



STATEMENT OF ENVIRONMENTAL EFFECTS

Development Application:

Construction of new service station and ancillary drive-thru, fast food outlet ('coffee and cake') with associated drainage, landscaping, fencing and signage

353 Main Street
LITHGOW

December 2024

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1.0 INTRODUCTION

- 1.1 This statement has been prepared at the request of the applicant in support of a development application to Lithgow Council (the “Council”) comprising the construction of a new service station with ancillary drive-thru fast food outlet (coffee & cake) with associated drainage, landscaping, fencing and signage, at 353 Main Street, Lithgow.
- 1.2 The site is located on the southern side of Main Street, on the western side of the intersection of Main Street and Enfield Avenue. The site comprises three allotments, previously occupied by a Mobil Fuel depot, now fully decommissioned and remediated.
- 1.3 The proposal comprises the construction of a new service station with sales building (125m² GFA) and two canopies. The sales building includes an integrated, small (drive-thru only), food and drink outlet (eg coffee & snack). No restaurant dining is proposed. Two fueling canopies – light passenger vehicles and heavy vehicles are provided. Onsite parking for six (6) vehicles, including disabled space is provided. Access to the site is to be provided via an entry driveway off Main Street and exit driveway onto Enfield Avenue and to Main Street. There are three (3) fuel dispensers to service six (6) light vehicles at any one time and one (1) fuel dispenser to service two (2) heavy vehicles (maximum). Ancillary development includes storage, service yard, site works, drainage, landscaping, signage and acoustic fencing.
- 1.4 The service station operator and food & drink out operators are yet to be finalised. There will a strong tenant for the site, with long term leases ensuring the longevity of the service to the township of Lithgow and surrounding rural area. It is proposed to operate the service station 24 hours per day basis. It is designed to cater for heavy fueling but is not a ‘truck stop’ and rest area for heavy vehicle drivers as there is no heavy parking for that on the site. Other large service stations in the region cater for driver rest requirements. The drive-thru food and drink outlet is fully integrated into the sales building, utilising the same entry and exit driveways for the service station.
- 1.5 The site is zoned MU1 Mixed Use under Lithgow LEP 2014. A service station and food and drink premises are permissible uses in the MU1 zone, being a specifically defined landuse that is not listed as permitted without consent or prohibited in the MU1 landuse table. The construction of new service station will provide local employment and provide a service for the local and travelling public, including heavy vehicles.
- 1.6 A pre-lodgement meeting was held with Council officer on 4 December 2023. Additionally, preliminary advice from TfNSW as also received in respect of access to the site from the State (classified road). The Council Minutes and TfNSW advice are Appendix A and B of this Statement.
- 1.7 The DA is accompanied by the following plans and reports:
 - Survey Plan
 - Architectural plans
 - Flood Report
 - Traffic and Parking Assessment
 - Acoustic Report
 - SEPP (Resilience & Hazards) – previously SEPP 33 Report
 - Stormwater Management Plan and Report
 - Waste Management Plan
 - Cost Estimate Report
 - Owners Consent (& ASIC certificate)
 - Smoke and Odour Report
 - Aboricultural Impact Assessment

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- 1.8 This statement has been prepared pursuant to Section 4.12 of the *EP&A Act 1979*, and cl 24 of the *Environmental Planning and Assessment Regulation 2021*, and reviews the applicable environmental planning instruments and development control plans that apply to the subject property as well as the environmental impacts of the proposal with particular reference to the relevant heads of consideration listed under s4.15 of the *EP&A Act 1979*.
 - 1.9 The application will be Integrated Development as it requires referral to the TfNSW as the site fronts Main Road, Lithgow and is traffic-generating development. The DA will also be referred to the local electricity provider for comment as there are existing power lines that run along the Enfield Ave road frontage – with crossover, driveway, site works and structures within 5m of the lines (SEPP T&I , s2.48).
 - 1.10 Therefore, it is with confidence and high expectation of support that the subject proposal is submitted to Council for approval.

2.0 DESCRIPTION OF SITE AND LOCALITY

2.1 Site Description

The subject site is legally described a Lots113, 114 & 115 DP 9370, commonly known as 353 Main Street, Lithgow. The site is located on the southern side of Main Street, on the western side of the intersection of Main Street and Enfield Avenue.

The site is an irregular shaped lot with a site area of 2,073m² (approx). It has a frontage to Main Street of 29.335m, a rear boundary (southern) of 43.53m, Enfield Ave road boundary of 42.765m and western side boundary (laneway) of rear boundary of (31.855m), northern boundary of 61.9m. An sewer easement (3m wide) traverses the site from east to west, from Enfield Ave to the laneway.

The building area of the site is generally flat for development puposes. There is small fall from west to east across the site – less than 1m. Vegetation onsite is limited with only two trees located in the north-west corner and one tree in the south-east corner (as per site survey). The site is currently vacant.

Legal access to the site is available from three frontages – Main Street, Enfield Avenue and the western laneway. The site is connected to water, sewer and electricity supplies.

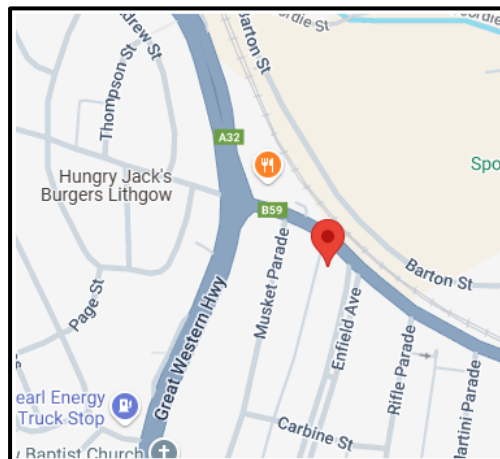


Figure 1: Location of site



Figure 2: Aerial of the subject site

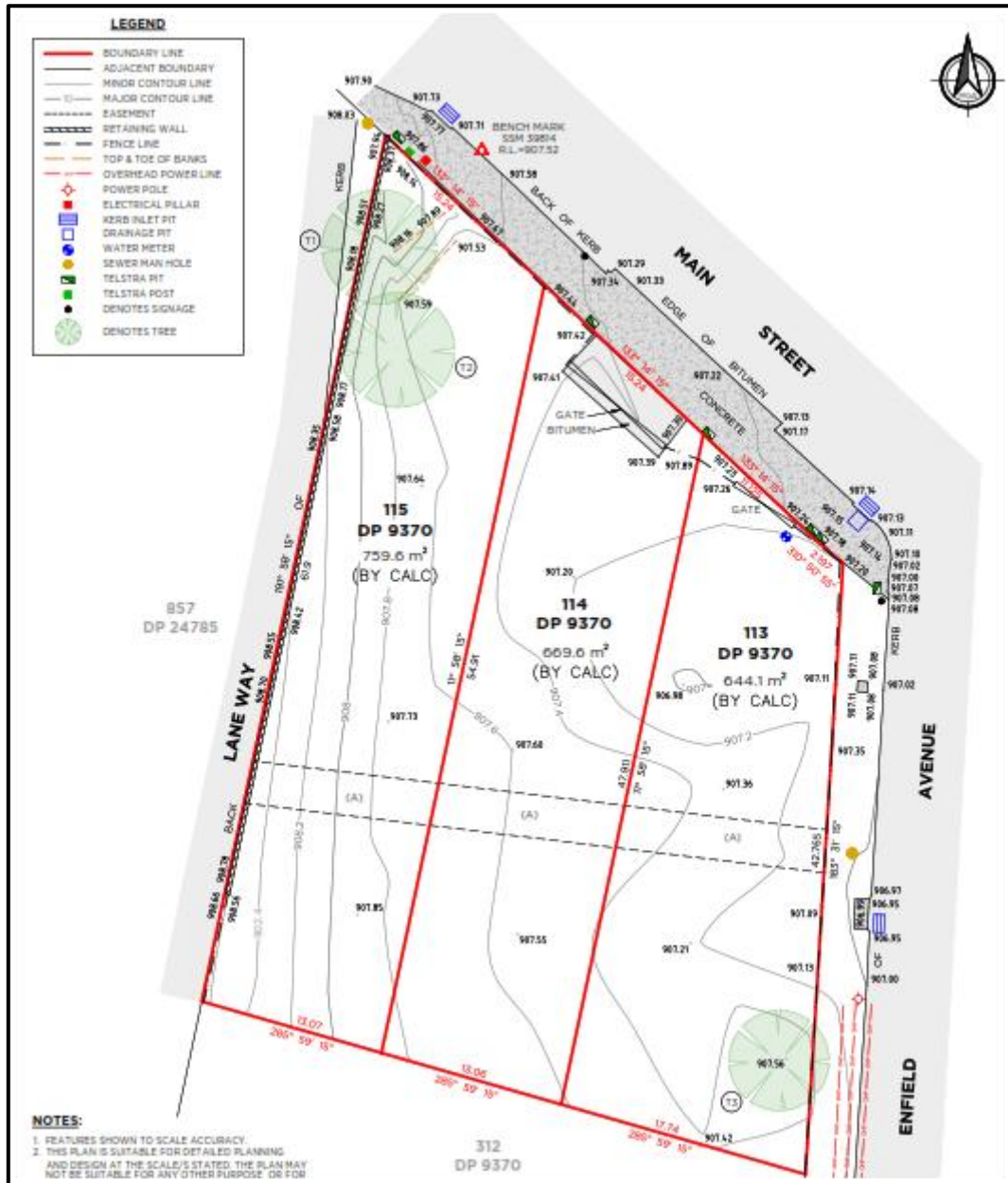




Figure 4: View of subject site from Main Street – western laneway on right

2.1 Surrounding Development

Adjoining the site to the north is Main Street and the railway line and reserve land. To the south is residentially zoned land (R1 General Residential) that is currently vacant with the area further south characterised by single dwellings with dual access – to Enfield Ave and to the western laneway. To the west is low density residential along the laneway with a 3-storey flat building at the intersection of the laneway and Main Street. Rear access those residential properties is also available from the laneway. To the east is Enfield Avenue – a two-way road reserve with dividing median strip between the street lanes. The eastern side of Enfield Ave is characterised by a range of businesses along Main Street and a transition from business to residential along Enfield Avenue.



Figure 5: 3-storey flats on western side of laneway with frontage to Main Street (classified road)



Figure 6: View of vacant residential land and subject site from Enfield Ave



Figure 7: View of development east of Enfield Avenue and intersection of Main Street and Enfield Avenue



Figure 8: View along western laneway, looking towards Main Street

2.2 History of the Site

The Site Audit Report -Former Mobil Depot (NH)1, 353 Main Street, Lithgow, prepared by Ramboll Australia Pty Ltd, dated 16 September 2022 describes the history of the site as:

“The site was used as a fuel depot from at least 1946 to 2004. It is understood approximately 1,400 litres (L) of diesel overflowed from an above ground storage tank (AST) and spilled into the earthen based bund area on 13 December 2000. Light non-aqueous phase liquid (LNAPL) was detected in three onsite stormwater drains located adjacent to the eastern boundary of the site in August 2001. The

three drains were interconnected and formed part of the onsite stormwater treatment system. Handex conducted an emergency response investigation in October 2001 in relation to these observations. A section of the stormwater pipe from the central part of the site to Enfield Avenue, where the LNAPL was observed, was damaged in several locations. The spill and the damaged pipe were considered likely to be a significant contributor to the LNAPL detected in the stormwater drains. A small amount of soil was excavated from the footpath area along Enfield Avenue in response to this event.

