel the need to look elsewhere to secure their future if they deem CGRC is not a Council that understands and respects the needs of business for a stable operating environment and sufficient duration of operation to reap a return on investment. Appropriate economic development is crucial to the Cootamundra-Gundagai area's future, and it is short-sighted in the extreme to risk this by undermining business confidence.

Degradation of iconic brand and town symbol

In the Dog on the Tucker Box, CGRC has inherited a site sadly in need of substantial financial input to bring its facilities up to compliance and current standards. Such remedial investment and long-overdue infrastructure renewal require funds from sources beyond Council itself. If the Coolac development proceeds, it will become much harder to source such monies from public grant funds, as improvements to the Dog site will then ironically be deemed a duplication of what will then be provided nearby at Coolac. Real fears exist that in the absence of appropriate and sympathetic remedial development at the Dog, the site will be sold off, and the connection between the iconic Dog and its lifetime location severed, to the detriment of this powerful symbol and its tourism "pulling power", and ultimately to the greater detriment of Cootamundra-Gundagai as a visitor destination. The Dog site, with its much-used open passive recreation area, is an asset Council should be embracing and seeking to enhance; one which can, if imaginatively run, become a valuable visitor "feeder" to all the towns within CGRC.

While I currently have an interest, as the leaseholder and operator of the [REDACTED], I am not objecting to the proposed development out of self-interest. The long-term viability of the Dog site and the whole Five Mile precinct is at stake here, and that has major implications for the whole community for which CGRC is responsible. I respectfully urge Council to reconsider the wisdom of approving this development at Coolac.

Yours sincerely,

[REDACTED]

Cootamundra-Gundagai
Regional Council
Document Received

14 SEP 2017

File No. DA 267/2017

Initials CF

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Our ref PRS:4054797

14 September 2017

mail@cgrc.nsw.gov.au

Cootamundra-Gundagai
Regional Council

Dear Sir/Madam

**DA267/2017, Highway Service Centre and Two Lot Subdivision, 518 Coolac Road, COOLAC NSW
2727, Lots 100, 101 & 102 DP1065752**

Reference is made to the public notice seeking comments and submissions in relation to the subject development proposal. The proposal involves the subdivision of rural land and the development of a Highway Service Centre on land currently zoned RU1 Primary Production under the Gundagai Local Environmental Plan 2011 (LEP2011).

The following is an objection to the proposal. A detailed examination of the available DA documentation was undertaken and it has been concluded that the proposal:

1. Lacks sufficient detail to enable a reasonable assessment of the potential impact and permissibility of the proposed development;
2. Has failed to consider in any relevant detail the potential impact of the proposal on the local area, including the consideration of relevant environmental, economic and social matters; and
3. Is not permissible on the subject site because of the current RU1 zoning under Gundagai LEP2011.

The reasons for these points of objection are expanded on further below:

1. DA Documentation:

Part 1 of Schedule 1 of the Environmental Planning and Assessment Regulation 2000, specifies items that are required to be submitted with a development application. In particular, the statement of environmental effects (SEE) that accompanies the application must indicate:

- (a) the environmental impacts of the development,
- (b) how the environmental impacts of the development have been identified,
- (c) the steps to be taken to protect the environment or to lessen the expected harm to the environment,

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(d) any matters required to be indicated by any guidelines issued by the Secretary for the purposes of this clause.

It is considered the DA documentation and discussion in the submitted SEE are lacking in detail to enable reasonable assessment of the potential impact and permissibility of the proposal.

Specifically, the documentation is lacking in the following areas:

