

## **Northern Joint Regional Planning Panel**

### **Notice for DA 37/2011 - 2011NTH023 – Workforce Accommodation Facility – 76 Gap Road, Werris Creek (Liverpool Plains Shire Council)**

On 17 November 2011, the Northern Joint Regional Planning Panel held a determination meeting for the above development application. Final minutes from the meeting were published on the Joint Regional Planning Panel website on 24 November 2011.

The final minutes were required to be amended to include a:

- Summary of documents tabled and presented to the Regional Panel at the meeting by the Director of Environmental Services, Liverpool Plains Shire Council
- Summary of the Regional Panel's requested amendments to the draft conditions of consent.

The changes to the minutes are indicated in 'red' in the amended document.

The amended final minutes (endorsed by the Regional Panel Chair on 9 December 2011) are now available for viewing on the Regional Panel website at [www.jrpp.nsw.gov.au](http://www.jrpp.nsw.gov.au).

If you have any further questions please contact the Panel Secretariat on (02) 9383 2121.

**Panel Secretariat**  
**9 December 2011**

## Northern Joint Regional Planning Panel Meeting Minutes

<b>Project title and Ref. No.:</b>	Liverpool Plains Shire Council –DA 37/2011 – Workforce Accommodation Facility – 76 Gap Road, Werris Creek	
<b>Date / Time:</b>	Thursday 17 November 2011 1:30pm	
<b>Venue:</b>	The Railway Institute, Anzac Parade, Werris Creek	
<b>Attendees:</b>	<b>Name</b>	<b>Organisation</b>
	Garry West	Panel Chairperson
	Bruce Clarke	Panel Member
	Cr Bernie Perkins	Panel Member/ LPSC Councillor
	Cr Col Stewart	Panel Member/ LPSC Councillor
	Robert Hunt	LPSC General Manager
	Ron van Katwyk	LPSC Director Environmental Services
	Greg Tory	LPSC Director Works
	Donna Ausling	LPSC Planning and Development Manager
	Rodney Batterham	LPSC Water Services Manager
	James Maltby	LPSC Town Planner (Minute taker)
	Michael Beashel	MAC Services Group – General Manager Development
	Geoff Dearden	MAC Services Group – Development Manager
	5 members of public	
	Media representatives from Prime News	
<b>Residents who addressed the Panel:</b>	Leila Gilles – addressed the panel <b>for</b> the item	
	Shawn Caine (a member of the Werris Creek Multi Purpose Service – addressed the panel with a question for the applicant Mr Geoff Deardon addressed the panel Advisory Committee)	

### Minutes

Meeting opened at 1:35pm.

Chairperson Mr Garry West welcomed everyone, introduced the Panel Members and gave a broad outline of the meeting agenda.

Mr West explained that:

- There had been a legal opinion disputing the permissibility of the MAC Workforce Accommodation proposal from Gadens Lawyers acting on behalf of GrainCorp presented to the initial Panel meeting held on 11<sup>th</sup> October 2011. The determination of this meeting was to request Council to pursue its own legal opinion on this question.
- Council has subsequently obtained a legal opinion supporting the permissibility of the proposal under the Parry Local Environmental Plan 1987. In addition the MAC Services Group has obtained legal advice that also supports this view.
- Both legal opinions have been reviewed by Council with the recommendation to the Panel that the matter was permissible in the zone and could be determined.
- The Panel and Council had received a further letter from Gadens Lawyers on behalf of GrainCorp confirming their objection to the proposal.

- The absence of a Deed of Agreement was not a limiting factor to the Panel and it would not inhibit determination of the proposal.

Mr West enquired of Mr Dearden if he was aware of the draft condition relating to a crime prevention strategy being required to be produced prior to the issue of a Construction Certificate. Mr Dearden advised that this was their normal practice in other facilities. Mr Dearden added that their business model relied heavily on supporting local community groups, employing locals, purchasing locally and sponsoring local activities.

Panel member Mr Bernie Perkins enquired of Mr Dearden if it was a requirement to prohibit "mixed" accommodation. Mr Dearden advised the meeting that females made up approximately 15-20% of their customers and they did not generally cater for couples as the general trend was for a "trickle effect" where couples and families preferred to move into a more traditional community environment.

LPSC Director of Environmental Services, Mr Ron Van Katwyk was then invited to address the Panel. He thanked the Panel for complimentary feedback on Council's report and tabled the following documents:

- Gadens Lawyers' opinion dated 10/10/2011
- The legal opinion Council had obtained from Everingham Solomons Solicitors supporting the permissibility of the MAC
- Group's proposal dated 7/11/2011
- Corrs Chambers Westgarth Lawyers opinion dated 11/11/2011 confirming permissibility of the proposal in terms of the Parry Local Environmental Plan 1987.
- A further letter dated 16/11/11 from Gadens Lawyers confirming that their client, GrainCorp, is maintaining its objection to the development proposal.
- Correspondence from the MAC Services Group dated 16/11/2011 confirming they were willing to enter into deed of agreement with GrainCorp.
- A proposed additional condition of consent in four parts titled "Noise and Dust Attenuation".