LNAPL was not detected in groundwater onsite. Dissolved phase petroleum hydrocarbon impacts were measured in groundwater from onsite wells and subsequently, three groundwater recovery wells were installed. However, these do not appear to have been utilised for recovery.

Annual groundwater monitoring and further investigations of soil and groundwater were completed by Handex, IT and then URS between 2002 and 2012. Decreasing trends in dissolved phase impacts were observed in groundwater onsite culminating in low to negligible concentrations in the later monitoring events including the most recent groundwater monitoring event completed by Cardno in 2015.

Decommissioning and disposal of the underground petroleum storage system (UPSS) was undertaken in 2012. Fuel infrastructure, including two x 110 kL and one x 11 kL underground storage tanks (USTs) and associated product and vent lines, an oil water separator and associated stormwater drainage, and surrounding impacted soil were excavated and disposed offsite.

Cardno commenced groundwater monitoring and supervised additional site demolition works in 2014. This included removal of hazardous building materials, demolition of ASTs, truck tank fill stand (TTFS), concrete drum storage area, drum store and platform and office buildings. Concrete foundation pads and footings were removed in 2015 and 2017.

Further soil investigations followed by four phases of large-scale soil excavation, bioremediation, validation, and sampling were completed between February 2017 and February 2021. These works culminated in the Site Remediation and Closure Report prepared by Cardno.”



Figure 9: View of part of old fuel depot that is the subject site for the service station development



**Figure 10: View of the full fuel depot site from western laneway
(Source: Googlemaps 2010)**

The report continues....

“All known petroleum infrastructure has been removed including foundations and concrete slabs of former site buildings. Remaining infrastructure comprises remnant disconnected utility services. The sewer easement is 3m wide and runs across the northern portion of the site parallel to Main Street.

The site is currently vacant and grassed with some bare patches of earth visible. A few trees are present on the eastern boundary and in the north-western corner. A small remnant of driveway remains at the site entry point on Main Street.

The end point land use for the site that was required to be achieved by Cardno and by Mobil is a ‘residential with garden/accessible soil’ land use scenario onsite and ‘as of right’ uses offsite which are uses allowed under the zoning Although unlikely, it has been assumed that basements could potentially be constructed in on- and offsite areas and risks have been assessed on this basis.”

Note: A full site history can be found in Section 3 of the Site Audit Report submitted with the DA package.

The Site Audit Report concludes that:

“The Site Remediation and Closure Report concludes the site is suitable for residential use and offsite areas immediately adjacent to the site are suitable for their ‘As of Right Uses’ as listed in the zoning schedules.

Based on the information presented in the reviewed reports and observations made on site and following the Decision-making process for assessing urban redevelopment sites in NSW EPA (2017) Guidelines for the NSW Site Auditor Scheme (3rd Edition), the Auditor concludes that the site is suitable for the purposes of ‘residential with gardens and accessible soil’ and less sensitive land uses.”

3.0 **DESCRIPTION OF PROPOSAL**

3.1 **Project Details**

The following works are proposed under the subject application:

Construction

- Sales Building (125m² GFA), as per DA plans)
- Service yard with loading dock in front
- Canopy (22.m x 7m) with covered walkway to sales entrance (4.5m wide)
- 3 x multi product fuel dispensers (6 fuelling positions)
- Heavy vehicle canopy (10m x 7m long)
- 1 fuel dispenser (2 fuelling positions)
- Underground tank farm (2 tanks – Diesel 80KL, Adblue 10KL, ULP91 45KL, ULP95 20KL, ULP98 25KL)
- Parking spaces: 6 spaces, including 1 accessible space near sales building
- Boundary fencing (to acoustic consultant requirements)
- Landscaping (locations indicated, to future detail)
- New entry crossover from Main Street (11.5m wide)
- Exit crossover to Enfield Avenue (8.7m wide)
- New concrete forecourt, driveways and manoeuvring areas (hardstand 1860m² approx)

Ancillary

- Fuel price sign panel (2.5m wide and 8.0m high) – fuel brand and drive-thru tenant yet to be finalised
- Fascia signage and corporate colours on both canopies
- Internal signage for dispensers and wayfinding around the site
- Stormwater Management (as per Civil Engineering Plans)
- Carparking - line mark parking spaces
- Security measures – CCTV cameras, alarms etc

3.2 **Operation of the site**

Hours of operation:

- Service station: 24 hrs per day
- Food and drink outlet (drive thru outlet only) – integrated with service station sales building so hours to be up to 24/7. Tenancy is yet to be finalised.

Staff:

- Service Station: 1 - 2 staff (on shifts to cover all trading hours)
- Fast food outlet: 1 - 2 staff (min) – preparation and pay window

3.3 **Development Plans**

Note: this Statement does not contain floor plans of the sales building – refer to the DA plan set

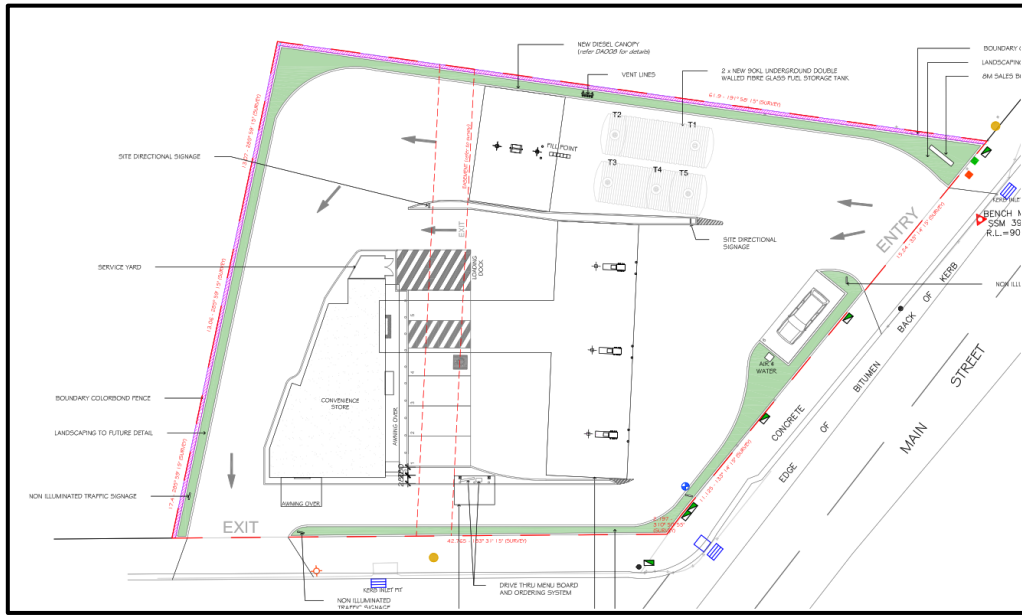


Figure 11: Extract of proposed site plan (Source: DA001, dated 24/6/24)

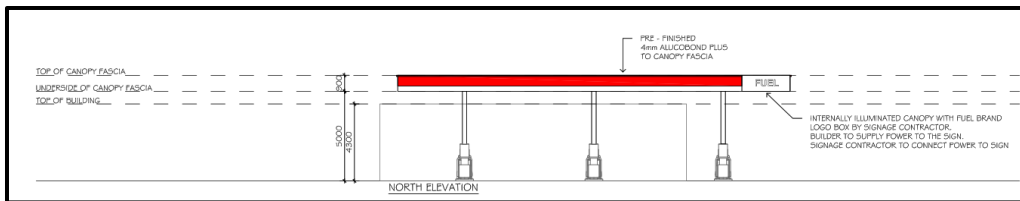


Figure 12: North Elevation facing Main Street – canopy with sales building behind (Source: DA007, dated 24/6/24)

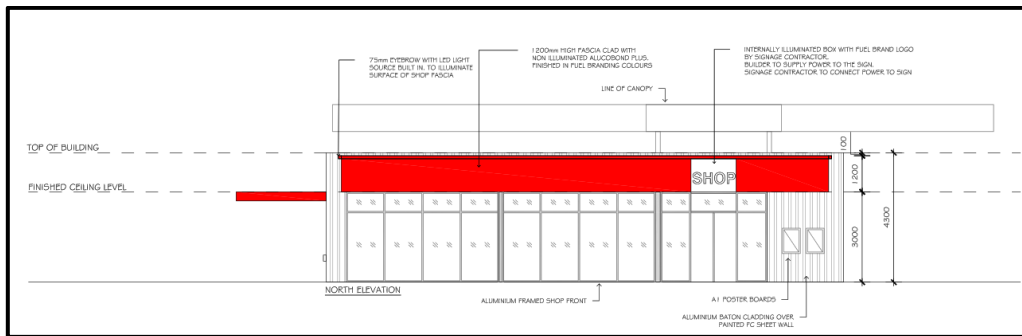


Figure 13: North Elevation of sales building – facing Main Street (Source: DA005, dated 24/6/24)

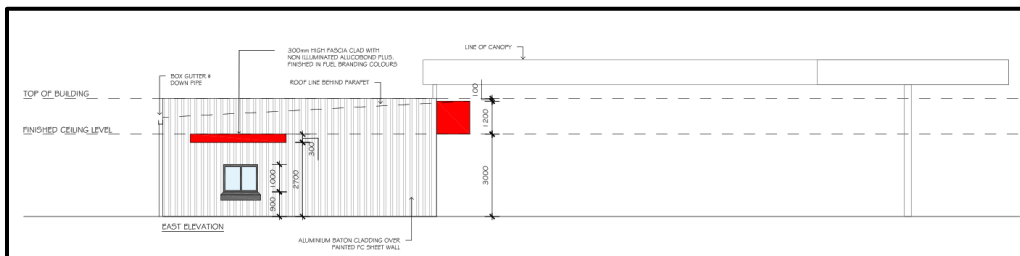


Figure 14: East Elevation – facing Enfield Avenue (Source: DA005, dated 24/6/24)

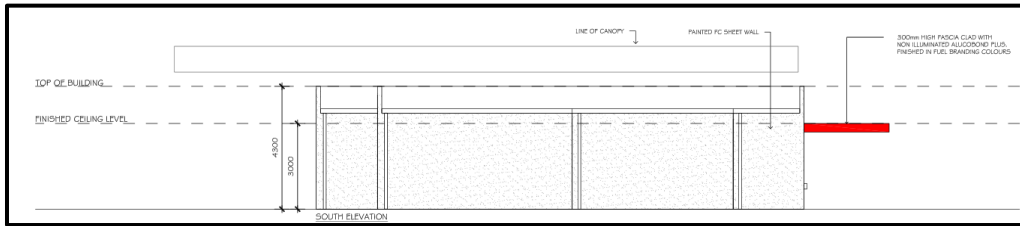


Figure 15: South Elevation – facing adjoining (vacant) residential land (Source: DA006, dated 24/6/24)



Figure 16: West Elevation – facing laneway (Source: DA006, dated 24/6/24)

