

JRPP No:	JRPP 2011NTH023
DA No:	37/2011
PROPOSED DEVELOPMENT:	Workforce Accommodation Facility
APPLICANT:	The Mac Services Group
REPORT BY:	Liverpool Plains Shire Council

Assessment Report and Recommendation

Owner:	The Mac Services Group
Lodgement Date:	14 July 2011
Capital Investment Value:	\$48,500,000.00 (\$48.5 million)
Land Zoning:	1(b) General Agriculture Parry Local Environmental Plan 1987 RU1 Primary Production Draft Liverpool Plains Local Environmental Plan 2011
Current use & Development:	Vacant land

EXECUTIVE SUMMARY:

Brief Description of the Proposal:

This report considers a Development Application for a workforce accommodation facility housing up to 1,500 persons at Lot 112 DP611306, Gap Road, Werris Creek within the Liverpool Plains Shire Council Local Government Area (LGA). The submitted plans are attached to this report as **Annexure 1**.

Reason for Consideration by Joint Regional Planning Panel:

The application is being reported to the Joint Regional Planning Panel (JRPP) as it is classified as "regional development" pursuant to Clause 13 B(1)(c) of the SEPP, being development that has a capital investment value (CIV) of more than \$10 million.

Compliance with Planning Controls:

The subject site is zoned 1(b) General Agriculture pursuant to the provisions of *Parry Local Environmental Plan 1987* (PLEP1987) and RU1 Primary Production under the *draft Liverpool Plains LEP 2011* (LPLEP2011). It is considered that the development is an 'innominate use' (an unnamed definition) for the purposes of both PLEP1987 and Draft LPLEP2011. The proposal is, however, considered to be consistent with the 1(b) General Agriculture Zone objectives.

Integrated Development:

The proposal is not categorised as Integrated Development.

Consultation:

Adjoining and adjacent landholders were notified in writing of the application received by Council, a site notice installed and a public advertisement placed in the local newspaper exhibiting the development for a period of twenty eight (28) days. Six (6) submissions were received by Council in response to the exhibition of the proposal. Copies of these submissions have been previously provided to the JRPP Secretariat and a précis of the issues raised are detailed in relevant sections of the assessment report.

Recommendation:

That DA37/2011 for a workforce accommodation facility at Lot 112 DP611306, Gap Road Werris Creek be approved subject to the conditions contained in Annexure 2.

Annexures:

Annexure 1	Plans
Annexure 2	Draft Conditions

Proposal

The proposal seeks consent to the development of a workforce accommodation facility, consisting of up to 1,500 rooms, each with an ensuite, suitable for accommodating one (1) person per room. The key aspects of the proposed development are described as follows:

- Accommodation for up to 1,500 persons in five (5) distinct precincts;
- Internal bitumen sealed access roads, parking areas and bus terminal;
- Commercial kitchen and restaurant with seating for up to 250 persons;
- 'Crib room' for the self-preparation and consumption of meals;
- Indoor recreation facilities in the form of a TV room and gymnasium;
- Dedicated green space for outdoor pursuits and recreation;
- Caravan/tourist park;
- Grey water and stormwater retention and recycling systems;
- Trickle feed potable water supply.

It is intended that individual Construction Certificates (CCs) will be released for each precinct commensurate with demand. The initial build will comprise of a core precinct including the entry road, infrastructure, dining and kitchen facilities. As the development progresses, further facilities and services will be developed which will include a caravan/tourist park to be located at the west of the development site.

1 Site Description

The subject land is located approximately 1km west of the intersection of Gap Road and Werris Creek Road and comprises a total area of approximately 103 hectares. The site has direct frontage to the Gap Road and is situated approximately 1km from the Werris Creek CBD.

The subject property comprises vacant land adjacent to the Werris Creek township environs. The site is surrounded by agricultural land to the north and east. The western site aspect consists of recreational active open space (Werris Creek Sporting Complex) owned by Liverpool Plains Shire Council. To the south of the site, adjacent to the proposed facility, is the Werris Creek Golf Club and associated links.

It should be noted that the Werris Creek Sporting Complex site is the subject of a separate Planning Proposal with the NSW Department of Planning and Infrastructure (DP&I) which aims to reclassify the land from a "community" land classification to an "operational" land classification. It is intended that upon reclassification (following LEP gazettal) this land will be sold to the proponent of the workforce accommodation facility (The Mac Services Group). This land does not form part of this development proposal and it is intended that the recreational status of this land will continue unimpeded.

Diagram 1 overleaf identifies the location of the development site relevant to adjacent properties.



Diagram 1 – Locality Plan

Diagram 2 overleaf provides an aerial photograph of the subject site and the locality sourced from Google Image.



Diagram 2 – Aerial Photograph

2 Referrals

The application was referred to internal Council specialists: Water Engineer, Traffic Engineer and Building Surveyor and external agencies and authorities including the NSW Office of Environment and Heritage, NSW Roads & Traffic Authority, NSW Office of Water, NSW Police Service, NSW Ambulance Service, Hunter New England Area Health Service and NSW Rural Fire Service. Specific agency responses are contained within the relevant sections of this Report.

3 Environmental Planning and Assessment Act 1979

In determining a development application, the consent authority must take into consideration matters referred to in Section 79C(1) of the *Environmental Planning and Assessment Act 1979* as relevant to the development. The following section of this report summarises the relevant matters for consideration and provides a planning commentary.

Section 79C(1)(a)(i) any environmental planning instrument

State Environmental Planning Policies

State Environmental Planning Policy No. 21 – Caravan Parks

A small caravan/tourist park is proposed at the west of the development site. A total of twenty three (23) short term camping and caravan sites are proposed. SEPP No. 21 (Caravan Parks) aims to ensure the orderly and economic use, management and development of land for caravan parks. Clause 10 of the SEPP specifies a range of matters for consideration by Councils, as follows:

(a) Whether the land is suitable for use as a caravan park.

It is considered that the component of land identified for a caravan park is suitable for the use as proposed. In addition to the broader Mac accommodation village facilities, the caravan park component of the facility will benefit from a range of surrounding community and recreational infrastructure including the Werris Creek Railway Museum, Sporting Complex and Golf Course. The site is also readily accessible via existing tourist routes located on MR130 (Werris Creek Road) and the Kamilaroi Highway.

(b) Whether there is adequate provision for tourist accommodation in the locality of that land, and whether existing or potential tourist accommodation will be displaced by the use of the sites for long-term residence.

A deficiency in tourist accommodation options currently exists in Werris Creek. The nearest caravan park is located in Quirindi approximately 20 minutes south of Werris Creek. The need for additional facilities and associated range of accommodation choice has been previously highlighted by the community in the *Liverpool Plains Community Economic Development Strategic Plan (2006)*.

(c) Whether there is adequate low cost housing or land available for low cost housing, in that locality.

The caravan park is intended to be operated as an adjunct to the primary accommodation facility and is considered ancillary to proposed site operations. The operator does not intend to utilize the caravan park for long-term accommodation as such accommodation will be catered for in the workforce village. This facility is intended to cater for short-term stays only. Notwithstanding, it is considered that stocks of affordable housing and vacant land suitable for low cost housing currently exists within the Werris Creek township.

(d) *Whether necessary community facilities and services are available within the caravan park to which the Development Application relates or in the locality (or both), and whether those facilities and services are readily accessible to occupants of the caravan park.*

A range of services will be available within the accommodation village for use by the short-term occupants. Such facilities include, for example, laundries, gymnasium, amenities buildings, heated swimming pool and the restaurant. It is considered that such facilities will be provided to a high standard.

(e) *Any relevant NSW Department of Planning and Infrastructure Guidelines*

It is considered that the development as proposed is consistent with the NSW DP&I Guidelines, including available Planning Circulars.

(f) *The provisions of the Local Government (Caravan Parks & Camping Grounds) Transitional Regulation 1993.*

A condition of development consent may be imposed requiring compliance with the *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005*. Detailed plans and specifications of the caravan park component will need to be submitted for Council's endorsement prior to the issue of the Construction Certificate (CC) to ensure compliance with the Regulations.

State Environmental Planning Policy No. 55 – Remediation of Land

The purpose of this policy is to provide a state-wide planning approach to the remediation of land. In particular, this policy aims to promote the remediation of contaminated land for the purposes of reducing the risk of harm to human health or other aspects of the environment.

In accordance with clause 7 of SEPP55, following a search of Council records, the subject land is not identified as being potentially contaminated and is considered to be suitable for the intended use. The requirements of the SEPP are therefore satisfied.