- Proper analysis of permissibility and measure against the relevant zone objectives, including discussion of the strategic merit of the proposal. The proposal assumes the development is permissible based on the landuse type (highway service centre) falling within the nomenclature of "Any other development not specified in item 2 or 4" of the RU1 landuse guide. This assumption fails to apply the test of applicability required in measuring the proposed landuse against zone objectives and other relevant provisions of the LEP.
- Superficial assessment of the proposal against relevant State Environmental Planning Policies (SEPPs) including:
 - *SEPP No.33 – Hazardous and Offensive Development*: A proper assessment in accordance with applicable guidelines has not been undertaken for this proposal, with the conclusions provided being superficial and lacking any detail.
 - *SEPP (Infrastructure) 2007*: No proper consideration of the provisions of Division 17 and relevant clauses, including relevant guidelines such as NSW Planning's *Development Near Railway Corridors and Busy Roads*. The Traffic Impact Assessment (TIA) provides no local road traffic counts in its assessment of potential impact of the proposal on the local road system. Reference to Schedule 3 of this SEPP incorrectly refers to a service centre, whereas the Schedule lists specific land uses including service stations and other commercial activities that are not permitted on the site. The development should be correctly dealt with as a mixed-use development for the purposes of Schedule 3 of this SEPP.
- No consideration or assessment of the following relevant and applicable SEPPs:
 - *SEPP No.64 – Advertising and Signage*: There has been no assessment of the proposal against the provision of this SEPP. Considering the site's rural location and proximity to dwellings and the Hume Highway, consideration of signage in conjunction with the main DA is considered mandatory.
 - *SEPP (Rural Lands) 2008*: There has been no discussion or assessment of the proposal under the provisions of this SEPP. As the proposal involves the subdivision of RU1 Primary Production land the principles contained in this SEPP must be taken into consideration.
- No consideration or assessment of the proposal in relation to Aboriginal Cultural Heritage (ACH), as required by relevant legislation (*National Parks and Wildlife Act 1974*). At a minimum a due diligence process as identified by the NSW Office of Environment and Heritage should be undertaken to ensure that no potential harm is caused should ACH be encountered during proposed works over the subject land.

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- The land is identified in the LEP as sensitive land in relation to natural resources (water), including surface and groundwater systems. The DA documentation contains superficial discussion on potential impact on natural water systems. Considering the potential excavations required to establish the development as well as the installation of underground tanks, stormwater management systems, onsite effluent disposal systems and the proposal to draw water supply from bores, a thorough analysis of the potential impact of this proposal should be undertaken. The DA must be accompanied by impact analysis reports by suitably qualified persons to enable reasonable assessment by the general public and consent authority.
- Essential infrastructure analysis has not been thoroughly undertaken. The proposal indicates that the site is not connected to essential services to enable the sustainable operation of the proposed premises. There is no confidence given in the supplied documentation that the proposal will be able to operate in a sustainable manner, or that more sustainable alternatives have been considered in servicing the ongoing operation of the service centre.
- No consideration of the potential impact of construction activities on the local area including duration, hours of operation and mitigation measures to address noise, vibration, dust, lighting and heavy vehicle movement impacts.
- There are various other rural based landuse activities within a 500-metre radius of the subject site, in particular to the north, west and south. This includes several dwellings that would be considered sensitive receptors to any development activity on the site. There is limited discussion and analysis of the proposal in respect of impact on adjoining landuse from noise, vibration, odour/air quality, dust, light, traffic movements and 24-hour operation.
- The development has potential significant economic and social impacts, both positive and negative, on the local area and regional corridor. The SEE does not discuss this in any relevant detail. Considering the importance of highway service centres to the local economic and social fabric of Gundagai, a detailed analysis of these matters must be thoroughly discussed. Both the integrity/sustainability of existing businesses and the well-being of the local community must be discussed to ensure stability and strength is maintained and/or enhanced.
- The proposal is potentially out of character with the existing and intended future character of the RU1 zone. In addition, the land adjoins a SP3 Tourist zone that seeks to provide for a variety of tourist-oriented development and related uses, including highway service centres. A detailed locality analysis should be included in the SEE to ensure the proposal does not unnecessarily impact the local area and potentially undermine the objectives of the RU1 and SP3 zoned lands.
- The SEE has not discussed the proposal in respect of Ecologically Sustainable Development (ESD) principles, which is a basic legislated requirement in the consideration of development by proponents and assessment by local authorities.
- The proposal requires a more thorough discussion and analysis in respect of the Public Interest. The SEE provides little confidence that the principles of Public Interest are understood or have been seriously been considered in proposing the development on the subject site.

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2. Consideration of Potential Impact:

As outlined in point 1 above, the supplied DA documentation is lacking in detail to enable a reasonable assessment of the proposal. The identification of environmental impacts is limited to superficial description and does not employ relevant expertise or the production of specialist reports to adequately address the assessment criteria identified in relevant legislation and local policy.

In respect of economic impact, the proposal provides little discussion or understanding of the local economic and any micro or macro economic impacts of the proposal on Gundagai and surrounding area. Highway service centres are a significant part of the local economy and are recognised as a generator of tourism activity, employment and other business activity in the area. There already exists two significant centres within the local government area. The proposal should be accompanied by an economic impact analysis to ensure the proposal is justified from both a private and public perspective.