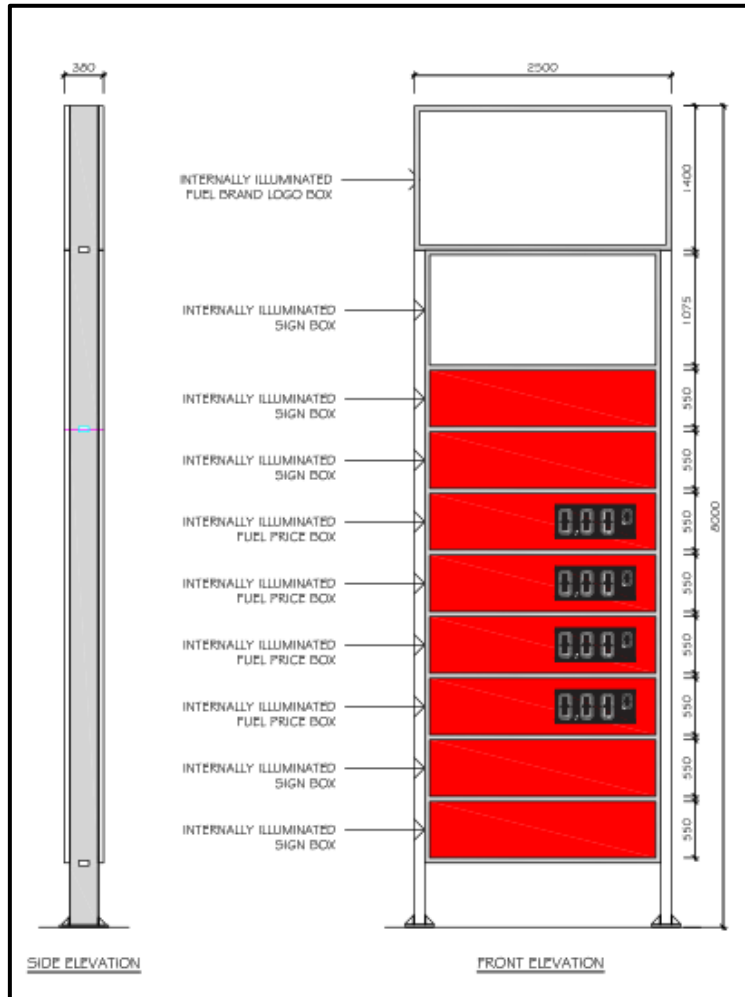


Figure 17: Site ID Details (Source: DA010, dated 24/6/24)

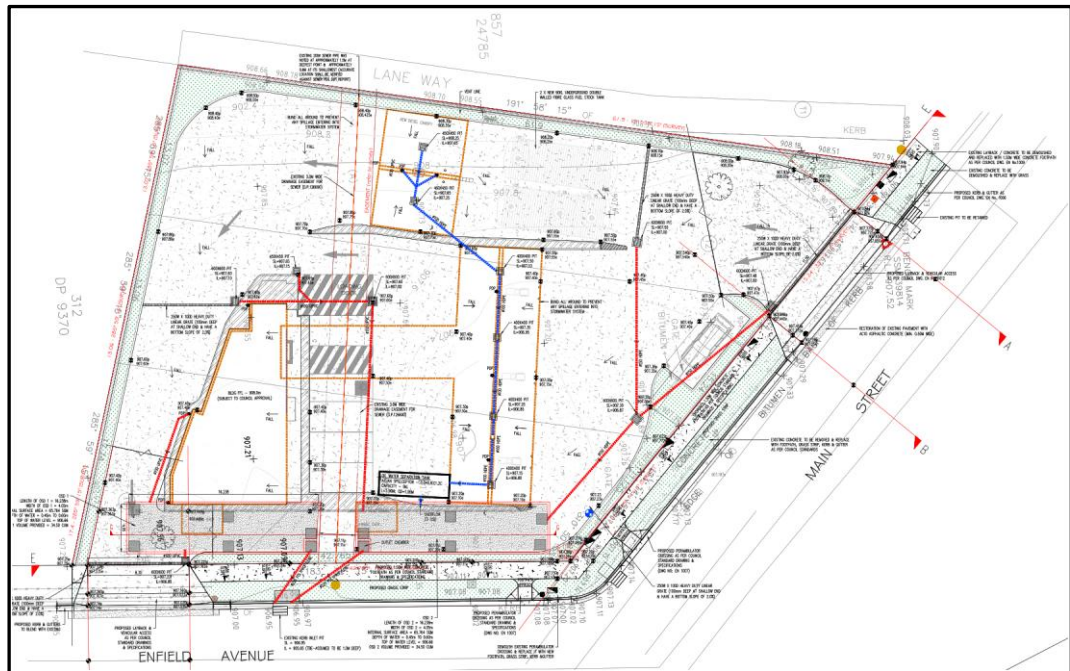


Figure 18: Stormwater Drainage Plan (Source: Neilly Davies, dated 18.12.24)

4.0 SECTION 4.15 ASSESSMENT – HEADS OF CONSIDERATION

In accordance with s4.15 of the EP&A Act 1979 the following matters shall be considered in determination of the development application.

4.15 Evaluation

(1) Matters for consideration—general

In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:

(a) the provisions of:

- (i) any environmental planning instrument, and*
- (ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Director-General has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and*
- (iii) any development control plan, and*
- (iiia) any planning agreement that has been entered into under section 4.7, or any draft planning agreement that a developer has offered to enter into under section 4.7, and*
- (iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph), and*
- (v) any coastal zone management plan (within the meaning of the Coastal Protection Act 1979), that apply to the land to which the development application relates,*

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

(c) the suitability of the site for the development,

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

(e) the public interest.

4.1 Relevant Statutory Environmental Planning Policies

The following statutory planning policies have been considered as part of the assessment:

4.1.1 SEPP (Resilience and Hazards) 2021 – Chapter 4 – Remediation of Land

Under Clause 4.6 of the SEPP Council is required to consider whether a proposed development site is affected by soil or other contaminants before granting consent.

As noted in Section 2.3 Site History, this site has a historical use as fuel depot by Mobil dating back to the the 1940's. the subject site is the northern section of the old fuel depot only. The remainder is currently vacant. Notwithstanding the previous use, the site has been decommissioned since 2012 and remediated.

A Site Audit Report, titled "The Site Audit Report - Former Mobil Depot (NH)1, 353 Main Street, Lithgow", prepared by Ramboll Australia Pty Ltd, dated 16 September 2022 and Site Audit Statement by the same company, are submitted with the DA package. Refer to the full report for details of the site investigation and formal sign-off as suitable for residential purposes. By way of summary, the Site Audit Report concludes:

"The Site Remediation and Closure Report concludes the site is suitable for residential use and offsite areas immediately adjacent to the site are suitable for their 'As of Right Uses' as listed in the zoning schedules.

Based on the information presented in the reviewed reports and observations made on site and following the Decision-making process for assessing urban redevelopment sites in NSW EPA (2017) Guidelines for the NSW Site Auditor Scheme (3rd Edition), the Auditor concludes that the site is suitable for the purposes of 'residential with gardens and accessible soil' and less sensitive land uses.

Residual petroleum hydrocarbon impacts remain within the sewer easement due to access constraints. The asset is owned by Council. It is understood construction of a building or structure of any type in this area is not permitted. Moderate odour and/or staining is likely to be present and localised pockets of more highly impacted materials may be present such as in backfill around the asset. Overall, the risks including to maintenance workers have been assessed to be low and acceptable. However, Work Health and Safety procedures for intrusive maintenance workers are recommended to manage the residual impacts including odour.

Isolated areas of moderate odour also remain near the existing onsite trees on the eastern boundary or on the site boundary at depths below 0.5 m due to access constraints. There is also potential for slight odours to occur across the site more generally due to the previous fuel depot usage, however, these would not limit the site use for residential purposes. Residual petroleum hydrocarbon impacts and odours would be expected to degrade over time.

Potential risks associated with groundwater to human health and the environment on and offsite are considered low and acceptable under a residential land use exposure scenario. However, groundwater has not been assessed for suitability for beneficial use as this is beyond the scope of the Audit. Any future use of groundwater would require appropriate assessment and regulatory approvals from the NSW Office of Water."

Given that the Site Audit Report was finalised in 2022, the site remains vacant and no site works have been undertaken on the site since the audit report, no further site contamination reporting is considered necessary at DA stage. Conditions of consent to apply for construction works stage.

In regards to the unresolved contamination of the easement, the proposal seeks to either build over the easement or concrete over it for driveway purposes, essentially capping the area of the easement and preventing any contamination within or adjacent to the easement.

The eastern trees are proposed to be removed. The area will be part of the driveway and manoeuvring areas of the site. Any odour emissions will be contained and capped by the hardstand areas.

The site is not proposed to be used for residential purposes. Therefore comments regarding groundwater use associated with residential development do not apply to the proposal.

4.1.2 SEPP (Transport and Infrastructure) 2021 – Division 17 Roads and Traffic

2.119 Development with frontage to classified road

(1) *The objectives of this section are—*

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

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

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

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

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

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

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

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

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

This application will be referred to the TfNSW for concurrence as the site fronts Main Street, which a classified, State road. A Traffic and Parking Assessment, prepared by SLR Consulting Australia, dated 8 July 2024, is submitted with the DA package.

The Traffic Report states:

Vehicular access/egress to/from the development is proposed via the two driveway crossovers described below:

1. Entry and exit via a left in/left out crossover on Main Street.

2. Exit only (left turn) on Enfield Avenue.

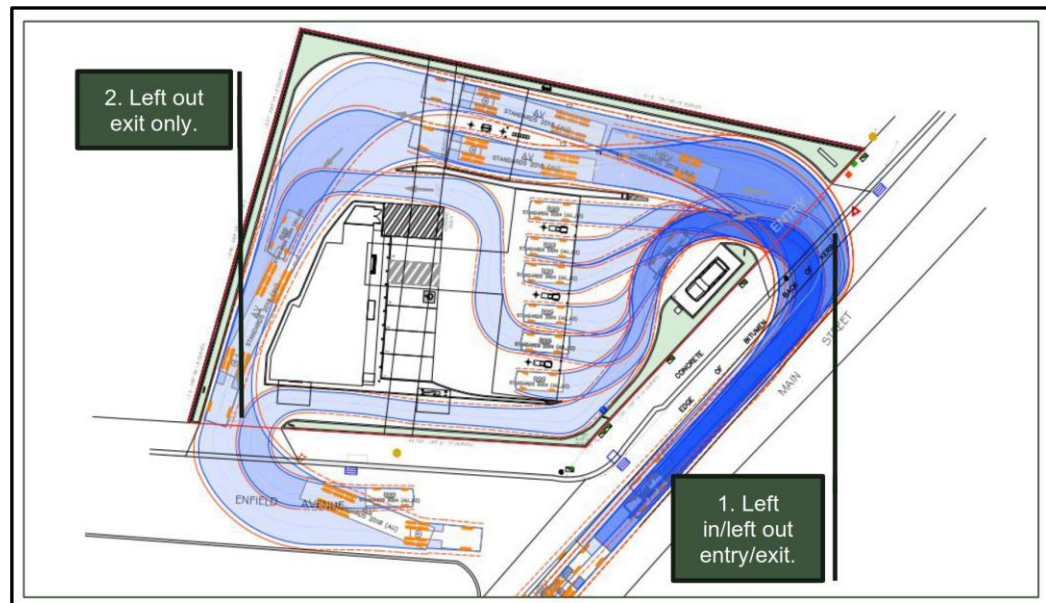


Figure 19: Proposed entrance and exits to/from the site (Source: TIA, SLR Consulting, July 2024)

Main Street:

The Main Street site access is proposed as a left in/left out arrangement. Swept paths (refer to the TIA report) indicate that the 11.5m crossover (at the property boundary) is sufficient to accommodate vehicles concurrently entering the site.