State Environmental Planning Policy (Infrastructure) 2007

Pursuant to clause 104 of the *State Environmental Planning Policy (Infrastructure) 2007* (the 'ISEPP'), the proposal was referred to the NSW Roads and Traffic Authority for consideration and comment. In response and as detailed in their correspondence of 5 September 2011, the RTA advised:

- To limit vehicle conflict points along Gap Road, access to the proposed workforce accommodation facility should be restricted to a single location. This access should be located so that AUSTROADS safe intersection sight distance for the prevailing travel speeds is provided on each approach.
- The intersection of Werris Creek Road and Gap Road should be upgraded to accommodate expected peak traffic movements.
- The intersection improvements suggested in the Traffic Assessment supporting the proposal appear sufficient for this purpose.
- The existing intersection of Werris Creek Road and Gap Road will experience increased traffic movements as a result of trips to the accommodation facility. The existing intersection has a large surface area. To define vehicle turning paths at this intersection, Council might consider channelisation of traffic movements at this junction.

It is considered that the above matters may be further addressed as conditions of development consent to the proposal.

The development as proposed is considered to be consistent with the provisions of the ISEPP.

State Environmental Planning Policy No. 44 – Koala Habitat Protection

A detailed Flora and Fauna analysis was undertaken in relation to the subject site which identified the existence of approximately 14ha of mature overstorey at the subject land and the adjoining Werris Creek Sporting Complex land (Lot 111). This overstorey was identified as being suitable for koala habitat.

The submitted flora and fauna assessment report does not identify the existence, or known existence, of any koalas on the subject land. Notwithstanding, the report recommends that a Koala Plan of Management (KPOM) be prepared in relation to the subject land prior to the release of the Construction Certificate (CC).

The report also recommends the planting of a vegetated buffer to a depth of thirty (30) metres between the workforce accommodation facility and the existing mature vegetation. It is considered that a condition of development consent may be imposed in this regard.

State Environmental Planning Policy (Major Development) 2005

The application was assessed against the criteria of the SEPP and requires determination by the Northern Region Joint Regional Planning Panel due to the value of works exceeding the specified threshold of \$10 million, pursuant to clause 13B(1)(a) of the Major Development SEPP.

Regional Environmental Plans

There are no regional environmental plans that apply to the land.

Local Environmental Plans

Parry Local Environmental Plan 1987

The subject land is zoned 1(b) General Agriculture pursuant to the provisions of the *Parry Local Environmental Plan 1987* (PLEP1987). PLEP1987 adopts the *Model Provisions 1980* which defines motels, caravan parks and dwellings as follows:

Caravan Park means land used (to an extent that, by the operation of section 289F of the Local Government Act 1919, a licence is required) for the placement of caravans (or of caravans and other moveable dwellings);

Dwelling means a room or suite of rooms occupied or used or so constructed or adapted as to be capable of being occupied or used as a separate domicile.

Motel means a building or buildings (other than a hotel, boarding-house or residential flat building) substantially used for the overnight accommodation of travelers and the vehicles used by them whether or not the buildings or buildings are also used for the provision of meals to the general public.

Caravan parks and motels are permissible within the 1(b) General Agriculture Zone, however, it is not considered that the above definitions adequately describe the intended use of the land in its entirety. Consequently, the development is considered to be an 'innominate use' for the purposes of PLEP1987 and an analysis of consistency with the 1(b) zone objectives is therefore necessary.

The objectives of the 1(b) zone are as follows:

- (a) *To enable the continuation of traditional forms of rural land use and occupation and encourage consolidation of existing undersized allotments and their conversion into productive commercial farmholdings;*
- (b) *To conserve prime crop and pasture land in units or holdings which may be efficiently used for forms of agriculture common in the locality;*
- (c) *To discourage fragmentation of landholdings into holdings which are inadequate to support commercial farming practices;*
- (d) *To enable other forms of development which are associated with rural activities and which require an isolated location, or which support tourism, and recreational activities to be accommodated in an environmentally acceptable manner;*
- (e) *To ensure that the type and intensity of development is appropriate, having regard to the characteristics of the land, the rural environment, and the cost of providing public facilities and amenities;*
- (f) *To permit the development in an environmentally acceptable manner of mines and offensive industries where required; and*
- (g) *To permit the development of intensive commercial horticulture and specialized agriculture where fertile land and a reliable water supply are available.*

The subject land is an undersized rural holding located on the fringe of the Werris Creek urban area. Whilst the subject parcel does constitute 'prime agricultural land', it is not of a size to be commercially viable and given the current pattern of land fragmentation it is unlikely that the holding could be consolidated with surrounding land to such an extent to make the land commercially viable from an agricultural perspective.

The submitted statement of environmental effects (SEE) analyses in some detail the issue of consistency with the zone objectives. It is concurred that the proposal is generally consistent with the zone objectives, particularly objectives (d), (e) and (f).

Section 79C(1)(a)(ii) ***any draft environmental planning instrument that is or has been placed on public exhibition***

Draft Liverpool Plains Local Environmental Plan 2011

The subject land is proposed to be zoned RU1 Primary Production under the Draft Liverpool Plains LEP. Caravan parks and motels are a prohibited use within zone RU1 and are defined as follows:

Caravan park means land (including a camping ground) on which caravans (or caravans and other moveable dwellings) are, or are to be, installed or placed.

Hotel or motel accommodation means tourist and visitor accommodation (whether or not licensed premises under the Liquor Act 2007):

- (a) comprising rooms or self-contained suites, and
- (b) that may provide meals to guests or the general public and facilities for the parking of guests' vehicles,

but does not include backpackers' accommodation, a boarding house, bed and breakfast accommodation or farm stay accommodation.

Tourist and visitor accommodation means a building or place that provides temporary or short-term accommodation on a commercial basis, and includes hotel or motel accommodation, serviced apartments, bed and breakfast accommodation and backpackers' accommodation.

The standard LEP template does not currently provide suitable technical definitions for workforce accommodation facilities. Consequently, it is considered that the development is also an 'innominate use' for the purposes of the Draft LPLEP 2011.

Clause 1.8A of the Draft also provides transitional provisions for the consideration of prohibited land uses as follows:-

1.8A Savings provision relating to pending development applications

If a development application has been made before the commencement of this Plan in relation to the land to which this plan applies and the application has not been finally determined before that commencement, the application must be determined as if this Plan had not commenced.

Despite the development's status as an 'innominate use', it is not considered that the development is inconsistent with the objectives of the RU1 zone.

Draft Liverpool Plains Development Control Plan & Development Contribution Plan 2011

The Draft Liverpool Plains “consolidating” DCP will come into force upon gazettal of the Draft Liverpool Plains Regional Local Environmental Plan 2011. The DCP provides a range of matters for consideration ranging from site specific considerations through to Section 94A Contributions. Key items for consideration under the Draft DCP have been assessed in the body of this report.

Section 79C(1)(a)(iii) any development control plan

Parry Development Control Plan No. 9 – Landscape Guidelines (PDCP 9)

Native landscaping is proposed to be established throughout the new development comprising indigenous and endemic low maintenance species. A Landscaping Master Plan has been prepared for the site by Nicholas Bray Landscapes. A condition of development consent may be imposed requiring adherence with the submitted landscaping plan and further, that the landscaping be maintained throughout the life of the development.

PDCP9 also requires that a security be paid to Council in the form of a Bank Guarantee to ensure that landscaping is established and maintained for a period of twelve (12) months from completion and construction. Given the development's scale and status, it is not proposed to impose a requirement for the submission of a bond or bank guarantee in relation to this development. Ongoing monitoring of compliance will be undertaken following completion and occupation of the development.

Parry Development Control Plan 10 – Notification and Advertising of Development Applications

The development is not categorised as an Advertised Development under PLEP1987, however, due to the prominent nature of the development and it's corresponding importance to the community it was deemed appropriate that the development application be formally notified in accordance with Schedule 1 Item G of DCP 10. The Development Application was publicly advertised in the local newspaper and adjoining owners notified in writing of the proposal for a period of twenty eight (28) days from 22 July 2011 until 19 August 2011.

Section 79C(1)(a)(iiia) any planning agreement

There are no planning agreements applicable to the development proposal.

Section 79C(i)(a)(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph)

Environmental Planning & Assessment Regulations 2000

Division 5 of Part 9 of the *Environmental Planning and Assessment Regulation 2000* applies to the proposal. The proposal fulfils the fire safety and structural adequacy requirements of the regulations and is therefore considered appropriate. In accordance with the requirements of the regulation, a condition of consent is included requiring the submission of an annual fire safety statement from the applicant.

Section 79C(1)(b) the likely impacts of the development

Context and Setting

The subject land is located within the Werris Creek environs at the fringe of the Werris Creek urban area. At the 2006 census, the township of Werris Creek comprised a total population of approximately 1490 persons. A contextual map showing the location of the Werris Creek urban area and the pattern of surrounding development is provided in Map 1.