Similarly, impact on the social fabric of the local area has not been adequately discussed. The Gundagai Shire Community Plan 2012-2022 outlines the community expectations in relation to sustaining social wellbeing and the proposal provides little discussion addressing the various objectives of the community and how the proposal may or may not impact these objectives.

3. Permissibility:

The proposal involves both subdivision and development activity.

Subdivision:

Subdivision is proposed of rural land to facilitate the development activity. This requires consideration of *SEPP (Rural Lands) 2008*. Part of the aims of this SEPP are to facilitate the orderly and economic use and development of rural lands for rural and related activities and to implement measures designed to reduce land use conflicts. The SEPP also introduces Rural Planning Principles and Rural Subdivision Principles. The subdivision proposal appears at odds with these principles, particularly as it involves the fragmentation of rural lands and introduces potential landuse conflicts.

Under the LEP, subdivision of rural land is subject to the provisions of Part 4. The subdivision plan indicates proposed Lot 11 as a fragmented parcel of land separated by the highway comprising 41.4ha and proposed Lot 12 of 7.5ha on the western side of the highway and 33.9ha on the eastern side. The subject lot to accommodate the proposed service centre comprises 9.4ha and includes an existing dwelling.

The proposal involves the fragmentation of rural lands, with little practical justification for the creation of land that fails to meet rural subdivision principles or LEP objectives. The creation of Lot 12 is not permitted under Clause 4.2 as it does not meet the minimum lot size standard and little justification is provided to support a variation under Clause 4.6, particularly as there has been no commentary made against the objectives of the zone or Rural SEPP principles.

Based on the information provided the subdivision is not permissible and Council must refuse the application accordingly.

Development Activity:

The application has been proposed on the basis that a "Highway Service Centre" is an innominate landuse that falls within the '*Permitted with consent*' category of the RU1 landuse guide, that is, it is

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"Any other development not specified in item 2 or 4". This assumption has to be placed in context of the strategic intent of the zoning and other land use zones in the area, the permissibility of other like landuses that comprise the mixed-use nature of a service centre (i.e. service stations and other commercial/tourist based activities) and whether the proposed landuse satisfies the zone objectives.

The LEP is a summary of landuse strategic intent, based on consultation with the local community. The general public put trust in Council to administer a community endorsed plan based on good planning practice and adherence to legislation and planning guidelines.

The proposed site is within a RU1 zone, with the relevant objectives provided below:

- *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.*
- *To encourage the efficient use and conservation of water resources.*
- *To protect significant scenic landscapes.*
- *To encourage development that does not adversely impact nearby agricultural activities.*
- *To protect, enhance and conserve the natural environment, including native vegetation, wetlands and wildlife habitat.*
- *To ensure development prevents or mitigates land degradation.*

It is evident that Council has a consistent approach to locating highway service centres in this local area in SP3 zones or B4 zones. Locating a service centre in a RU1 zone is not consistent with the strategic intent of the LEP. Also, the landuse fails to meet many of the RU1 objectives. Based on those reasons alone, the proposal must be deemed not permissible and the Council must refuse the application accordingly.

Summary of Objection

It is considered that Council should reject the application because of the lack of DA documentation detail, inadequate environmental analysis and that the development is potentially not permissible.

In relation to permissibility, both the subdivision and development proposal would not be permissible on the subject site primarily because of the RU1 zoning. This is based on:

1. Strategic context – the Council's overall strategic intent for landuse planning under the Gundagai LEP is embodied in their Community Strategic Plan (which speaks of equity, sustainability, security and accountability). The LEP is a summary of landuse strategic intent. Highway Service Centres in this area are located in either SP3 Zones (BP - Dog on Tuckerbox) or B4 Zones (Shell). NSW Planning guidelines and practice notes indicate that such landuses should only be located in those zones. The RU1 zone is inappropriate and the land should be rezoned before Council can consider this DA to enable the community to reconsider the strategic intent of the landuse zoning in this locality.