The existing double barrier centre line marking opposite the existing and proposed Main Street crossover does permit legal movement to/from the subject site.

Sight distance along Main Street is good and should enable clear visibility of potential conflict situations.

Enfield Avenue:

Existing priority-controlled T-junction intersection and exit from site.

The site egress is proposed as a left-out only arrangement. Swept paths indicate that the 8.7m crossover (at the property boundary) is sufficient to accommodate vehicles exiting the site.

The existing physical median is sufficient to enforce the left turn egress movement. Sight distance along Enfield Avenue is good and should enable clear visibility of potential conflict situations.

The TIA includes SIDRA Analysis of the road network. The SIDRA modelling found that:

“the Main Street/Enfield Avenue intersection is currently operating within typically accepted performance thresholds. However, right-turn movements exiting Enfield Avenue are subject to elevated delays.

The subject development will have a minor impact on Background operations; however, not sufficient in scale or type to warrant capacity mitigation or upgrading. Delays for the critical movement are forecast to increase to approx. 44 seconds at 2035 With Development which would be categorised as at the lower end of LOS D which equates to “Near capacity, accident study required”.

Based on this information, no capacity or safety upgrading is warranted for the Main Street/Enfield Avenue intersection, and none is proposed.”

4.13 SEPP (Transport and Infrastructure) 2021 – Division 4, s2.48 Division

Pursuant to Division 4, Electricity Generating works or solar energy system, section 2.48, any development with 5m of an exposed overhead electricity power line is required to be referred. Any comments received from the provider (within 21 days) are to be taken into consideration by Council in the assessment of the DA.

The DA will be referred to the local electricity provider as there are existing electricity lines that run along the Enfield Avenue and the proposal includes crossover, driveway, landscaping and awnings within 5m of the lines.

4.1.4 SEPP (Industry and Employment) 2021 – Chapter 3 Advertising and Signage

The proposed signage detailed in this application is site ID sign for the service station and fast food outlet (drive-thru only) and placement of signage on the canopies. Internal way finding signage will be include (water and air, entry, exit etc).

The DA Plan set contains the signage proposed for the site. The proposed site ID and price sign is Figure 8 above and detailed on the DA plan set.

The proposed signage package is standard service station signage in terms of location, dimensions and operations (illumination). There is no third-party advertising.

The following Table 1 address the provisions of the SEPP (I&E) for Advertising and Signage.

Table 1: SEPP (I&E) – Chapter 3 Advertising and Signage

SEPP (Industry and Employment) 2021	Comment
Part 3.1 Preliminary	
<p>3.1 Aims, objectives etc</p> <p>(1) <i>This Chapter aims—</i></p> <p>(a) <i>to ensure that signage (including advertising)—</i></p> <p>(i) <i>is compatible with the desired amenity and visual character of an area, and</i></p> <p>(ii) <i>provides effective communication in suitable locations, and</i></p> <p>(iii) <i>is of high-quality design and finish, and</i></p> <p>(b) <i>to regulate signage (but not content) under Part 4 of the Act, and</i></p> <p>(c) <i>to provide time-limited consents for the display of certain advertisements, and</i></p> <p>(d) <i>to regulate the display of advertisements in transport corridors, and</i></p> <p>(e) <i>to ensure that public benefits may be derived from advertising in and adjacent to transport corridors.</i></p>	<p>The proposal includes a site ID and price sign for the service station and food & drink drive-thru business.</p> <p>The sign is to be located in the north-western corner (Main Street frontage) of the site, adjacent the entrance driveway.</p> <p>The location, size and general subject of other signage is shown on the DA plan set. The final distributor and drive-thru tenant are yet to be finalised.</p> <p>In general terms, the site ID sign:</p> <ul style="list-style-type: none"> • will be visible from the public domain. • will be illuminated and back lit only • will not be up lit or use external feature lighting. • will not include a movable or flashing elements. • no third-party advertising.

<p>(2) <i>This Chapter does not regulate the content of signage and does not require consent for a change in the content of signage.</i></p>	<p>Any future signage that requires development consent will be part of a separate application to Council.</p>
<p>3.4 Signage to which this Chapter applies</p> <p>(1) <i>This Chapter applies to all signage that—</i></p> <p>(a) <i>can be displayed with or without development consent under another environmental planning instrument that applies to the signage, and</i></p> <p>(b) <i>is visible from any public place or public reserve, except as provided by this Chapter.</i></p> <p><i>Note—Public place and public reserve are defined in section 4(1) of the Act to have the same meanings as in the <u>Local Government Act 1993</u>.</i></p> <p>(2) <i>This Chapter does not apply to signage that, or the display of which, is exempt development under an environmental planning instrument that applies to it, or that is exempt development under this Chapter.</i></p>	<p>Can apply to the subject signage.</p>
<p>Part 3.2 Signage generally</p>	
<p>3.6 Granting of consent to signage</p> <p><i>A consent authority must not grant development consent to an application to display signage unless the consent authority is satisfied—</i></p> <p>(a) <i>that the signage is consistent with the objectives of this Chapter as set out in section 3.1(1)(a), and</i></p> <p>(b) <i>that the signage the subject of the application satisfies the assessment criteria specified in Schedule 5.</i></p>	<p>a) Consistent. Refer to 3.1 above.</p> <p>b) Satisfactory. Refer to Schedule 5 assessment below.</p>
<p>3.7 Advertisements to which this Part applies</p> <p>(1) <i>This Part applies to all signage to which this Chapter applies, other than the following—</i></p> <p>(a) <i>business identification signs,</i></p> <p>(b) <i>building identification signs,</i></p> <p>(c) <i>signage that, or the display of which, is exempt development under an environmental planning instrument that applies to it,</i></p> <p>(d) <i>signage on vehicles.</i></p> <p>(2) <i>Despite subsection (1)(d), section 3.26 applies to signage on a trailer (within the meaning of the <u>Road Transport Act 2013</u>).</i></p>	<p>1) Subject signage relates to the development and is required by State law as part of the service station operation.</p> <p>2) NA</p>

<p>3.8 Prohibited advertisements</p> <p><i>(1) Despite the provisions of any other environmental planning instrument, the display of an advertisement is prohibited on land that, under an environmental planning instrument, is within any of the following zones or descriptions—</i></p> <p><i>environmentally sensitive area; heritage area (excluding railway stations); natural or other conservation area; open space; waterway; residential (but not including a mixed residential and business zone, or similar zones), scenic protection area; national park, nature reserve.</i></p> <p><i>(2) This section does not apply to the following—</i></p> <p><i>(a) the Mount Panorama Precinct,</i></p> <p><i>(b) the display of an advertisement at a public sporting facility situated on land zoned public recreation under an environmental planning instrument, being an advertisement that provides information about the sponsors of the teams or organisations using the sporting facility or about the products of those sponsors.</i></p>	<p>1) The subject signage is not prohibited.</p> <p>2) NA</p>
<p>Division 2 Control of advertisements</p>	
<p>3.9 Requirement for consent</p> <p><i>A person must not display an advertisement, except with the consent of the consent authority or except as otherwise provided by this Chapter.</i></p>	<p>This DA seeks consent for the site ID sign plus other product signs (as detailed on the DA plans) for service station and food & drink outlet, as described in Section 3 of this Statement.</p>
<p>3.10 Consent authority</p> <p><i>For the purposes of this Chapter, the consent authority is—</i></p> <p><i>(a) the council of a local government area in the case of an advertisement displayed in the local government area (unless paragraph (c), (d) or (e) applies), or</i></p> <p><i>(b) TfNSW in the case of an advertisement displayed on a vessel, or</i></p> <p><i>(c) the Minister for Planning in the case of an advertisement displayed by or on behalf of RailCorp, NSW Trains, Sydney Trains, Sydney Metro or TfNSW on a railway corridor, or</i></p> <p><i>(d) the Minister for Planning in the case of an advertisement displayed by or on behalf of RMS on—</i></p> <p><i>(i) a road that is a freeway or tollway (under the Roads Act 1993) or associated road use land that is adjacent to such a road, or</i></p>	<p>a) The consent authority for this development application is the Lithgow City Council. It is to be considered as part of the development application lodged for the development of the service station and ancillary food & drink drive-thru outlet.</p>

<p>(ii) a bridge constructed by or on behalf of TfNSW on any road corridor, or (iii) land that is owned, occupied or managed by TfNSW, or (e) the Minister for Planning in the case of an advertisement displayed on transport corridor land comprising a road known as the Sydney Harbour Tunnel, the Eastern Distributor, the M2 Motorway, the M4 Motorway, the M5 Motorway, the M7 Motorway, the Cross City Tunnel or the Lane Cove Tunnel, or associated road use land that is adjacent to such a road.</p>	
<p>3.11 Matters for consideration</p> <p>(1) A consent authority (other than in a case to which subsection (2) applies) must not grant consent to an application to display an advertisement to which this Chapter applies unless the advertisement or the advertising structure, as the case requires—</p> <p>(a) is consistent with the objectives of this Chapter as set out in section 3.1(1)(a), and</p> <p>(b) has been assessed by the consent authority in accordance with the assessment criteria in Schedule 5 and the consent authority is satisfied that the proposal is acceptable in terms of its impacts, and</p> <p>(c) satisfies any other relevant requirements of this Chapter.</p> <p>(2) If the Minister for Planning is the consent authority or section 3.16 or 3.22 applies to the case, the consent authority must not grant consent to an application to display an advertisement to which this Chapter applies unless the advertisement or the advertising structure, as the case requires—</p> <p>(a) is consistent with the objectives of this Chapter as set out in section 3.1(1)(a), and</p> <p>(b) has been assessed by the consent authority in accordance with the assessment criteria in Schedule 5 and in the Guidelines and the consent authority is satisfied that the proposal is acceptable in terms of—</p> <p>(i) design, and</p> <p>(ii) road safety, and</p> <p>(iii) the public benefits to be provided in connection with the display of the advertisement, and</p> <p>(c) satisfies any other relevant requirements of this Chapter.</p> <p>(3) In addition, if section 3.16 or 3.22 applies to the case, the consent authority must not grant</p>	<p>a) Consistent. Refer to 3.1 above.</p> <p>b) The subject signage satisfies the provisions of Schedule 5. Refer to the assessment below.</p> <p>c) Satisfactory. Refer to assessment within this table.</p> <p>2) 3.16 and 3.22 do not apply in this case.</p> <p>3) NA</p>