The development site has historically been utilized for traditional agricultural pursuits (grazing). The property adjoins existing agricultural operations, recreational facilities and agricultural land identified for future urban expansion pursuant to the *Liverpool Plains Growth Management Strategy 2009*. Issues pertaining to the management of potential land use conflict have been addressed in a latter section of this report.

Access, Transport & Traffic

The proponent has identified that client guest arrivals/departures are anticipated from a wide variety of transportation types and modes including rail, bus and air combinations. The business operating footprint for transport to shifts will remain the same for other Mac Villages with transport to job sites being primarily via shuttle bus.

A detailed traffic analysis has been prepared by TPK & Associates in support of the development application. The assessment by TPK concludes:

- The increase in land use traffic generation will not have an adverse impact on the road network in terms of route or intersection capacity;
- The increase in land use traffic generation does necessitate some road improvements to enhance road safety including pavement improvement, revision of the current intersection layout with Gap Road/MR130 and provision of an AUR geometric intersection for the site access and a revision of the applied speed limit;
- The Gap Road west of the site presents road conditions that require a road safety review regardless of this development. The review should embrace pavement maintenance and establishing one-way directional traffic priority on the two existing floodways;
- The subject site has existing connectivity to Werris Creek Township for pedestrian or cycle activity;
- The internal site layout will provide adequate parking capacity and pedestrian corridors to manage the anticipated demands; and
- The internal site layout will provide for acceptable manoeuvre of all vehicle classifications to ensure that all traffic enters and leaves the site in a forward direction.

The development proposal was also referred to the NSW RTA for consideration and comment in accordance with the requirements of the ISEPP. As detailed in a preceding section, the NSW RTA has recommended that Council consider the imposition of a number of conditions of development consent, as follows:

- To limit vehicle conflict points along Gap Road, access to the proposed workforce accommodation facility should be restricted to a single location. This access should be located so that AUSTROADS safe intersection sight distance for the prevailing travel speeds is provided on each approach.
- The intersection of Werris Creek Road and Gap Road should be upgraded to accommodate expected peak traffic movements.
- The intersection improvements suggested in the Traffic Assessment supporting the proposal appear sufficient for this purpose.
- The existing intersection of Werris Creek Road and Gap Road will experience increased traffic movements as a result of trips to the accommodation facility. The existing intersection has a large surface area. To define vehicle turning paths at this intersection, Council might consider channelisation of traffic movements at this junction.

It is intended that the above matters be further addressed as specific conditions of development consent to the proposal. Council's Traffic Engineer has also conducted a review of the submitted Statement of Environmental Effects (SEE) and recommended the incorporation of a number of specific conditions. These conditions specifically pertain to the design and construction of the new access, associated roadworks and the management of stormwater on the site.

Site Access

A new access is proposed to be constructed to service the development site to an intersection design standard as in accordance with the *Austroads Guide to Road Design* specifications and in accordance with the submitted TPK & Associates Traffic Assessment. No additional permanent access points are proposed for the development. It is proposed that entry and exit lanes will be separated and lane widths/kerb returns will be provided to cater for a range of vehicle types.

Roads

The Gap Road is a dedicated and sealed public road which extends from the development site approximately eleven (11) kilometres to the west to connect with the Kamilaroi Highway, and to the east intersects with the Werris Creek Road (MR 130) approximately one and a half (1.5) kilometres from the subject site. Gap Road is a State classified road and a well-utilised transport linkage which plays an important role within the local road hierarchy and reasonable access to the central west via Premer and Coolah.

The overall condition of Gap Road varies significantly. Adjacent to the development site, the current road pavement is considered to be of an adequate standard and considerable sight distance exists. West of the development site, where the Gap Road crosses Werries Creek (approximately five (5) kilometres from the development site), a rail underpass and two low level creek crossings exists which are currently in poor condition. Significant capital investment is required to bring the western section of the Gap Road up to a suitable standard from a road safety perspective.

It is considered, however, that limited nexus exists under the current development proposal to require the proponent to specifically contribute to future upgrading of the low level creek crossing given proposed levels of traffic generation. It is intended that the required future road upgrades to the Gap Road be considered in the context of future mining development and operations following the development of a sub-regional transport infrastructure strategy.

There is currently no kerb and gutter available for the length of the development frontage. It is not proposed to extend kerb and gutter to the frontage of the development site however, appropriate treatment of the frontage of the development site to manage localized stormwater drainage will be required.

Parking

Parking areas are proposed to be provided throughout the development site on a modular basis in order to service the various precincts. The submitted SEE indicates that all parking areas will be designed and constructed in accordance with AS2890.

No specific requirements are available in Council's current Policy and Planning documents in relation to the management of parking on the subject site or to guide the provision of parking rates. To assist in the assessment of parking demand, the TPK & Associates Report references a similar development located in Narrabri, NSW.

Based on predicted demand, which has been underpinned by previous analysis of parking requirements at the Narrabri site, a total of 1125 spaces have been identified to service the development. This parking provision equates to a rate of one (1) space per 1.3 units.

It is considered that the proposed rate of parking provision is commensurate with likely demand. A condition of development consent may also be imposed to ensure that sufficient parking is provided in line with pre-determined development thresholds and in accordance with the submitted precinct plans.

Manoeuvring & Internal Road Networks

A well-defined internal road network will be provided throughout the development site. All internal access roads are proposed to be bitumen sealed with roundabouts at key internal intersection locations to assist in the management of traffic movements.

It is considered that the internal road network is adequate to cater for future traffic demands and adequate manoeuvring area exists commensurate with expected requirements.

Pedestrians

The facility design is modeled on a traditional grid pattern with the central precinct (comprising the restaurant and crib rooms) forming a hub. Internal pedestrian linkages exist throughout the development site traversing the various precincts with legible pedestrian connectivity to the central hub.

An existing cycleway/pedestrian linkage is currently located directly adjacent to the development site. This path is bitumen sealed and originates at the Werris Creek Sporting Complex, extends across the full frontage of the development site and terminates at the MR130/Gap Road intersection. From this point, direct pedestrian connection and access is available via concrete pathways extending to the Werris Creek CBD.

It is considered that good external pedestrian connectivity current exists to the development site and no adverse impacts have been identified with respect to pedestrian access. The existing internal and external pedestrian network will satisfactorily cater for predicted demand.

Existing pedestrian networks will be enhanced by a proposed shuttle bus operation between the development site and the Werris Creek CBD.

Public Domain

The development site adjoins the Werris Creek Sporting Complex and is located adjacent to the Werris Creek Golf Club. The Werris Creek Complex is currently subject to a separate Planning Proposal to reclassify the land from “community” land classification to an “operational” land classification to enable the land to be sold. This matter has also been subject to a Public Hearing which was convened by an Independent Chairperson.

It is intended that the Werris Creek Complex land will be conditionally sold to the proponent on the basis that the facility remains open and accessible to the Werris Creek community for recreational purposes on an ongoing basis. Council also intends to reinvest a component of the proceeds to the re-development of David Taylor Park which is located approximately one (1) km east of the development site in the view of catering for additional recreational demands and ensure the effective ongoing management and use of this community recreational asset.

The site is also located adjacent to the Werris Creek Golf Club. The proposed accommodation facility is expected to both complement and enhance existing operations at the Club and patronage levels. The proponent is not seeking to pursue a Liquor License for its premises.

Linkages between the existing recreational facilities are considered excellent. A condition of development consent will need to be imposed to ensure that a pedestrian refuge (island) is incorporated on Gap Road to ensure the safe movement of pedestrians between the accommodation facility and the Werris Creek Golf Club facility.

Utilities

Water

A preliminary servicing strategy has been prepared in support of the development by Bath Stewart Associates. Under the preliminary strategy, water supply to the facility is proposed to be provided to the site via a combination of methods including use of Council's water supply system, on-site rainwater harvesting and grey water recycling activities.

Sewer

Under the current proposal, three (3) options are provided in respect to the provision of the sewer requirements as follows:

- (i) **Option 1** - A pressure sewer reticulation system delivering waste to an on-site system incorporating bioreactor technology and balance tanks. The treated effluent would then be utilized onsite for landscaping purposes and potentially for other non-potable uses (laundry use is suggested);
- (ii) **Option 2** - A pressure sewer reticulation system delivering wastewater to the existing Werris Creek Sewerage Treatment Plant via pressurized sewer main; and
- (iii) **Option 3** - A pressure sewer reticulation system delivering wastewater to the existing town sewer main in Werris Creek.

The submitted preliminary servicing strategy report recommends that further hydraulic analysis be conducted to ascertain water supply infrastructure upgrade requirements to ensure the provision of an adequate water supply.

