

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) Provision of water supply, sewerage and site stormwater services demonstrating compliance with applicable Australian Standards;
- (ii) Provision of gas, electricity and telecommunications services;
- (iii) Provision of civil engineering requirements demonstrating compliance with Council's *Engineering Guidelines and Specifications for Subdivisions and Development Works*; and
- (iv) Compliance with section 68 of the Local Government Act 1993 with regard to achieving compliance with necessary ancillary approvals;

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	APP Corporation	October 2011
1104 AP01-Concept Analysis	Mosca Pserras Architects	12/08/2011
1104 AP02 – Elevations/Sections	Mosca Pserras Architects	12/08/2011
T112059 – Site Service Plan	Kelley Covey Group	18/10/2011
20C-11-0239 – Acoustic Impact Assessment	Vipac Engineers	10/10/2011
8380 – Traffic Report	Colston Budd Hunt & Kafes Pty Ltd	September 2011
BCA Section J Design Report	Gradwell Consulting	12/10/2011

3053A L-012 – Landscaping Plan	RFA Landscape Architects	11/10/2011
11140 – Detail Survey	Mitchel Hanlon Consulting	30/08/2011

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 is being carried out.

Note: 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).

Prior to the issue of a Construction Certificate

Water & Sewer

8. 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.

Hours of Operations

9. Operation of the site shall be limited to the following hours to prevent unreasonable disturbance to the amenity of the area:

Auto Alley - 7am – 7pm
Car and Truck Wash Facilities – 7am – 7pm
Drive Through and Fast Food Outlet - 24 hours
Truck Stop Facilities – 24 hours
Service Station – 24 hours
All car and truck car spaces – 24 hours

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) Car parks and internal roads;
- (iii) Access road intersection;
- (iv) 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.

Section 94A Contributions

16. 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 \$40,300 shall be paid to the Council.

Notes: a) 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.

b) Payment of the contributions is required prior to the release of the Construction Certificate.

Auto Alley

17. The use of the of the Auto Alley is not granted within this consent and a separate Development Application will be required for the operation of this facility,

General

18. 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.

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

Note: Section J Report and Fire Safety Certification

20. 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

21. 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;
22. 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;

Note: Table drain treatment along the frontage of the development is to be completed in accordance with Council's Guidelines for Engineering and Subdivision Works

23. 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

24. 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.
25. 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.
26. A right turn CHR treatment, including any necessary widening, shall be installed to provide protection for right turning traffic entering the site from HW29. The CHR should be of sufficient length to accommodate a standing B-Double articulated vehicle whilst allowing a clear travel lane for southbound traffic in accordance with Part 4A of the AUSTROADS Guide to Road Design.

Note: The widening of the approach to the above mentioned CHR may be extended to the intersection of Industrial Drive thus providing an evenly widened pavement for the entire frontage of the propose development.

27. All car parking and manoeuvring paths for the development should be contained wholly within the site in accordance with AUSTROAD and AS2890.
28. Prior to the issue of a Construction Certificate, the developer will be required to enter into a Works Authorisation Deed (WAD) with the Roads and Maritime Service (RMS) for the new road works required on the Kamilaroi Highway. Prior to the Issue of an Occupation Certificate (interim or final) the developer shall complete all road works under the WAD to practical completion as determined by the RMS. All works shall be undertaken at full cost to the developer.
29. The Developer must obtain the appropriate RMS authorisation in writing prior to the

commencement of any road works on the Kamilaroi highway, including traffic management, temporary or permanent road works associated with the proposed development.

Safety, Security & Crime Prevention

30. 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.
31. 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.

Food Premises

32. 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.
 - (iv) Prior to the sale of food to the public the food preparation, service and storage areas of the premises will be required to be inspected and approved by Council's Environmental Health Officer to ensure compliance with the Food Act 2003 and the Food Safety Standards.

Noise & Vibration

33. The noise level generated by the development must not exceed the Office of Environment and Heritage Industrial Noise Policy's recommended LAeq noise level dB(A) for suburban residential receivers at any time (when measured at the boundary of the nearest residential receiver).
34. An acoustic validation report must be provided and endorsed by Council within the first three (3) months of operation of the service centre to ensure that the development complies with the conditions of consent pertaining to noise. In the event that the design noise level criteria are not met, appropriate remediation measures shall be proposed for Council's approval. This report must include the dwelling located at Lot 18 Sec 8 DP758863.
35. Any audible alarms (excluding security alarms) should be prohibited
36. The construction of the acoustic wall shall be of an approved Acoustic walling or baffle material and the location of this wall be determined by the acoustic engineer and approved by Council prior to installation.

37. The development should not generate offensive noise as defined under the Protection of the Environment Operations Act 1997.

Lighting

38. A Lighting Management Plan will be completed by a suitable qualified consultant and submitted to Council. The plan will demonstrate compliance with AS4282-1997 "Control of the Obtrusive Effects of Lighting".

Signage

39. Signage shall be erected at the two truck parking bays adjacent to the wash facilities advising drivers to use parking available at the western end of the development prior to occupying these spaces during the evening and night period.
40. Signage will also be erected at the Auto Alley, Truck Repairs and Truck servicing area, advising drivers to exit via Loder Street during the evening and night period.

Underground Petroleum Storage Systems

41. The underground petroleum storage system is to be installed to meet the minimum requirements of the POEO (Underground Petroleum Storage Systems) Regulation 2008 inclusive of the following:

A new UPSS must prior to commissioning:

- Be appropriately designed, install and commissioned by duly qualified persons in accordance with the UPSS Regulation.
- Have minimum mandatory pollution protection equipment installed, consistent with the Regulation, comprising non-corrodible secondary containment tanks and associated pipework and overfill protection devices.
- Have groundwater monitoring wells installed and tested in accordance with the Regulations.
- Have a certificate showing that any equipment integrity test (EIT) has been carried out in line with the written directions of duly qualified persons.

During Construction

42. 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 subcontractors regarding the hours of work.

43. A site rubbish enclosure shall be provided on the site for the period of the proposed construction works.
44. 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.

45. The proponent shall ensure that dust suppression is undertaken to the satisfaction of Council, 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.
46. 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.
47. 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.
48. 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.
49. 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.
50. 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.
51. 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.
52. 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.
53. 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

54. 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.
55. 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.

56. 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

57. 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.

Continued Operations

58. The sealing of all vehicular parking, manoeuvring and loading and unloading areas is to be maintained at all times.
59. The pavement markings of all vehicular parking areas and directional pavement markings is to be maintained at all times.
60. 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.
61. 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.
62. Landscaping shall be maintained throughout the life of the development.

Advisory Notes

- Before the issue of an occupation certificate. A street address number for the site, must be obtained from the Rates Section of LPSC and the address number permanently displayed as per Council requirements