<p><i>consent unless arrangements that are consistent with the Guidelines have been entered into for the provision of the public benefits to be provided in connection with the display of the advertisement.</i></p>	
<p>3.12 Duration of consents</p> <p><i>(1) A consent granted under this Part ceases to be in force—</i> <i>(a) on the expiration of 15 years after the date on which the consent becomes effective and operates in accordance with section 83 of the Act, or</i> <i>(b) if a lesser period is specified by the consent authority, on the expiration of the lesser period.</i></p> <p><i>(2) The consent authority may specify a period of less than 15 years only if—</i> <i>(a) before the commencement of this Part, the consent authority had adopted a policy of granting consents in relation to applications to display advertisements for a lesser period and the duration of the consent specified by the consent authority is consistent with that policy, or</i> <i>(b) the area in which the advertisement is to be displayed is undergoing change in accordance with an environmental planning instrument that aims to change the nature and character of development and, in the opinion of the consent authority, the proposed advertisement would be inconsistent with that change, or</i> <i>(c) the specification of a lesser period is required by another provision of this Chapter.</i></p>	<p>1) Noted.</p> <p>2) Noted.</p>
<p>Division 3 Particular advertisements</p>	
<p>3.13 Advertisements on rural or non-urban land</p>	<p>Not applicable to this application.</p>
<p>3.14 Transport corridor land</p>	<p>Not applicable to this application.</p>
<p>3.15 Advertisements with display area greater than 20 square metres or higher than 8 metres above ground</p> <p><i>(1) This section applies to an advertisement—</i> <i>(a) that has a display area greater than 20 square metres, or</i> <i>(b) that is higher than 8 metres above the ground.</i></p> <p><i>(2) The consent authority must not grant consent to an application to display an advertisement to which this section applies unless—</i></p>	<p>The proposed signage is 20m², being 2.5m x 8m only.</p> <p>Refer to the Schedule 5 assessment below. The proposed location and size of the signage is considered acceptable. The final details – colours, materials and</p>

<p><i>(a) the applicant has provided the consent authority with an impact statement that addresses the assessment criteria in Schedule 5 and the consent authority is satisfied that the proposal is acceptable in terms of its impacts, and</i></p> <p><i>(b) the consent authority gave a copy of the application to TfNSW before the application is exhibited if the application is an application for the display of an advertisement to which section 3.16 applies.</i></p>	<p>overall design and content is to be finalised post-DA approval – all to be based on the corporate signage of the fuel distributor.</p>
<p>3.16 Advertisements greater than 20 square metres and within 250 metres of, and visible from, a classified road</p>	<p>Not applicable to this application.</p>
<p>3.17 Advertising display area greater than 45 square metres</p>	<p>Not applicable to this application.</p>
<p>3.18 Location of certain names and logos</p> <p><i>(1) The name or logo of the person who owns or leases an advertisement or advertising structure may appear only within the advertising display area.</i></p> <p><i>(2) If the advertising display area has no border or surrounds, any such name or logo is to be located—</i></p> <p><i>(a) within the advertisement, or</i></p> <p><i>(b) within a strip below the advertisement that extends for the full width of the advertisement.</i></p> <p><i>(3) The area of any such name or logo must not be greater than 0.25 square metres.</i></p> <p><i>(4) The area of any such strip is to be included in calculating the size of the advertising display area.</i></p>	<p>Not applicable to this application.</p>
<p>3.19 Roof or sky advertisements</p>	<p>None.</p>
<p>3.20 Wall advertisements</p> <p>3.21 Freestanding advertisements</p> <p>3.22 Advertisements on bridges</p> <p>3.23 Special promotional advertisements</p> <p>3.24 Building wrap advertisements</p> <p>3.25 Advertisements within navigable waters</p> <p>3.26 Advertisements on trailers parked on (or visible from) roads or road related areas</p>	<p>Not applicable to this application.</p>

<p>3.27 Application of provisions of this Division</p> <p><i>If more than one provision of this Division is capable of applying to the display of an advertisement, each such provision applies. Note—It may be, for example, that section 3.17 will apply to the display of an advertisement in addition to sections 3.15 and 3.16, or that section 3.21 will apply in addition to section 3.15, 3.16 or 3.17.</i></p>	Noted.
Part 3.4 Miscellaneous	
<p>3.28 Advertising design analysis</p> <p>3.29 Consultation with TfNSW</p> <p>3.30 Exempt development</p> <p>3.31 Review of Policy</p> <p>3.32 Savings for draft local environmental plans not yet completed by 30 June 2023</p>	Not applicable to this application.
Schedule 5 Assessment Criteria	
1.Character of the area	
<ul style="list-style-type: none"> • Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located? 	<p>Site ID and price sign and product signage (as per DA details).</p> <p>Generally, the same branding, content, size and illumination as nationally branded service station sites in the region. The fuel distributor is yet to be finalised.</p>
<ul style="list-style-type: none"> • Is the proposal consistent with a particular theme for outdoor advertising in the area or locality? 	Yes, to be corporate signage only.
2.Special areas	
<ul style="list-style-type: none"> • Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas? 	No.
3.Views and vistas	
<ul style="list-style-type: none"> • Does the proposal obscure or compromise important views? 	No.
<ul style="list-style-type: none"> • Does the proposal dominate the skyline and reduce the quality of vistas? 	No. No roof signs or similar.

• Does the proposal respect the viewing rights of other advertisers?	NA
4.Streetscape, setting or landscape	
• Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?	Yes. Refer to the DA plan set elevations.
• Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	Not required.
• Does the proposal reduce clutter by rationalising and simplifying existing advertising?	N/A
• Does the proposal screen unsightliness?	N/A
• Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	No.
5.Site and building	
• Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?	Yes. Refer to the DA plan set elevations.
• Does the proposal respect important features of the site or building, or both?	Yes. The signage is designed, sized and placed so as not to overburden the building and is not obtrusive in any way.
• Does the proposal show innovation and imagination in its relationship to the site or building, or both?	Not specifically required. The panels are minimalist in number, are not oversized and will not contain any third-party advertising. The final design and context will be finalised post DA approval.
6.Associated devices and logos with advertisements and advertising structures	
• Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?	None required.
7.Illumination	
• Would illumination result in unacceptable glare?	No. There is no external lighting, up-lighting, flashing or moveable element of any of the proposed signage that would cause unacceptable level of glare or pose a safety issue to passing traffic.
• Would illumination affect safety for pedestrians, vehicles or aircraft?	No.

• Would illumination detract from the amenity of any residence or other form of accommodation?	No.
• Can the intensity of the illumination be adjusted, if necessary?	Not known as this stage.
• Is the illumination subject to a curfew?	No.
8. Safety	
• Would the proposal reduce the safety for any public road?	No. There are no panels that protrude towards the traffic lanes, no moveable elements or external lighting that would impact on the safety of the public road.
• Would the proposal reduce the safety for pedestrians or bicyclists.	No. Wholly with the subject site.
• Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?	No.

4.1.5 SEPP (Resilience & Hazards) – Chapter 3 Hazardous and Offensive Development

A SEPP (R&H) – Hazardous and Offensive Development Report (previously SEPP 33) is submitted with the DA package. The Report was prepared by Riskcon Engineering, dated 14 August 2024.

The report concludes:

“The proposed site at 353 Main Street, Lithgow, NSW has been assessed for the application of Chapter 3 of the State Environmental Planning Policy (Resilience and Hazards, SEPP-RH) based on the proposed storage of DGs at the site. The analysis conducted in this study included an assessment of the proposed DG storage volumes against generic threshold storage quantities outlined in Applying SEPP 33 (Ref.2) and an assessment of transport operations involved in the storage and handling of DGs.

The results of these assessments identified that the quantities of DGs stored at the site do not exceed the Applying SEPP 33 threshold for Class 3 PGII DG. The assessment against Figure 9 of Applying SEPP 33 was conducted and it was found that the installation of fill points 5.5 m from the site boundary ensures the DGs are classified as only potentially hazardous to adjacent land uses and therefore the RHSEPP does not apply to the site as a result of the quantity of DGs stored. The transport thresholds were not exceeded and no offensive operations occur at the site which may result in environmental emissions.

In summary, the RH SEPP does not apply to the proposed Service Station with take away drive through at 353 Main Street, Lithgow, NSW and therefore a Preliminary Hazard Analysis is not required for the site.”

4.1.6 Lithgow LEP 2014

Lithgow LEP 2014 is the local planning instrument that applies to the site. The proposal is a service station with an ancillary food and drink outlet, defined in the LLEP as:

service station means a building or place used for the sale by retail of fuels and lubricants for motor vehicles, whether or not the building or place is also used for any one or more of the following—

- (a) the ancillary sale by retail of spare parts and accessories for motor vehicles,
- (b) the cleaning of motor vehicles,
- (c) installation of accessories,
- (d) inspecting, repairing and servicing of motor vehicles (other than body building, panel beating, spray painting, or chassis restoration),
- (e) the ancillary retail selling or hiring of general merchandise or services or both.

food and drink premises means premises that are used for the preparation and retail sale of food or drink (or both) for immediate consumption on or off the premises, and includes any of the following—


- (a) a restaurant or cafe,
- (b) take away food and drink premises,
- (c) a pub,
- (d) a small bar.


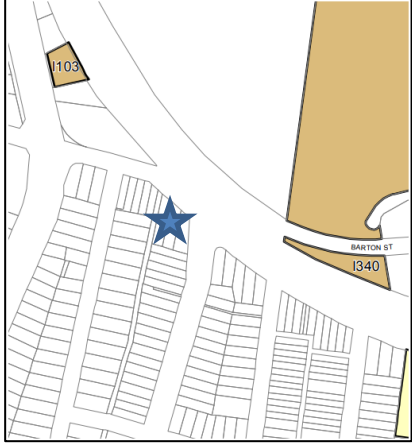

Table 2 below address the relevant provisions of the LLEP 2014.

Table 2: Lithgow LEP 2014

LEP 2011 Provisions	Proposal	Complies
<p>Aims of the Plan</p> <p>(aa) to protect and promote the use and development of land for arts and cultural activity, including music and other performance arts,</p> <p>(a) to encourage sustainable and planned development that complements the unique character and amenity of Lithgow and enhances its towns, villages and rural areas,</p> <p>(b) to provide for a range of development opportunities that contribute to the social, economic and environmental resources of Lithgow in a way that allows the needs of present and future generations to be met by implementing the principles of ecologically sustainable development,</p> <p>(c) to manage, facilitate and encourage sustainable growth and development that—</p> <p>(i) promotes the efficient and effective delivery of utilities, infrastructure and service and minimises long-term costs to</p>	<p>The proposal satisfies the stated objectives given that:</p> <ul style="list-style-type: none"> • the new service station with ancillary food and drink premises will service local and travelling public in the Lithgow area. • The business will provide a range of products – fuel, small drive-thru food and drink, small goods for a variety of customers. • the two landuses are permissible on the site with direct access to the main east-west travelling route to and from Lithgow. • the new development will be a boost to the township; • the operation will provide local employment; • the design, layout and proposed site works address site specific opportunities and constraints. 	Yes