Stormwater

The development site possesses a relatively flat topography which present design implications for the effective management of stormwater on the site. The limited fall available on the site will necessitate the installation of larger diameter pipes in order to effectively carry the volume of stormwater runoff. The final design of the stormwater system is dependent on which sewer servicing option is ultimately pursued.

There is currently no proposal for Council to provide stormwater infrastructure to the site. Consequently, a detailed Stormwater Management and Engineering Design Plan must be prepared and submitted prior to the release of the Construction Certificate. It is expected that this plan would form part of the requisite site Servicing Strategy.

Electricity

Electricity services are readily available for connection to the development site. The proponent will need to liaise with the local electricity provider, Essential Energy, in relation to the reticulation of electricity infrastructure to the site and any associated upgrades.

Telecommunications

Telecommunication services are readily available for connection to the development site. The proponent will need to liaise with the telecommunications provider (Telstra or their assignees) in relation to the reticulation of telecommunications infrastructure to the site and any associated upgrades.

Gas

The subject site is not serviced by a natural gas connection and it is therefore likely that the proposal will require the installation of an LPG gas tank. In the interest of mitigating any potential storage hazards, the physical siting of the proposed gas tank will need to be identified and clearly delineated on the final construction drawings prior to the issue of the Construction Certificate (CC).

Planning Commentary:

It is apparent from the information provided in support of the SEE via the submitted preliminary Site Servicing strategy that detailed additional analysis of the servicing requirements of the development is required. It is noted that Option 1 detailed in the preceding section is preferred by the proponent in terms of the management of sewage generated from the site. However, the Office of Environment and Heritage (OEH) and Council's Works Department has raised concerns that insufficient information has been provided in the SEE to sufficiently demonstrate that the increased hydraulic, nutrient and salt loadings associated with on-site reuse can be sustainably and effectively managed onsite without creating groundwater contamination (via runoff or leaching), or over-accumulation of nutrients or salt in the site soils.

Whilst Council is of the opinion that suitable mechanisms are available to the proponent for the effective management of sewage, the provision of water supply to the site and the corresponding management of stormwater, additional detailed analysis needs to be undertaken in this regard. Such issues are, however, not considered to be insurmountable. Consequently, a detailed Site Servicing Strategy will be required to be undertaken by the proponent which is underpinned by detailed hydraulic analysis, details compliance with s.68 of the *Local Government Act 1993*, demonstrates compliance with applicable Australian Standards, Council's Engineering Guidelines, an assessment of implications on existing Werris Creek Water and Sewer Infrastructure and nutrient and salt balance modeling.

It is therefore considered appropriate that a 'Deferred Commencement' condition be imposed requiring the submission of a detailed Servicing Strategy for the site. Such a Strategy must be prepared in conjunction with Council's Works Department, to the satisfaction of Council and at the full cost of the proponent.

Heritage

The subject land is not identified in Council's LEP Heritage schedules or the *Parry Community Based Heritage Study*. No items of heritage significance are known to exist on the land. A standard condition of development consent may be imposed requiring agency notification if items of indigenous heritage are uncovered during construction works.

Soils

The site is located within an alluvial valley and consists of silty soils to an average depth of 3 metres. The submitted SEE provides that the soils are permeable and will support the irrigation of wastewater.

Detailed erosion and sediment control plans will also be required to be prepared and submitted prior to the commencement of construction works. Council's Engineering Guidelines contain details of the necessary design standards.

Flora & Fauna

The physical development site comprises highly disturbed land which is largely devoid of vegetation. Isolated mature trees exist within the confines of the facility footprint which are proposed to be retained.

A detailed flora and fauna assessment has been undertaken in relation to this proposal, which addresses potential impacts on critical habitats, koala habitat, threatened flora and fauna species and populations and ecological threatened communities. The report presents a series of recommendations which are summarised below:

- A Koala Plan of Management (KPoM) is prepared for the site;
- Landscape plantings are composed of native endemic species;
- Ongoing management of the White Box–Yellow Box–Blakely's Red Gum Grassy Woodland and derived native grassland in accordance with the EPBC Act Policy Statement
- Emplacement of native endemic species as a vegetated buffer consisting of a minimum distance of 30 metres.

It is considered that the above matters may be addressed as conditions of development consent to the proposal. Adequate separation distance will need to be provided between the vegetated buffer and buildings to minimise potential bushfire risk (refer to separate section titled 'natural hazards').

Waste

Council's Health Services Coordinator has reviewed the submitted SEE and determined that waste service arrangements are adequate for the development and that the existing Werris Creek landfill has adequate capacity to cater for ongoing site operations. It is proposed that a private waste services contractor will service the development. A variety of waste streams will be generated at the site ranging from construction waste during the build phase and general household waste and recyclables through to trade waste upon facility operation. Standard conditions of development consent may be imposed in this regard and should the premises be connected to sewer as part of the site servicing strategy, a Trade Waste application must be submitted to Council prior to the issue of a Construction Certificate (CC).

Adequate manoeuvring area is available for waste transportation vehicles to service the development site. An advisory note may be imposed detailing that Council's existing waste services contract does not extend to operations at the facility and, without a request to modify this contract, that separate arrangements must be made with a private waste services/waste transportation contractor.

Energy & Ecologically Sustainable Building Design

A report pursuant to Section J of the Building Code of Australia (BCA) will be required to be prepared. It is intended that this matter be addressed as a condition of development consent to the proposal. The development also encompasses a range of initiatives regarding the reuse and recycling of water.

Noise & Vibration

The subject site is located in proximity to an existing Graincorp Storage and Intermodal transport facility. This premises operates on a 24 hour / seven (7) day per week basis and the operator of the facility has raised concerns regarding potential land use conflict and impingement on existing site operations. Noise is currently generated at the site via traffic movements (heavy vehicles) and train shunting. The Graincorp site is located approximately 250 metres from the development site and is physically separated by the Werris Creek Golf Club land and the Gap Road.

Graincorp perceives that the potential exists for complaints to be generated by patrons at the accommodation facility on the basis of noise and air quality impacts and seeks assurances from the proponent that operations at the accommodation facility will not impinge upon ongoing site operations.

Following receipt of the submission, a meeting was convened by Liverpool Plains Shire Council between the proponent and Graincorp representatives. At this meeting potential site management initiatives were discussed to ensure that any impacts arising from the operation of adjoining land uses could be appropriately managed and mitigated wherever practicable. Such measures included the strategic use of rooms during peak times of usage of the Graincorp facility (for example during harvest) and development of ongoing communication strategies between the two operations regarding peak periods of site usage.

It is also noted that the Graincorp Facility is approximately equidistant to the Werris Creek residential area. Council is unaware of any recent complaints regarding operations at this facility. Notwithstanding, the proponent has also consented to entering into a deed of agreement with the Graincorp operator to ensure the ongoing harmonious operations of each of the facilities. The construction of the buildings has also been designed so that the external walls will be insulated to reduce nuisance noise to acceptable levels which will also assist in external noise attenuation.

The submitted SEE does not anticipate any detrimental impacts in terms of the operation of the facility on adjoining land uses.

Natural Hazards

The subject land is identified as bushfire prone land in accordance with the Liverpool Plains Bushfire Prone Land Map. The DA and supporting documentation was referred to the NSW Rural Fire Service (RFS) for comment. In response, the NSW RFS advised as follows:

- A minimum asset protection zone of 40 metres shall be maintained between the facility and the unmanaged vegetation to the west. The APZ shall be maintained as an inner protection area (IPA) as outlined within Appendices 2 and 5 of *Planning for Bushfire Protection 2006* and the NSW Rural Fire Service's document Standards for asset protection zones.
- A minimum asset protection zone of 10 metres shall be maintained to the north, east and south of the facility.
- The Australian Standard AS3959-2009 *Construction of buildings in bushfire prone areas* now identifies 'grassland' as bushfire prone vegetation. Accordingly construction of the facility shall

comply with AS3959-2009. In this regard the above minimum APZ requirements may be increased to reduce the construction requirements.

- Water supplies shall be made available for fire fighting purposes by ensuring tanker access. Further details should be provided.
- Suitable tanker access should be provided around the perimeter of the facility.
- An emergency and evacuation plan is to be prepared for the facility. The plan is to comply with section 4.2.7 of *Planning for Bushfire Protection 2006*.
- The operation of the caravan park within the facility for tourist (sic) will require a Bushfire Safety Authority (as integrated development).