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2. LEP zone & objectives – the above strategic principle is supported when measuring the proposal against the RU1 zone objectives, which are worded to protect primary production land from incompatible landuse and potential environmental degradation and impact. The proposal fails to meet the objectives of the zone. Whilst it could be argued that a highway service centre is potentially permissible as an “innominate” use under the RU1 Landuse guide, failure to meet the zone objectives would indicate incompatibility and not support permissibility. The application would have to be refused on those grounds alone.
3. Adjoining zone & objectives – the adjoining land to the west and south is zoned SP3 Tourist. When reading the zone objectives and permissibility criteria, together with NSW Planning Guidelines and directives, it is clear that the proposed landuse should only be located within this type of zoning. This supports the argument in relation to the “strategic intent” of the LEP zones in delivering community expectations on locating various landuses appropriately.
4. Community values – the community strategic plan clearly indicates the expectations of Council to administer the LEP appropriately. The RU1 zone is inappropriate for this type of landuse. The DA cannot be permitted on this land under the current zoning.
5. Public interest – Council has a consistent approach to locating highway service centres in SP3 zones or B4 zones, RU1 is not consistent with the strategic intent of the LEP, and as the landuse fails to meet any of the RU1 objectives or the Rural SEPP principles, then the proposal must be deemed prohibited and the DA should be refused. This proposal does not uphold the public interest, if Council were to consider this site for a highway service centre the land should be rezoned appropriately and the general public and local community provided the opportunity to consider the strategic merit of this type of land use in this locality.

Council is requested to consider the above objection in their assessment of the subject development application.