<p><i>government, authorities and the community, and</i></p> <p><i>(ii) protects, enhances and conserves mineral and extractive resources lands, forests and agricultural lands and the contributions they make to the local, regional and State economy, and</i></p> <p><i>(iii) allows for the orderly growth of land uses while minimising conflict between land uses in a zone and land uses in adjoining zones, and</i></p> <p><i>(iv) encourages a range of housing choices in planned urban and rural locations to meet population growth and the diverse needs of the community, and</i></p> <p><i>(v) preserves and protects land that has been identified for future long term urban development from inappropriate fragmentation and development, and</i></p> <p><i>(vi) protects and enhances environmentally sensitive areas, ecological systems, areas of high scenic, recreational, landscape or conservation value and areas that have the potential to contribute to improved environmental outcomes, and</i></p> <p><i>(vii) protects and enhances places and items of environmental, archaeological, cultural or heritage significance, including Aboriginal relics and places, and</i></p> <p><i>(viii) avoids or minimises the impact of development on drinking and environmental water catchments to protect and enhance water availability and safety for human consumption and the maintenance of environmental and recreational values, and</i></p> <p><i>(ix) strengthens and promotes employment land opportunities and appropriate tourism development and growth, and</i></p> <p><i>(x) creates resilience to natural hazards through local land use planning.</i></p>		
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<p>Zone MU1 Mixed Use</p>  <p>1 Objectives of zone</p> <ul style="list-style-type: none"> To encourage a diversity of business, retail, office and light industrial land uses that generate employment opportunities. To ensure that new development provides diverse and active street frontages to attract pedestrian traffic and to contribute to vibrant, diverse and functional streets and public spaces. To minimise conflict between land uses within this zone and land uses within adjoining zones. To encourage business, retail, community and other non-residential land uses on the ground floor of buildings. To promote development that does not detract from the role of the town centre core commercial precincts. To promote the retention and reuse of heritage items and the retention of established buildings that contribute positively to the heritage and cultural values of the area. To maintain or improve the water quality of receiving water catchments. 	<p>The site is zoned MU1 Mixed Use. The service station and food and drink outlet area permissible in the MU1 zone as the landuse are not listed as permissible without consent or prohibited.</p> <p>The service station and drive thru food outlet, subject to appropriate environmental conditions, are consistent with the objectives of the MU1 zone in that:</p> <ul style="list-style-type: none"> It promotes the provisions of services to the local area and travelling public; Adds employment opportunities in the area (across the various shifts during trading hours); The drive-thru food offer is completely take-way, not onsite seating. The fuel sales cater for a wide variety of vehicles, from light passenger vehicles to heavy vehicles. Retailing is small goods, snacks and takeaway food – all ancillary to the primary fuel sales; 	<p>Yes</p>
<p>4.3 Height of buildings</p>	<p>Not adopted in the LEP.</p>	<p>N/A</p>
<p>4.4 Floor space ratio</p>	<p>Not adopted in the LEP.</p>	<p>N/A</p>
<p>5.2 Classification and reclassification of public land</p>	<p>The site is bounded on the western side by a laneway that is subject to reclassification by Council.</p>	<p>N/A</p>

<p>Refer to Schedule 4, Part 1 Land classified, or reclassified, as operational land – no interest changes – Lot 357, DP 24785 (the laneway) is operational land.</p> 	<p>No impact on the development as no access or use of the laneway is proposed by the service station.</p>	
<p>5.10 Heritage conservation</p>  <p><i>Item 340 is the Showground Grandstand and Buildings.</i></p>	<p>The site is not a heritage item, is not within a conservation area and while mapped as is proximity to item 340, is not physically adjacent or close to the showground such that the development would impact on the heritage significance or thematic reading of the heritage item.</p> <p>There is no foreseen impact on any of the listed heritage. No further assessment is considered warrant.</p>	<p>No requirements</p>
<p>5.12 Flood planning</p>  <p><i>Site not mapped as flood prone in LEP.</i></p>	<p>A Flood Report, prepared by Neilly Davies, dated 1 July 2024, is submitted with the DA package. It provides an overland flow analysis (1% AEP) for the proposed development.</p> <p>The 1% AEP for existing and proposed cases are shown in Figure 5 & 6 of the Report.</p> <p>The afflux within the subject site is around 5mm (unchanged from existing); the flood levels in the surrounding area and streets is unchanged, including southern properties, the maximum flood level within the developed site is 907.75m AHD and at the eastern side is 0.5m and western side is 0.1m.</p>	<p>Addressed as part of DA package.</p>

	An adopted habitable floor level for the site is 908.25m AHD, allowing for 500mm freeboard. The sales building FFL is 908m AHD.	
7.1 Earthworks	<p>Minor site works for the excavation of the footpad for the new sales building, the canopy, underground tanks, and driveways are required.</p> <p>The tank farm comprises two fuel tanks located on the western side of the site. Excavation works is required and will be subject to conditions of consent.</p>	Yes
7.3 Stormwater Management	<p>A stormwater management plan and report, prepared by Neily Davies Engineers, dated December 2024 are submitted with the DA package.</p>	Yes
<p><i>(3) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development—</i></p> <p><i>(a) is designed to maximise the use of water permeable surfaces on the land having regard to the soil characteristics affecting on-site infiltration of water, and</i></p> <p><i>(b) includes, if practicable, on-site stormwater retention for use as an alternative supply to mains water, groundwater or river water, and</i></p> <p><i>(c) avoids any significant adverse impacts of stormwater runoff on adjoining properties, native bushland and receiving waters, or if that impact cannot be reasonably avoided, minimises and mitigates the impact.</i></p>		
7.10 Essential Services	<p>The site is fully serviced for each of the services listed:</p> <ul style="list-style-type: none"> • supply of water, • supply of electricity, • disposal and management of sewage, • stormwater drainage or on-site conservation, • suitable vehicular access. <p>1. Water is available to the site;</p> <p>2. Electricity is available, noting that power lines run along the Enfield Avenue road reserve and on the northern side of Main Street. The application will be referred to the local electricity provider as works for access to Enfield Ave crosses under the power line.</p> <p>3. Stormwater plans are submitted with the DA.</p>	Yes

	<p>4. Sewer is provided to the site. No dine seating is proposed, only minimum toilet facilities required.</p> <p>5. The DA will be referred to the TfNSW as the site fronts Main Street, a classified State road.</p>	
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4.2 Non-Statutory Development Control Plans

4.2.1 Lithgow DCP 2021 (LDPCP)

Lithgow DCP is the local planning policy that provides guidance to all development within the Lithgow LGA.

In this case, the DCP does not contain any specific provisions for the development of service stations. Signage provisions are contained in Section 7.5.5 of the DCP. Therefore, the proposal is assessed against the general provisions in Chapter 2, the relevant environmental provisions in Chapter 3 and the commercial provisions in Chapter 7, including advertising and signage. Table 2 below provides an assessment of the relevant DCP provisions.

Table 3: Lithgow DCP 2021


Provision	Comment	Complies
CHAPTER 2 Site Requirements (All development)		
2.2 Site Analysis, Local Character and Context		Yes
Site Analysis	The locational context of the site is addressed in this Statement.	
Character	The site is zoned MU1 Mixed Use. The area is characterised by business uses to Main Street and mix of residential uses south of Main Street. The proposed landuses are permissible with Council's consent. The proposal is a business landuse, fronting a main road and appropriately located for this use.	
Heritage	No requirements.	
Site specific	No requirements.	
2.2.5 Reflective Materials		Yes
Reflectivity:	No reflective materials to be used that would be visible from an adjoining property or public place.	
Heritage:	No requirements.	

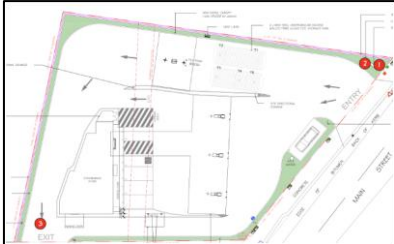
<p>2.3 Slope Response, Earthworks & Retaining Walls</p>	<p>The site is generally flat for development purposes.</p> <p>Minor earthworks and levelling area required with excavation for the underground tanks on the western side of the site.</p> <p>Civils plans are submitted with the DA package.</p>	<p>Yes</p>													
<p>2.4 Stormwater Management</p>	<p>Refer to the Stormwater Management Plan submitted with the DA package.</p>	<p>Yes</p>													
<p>2.5 Vehicle Access & Parking</p>	<p>Refer to the Traffic Impact Assessment submitted with the DA package in relation to access, swept path diagrams and overall analysis of traffic generation, impacts and parking for the development.</p> <p>The DA will be referred to the TfNSW for concurrence as the site fronts Main Street – a classified State road.</p> <p>Onsite Parking: Refer to Table 5 & 6 from the TIA report below, noting that there is inside or outside seating provided for either landuse.</p> <p>Proposed: 6 parking spaces, including 1 accessible space.</p> <p>Parking at dispensers: Queuing for cars provided on eastern side, adjacent Enfield Ave for food and drink outlet. A designated loading bay is provided in front of the service bay and close to the front door for ease of access.</p>	<p>Yes</p>													
	<p>Table 5 DCP Minimum Car Parking Requirements</p> <table border="1"> <thead> <tr> <th>Source</th> <th>Land Use Description</th> <th>Car Parking Rate</th> </tr> </thead> <tbody> <tr> <td rowspan="2">Lithgow DCP (2021)</td> <td>Service Station</td> <td>As per Guide to Traffic Generating Development (as amended)</td> </tr> <tr> <td>Fast Food / Take Away Food Outlets</td> <td>As per Guide to Traffic Generating Developments (as amended).</td> </tr> <tr> <td rowspan="2">NSW RTA Guide to Traffic Generating Developments (2002)</td> <td>Service Station</td> <td>5 spaces per 100m² GFA of convenience store</td> </tr> <tr> <td>Fast Food / Take Away Food Outlets</td> <td>1 space per 3 seats (internal and external) plus queuing for 5-12 cars.</td> </tr> </tbody> </table> <p>The TfNSW parking demand data released for Service Station sites, some of which included Fast Food/Take-away components is summarised in Figure 6.</p>		Source	Land Use Description	Car Parking Rate	Lithgow DCP (2021)	Service Station	As per Guide to Traffic Generating Development (as amended)	Fast Food / Take Away Food Outlets	As per Guide to Traffic Generating Developments (as amended).	NSW RTA Guide to Traffic Generating Developments (2002)	Service Station	5 spaces per 100m ² GFA of convenience store	Fast Food / Take Away Food Outlets	1 space per 3 seats (internal and external) plus queuing for 5-12 cars.
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	Land Use Description	Surveyed Parking Demand Metric	Rate										
	Service Station	Average peak parking demand	2.8 per 100m ² GFA										
		85 th percentile peak parking demand	4.1 per 100m ² GFA										
Maximum peak parking demand		4.2 per 100m ² GFA											
	<p>The TIA concludes:</p> <p><i>Accordingly, the car parking requirement has been assessed based on the service station use.</i></p> <p><i>The application of the 2002 RTA rate and the more recent 2024 TfNSW surveyed rates would equate to a parking provision in the order of 3.5-6.25 spaces.</i></p> <p><i>The plans propose six parking spaces (seven if consideration is made for the short-term loading space). Based on the various guidance and survey data, this supply is considered sufficient based."</i></p> <p>Manoeuvring within the site provides for separate circulation paths for heavy vehicles and light passenger vehicles, thereby reducing potential congestion and wait times upon entrance for fuelling or drive-thru purchases. All heavy and light vehicles fuelling only, will exit via the rear driveway; all drive thru customers exit from the eastern side of the sales building.</p>	Yes											
<p>2.6 Pedestrian Access, Mobility & Safety</p> <p>Accessibility:</p>	<p>The sales building will be fully accessible, including an accessible parking space adjacent the building entrance and appropriate lighting throughout the site. Details to be provided with the documentation for the Construction Certificate.</p>	Capable of complying											
<p>2.7 Designing for Crime Prevention</p>	<p>The site will be fully monitored via CCTV – inside and outside of the sales building, various angles across the forecourt of both fuel areas and the southern driveway at the rear of the sales building.</p> <p>The southern boundary will be secured via an acoustic fence</p>	Subject to standard conditions of consent.											