It is considered that the above matters identified by the NSW RFS may be addressed as conditions of development consent to the proposal. In relation to point seven (7), it is not considered that the caravan park component of the development constitutes integrated development for the purposes of the EP&A Act. Pursuant to s.100B of the Rural Fires Act 1997 specific authorization is required from the NSW Rural Fire Service for the development of land for 'special fire protection purposes'. For the purposes of the RF Act, special fire protection purposes include hotels, motels and tourist accommodation. S.100B of the Rural Fires Act 'calls up' additional matters prescribed under clause 46B of the Rural Fires Regulation 2002, as follows:

For the purposes of paragraph (i) of the definition of "special fire protection purpose" in section 100B (6) of the (Rural Fires) Act, the following purposes are prescribed:

- (a) manufactured home estates (within the meaning of State Environmental Planning Policy No 36- Manufactured Home Estates), comprising two or more caravans or manufactured homes, used for the purpose of casual or permanent accommodation (but not tourist accommodation),*
- (b) sheltered workshops, or other workplaces, established solely for the purpose of employing persons with disabilities,*
- (c) respite care centres, or similar centres, that accommodate persons with a physical or mental disability or provide respite for carers of such persons,*
- (d) student or staff accommodation associated with a school, university or other educational establishment.*

No definition exists under the Rural Fires Act for tourist accommodation and definitions under the LEP Standard Instrument are thus relied upon (which specifically exclude caravan parks). Consequently, further liaison and guidance will be required from the NSW RFS in this regard.

A review of Council's flood maps has been undertaken and the land is not identified as being subject to inundation by floodwater.

No adverse impacts have been identified that would preclude or impinge upon the operation of the development.

Safety, Security & Crime Prevention

The application was referred to the NSW Police Service for consideration and comment. A detailed submission was received which identified a range of issues requiring further consideration including crime prevention, traffic management issues, emergency management, local Police staffing implications, liquor licensing and crime prevention strategies. It was noted that minimal information is currently contained within the SEE in relation to safety, security and crime prevention.

Given deficiencies in the existing documentation regarding safety and security at the facility, a condition of development consent may be imposed requiring the proponent to submit additional information in this regard prior to the issue of the Construction Certificate (CC). This documentation should specifically address the NSW Planning Guidelines '*Crime Prevention Through Environmental Design*' and those matters raised in the NSW Police submission to the satisfaction of the NSW Police Service.

No liquor license is proposed for the current facility under the submitted DA. An existing licensed premise, the Werris Creek Golf Club, is located directly adjacent to the proposed development and is intended to complement operations on the site.

Social Impact in the Locality

Mining accommodation villages in other regional locations have been previously criticized for their perceived lack of integration with their surrounding communities given the requisite nature of their location, often at the fringe of residential and urban areas. This has led to concerns regarding the projected level of community benefit, potential social and economic impacts and their accessibility and integration with regional communities. As a consequence, the appropriate management of the potential social impacts is considered an important issue in the context of consideration of this particular development type.

A range of measures may be implemented to assist in the integration of the development with the Werris Creek community. Such measures may include:

- Continuation of the development landscaping theme along the Gap Road to the Werris Creek Village boundary;
- Active discussion with the proponent regarding the proposed theme(s) of each accommodation precinct ensuring that the adopted themes are consistent with existing themes endorsed and recognised by the Werris Creek community (for example, rail heritage);
- Inclusion of publicly available areas which are readily accessible by the general community (for example meeting rooms, gym equipment, eating areas); and
- Integration with existing businesses and identification of local opportunities/deficiencies in services.

It is considered that the above measures may be specifically addressed in conditions of development consent to the proposal via the preparation of a Community Benefit Plan. This Plan should identify specific actions and strategies to integrate the proposed workforce facility with the Werris Creek community and should be prepared to the satisfaction of Liverpool Plains Shire Council.

Compliance with the Disability Discrimination Act

It is intended that an advisory note drawing attention to compliance with the *Disability Discrimination Act* and associated Australian Standards will be attached to the conditional approval documentation.

Economic Impact in the Locality

It is anticipated that the project will generate up to 150 permanent and casual positions based on a ratio of one (1) staff member per ten (10) rooms. The proponent has specified that the recruitment strategy will give preference to local residents and that local services will be utilized.

The expected economic generation from the procurement phase of the project is anticipated to be in excess of \$50 million. Annually, the local economic benefit to the community is predicted to be in the order of \$10 million.

As detailed in a preceding section, a small caravan/tourist park is proposed as an adjunct to the development. Community desires for the establishment of such a facility has been previously identified in the *Werris Creek Community Economic Development Community Strategic Plan (2006)*.

No adverse impacts have been identified and it is considered that the facility will provide for ongoing employment opportunities and positive economic impact. The community benefit plan detailed in the preceding subsection titled 'social impact in the locality' will need to further articulate projected community economic benefits.

Site Design and Internal Design

The subject land is a regularly configured, predominantly flat allotment of approximately 103 hectares in total area. The proposed workforce accommodation village is centrally positioned on the Lot and comprises a traditional grid pattern design which is able to be progressively developed in precincts in line with demand. The development will consist of single storey pre-fabricated, demountable buildings which will be grouped together in 'pods' of 3 to 4 rooms each under a common roof, with an estimated area floor area of 16m² and roof area of 25m². Each of the pods will contain dedicated verandahs or patio areas.

A detailed site Master Plan has been submitted in support to the application. It is considered that the development design is sensitive to environmental conditions and prevailing site attributes.

Construction

Management of construction impacts will be the responsibility of the builder (or site manager). It is intended that a condition of development consent be imposed requiring the preparation of a Construction Management Plan (CMP) to ensure that impacts likely to be experienced during the construction phase of the development are appropriately managed and mitigated.

Section 79C(1)(c) The suitability of the site for the development

The site is considered suitable for the proposed development, as follows:

- it is consistent with the desired future character of the area;
- no adverse site constraints or impacts have been identified;
- acceptable access arrangements and traffic impacts; and
- any identified negative externalities are considered capable of being managed and appropriate conditions have been applied as has been deemed necessary.

Section 79C(1)(d) Any submissions made in accordance with the Act or the Regulations

The proposal was advertised and notified for a period of twenty eight (28) days from 22 July 2011 to 19 August 2011 in accordance with the *Environmental Planning and Assessment Act 1979*, the *Environmental Planning and Assessment Regulations 2000* and Parry DCP No. 10 - Notification and Advertising of Development Applications. Six (6) submissions were received in response to the public exhibition of the application. The table below details the representations made and associated responses.

Issue	Council Response
<i>Submission No. 1</i>	
<i>Permissibility of the development.</i>	The permissibility of the development as proposed and consistency with the zone objectives has been addressed in a preceding section of this assessment report. It is considered that the development constitutes a permissible use under the current LEP frameworks.
<i>Development site constitutes prime agricultural land and is inconsistent with the zone objectives</i>	Issues pertaining to prime agricultural land and consistency with zone objectives have been addressed in details in a prior section. It is not considered that the development is inconsistent with the zone objectives or contrary to the requirements of the Parry LEP 1987.
<i>Land use conflict – adjoining agricultural uses</i>	<p>Issues pertaining to land use conflict have been addressed in the body of this assessment report. It is considered that adequate separation distance exists between the two land uses to ensure the potential impacts are mitigated.</p> <p>The immediately adjoining land use constitutes a traditional mixed farming enterprise primarily consisting of grazing.</p> <p>It is considered that adequate separation distance exists between the site boundaries and accommodation units to negate potential land use conflicts arising from farming operations. Existing landscaping and additional proposed plantings via articulation of the existing vegetated areas at the western boundary of the site will further assist in management of potential conflicts.</p>
<i>Management of surface water, flooding and soil erosion</i>	Issues pertaining to the management of surface water, flooding and stormwater have been addressed throughout this assessment report. It is intended that these matters be addressed in detail as part of a <i>Site Servicing Strategy</i> .
<i>Boundary Fencing</i>	The submission raises concerns that the issue of fencing is not addressed in the application and highlights potential problems with unauthorized access and management of agricultural operations. This matter may be further addressed via the imposition of a condition of development consent requiring the proponent to install suitable boundary fencing and associated signage.
<i>Buffer zones</i>	The submission supports the retention of existing vegetation and proposed additional plantings.
<i>Submission No. 2</i>	