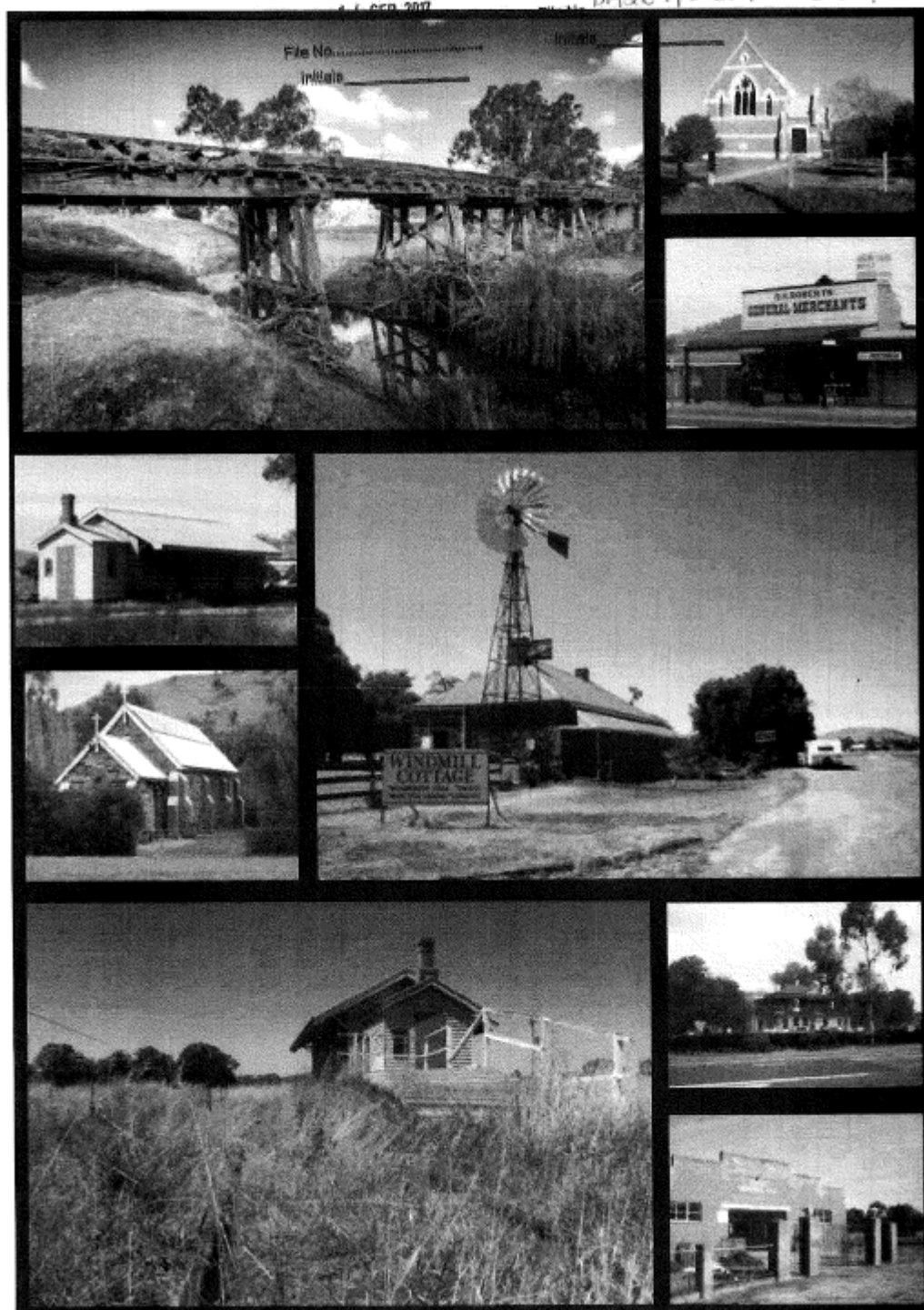
Yours faithfully
THOMSON GEER

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Partner
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Acting on behalf
of an unnamed
client.

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14 SEP 2017 @ 4:12 PM
DA267/2017 CS





Cootamundra-Gundagai Regional Council
PO Box 420
Cootamundra NSW 2590

RE: Objection Submission
DA267/2017-for Highway Service Centre and Two Lot
Subdivision.
Lots 100, 101 & 102;
PLT: 100 DP1065752
518 Coolac Road, COOLAC NSW 2727

14 September, 2017

To Cootamundra-Gundagai Regional Council,

My name is [REDACTED] and I am a community member of land within close proximity to the proposed development at Coolac. I have also been a resident within our greater region for the majority of my life. I am writing to lodge my objections to the above-mentioned proposal. My objections arise from many points relating to the area of the proposed development, the impact of the proposal on the Coolac community as well as the apparent lack of substantive documentation provided with the application. Both Cootamundra and Gundagai Council members have always demonstrated a proactive approach to investigating and protecting our local history, environment and community values. I anticipate that the Cootamundra-Gundagai Regional Council now have the foresight to ensure that continues to happen.

1. Coolac Context

Coolac is a small rural village located between Cootamundra and Gundagai alongside the Muttama Creek. It boasts historic buildings, the birthplace of the Bald Archy art exhibition and an active social calendar. The Coolac village was zoned SP3 tourist in 2016, which compliments the historic nature of the area. Whilst Coolac is in a rural location, it has access to amenities with supermarkets, 2 major 24-hour service centres and facilities within 20 kilometres.

The village of Coolac is originally home to the Wiradjuri People. The earliest known meaning for the place name Coolac is from 1925 and means 'A camping place' (Ref. 1).

Coolac, at it's current location, was first settled by Europeans in 1862 and has established itself since as a productive community. Located only 4 miles from the Dog on the Tuckerbox, Coolac residents have strong ties with the Gundagai community. Coolac belongs in the Parish of Coolac and the County of Harden. Coolac was in the Gundagai Local Government Area, until its amalgamation with Cootamundra in 2016 to form the Cootamundra-Gundagai Regional Council. Both of these areas are located within the Riverina region.

Whilst the village consists of only 3 roads, Coolac Road is considered the "main street", as identified in the recent *Cootamundra Gundagai Regional Council Villages Strategy Consultation Report*, page 13 (Ref. 2). Coolac Road is an approximate 1.2km stretch of road, as measured from the speed reduction markings upon entering and exiting the village from the northern and southern approaches. While a small section of tar, Coolac Road is home to many historic and essential sites within the village. These include:

Coolac General Store which includes the Coolac Post Office - opened 1870.

Coolac War Memorial - a historically listed building

Coolac Memorial Hall - a gathering hub

Coolac Village Recreational Grounds - integral to the social life of the community with community functions, regularly used as a welcoming and quiet spot for campers and RV users, public toilets and playground equipment and home to many victorious battles of cricket,

Beehive Hotel and Motel - built in 1862

Coolac Rural Fire Service Shed - an essential volunteer service in rural communities.

The subject Lot of the Development Proposal
Historic Windmill Café - built in 1851 which is now a private residence
Stone church-built in 1879 - now a private residence
Historic stone hotels converted to private residences
A number of private residential homes.

2. Maintaining Community's Values

One of the best parts of country life would have to be the fresh air and community, it just can't be bought or sold. Cootamundra-Gundagai Regional Council's corporate logo represents community's values of country living, agricultural landscape and friendly communities. At present, the community of Coolac exemplifies these values as there are no intensive industries, production or major commercial ventures. I suggest that a major development, such as the proposed development will impact these values of the Coolac community.