	<p>(2m high) and a colorbond fence along the laneway.</p> <p>With its main road frontage and 24/7 trading the site will always be activated.</p>	
<p>2.8 Utilities, Easements and Infrastructure</p> <p>Reticulated sewer/water Electricity Stormwater Telecommunications</p>	<p>All required utilities are available to the site.</p> <p>There is an easement (3m wide) for sewer that traverses the site (east-west). It is proposed to protect Council's infrastructure and construct over the easement.</p> <p>The DA will be referred to the local electricity provider as the existing lines traverse the Enfield Avenue on the same side as the development.</p>	Yes
<p>2.8.2 Building Near Utilities/ Easements/Drainage Lines</p> <p>1) <i>Building near Easements: Permanent buildings, structures or works are not to be located over an easement unless there is express written authorisation from the relevant authority benefited by the easement in accordance with Council Policy 5.1 – Building Over Easements.</i></p>	<p>The DA includes construction over the existing sewer easement. As a Council asset the DA will be referred to its infrastructure unit as a referral and approval of the proposal.</p>	Yes
<p>2.9.2 Waste Storage and Collection</p>	<p>A Waste Management Plan for the construction and operational stages of the development is submitted with the DA package.</p> <p>A dedicated service yard is provided on the western side of the sales building. All commercial waste from the site will be collected by a private contractor utilising the designated loading bay provided.</p>	Yes
<p>2.10.1 Noise & Vibration</p>	<p>The proposal, being in proximity to residential development in three directions, is supported by an Acoustic Assessment, prepared by Muller Acoustic</p>	Yes

	<p>Consulting, dated 15 November 2024.</p> <p>Based on the noise analysis undertaken for the proposed development, the following recommendations have been incorporated into the design and layout of the site:</p> <ol style="list-style-type: none"> 1. 2.0m high acoustic fence along the southern boundary (noting the southern neighbouring land is currently vacant but zoned for residential purposes). 2. Enclosure of the service yard (2.2m high) on the western side of the sales building. 3. Enclosure of rooftop plant (600mm high) <p>Additionally the DA plan set provides for a colorbond fence, to be 1.8m high - along the laneway boundary.</p>	
2.10.2 Air Emissions, Odour & Dust	<p>An Odour and Smoke Impact Assessment, prepared by The Odour Unit, dated September 2024 is submitted with the DA package.</p> <p>The Key Recommendations are listed in Section 7.3 of the report.</p>	Yes, subject to recommendations.
2.11 Water & Energy Efficiency NCC for commercial buildings	A Section J (energy efficiency) report will be submitted with the Construction Certificate documentation.	Capable of complying. Conditions of consent to apply.
CHAPTER 3 Natural Environment & Hazards		
3.4 Land & Soils 3.4.1 Contaminated Land 1. Contaminated Land Guidelines 2. Site History	<p>Refer to Section 2 (Site History) of this Statement and to the Site Audit Report and Site Audit Statement submitted with the DA package.</p> <p>The reports serve to sign off on the subject site for uses up to residential accommodation. Therefore the proposed commercial development is</p>	Yes

	<p>acceptable and reasonable in terms of site contamination.</p> <p>The large majority of the site will contain hardstand concrete surfaces (capable of holding heavy vehicles) or the sales building and parking/circulation areas. This will essentially cap the site with a suitable stormwater management system to capture roof water and overland flows.</p> <p>No further land contamination reports are considered necessary at the DA stage. Conditions of consent will suffice for implementation at the CC stage.</p>	
<p>3.4.3 Erosion & Sedimentation</p>	<p>Addressed as part of the Stormwater Management Plan for the site. Refer to the SMP plans submitted with the DA package.</p>	<p>Yes</p>
<p>3.5 Flood Prone Land</p>  <p> ■ High Provisional Hydraulic Hazard ■ Low Provisional Hydraulic Hazard <small>(Categories based on Figure L2 of NSW Government's Floodplain Development Manual, 2005)</small> </p> <p> Two-Dimensional Model Boundary → Modelled Stormwater Network </p> <p><i>(Sheet 2 of 4) DCP, page 36</i></p>	<p>The site is not mapped as flood prone land in the LEP map series. However, the DCP maps the site as shown.</p> <p>Overland flows under the 1% AEP are identified in other mapping. A flood report is submitted with the DA package.</p>	<p>Yes</p>
<p>3.7 Mine Subsidence Risk</p>	<p>The site is not mapped as within the Lithgow Mine Subsidence District.</p>	<p>N/A</p>
<p>CHAPTER 7 Commercial, Community & Industrial Development (including advertising/signage)</p>		
<p>7.22 Open (outdoor) Storage, Utility, Waste & Service Area</p> <p>1. Location</p> <p>2. Screening/fencing</p>	<p>The service yard is located on the western side of the sales building. As per the Acoustic Report the western side of the</p>	<p>Yes</p>

<p>3. Dust</p> <p>4. Loading/unloading</p>	<p>yard is to have a 2.2m high fence. This, combined with boundary fencing, will screen the service yard from residences within the visual catchment.</p> <p>The type of development is not a high dust generator.</p> <p>A designated loading dock is provided in front of the service yard.</p>	
<p>7.2.3 Landscaping and Tree Protection</p>	<p>An Arboricultural Assessment, prepared by Advanced Treescape Consulting, dated 13 November 2024 is submitted with the DA package.</p> <p>The report assesses the 3 x River Red Gum trees currently on the site and notes the following:</p>  <p>T1:</p> <ol style="list-style-type: none"> 1. This tree is 1m to a cement wall. There is a road to the west within its SRZ and a footpath to the north with services. This tree has some small deadwood, bark lesions, mistletoes, and a previous failure site with scaffold branches with excessive end weight. 2. The SRZ of this tree will be intruded by the proposed driveway. This is an unacceptable impact. The removal of this tree is required to facilitate the proposed development plans. 3. N/A. <p>T2:</p> <ol style="list-style-type: none"> 1. This tree has sparse canopy, previous failure sites, and wounds in upper scaffold branches and is 2m to a cement wall. There is a road to the west within the tree's SRZ. This tree has a tropism to the south, and an 8" trunk lean to the east and exposed 1st order roots to the west. 2. The SRZ of this tree will be intruded by the proposed driveway. This is an unacceptable impact. The removal of this tree is required to facilitate the proposed development plans. 3. N/A. <p>T3:</p> <ol style="list-style-type: none"> 1. There are power lines to the east of this tree and a fence 2.2m from centre of trunk. It has lopped wounds, previous failure sites, some small deadwood, and is unbalanced. 2. This tree is located within the proposed driveway. Removal is required to facilitate the proposed driveway. 3. N/A. <p>Each of the trees is recommended for removal.</p> <p>Landscape areas are proposed, where able, along each of the boundaries. Planting details to</p>	

	<p>be provided with the Construction Certificate documentation.</p> <p>In principle the street frontages will be planted with low shrubs and ground cover to ensure visibility into and out of the site. Planting along the southern and western boundary will be climate appropriate hedging or clumps of shrubs to 2 -2.5m to provide a green backdrop to the boundary fencing. Refer to the Site Plan Dwg No. DA001. Planting of street trees is not considered appropriate along the Main Street frontage so as not to impair sight lines and the safety of motorists.</p> <p>Existing power lines along Enfield Avenue render street trees inappropriate along that street frontage.</p>	
<p>7.2.4 Fencing</p>	<p>As notated on the DA plan set colorbond fencing is proposed along southern and western boundaries, comprising 1.8m high fence along the laneway and 2.0m acoustic fence along the southern boundary.</p> <p>No formal fencing or barrier is proposed along Main St or Enfield Ave, however the the landscape area and garden edging will provide adequate separation between the public and private spaces.</p>	<p>Yes</p>
<p>7.4.1 Key Business Precincts</p>	<p>The site is zoned MU1 Mixed Use but is not part of the main Lithgow commercial precinct, rather it is part of the strip development fronting Main Street that is characterised by a mix of commercial, business and industrial based landuses, existing over many years.</p> <p>The subject site was previously an heavy industrial landuse (Mobil fuel depot) since remediated and currently vacant.</p>	<p>No specific precinct requirements</p>

<p>7.4.2 Building Setbacks (General)</p> <p>1) Road Frontages: Setbacks to primary and secondary road frontages (not rear lanes):</p> <p>a) Reinforce the desired area/street built-form pattern, setbacks, character and functions;</p> <p>b) Match or average the front alignment of adjacent development/adjoining properties and/or the predominant street alignment;</p> <p>c) Provide (where relevant) setbacks to enable appreciation of heritage items or view-lines to key built or landscape features for their protection and appreciation;</p> <p>d) Minimise impacts on adjacent lots, particularly sensitive residential use(s);</p> <p>e) Reinforce active street frontages for retail/commercial uses at ground level and minimise setbacks on primary retail streets and/or streets with a high level of pedestrian activity;</p> <p>f) Provide servicing and parking area(s) whilst minimising the impact of large parking, utility, or storage areas on street character/activity or adjacent lots;</p> <p>g) Promote accessibility for all users;</p> <p>h) Encourage (where appropriate) outdoor dining areas and landscaped setbacks;</p> <p>i) Provide adequate sight distances at entries/exits for vehicle and pedestrian safety, particularly on corner lots;</p>	<p>The sales building is sited towards the southern boundary with the main canopy in front of the building and heavy vehicle canopy to the west. The site presents as an open, transparent site, unobstructed along the Main Street frontage.</p> <p>Main Street frontage is whole block. Acceptable site specific design solution for this proposal.</p> <p>N/A</p> <p>The sales building is setback from the southern boundary that adjoins the currently vacant residential land. To the west the rear of the residences are separated by the laneway, including the RFB with the Main Street frontage.</p> <p>The site is not located in an area mapped as an active street frontage.</p> <p>Complies. All parking is wholly on the site, at ground level and integrated into the design and layout of the proposed development.</p> <p>The sales building and parking are accessible.</p> <p>No onsite dining is proposed.</p> <p>Complies. Refer to the Traffic Impact Assessment submitted.</p>	<p>Yes</p>
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<p>j) Allow stormwater management and water infiltration into the soil;</p> <p>k) Avoid and/or minimise impacts on sensitive areas of natural environment or hazards.</p> <p>2) Rear Lanes: If a lot has frontage to a rear lane then setbacks from the rear lane consider the following:</p> <p>a) Adjacent building setbacks along that lane, particularly adjacent to or within 40m of the site;</p> <p>b) The potential to service the lot from the rear lane (where suitable) whilst accommodating potential vehicle turning circles on-site or to provide through-site access; and</p> <p>c) Sight-lines for safe access/egress and turning paths for the largest design vehicle to/from the rear lane.</p>	<p>Refer to the SMP submitted with the DA.</p> <p>Addressed in this Statement. Site remediated to an acceptable 'residential' standard.</p> <p>The southern neighbouring property is currently vacant. There is no average setback or context for western boundary building setback. Only the heavy vehicle fuel canopy is adjacent the boundary and it is not enclosed.</p> <p>There is no access proposed to the western laneway. This prevents any turning conflicts and limits the use of the laneway to local, residential use as opposed to commercial traffic generation.</p> <p>Complies.</p>	<p>Yes</p>
<p>3) Side & Rear Setbacks: Side and rear setbacks meet the National Construction Code (NCC) requirements and may depend on the fire rating of the building materials chosen and the adjacent development and the need for access to the rear of the lot.</p>	<p>Only relevant to the eastern and southern boundaries. The sales building is setback 5m from the eastern boundary with only the drive-thru awnings protruding 2.5m towards the street frontage.</p> <p>The southern setback is 7m from closest external wall of the sales building.</p> <p>Each setback is considered acceptable for the site specific requirements of the proposal and the locational context of the adjoining and adjacent development.</p>	<p>Yes</p>