<p><i>Potential land use conflict with existing Graincorp operations.</i></p>	<p>The submission raises concerns in relation to the potential of land use conflict given the location of the existing Graincorp Facility approximately 250 metres south of the development site. The existing Graincorp operation is a significant grain storage and intermodal transport facility which operates on a 24 hour/7 day a week basis. The Graincorp facility is physically separated from the development site by the Werris Creek Golf Club and the Gap Road.</p> <p>Graincorp perceives that the potential exists for complaints to be generated by patrons at the accommodation facility on the basis of noise and air quality impacts and seeks assurances from the proponent that operations at the accommodation facility will not impinge upon ongoing site operations.</p> <p>Following receipt of the submission, a meeting was convened by Liverpool Plains Shire Council between the proponent and Graincorp representatives. At this meeting potential site management initiatives were discussed to ensure that any impacts arising from the operation of adjoining land uses could be appropriately managed and mitigated wherever practicable. Such measures included the strategic use of rooms during peak times of usage of the Graincorp facility (for example during harvest) and development of ongoing communication strategies between the two operations regarding peak periods of site usage.</p> <p>The proponent has also consented to entering into a deed of agreement with the Graincorp operator to ensure the ongoing harmonious operations of each of the facilities.</p>
<p><i>Submission No. 3</i></p>	
<p><i>NSW Police Service</i></p>	<p>The matters raised in this submission have been addressed in detail in the subsection of this report titled 'safety, security and crime prevention'.</p> <p>The matters raised by the NSW Police Service are proposed to be addressed as conditions of development consent, specifically via the requirement for provision of Safety, Security and Crime Prevention Plan or associated documentation. Such plan must receive the concurrence of the NSW Police Service and be prepared and issued prior to the issue of the Construction Certificate.</p>
<p><i>Submission No. 4</i></p>	
<p><i>Office of Environment & Heritage</i></p>	<p>The issues identified in the emailed submission have been addressed in the subsection of this report 'utility installations'.</p> <p>It is intended that the issues raised by OEHL will be addressed in detail as part of the required Site Servicing Strategy. Such a strategy will be required to be prepared and submitted to the satisfaction of Council as a deferred commencement matter.</p>

Submission No.5	
<i>NSW Rural Fire Service</i>	<p>The issues identified in the NSW RFS submission have been considered in detail in the preceding section titled 'Natural Hazards'.</p> <p>The matters raised by the NSW RFS may be further addressed as conditions of development consent to the proposal.</p>
Submission No.6	
<i>NSW Roads & Traffic Authority</i>	<p>The issues raised in the NSW RTA submission have been addressed in detail in the section titled 'Access, Traffic & Transport'.</p> <p>The matters raised by the NSW RTA may be fully addressed via the imposition of conditions of development consent.</p>

Section 79C(1)(e) The public interest

No policy statements from State or Federal Government are known to have any relevance to the assessment of this Development Application. The proposal is considered to be consistent with the general objectives of the *Liverpool Plains Shire Council Growth Management Strategy* (2009) in particular objective 9.5.1 "Provide for coordinated and effective and sustainable growth the economic, social and environmental aspects of the Shire" and objective 9.5.4 "To provide for economic development opportunities that is in keeping with the character of Liverpool Plains Shire".

4 Development Contributions Payable

The *Liverpool Plains Shire Council Section 94A Contributions Plan* applies to this development proposal. The primary objective of this Plan is to assist Council in providing and enhancing public amenities and services.

The Section 94A Plan affects all land within the Liverpool Plain Shire Council Local Government Area and pertains to all developments considered under Part 4 of the *Environmental Planning and Assessment Act 1979*. The Plan authorises Council to impose a levy as a condition of development consent in accordance with the levy schedule provided in the Plan (currently levied at 1.0% of the development cost). This amount may also be amended by the Ministerial Director.

Accordingly, a condition of consent has been incorporated into this report in line with the current requirements of the S94A Plan. A levy of \$485,000 is payable for this proposal.

The *Liverpool Plains Water Supply and Sewerage Development Servicing Plan (2010)* covers water supply and sewer developer charges in regard to the Liverpool Plains Council area for those developments using a water supply utility's water supply and/or sewerage infrastructure. The purpose of the DSP is to identify the change in demand for capacity in water and sewer infrastructure as a result of development in Liverpool Plains Shire, and to provide for that capacity through developer contributions.

Under the current DSP framework, development servicing contributions are currently levied per equivalent tenement (ET) on a staged implementation (progressive) basis as follows:

DSP Item	2011-2012 Fees & Charges Schedule	2012-2013 Fees & Charges Schedule
Sewer Headworks	\$2,702	TBA
Water Headworks	\$7,125	\$10,687

The payment of DSP contributions is additional to any required infrastructure capital upgrade works.

5 Recommendation

The application has been assessed in accordance with the requirements of the *Environmental Planning and Assessment Act 1979* and the *Environmental Planning and Assessment Regulation 2000*. The evaluation demonstrates that the proposal is satisfactory in terms of the matters for consideration identified in the legislation.

It is recommended that the proposal be granted conditional development consent in accordance with the schedule of conditions contained in Annexure 2.

RS (Ron) Van Katwyk
Director Environmental Services

ANNEXURE 1

DA PLANS



The Mac Werris
Creek\DA 37_2011 PI

ANNEXURE 2

DRAFT CONDITIONS OF DEVELOPMENT CONSENT

Annexure 2 – Proposed Conditions

Deferred Commencement Matter

Prior to this consent becoming operational, and as provided for by section 80(3) of the Environmental Planning and Assessment Act 1979, the consent shall not operate until a detailed **Infrastructure Servicing Strategy** is endorsed by Liverpool Plains Shire Council. Such a Strategy shall address all infrastructure servicing requirements for the site and be prepared in accordance with Best Practice Guidelines. Such a Plan shall include, but not be limited to the following matters:

- (i) Hydraulic analysis;
- (ii) Nutrient and salt balance modelling;
- (iii) Compliance with applicable Australian Standards;
- (iv) An assessment of the implications on the Werris Creek Water and Sewerage Infrastructure;
- (v) Provision of gas, electricity and telecommunications services;
- (vi) Compliance with Council's *Engineering Guidelines and Specifications for Subdivisions and Development Works*; and
- (vii) Compliance with section 68 of the Local Government Act 1993;
- (viii) Provision of details of proposed staging of works.

In accordance with clause 95(3) of the Regulation, a period of two (2) years from the date of the development consent is allowed for the satisfaction of the "deferred commencement" matters.

Identification of approved plans

1. The development must be carried out in accordance with the following plans and documentation listed below and as endorsed by Council, except where amended by other conditions of this development consent:

Plan No.	Prepared/Drawn By	Date
Statement of Environmental Effects	Mitchel Hanlon Consulting	13/07/2011
1115-DA00 – Title Sheet	DDC Architects	13/07/2011
1115-DA01 – Location & Existing Survey Plan	DDC Architects	13/07/2011
1115-DA02 – Site Analysis Plan	DDC Architects	13/07/2011
1115-DA03 – Site Plan	DDC Architects	13/07/2011
1115-DA04 – Site and Precinct Plan	DDC Architects	13/07/2011
1115-DA05 – Central Facilities Precinct	DDC Architects	13/07/2011
1115-DA06 – Precinct 1	DDC Architects	13/07/2011
1115-DA07 – Precinct 2	DDC Architects	13/07/2011
1115-DA08 – Precinct 3	DDC Architects	13/07/2011
1115-DA09 – Precinct 4	DDC Architects	13/07/2011
1115-DA10 – Precinct 5	DDC Architects	13/07/2011
1115-DA11 – Caravan Park and RV Precinct	DDC Architects	13/07/2011
1115-DA12 – Typical Precinct Elevations	DDC Architects	13/07/2011
1115-DA13 – Typical Community Facilities Elevations	DDC Architects	13/07/2011
1115-DA14 – Central Facilities Building	DDC Architects	13/07/2011
1115-DA15 – Central Facilities Building	DDC Architects	13/07/2011
1115-DA17 – Recreation Centre	DDC Architects	13/07/2011
1115-DA18 – Multi-Purpose Hall	DDC Architects	13/07/2011
1115-DA19 – Gymnasium	DDC Architects	13/07/2011
1115-DA20 – Maintenance Building	DDC Architects	13/07/2011
1115-DA21 – Accommodation buildings Type 316	DDC Architects	13/07/2011
1115-DA22 – Laundry and Gazebo Pavilions	DDC Architects	13/07/2011
L01 – Landscape Master Plan	Nicholas Bray Landscapes	08/07/2011

Inconsistency between documents

2. In the event of any inconsistency between conditions of this consent and the drawings/documents referred to above, the conditions of this consent shall prevail.

Prior to work commencing

3. Pursuant to s.81A of the Act, the following matters must be satisfied prior to the commencement of work:-
 - (i) Obtain a Construction Certificate from either Council or an accredited certifier; and
 - (ii) Appoint a Principal Certifying Authority (PCA) and advise Council of the appointment, if it is not the Council.
4. A sign is to be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out stating that unauthorized entry to the work site is prohibited and showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours. The sign is to be removed when the work has been completed.
5. Toilet facilities are to be provided, prior to the commencement of work, at or in the vicinity of the work site on which work involved in the erection or demolition of the building is being carried out.