Mr Van Katwyk clarified the circumstances surrounding the statement in an item of Gadens Lawyers' correspondence that the Council report was "misleading". He referred to two items of correspondence tabled earlier in the meeting that indicated willingness by both the MAC Group and GrainCorp to enter into a formal deed of agreement. He then advised the Panel that the four (4) part additional condition should be added to the recommended schedule provided in the assessment report. The condition should be numbered 43A and contained the following parts:

- a) The proponent shall construct a bunded mound to a minimum of 1.8 metres at the frontage of the development site. The design and location of the mound shall be approved by Liverpool Plains Shire Council prior to construction and shall be fully landscaped.
- b) A revised site plan shall be submitted to and approved by Liverpool Plains Shire Council prior to the issue of a Construction Certificate. The revised plan shall show that there are no buildings capable of occupation within a minimum distance of 180 metres from the property boundary adjacent to Gap Road.

- c) Any windows located on the south and eastern elevations of buildings that are capable of occupation, being those structures in the outer row of buildings closest to Gap Road and eastern boundary of the site, shall be double glazed to a standard approved by Liverpool Plains Shire Council prior to the issue of the Construction Certificate.
- d) Any buildings that are capable of occupation shall be fully air-conditioned with appropriate dust filtration measures.

Mr Perkins moved the item, seconded by Mr Clarke. "The development be approved subject to the conditions found in Schedule 1 of the assessment report with the addition of the four part condition proposed by Liverpool Plains Shire Council".

The motion was carried unanimously.

Meeting closed at 2:30pm.

Endorsed by

Garry West  
Chair, Northern  
Joint Regional Planning Panel  
9 December 2011

## **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:

<b>Plan No.</b>	<b>Prepared/Drawn By</b>	<b>Date</b>
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.

*Reason: To confirm and clarify the terms of Council's approval.*

### 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.

*Reason: To ensure compliance with statutory requirements.*

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.

*Reason: To ensure compliance with statutory requirements.*

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.

*Reason: In the interest of workplace health and amenity and to ensure compliance with statutory requirements.*

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.

*Reason: To protect the environment and Council's assets.*

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).

*Reason: To ensure compliance with statutory requirements.*

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.

*Reason: To confirm and clarify the terms of Council's approval and to mitigate potential edge effects arising from the development.*

### **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.

*Reason: To ensure compliance with statutory requirements.*

#### *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.

*Reason: To ensure compliance with statutory requirements and Council's Development Services Plan*

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.

*Reason: To ensure compliance with statutory requirements and Council's Development Services Plan.*

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.

*Reason: To ensure compliance with Council's Policies and Codes and to ensure that community assets are appropriately protected.*

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:

- (b) 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.

*Reason: To ensure compliance with Council's Policies and Codes and to ensure all works are designed and constructed in accordance with recognized standards and guidelines.*

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.

*Reason: To ensure that potential impacts arising from the construction phase of the development are appropriately managed.*

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.

*Reason: To ensure compliance with Council's Policies and Codes and in the interest of traffic safety.*

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.

*Reason: To ensure compliance with Council's Policies and Codes and to ensure that the development site is appropriately illuminated in the interest of traffic safety.*

#### *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.

*Reason: To ensure compliance with Council's Section 94A Contributions Plan and statutory requirements.*

#### *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.

*Reason: To ensure compliance with statutory requirements.*

19. The caravan park shall not be utilized for long-term accommodation.

*Reason: To confirm and clarify the terms of Council's approval.*

#### *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.

*Reason: To ensure compliance with the provisions of State Environmental Planning Policy (SEPP) No. 44 and to mitigate the potential impact of the development on local koala populations.*

#### **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.

*Reason: To ensure compliance with statutory requirements.*

22. All building work must be carried out in accordance with the provisions of the Building Code of Australia.

*Reason: To ensure compliance with statutory requirements.*

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.

*Reason: To confirm and clarify the terms of Council's approval.*

#### *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.

*Reason: To ensure that stormwater generated from the site is appropriately managed.*

#### *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.

*Reason: To ensure compliance with NSW Roads and Traffic Authority requirements and to ensure appropriate access provisions to the development site.*

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.

*Reason: To facilitate the orderly movement and parking of vehicles throughout the development site and in the interest of traffic safety.*

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.

*Reason: To facilitate the orderly movement and parking of vehicles throughout the development site 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.

*Reason: In the interest of traffic safety and to confirm and clarify the terms of Council's approval.*

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.

*Reason: To ensure compliance with NSW RTA requirements and in the interest of traffic safety.*

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*.