<p>7.4.6 Building Height, Bulk & Form</p> <p>1. Height: MU1 zone – 10m</p> <p>2. Site Response:</p> <p>a) Respond to the topography of the area and site characteristics.</p> <p>b) Comply with DCP Section 2.2.4 Visually Prominent Sites and any relevant requirements in DCP Chapter 4 – Heritage & Cultural Conservation.</p> <p>c) Integrate with the existing/ desired scale and street character for the relevant land use zone and location using proportional elements that are sympathetic to the scale of other buildings in the area, particularly adjacent to or opposite the site;</p> <p>d) Respond to or reinforce key corner sites and 'gateways' to each central business district or town centre (on key roads) or terminate key sight-lines in the public domain where the building will exhibit a high standard of design and articulation;</p> <p>e) Maintain the dominant street frontage façade/wall height(s) to primary retail streets, retain a scale that does not dominate the street, and setback additional height behind this street wall height.</p> <p>f) Be sympathetic to and provide a transition in height to adjacent existing buildings, and public spaces that are unlikely to increase in height;</p> <p>g) Minimise or mitigate impacts on amenity (e.g., overshadowing/ privacy) of:</p> <p>i) Adjacent residential accommodation and private open spaces;</p>	<p>Sales building: 4.3m Canopy (main): 5.9m (5m clearance to underside of canopy) Canopy (2): 6.9m (6m clearance to underside of canopy)</p> <p>N/A</p> <p>Consistent with the scale and street character in the section of Main Street. Landuse is permissible, height compliant, building setback from the state road frontage. Consistent with similar fuel outlets in the Lithgow area.</p> <p>The development will bookend the commercial development along this section of Main Street, being the last property and corner block. The design solution for the proposal activates both street frontages but protects the laneway from commercial traffic. Setbacks to the southern boundary and acoustic measures are sufficient to enable future development of the vacant land to the south.</p> <p>Achieved. Refer to the DA plan set.</p> <p>The development provides a transition in height from the 3-storey RFB to the west and the single storey development along eastern along Main Street.</p> <p>No overshadowing to any adjoining land due to the building setbacks, low height of the sales building and separation of sites by the streets and laneway.</p>	<p>Yes</p>
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<p>ii) Any sensitive community facilities, school yards, parks, churches etc.; and iii) Key public spaces (particularly where they provide outdoor seating, dining, or recreation spaces).</p>	None.	
<p>7.4.7 Building Design, Articulation and Facades</p> <p>1. Context</p> <p>2. Orientation</p> <p>3. Articulation</p> <p>4. Blank walls</p> <p>5. Active frontages</p> <p>6. Activation/safety</p> <p>7. Corner sites</p> <p>8. Roof types</p> <p>9. Shopfronts</p>	<p>Addressed throughout this Statement. Consistent with the site specific and locational context of the site.</p> <p>The sales building is sited to the rear with the canopies to the front and side. Operationally the site is oriented to Main Street, not towards the adjoining residential areas.</p> <p>The rear of the sales is articulation to align with the splayed alignment of the southern boundary. The main canopy and dispenser area is connected to the sales building via a covered walkway (for safety, access and weather protection).</p> <p>Blank walls are minimised where they are visible from the public domain.</p> <p>Main Street and Enfield Avenue are activated by the proposal.</p> <p>The orientation of the development, proposed operating hours and internal layout of the site provides for safety by design. CCTV will be used across the site to monitor and recording at all times.</p> <p>Setbacks to both street frontages are site specific for this development.</p> <p>All roofs will be constructed will a small fall to facilitate water and snow runoff to the drainage system for the site.</p> <p>N/A</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>

<p>10. Colour Schemes</p>	<p>The colour scheme will be corporate fuel branding (yet to be finalised) and muted colours for all external walls of the sales building.</p>	<p>Yes</p>
<p>11. Utilities</p>	<p>All services are available to the site.</p>	<p>Yes</p>
<p>7.4.8 Structures over Public Footpaths/Roads (Awnings and balconies)</p>	<p>All structures are located within the site boundaries, including signage.</p>	
<p>7.4.9 Food Premises</p> <p>1) All food premises and food practices are designed and operated to meet the minimum standards for food safety in order to maintain the health and well-being of the community.</p> <p>2) All food premises are designed, constructed and operated in accordance with the following requirements: a) NSW Food Act 2003 and NSW Food Regulation 2010; and b) Australia & New Zealand Food Authority (ANZFA) Food Standards Code; and c) Australian Standard AS4674 Design, construction and fit-out of food premises, and d) National Construction Code (NCC).</p> <p>3) Applications that propose kitchen facilities provide a detailed layout on an appropriately-scaled drawing that adequately identifies the details of the proposed kitchen facilities, and addresses the requirements of AS4674 Design, construction and fit-out of food premises.</p>	<p>To comply. The internal layout and size of areas within the food preparation have been designed based on the NSW Food Act and Regulation controls. Details will be provided with the Construction Certificate documentation.</p> <p>Refer to the DA plan set, drawing no. DA04.</p> <p>Refer to the DA plan set, drawing no. DA04.</p>	<p>Subject to standard conditions of consent.</p> <p>Yes</p> <p>Yes</p>
<p>7.5 Advertising & Signage</p> <p>7.5.1 General</p> <p>7.5.2 SEPP 64 (now SEPP (I&E) 2021</p>	<p>Signage for the site is specific to the service station and drive-thru food & drink offer on the site. It varies from business uses in the main commercial centre of Lithgow.</p> <p>Refer to Section 4.1.4 of this Statement for an assessment of</p>	

<p>7.5.3 Prohibited Signs</p>	<p>the signage against the SEPP provisions.</p> <p>There are no prohibited signs proposed as part of this DA.</p>	
<p>7.5.4 Location of Signage</p> <p>1) Advertising structures may only be erected where they are used in conjunction with a permissible use and situated on the land upon which the use is conducted (unless they are an approved highway or tourist navigation sign).</p> <p>2) Council may consider the erection of a directory/entry board for an industrial estate or larger commercial development upon public land subject to justification and where it is considered to benefit navigation for the wider community.</p>	<p>Complies.</p> <p>Not required. There are only two businesses onsite. Both are included on the Site ID pole sign.</p>	<p>Yes</p> <p>N/A</p>
<p>7.5.5 General Controls for Advertising & Signage</p> <p>1) Arterial Road Frontage: Where a site fronts onto or is visible from an arterial road (especially a State highway or regional road), the applicant demonstrates that the signage:</p> <p>1) Is integrated into the landscaping for the site so as not to detract from the amenity of the area or impact on safety of road users;</p> <p>2) Is not the dominant feature of the site as viewed from the road, particularly at gateways to any settlement.</p> <p>5) Highway Services, Service Stations & Highway Restaurants/ Take-Away Food Premises</p> <p>1) Up to three (3) fascia signs, flush wall signs or logos integrated with the façade of the building (one per wall);</p>	<p>Site ID and price sign is located with the landscape area in the north-west corner of the site.</p> <p>The Site ID is not located at the corner of Main Street and Enfield Ave and therefore will not dominate the view of the site from the State road, maintaining clear sight lines and safety.</p> <p>Refer to the DA plan set with indicate the location of the fascia signage for each canopy. Acceptable in this case.</p>	<p>Yes</p> <p>Yes</p> <p>Yes, site specific.</p>

<p>2) One (1) free-standing sign integrated into the front landscape or car-parking area of each street frontage of the site;</p>	<p>Internal way-finding and menu boards proposed.</p>	<p>Site specific.</p>
<p>3) One (1) pylon sign at the primary road frontage boundary where the building is setback from the road, with a maximum height of 8 metres.</p>	<p>Refer to the DA plan set. Height of price sign is 8m. Complies.</p>	<p>Yes</p>
<p>7.5.6 Types of Signage</p> <p>A. Pole (or Pylon) Sign: 1 per property street frontage Max 8m high Wholly contained within the site Not flashing (if illuminated)</p> <p>D. Awning Fascia Sign 1 per fascia facing the street No projection outside of fascia Min 600mm from alignment of kerb.</p> <p>E. Top Hamper Sign 1 per tenancy No projection beyond wall, top or bottom</p>	<p>Complies.</p> <p>One per canopy fascia. Complies.</p> <p>One over entrance to sales buildings. No third party signage.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>

5.3 The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality. Suitability of the site for the development.

The proposal is a local business and service that will service local residents and travellers to the Lithgow region. The new service station will provide a fresh and permanent service for the community, incorporating an alternative drive-thru take-away food offer that is an alternative to the nationally branded fast foods in Lithgow. It will service residents, workers and tourists with early and late options – before and after the existing cafes, club and pub service opening hours and local ‘takeaways’ are open. There is no sit-down or table service as part of this development.

The orderly and economic construction of the site as a service station will benefit the community. The design, layout and external appearance of the site is acceptable and the swept path diagrams demonstrate that vehicles, light passenger and heavy vehicles can easily access the site in a safe and efficient manner.

The inclusion of the price sign is a mandatory requirement for service stations. Other signage for this site is limited and is based on Corporate colours, logos and requirements.

The DA package presents a suite of plans and reports that address the various environmental planning matters raised by this site and the proposed landuse.

5.4 Any submissions made in accordance with this act or the regulations

Council is responsible for the referral of the application to relevant Government bodies and to adjoining owners. Given the location of the site adjoining a State road, the application will be referred to the TfNSW for comment. Referral to the local electricity provider is also anticipated given the location of power lines.

Any submissions will be reviewed by the applicant and Council during the assessment process, and duly considered.

5.5 The public interest

Given that the relevant issues have been addressed with regard to the public interest as reflected in the relevant planning policies and codes, the development is unlikely to result in any adverse impact to the public interest in the circumstance of the case. Suitable conditions of consent will ensure that the identified environmental impacts such as noise emissions are contained to a reasonable level.

6.0 CONCLUSION

The proposal seeks approval for the construction of a new service station with ancillary drive-thru food & drink outlet on the subject site, including sales building, two fuelling canopy, dispensers, underground tanks and signage. The landuse is permissible in the MU1 Mixed Use zoned site.

The DA documentation and plans submitted as part of the application provide a comprehensive assessment of the development, its potential impacts and relevant mitigation measures and/or design solutions where appropriate.

The proposal is consistent with the locational context and the zoning of land, being a corner site with State road frontage. It is acknowledged in the application that there are residential uses in proximity to the site and these matters have been assessed and address via the installation of mitigating measures to redress potential impacts. In addition, the development addresses access, stormwater, drainage, landscaping and access matters.

Given the relevant planning policies, codes and requirements of the *EP&A Act 1979* have been duly satisfied, the proposed application is worthy of approval.

DJ McKenzie
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