Facilities are to be provided at the rate of one toilet for every 20 persons or part of 20 persons employed at the site. Each toilet provided must be a standard flushing toilet and must be connected to a public sewer. If connection to a public sewer is not practicable, then the toilet is to be connected to an accredited sewage management facility approved by the council. If connection to a public sewer or an accredited sewage management facility is not practicable, then connection to some other sewage management facility approved by Liverpool Plains Shire Council is required.
6. An Erosion and Sediment Control Plan shall be prepared by a suitably qualified person for approval by Council prior to the commencement of any construction works.

Erosion and sediment controls for the construction works are to be installed and approved by Council before site works begin, and maintained effectively for the duration of the construction works.
7. Pursuant to section 68 of the Local Government Act 1993, the following approvals must be obtained from Council prior to the issue of a Construction Certificate:-
 - (i) Carry out water supply works;
 - (ii) Carry out sewerage works (if applicable);
 - (iii) Carry out onsite sewage management works (if applicable);
 - (iv) Carry out stormwater drainage work; and
 - (v) Dispose of trade waste into a sewer of the Council (if applicable).
8. Prior to landscape works commencing, a revised Landscape Design Plan shall be submitted and approved showing additional supplementary buffer plantings to a depth of thirty (30) metres. The plan is to include details of species, planting densities, methodology and placement. Wherever practicable, native endemic species should be incorporated into the landscape design.

Prior to the issue of a Construction Certificate

Water & Sewer

9. A compliance certificate under section 306 of the Water Management Act 2000 must be obtained from Council (as the local water supply authority) prior to the issue of a Construction Certificate. All infrastructure design, including engineering drawings and construction specifications for water and sewerage supply (prepared in accordance with Council's Engineering Guidelines), must be approved and payments for water and sewer headworks contributions made prior to the issue of the compliance certificate.

Water & Sewer Headworks

10. Prior to the release of the Construction Certificate, the payment by the Developer of ***water supply headworks*** contributions, calculated on an equivalent tenement (ET) basis, pursuant to Section 64 of the Local Government Act 1993, Division 5 of Part 2 of Chapter 6 of the Water Management Act 2000 and in accordance with Council's adopted Development Servicing Plan (DSP). The contribution will be levied in accordance with Council's adopted Management Plan Fees and Charges Schedule as payable at the time of lodgement.
11. Prior to the release of the Construction Certificate, the payment by the Developer of ***sewer services headworks*** contributions, calculated on an equivalent tenement (ET) basis, pursuant to Section 64 of the Local Government Act 1993, Division 5 of Part 2 of Chapter 6 of the Water Management Act 2000 and in accordance with Council's adopted Development Servicing Plan (DSP). The contribution will be levied in accordance with Council's adopted Management Plan Fees and Charges Schedule as payable at the time of lodgement.
12. An Erosion and Sediment Control Management Plan shall be prepared in accordance with the relevant sections of the Department of Housing Manual "Soil and Water Management for Urban Development", and *Council's Engineering Guidelines and Specifications for Subdivisions and Development Works*. Such a Plan shall be submitted to and approved by Council prior to the issue of a Construction Certificate.

The Plan shall include:

- (i) Measures to prevent site vehicles tracking sediment and other pollutants from the development site;
- (ii) Dust control measures;
- (iii) Control structures such as sediment basins, sediment fences and sediment traps to trap sediment and allow filtered water to pass through; and
- (iv) Safety measures for temporary and permanent water bodies including fencing and maximum batter slopes.

The erosion and sediment control measures shall be provided to avoid damage to the environment during construction and are to be maintained throughout construction of the development.

13. Detailed engineering drawings specific to the works and prepared in accordance with *Council's Engineering Guidelines and Specifications for Subdivisions and Development Works*, are required to be submitted and approved by Council for the following, as a minimum, to ensure all works are designed and constructed in accordance with recognized standards and guidelines:
 - (i) Stormwater drainage;
 - (ii) Carparks and internal roads;
 - (iii) Access road intersection;
 - (iv) Intersection improvements at MR130/Gap Road;
 - (v) Erosion and sedimentation control.

The engineering drawings shall be prepared by a suitably qualified and experienced practicing engineer and be submitted to Council for approval prior to the issue of a Construction Certificate.

14. Prior to the issue of a Construction Certificate, a Construction Management Plan is to be submitted and approved by Council. The plan is to identify the methodology of managing all construction impacts.
15. All internal driveways, parking areas, loading bays and vehicular turning areas are to be constructed with a base course of adequate depth to suit design traffic, being sealed with either asphaltic concrete, concrete or interlocking pavers and being properly maintained to facilitate the use of vehicular access and parking facilities and to minimize associated noise and dust nuisance. Full details of compliance are to be included on the plans submitted to and approved by Council prior to the issue of the Construction Certificate application.
16. Street lighting shall be installed for the full frontage of the development site in accordance with *Council's Engineering Guidelines and Specifications for Subdivisions and Development Works* and AS1158. Specific attention will need to be provided to the site entry.

Full details on street lighting arrangements will be required to be submitted to Council for endorsement prior to the release of the Construction Certificate.

Section 94A Contributions

17. Pursuant to Section 80(1)(A) of the Environmental Planning and Assessment Act 1979, and the Liverpool Plains Section 94A Contributions Plan, a contribution of \$485,000 shall be paid to the Council.

The above amount may be adjusted at the time of actual payment, in accordance with the requirements of the Liverpool Plains Section 94A Contributions Plan. Payment of the contributions is required prior to the release of the Construction Certificate.

Caravan Park

18. The proposed caravan/tourist park of the development shall comply with the requirements of the *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005*. Detailed plans and specifications of the caravan park component and demonstrated compliance with the Regulation shall be submitted for the endorsement of Council prior to the release of the Construction Certificate.
19. The caravan park shall not be utilized for long-term accommodation.

Koala Plan of Management

20. A Koala Plan of Management (KPOM) shall be prepared for the site in accordance with the recommendations of the Flora and Fauna Assessment and submitted for Council endorsement prior to the release of the Construction Certificate.

General

21. All proposed building, site works or property improvement indicated on the submitted plans or otherwise required under the terms of this consent shall be completed prior to occupation of the premises to ensure compliance with the provisions of the Environmental Planning and Assessment Act, 1979.

22. All building work must be carried out in accordance with the provisions of the Building Code of Australia.
23. The developer is responsible for any costs relating to alterations and extensions of existing roads, drainage and Council services (including water and sewer reticulation) for the development.

Stormwater

24. The stormwater management system, as detailed in the submitted and Council-endorsed Infrastructure Strategy must be constructed to comply with the following requirements as a minimum:
 - (i) All plumbing within the site must be carried out in accordance with relevant provisions of Australian Standard AS/NZS 3500.3 – Plumbing and Drainage – Stormwater Drainage;
 - (ii) All surface flow paths must have a practical and satisfactory destination with due consideration to erosion and sediment control during all stages of the development; and
 - (iii) Any interruption to the natural overland flow of stormwater drainage which could result in the disruption of amenity, or drainage, or deterioration to any other property is not permitted.

Traffic and Parking

25. A vehicle crossing shall be provided at the location identified in the submitted engineering design plans and shall be constructed in accordance with NSW Roads and Traffic Authority requirements.
26. All parking and loading bays shall be permanently marked out on the pavement surface and being clearly indicated by means of appropriate signs to facilitate the orderly and efficient use of onsite parking and loading/unloading facilities.
27. The direction of traffic movement within the site shall be clearly indicated by means of suitable signs and pavement markings to ensure that clear direction is provided to the drivers of vehicles entering and leaving the premises in order to facilitate the orderly and efficient use of on-site parking and traffic access and in the interest of traffic safety.
28. The site intersection access with Gap Road shall be constructed in accordance with the AUSTROADS Guide to Road Design and in accordance with the submitted Traffic Assessment Report prepared by TPK Associates dated June 2011.
29. The existing intersection with the Gap Road and Werris Creek Road (MR130) shall be redesigned to adequately define vehicle turning paths and provide for channelization of traffic movements. All associated upgrading works shall be conducted at full cost of the Developer and shall be undertaken in accordance with NSW RTA requirements.
30. Upgrade of the Gap Road from the intersection of MR130 to the western boundary of the development site to provide a road formation with of 9.4m with a seal pavement width of 8.0m. All road upgrading works shall be to the satisfaction of Council and the NSW Roads and Traffic Guidelines and shall be conducted in accordance with *Council's Engineering Guidelines and Specifications for Subdivisions and Development Works*
31. A pedestrian refuge shall be installed adjacent to the development site to facilitate the safe movement of pedestrians traversing Gap Road. The pedestrian refuge shall be installed in accordance with Austroads Design Standards and NSW Roads and Traffic Authority Guidelines.

32. Section 5 of the Traffic Assessment Report prepared by TPK & Associates shall be reviewed and resubmitted prior to the design of the Gap Road/MR130 channelisation and construction of the development entrance utilizing current existing traffic count data. Such traffic data is available from Council's Works Department upon request.