2. (a) Rubbish

I have noticed that Coolac has had a pleasant decrease in the amounts of roadside rubbish since the village was bypassed with the new Hume Highway bypass in 2009. A large amount of roadside bins have been removed within the local area as they are no longer required. A sense of pride within the entire village has become more evident with beautification improvements beginning to reap the rewards, including roadside tree plantings and roadside mowing programs.

The Coolac area is not serviced by a Council kerbside collection. Instead, Coolac is serviced by a Waste Transfer Station, accessible for use by keyholders. The Transfer Station accepts general domestic waste and recycling products only, and is adequate for the current needs of the village.

The proposed development has the potential to generate a substantial amount of waste, which may affect Coolac. This waste has the potential to have a detrimental and unsightly effect on the entire village. Management of these wastes is the responsibility

of the proponent, however, Cootamundra-Gundagai Regional Council have the responsibility to ensure that the correct policies and guidelines are implemented to ensure that the waste generated is managed and the impact on the environment is reduced.

The New South Wales Government states within Protection of the Environment Operations Act 1997 that *any relevant policies must be taken into consideration by a consent authority when determining a development application under that Act* (Ref. 4). As insufficient information is contained within the Development Application regarding waste details, I propose that a Site Waste Minimisation and Management Plan that complies with *79C of the Environmental Planning and Assessment Act, 1979 (as amended 2012) (The Act)*, be provided before any further decisions can be made on the application (Ref. 4).

2. (b) Odour

According to Riverina Tourism, Cootamundra and surrounds are set within a natural environment and Gundagai is a favourite stopping place for travellers (Ref. 5 & 6). Since the new Hume Highway bypass in 2009, Coolac has been afforded these same values and the environmental odour within Coolac has improved dramatically. At present, there are no discernible adverse odours within the village of Coolac, I believe this is because there is no industry nor productions occurring within the township. I propose that the environmental odours within Coolac will change as a result of the proposed development and impact the community values.

The Department of Environment and Conservation states within the *Technical Framework - Assessment and Management of Odour from Stationary Sources in NSW* that *the adequate regulation of odour is necessary to protect the environment and preserve amenity in communities neighbouring odour-emitting activities* (Ref. 7). I implore the Cootamundra-Gundagai Regional Council to request an Odour Impact Assessment and consider whether it meets the needs of Coolac village prior to considering this development application further.

physiological and psychological effects are involved (Ref. 11). Local government plays an important role in controlling the obtrusive effects of outdoor lighting through the development approvals process, and in resolving neighbourhood disputes involving residents who experience discomfort or annoyance from nearby outdoor lighting installations. Some local government authorities have applied restrictions on the frequency of use and hours of operation of outdoor lighting, and on the levels of light spilled beyond the boundaries of the subject site. Therefore, I believe that Cootamundra-Gundagai Regional Council have the responsibility to request an assessment of all indoor and outdoor lighting to be conducted prior to any approvals being granted.

Additionally, the NSW Government Planning and Environment assert within the Critical State Significant Infrastructure Standard Secretary's Environmental Assessment Requirements (SEARs) December 2015 that Visual Amenity should include assessment of the visual landscape of the project and any ancillary infrastructure on: (a) views and vistas; (b) streetscapes, key sites and buildings; (c) heritage items including Aboriginal places and environmental heritage; and (d) **the local community** (Ref. 12). As an amenity for the infrastructure, I believe that this proposal ought to meet the same guidelines. As such, I believe that the site of this proposal and its location within the township of Coolac may impinge on my visual landscape of a nighttime with the lighting needed with a proposed business of this scope.

2 (e) Signage

There is a mix of old and new signs in and around the Coolac village. From the new signage on the Rural Fire Service Shed to the smaller, faded old advertising signs alluding to a bygone era of the highway. All of the signage is what you'd expect in a small village setting. If you look hard enough, the signs may just tell the story of the history of Coolac.

The sign indicated as *Attachment A Plans, Sheet 15 of 17, 'Service station main ID sign'*, leaves me serious concerns about its effects (Ref. 13). It is proposed to be 9m tall and

is to be lit up. The details of any brightness or direction of the lighting are not included in this proposal. It is of a height that is not sympathetic to the area and will dominate the Coolac landscape. As the development is on land zoned RU1 Primary Production, this is in direct opposition of the objectives of the *Gundagai Local Environmental Plan 2011, Land Use Table, Zone RU1 Primary Production* which includes *to protect significant scenic landscapes* (Ref. 14).