*Reason: To ensure compliance with Council's Policies and Codes and NSW RTA requirements in the interest of traffic safety.*

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.

*Reason: To facilitate the safe movement of pedestrians in accordance with accepted design standards.*

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.

*Reason: To ensure that engineering designs are prepared utilizing best available data.*

#### *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.

*Reason: To minimize potential for land use conflict and in the interest of community safety.*

#### *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.

*Reason: To ensure compliance with statutory requirements and in the interest of community safety.*

35. A minimum asset protection zone of 10 metres shall be maintained to the north, east and south of the facility.

*Reason: To minimize potential bushfire risk and in the interest of community safety.*

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.

*Reason: To ensure compliance with statutory requirements and in the interest of community safety.*

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.

*Reason: To minimize potential bushfire risk and in the interest of community safety.*

38. Suitable tanker access shall be provided around the perimeter of the facility.

*Reason: To minimize potential bushfire risk and in the interest of community safety.*

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.

*Reason: To ensure that appropriate measures are in place to evacuate patrons in the event of an emergency.*

#### *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.

*Reason: To ensure appropriate site specific measures are implemented in the interest of community safety.*

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.

*Reason: To ensure that appropriate measures are in place to evacuate patrons in the event of an emergency.*

#### *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.

*Reason: To confirm and clarify the terms of Council's approval and to ensure that potential community benefits arising from ongoing facility operations are maximised.*

#### *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.

*Reason: In the interest of community safety and to ensure compliance with statutory requirements.*

#### *Noise & Dust Attenuation*

43A.

- (a) The proponent shall construct a bunded mound to a minimum height of 1.8 metres at the frontage of the development site. The design and location of the mound shall be approved by Liverpool Plains Shire Council prior to construction and shall be fully landscaped.
- (b) A revised site plan shall be submitted to and approved by Liverpool Plains Shire Council prior to the issue of a Construction Certificate. The revised plan shall show that there are no buildings capable of occupation within a minimum distance of 180 metres from the property boundary adjacent to Gap Road.
- (c) Any windows located on the south and eastern elevations of buildings that are capable of occupation, being those structures in the outer row of buildings closest to Gap Road and eastern boundary of the site, shall be double-glazed to a standard approved by Liverpool Plains Shire Council prior to the issue of the Construction Certificate.
- (d) Any buildings that are capable of occupation shall be fully air-conditioned with appropriate dust filtration measures.

*Reason: To ensure that potential impacts on occupants arising from surrounding land uses and road traffic movements are mitigated and to confirm and clarify the terms of Council's approval.*

## 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.

*Reason: To prevent unreasonable disturbance to the amenity of the neighbourhood and to ensure compliance with statutory requirements.*

45. A site rubbish enclosure shall be provided on the site for the period of the proposed construction works.

*Reason: To ensure that waste is stored in an environmentally acceptable manner.*

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.

*Reason: To facilitate compliance with consent conditions and to confirm and clarify the terms of Council's approval.*

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.

*Reason: To minimize dust nuisance during the construction phase of the development.*

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.

*Reason: To ensure the protection of community infrastructure assets.*

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.

*Reason: To ensure that materials are stored and disposed of in an environmentally acceptable manner.*

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.

*Reason: To ensure the protection of community infrastructure assets.*

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.

*Reason: In the interest of pedestrian and traffic safety.*

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.

*Reason: In the interest of community safety and to protect Council's assets.*

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.

*Reason: To protect community infrastructure assets and to confirm and clarify the terms of Council's approval.*

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.

*Reason: In the interest of traffic and community safety.*

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).

*Reason: To ensure compliance with statutory requirements.*

### *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.

*Reason: To ensure compliance with statutory requirements.*

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.

*Reason: To ensure compliance with statutory requirements.*

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.

*Reason: To ensure works are compliant with applicable requirements and are constructed to an appropriate standard.*

### **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.

*Reason: To ensure compliance with statutory requirements and completed works comply with relevant approvals.*

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.

*Reason: To confirm and clarify the terms of Council's approval and to ensure that data is provided to Council in an acceptable file format for archival and data management purposes.*

### **Continued Operations**

61. The sealing of all vehicular parking, manoeuvring and loading and unloading areas is to be maintained at all times.

*Reason: To ensure that infrastructure is maintained for the life of the development and in the interest of traffic safety.*



62. The pavement markings of all vehicular parking areas and directional pavement markings is to be maintained at all times.

*Reason: To ensure that infrastructure is maintained for the life of the development and in the interest of traffic safety.*

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.

*Reason: In the interest of traffic safety.*

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.

*Reason: In the interest of traffic safety.*

65. Landscaping shall be maintained throughout the life of the development.

*Reason: To confirm and clarify the terms of Council's approval and to ensure that landscaping is maintained to a suitable standard throughout the life of the development.*