Fencing

33. The applicant shall submit details of boundary fencing treatments for Council's endorsement prior to the release of the Construction Certificate. Wherever practicable, fencing shall be installed in such a manner to minimize potential interaction of site patrons with adjoining properties (with the exception of the Werris Creek Sporting Complex) and provide clear delineation of patron accessible and non patron-accessible areas.

Any additional fencing will be required to be installed at full cost to the Developer.

Bushfire Management

34. A minimum asset protection zone of 40 metres shall be maintained between the facility and the unmanaged vegetation to the west (including any vegetated plantings). The APZ shall be maintained as an inner protection area (IPA) as outlined within Appendices 2 and 5 of *Planning for Bushfire Protection 2006* and the NSW Rural Fire Service's document Standards for asset protection zones.
35. A minimum asset protection zone of 10 metres shall be maintained to the north, east and south of the facility.
36. The Australian Standard AS3959-2009 *Construction of buildings in bushfire prone areas* now identifies 'grassland' as bushfire prone vegetation. Accordingly construction of the facility shall comply with AS3959-2009. In this regard the above minimum APZ requirements may be increased to reduce the construction requirements.
37. Water supplies shall be made available for fire fighting purposes by ensuring tanker access. Full details on water supply for Bushfire Fighting provision shall be provided as part of the Site Infrastructure Servicing Strategy and shall be to the satisfaction of Liverpool Plains Shire Council and the NSW Rural Fire Service.
38. Suitable tanker access shall be provided around the perimeter of the facility.
39. An emergency and evacuation plan is to be prepared for the facility. The plan is to comply with section 4.2.7 of *Planning for Bushfire Protection 2006* and shall be endorsed by Council.

Safety, Security & Crime Prevention

40. Submission of additional documentation for endorsement detailing site specific crime prevention strategies, surveillance mechanisms and site access management in accordance with the Crime Prevention Through Environmental Design (CPTED) Guidelines. The documentation shall be to the satisfaction of Liverpool Plains Shire Council and the NSW Police Service.
41. The developer shall prepare, and submit to Council for endorsement, an emergency services plan. Such a plan shall detail site evacuation strategies and site identification mechanisms.

Community Benefit Plan

42. The Developer shall prepare, and submit to Council for endorsement, a Community Benefit Plan. Such a Plan should identify strategies to encourage and facilitate integration of the Workforce Accommodation Facility with the Werris Creek community and shall specify intended implementation measures and associated timeframes.

Food Premises

43. The food premises, including the construction and installation of all equipment, fixtures and fittings must comply with the requirements of the Food Act 2003, Food Regulation 2004, Food Standards Code and Australian Standard AS4674 for the Design, Construction and Fit Out of Food Premises. In this regard, the developer's attention is drawn to the following aspects:
- (i) If Council is nominated as the Principal Certifying Authority, details of compliance are to be included in the plans and specifications for the Construction Certificate. Council's Environmental Services Department is to be given 48 hours notice to inspect the premises prior to the commencement of the business.
 - (ii) Where Council is not nominated as the Principal Certifying Authority, a Certificate from an appropriately qualified person confirming compliance with the above legislation and guidelines is to be provided before the issue of the Occupation Certificate.
 - (iii) Prior to occupation and commencement of trade the food business is required to be registered with Council and/or the NSW Food Authority.

During Construction

44. Work on the project shall be limited to the following hours to prevent unreasonable disturbance to the amenity of the area:-

Monday to Friday – 7:00am – 5:00pm;

Saturday – 8:00am to 1:00pm if audible on other residential premises, otherwise 7:00am to 5:00pm.

No work to be carried out on Sunday or Public Holidays if it is audible on other residential premises.

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

45. A site rubbish enclosure shall be provided on the site for the period of the proposed construction works.
46. A copy of the current stamped approved engineering construction plans and specifications must be kept on site for the duration of the works and be made available upon request to either the Principal Certifying Authority or an officer of the Council.
47. The proponent shall ensure that dust suppression is undertaken to the satisfaction of the Responsible Authority, in the form of constant water spraying or other natural based proprietary dust suppressant, to ensure that dust caused by any vehicles moving within the site does not cause nuisance to surrounding properties.
48. Stockpiles of topsoil, sand, aggregates, spoil or other material shall be stored clear of any natural drainage path, constructed drainage systems, easement, water bodies, or road surface and located wholly within the site with measures in place to prevent erosion or movements of sediment in accordance with the approved erosion and sediment control management plan.

49. All spillage of materials, as a result of delivery or handling, must be removed as soon as practicable and placed into suitable receptacles for reclamation and disposal in a manner that does not cause pollution to the environment.
50. Open and piped drains, gutters, roadways and access ways shall be maintained free of sediment for the duration of the work. When necessary, roadways shall be swept and drains and gutters cleaned of sediment build up.
51. The footpath and/or road reserve is not be used for construction purposes or placing of building materials (without Council's prior consent) to ensure safe and unobstructed access for pedestrians and motorists.
52. All works undertaken on a public road are to be maintained in a safe condition at all times. Council may at any time, without prior notification, make safe any such works it considers unsafe and recover all reasonable costs incurred from the Developer.
53. Any damage caused to the road pavement, kerb and guttering and/or footpath during building operations shall be rectified by the Developer or the builder to the satisfaction of Council to ensure the integrity of Council's road infrastructure is maintained to a suitable standard.
54. Traffic management measures as a result of the works are to be maintained at all times in accordance with approved Traffic Control Plans and Traffic Management Plans.
55. Should any item of indigenous or European heritage be uncovered during construction, all work shall cease immediately and notification shall be provided to the Office of Environment and Heritage (OEH).

Inspections

56. As a consent authority under the Water Management Act 2000, the following inspections are required to be carried out by Council.
 - (i) Underfloor drainage under hydrostatic test prior to covering;
 - (ii) Internal stackwork under hydrostatic test prior to covering;
 - (iii) Hot and cold water plumbing under pressure test prior to covering;
 - (iv) Sanitary drainage (under hydrostatic test) prior to backfilling trenches or covering;
 - (v) The installation of any Trade Waste facilities prior to backfilling or covering;
 - (vi) Final inspection of all plumbing and drainage works;
 - (vii) Verification of "work as executed" drawings.
57. It is required that a Principal Certifying Authority (PCA) be appointed to undertake all critical stage inspections as prescribed under the Environmental Planning and Assessment Regulation 2000. The owner may appoint either the Council or an accredited certifier to be the PCA.
58. Inspections are required to be carried out by Council for the following works:
 - (i) Stormwater drainage infrastructure prior to backfilling trenches;
 - (ii) Road pavement prior to sealing;

Please note that Council requires a minimum of 48 hours notice to undertake inspections.

Prior to Occupation

59. To ensure that building work is completed in accordance with the approval and is in a safe and healthy condition for use by the occupants, the building(s) shall not be occupied or used until:
 - (a) It is completed in accordance with the approval and the principal certifying authority has completed a satisfactory final inspection;
 - (b) The principal certifying authority gives written permission to allow the building to be occupied or used before it is completed.
60. One (1) set of approved construction drawings for the intersection upgrade at the development site and the Gap Road shall be amended to show the "work as executed" and submitted to Council. The drawings shall be certified by a Registered Surveyor or a Chartered Professional Civil Engineer.

An 'Autocad' file of the "work as executed" plans shall be submitted to Council to upload on Council's Geographic Information System.

A 'pdf' version of the "work as executed" plans shall also be submitted to ensure that adequate community records are maintained of community infrastructure.

Continued Operations

61. The sealing of all vehicular parking, manoeuvring and loading and unloading areas is to be maintained at all times.
62. The pavement markings of all vehicular parking areas and directional pavement markings is to be maintained at all times.
63. All vehicular movement to and from the site shall be in a forward direction to ensure that the proposed development does not give rise to vehicle reversing movements on or off the public road with consequent traffic accident potential and reduction in road efficiency.
64. To ensure that required car parking spaces, associated driveways and vehicle manoeuvring areas are able to function efficiently for their intended purpose, they shall be maintained clear of obstruction and used exclusively for the purposes of car parking and vehicle access and under no circumstances are such areas to be used for the storage of goods or waste materials.
65. Landscaping shall be maintained throughout the life of the development.

Advisory Notes

- A1. The applicant is advised that Council's existing waste services contract does not extend to operations at the facility and, unless changes to the contract are requested, separate arrangements must be made with a private waste services/waste transportation contractor.
- A2. Progressive Interim Occupation Certificates are permitted at the completion of each Precinct.
- A3. Liaison with Australia Post regarding the provision of postal services to the facility.

A4. Compliance with the Disability Discrimination Act 1992.