It's location is also opposite residential properties. As it is not known how bright the sign will be, it may impede on the ability of Coolac residents to enjoy the area. Safety concerns may also arise about the brightness and how that may impact users of Coolac Road.

3 Cultural Values

Our region has a valuable and varied history; this includes European settlement, Frank Rusconi, Sir Donald Bradman, bushrangers and scoundrels along with the usual characters associated with the bush. We also have history of our traditional custodians, the Wiradjuri. This includes negative associations with the Blimbadeen Girls Home and Brungle Mission; in recent years however, the cultural values of the Wiradjuri are becoming more recognised and positive associations are being encouraged. Most notable is the recent opening of the Yarri and Jacki Jacki sculpture at Gundagai. This is reinforced by the *Gundagai Local Environmental Plan 2011, Part 1 Preliminary, Section 1.2*, that recognises the area's rich indigenous cultural heritage (Ref. 15).

3 (a) Lack of Aboriginal Community Consultation

According to a basic Aboriginal Heritage Information Management System search there are four items of Aboriginal cultural heritage value within the proposed site. Therefore, I believe that Aboriginal community consultation is required. To date none is indicated in any of the documents relating to this proposal. This is direct opposition to the State of NSW and Department of Environment, Climate Change and Water NSW (2010) statement that Aboriginal community members *must have early input into the assessment of the cultural significance of their heritage and its management so they*

can continue to fulfil their obligations towards their heritage (Ref. 15). Therefore, I propose that Aboriginal community consultation is initiated by the proponent in relation to this proposal prior to any further decisions.

3 (b) Aboriginal Cultural Heritage

According to the State of NSW and Department of Environment, Climate Change and Water NSW (2010) Aboriginal cultural heritage consists of places and items that are of significance to Aboriginal people because of their traditions, observances, lore, customs, beliefs and history (Ref. 16). As a basic Aboriginal Heritage Information Management System search identified four items of Aboriginal cultural heritage within the area of the proposed site, I believe that Aboriginal community consultation is needed and an Aboriginal Heritage Impact Permit sought. An AHIP is defined as *the statutory instrument that the Director General of DECCW issues under s.87 and/or s.90 of the NPW Act: s.87 Aboriginal Heritage Impact Permits – required to disturb or move an Aboriginal object or disturb or excavate land for the purposes of discovering an Aboriginal object s.90 Aboriginal Heritage Impact Permits – required to destroy, damage or deface an Aboriginal object or Aboriginal place* (Ref. 17). As no Aboriginal Archaeological Assessment was presented with the documentation for the proposal, I am left assuming that one was not completed, therefore, I propose that a thorough Aboriginal Archaeological Assessment be completed along with Aboriginal community consultation and an AHIP prior to the proposal being approved and works commencing.

4 Traffic

Coolac, once a bustling Highway town, has become considerably quieter since the opening of the Hume Highway Bypass. It has reverted to roads more appropriate for the village setting. It is safer to drive through, and around the village. It is also now safer to walk around the village, as the village does not have a network of constructed footpaths.

As the development is expected to generate an increase in traffic, I am concerned that my and other road and pedestrian users safety will be detrimental.

4 (a) Amounts of traffic

The development consists of a service station with a convenience store, along with a food restaurant with a drive thru, another 2 tenancies and the option of adding another drive thru.

To calculate the amount of traffic generated, the *Traffic Impact Assessment Report - Schedule C* has only used figures from the convenience store and a food restaurant (Ref. 18). As the service station and other 2 tenancies have not been allowed for in making calculations, the figures provided of 1 vehicle movement per minute would appear to be lower than the real estimated potential traffic. I was initially concerned about the impact of 1 extra vehicle per minute on the local roads. Knowing that the amount of vehicles may be more heightens my concerns.

4 (b) Driveway Safety

Coolac Road has a sign indicating it is a 60 km/h speed zone from the southern approach. The only markings from the northern approach of Coolac Road, which is now a no thru road due to highway bypass, is an old 80 km/h marking on the road (signpost removed).

Muttama Rd has signs indicating it's a 60 km/h zone, from both the eastern and western approaches. Calculations have been made for sight distances associated with the driveway under the *Australian standards for parking facilities part 1: off-street car parking AS 2890.1:2004*. As an incorrect figure of 50 km/h has been used for these calculations, rather than the actual figure of 60 km/h, all figures provided are incorrect (Ref. 19). This concerns me as the risk of accidents may be increased if not properly designed.