



# LIVERPOOL PLAINS SHIRE COUNCIL

## Notice of determination of a development application

issued under *the Environmental Planning and  
Assessment Act 1979* section 81 (1) (a)

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### development application number

62/2011

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### development application

applicant name

Frank Mosca  
c/o Mosca Pserras Architects

applicant address

PO Box 3353  
Liverpool Westfield NSW 2170

land to be developed: address

LOT: 3 DP: 1125557  
Duke Street QUIRINDI 2343

owner's name and address

Liverpool Plains Shire Council  
PO Box 152  
QUIRINDI NSW 2343

proposed development

New Truckstop/ Service Station

### Property Zoning

Zone 4(a) Industrial (General Zone)  
&

2(v) Village Zone

**Quirindi Local Environmental Plans 1991**

R1 General Residential

&

IN1 General Industrial

**Liverpool Plains Local Environmental Plan 2011**

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### Determination

made on (date)

16/02/2012

Determination

☒ consent granted subject to conditions described below –  
*see Page 3*

consent to operate from (date)

16/02/2012

consent to lapse on (date)

16/02/2017

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**right of appeal**

If you are dissatisfied with this decision section 97 of the *Environmental Planning and Assessment Act 1979* gives you the right to appeal to the Land and Environment Court within 12 months after the date on which you receive this notice.

*\*section 97 of the Environmental Planning and Assessment Act 1979 does not apply to the determination of a development application for State significant development or local designated development that has been the subject of a Commission of Inquiry*

**Review of Determination -  
Section 82A *Environmental  
Planning and Assessment Act  
1979*:**

An applicant in accordance with provisions of s82A of the *Environmental Planning and Assessment Act 1979*, may request the Council where it is the consent authority to review a determination of application. Applicants seeking a review of a determination should discuss the process with Council's Director Environmental Services.

*An applicant may request Council to undertake a review of any applicants determination under s82A of the Environmental Planning and Assessment Act 1979 where:*

- *the request is made in writing*
- *the appropriate fee is paid*

*A determination cannot be reviewed after:*

- a) *the time limited for making of an appeal under s97 expires, if no such appeal is made against the determination.*
- b) *after an appeal under s97 against the determination is disposed of by the Court, if such an appeal is made against the determination.*

*If you wish to have a review of your determination it is suggested in the first instance an appointment is made with Council's Environmental Services Department on (02) 6746 1755 to further discuss the determination or by contacting Council via email [lpac@lpac.nsw.gov.au](mailto:lpac@lpac.nsw.gov.au) or by post PO Box 152 Quirindi NSW 2343.*

## Conditions of Consent

### PART A

#### Deferred Commencement Matter

1. Prior to this consent becoming operational, and as provided for by section 80(3) of the Environmental Planning and Assessment Act 1979 and s.95 of the Regulations 2000, 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.

### PART B – GENERAL CONDITIONS (To operate in the event that the deferred commencement condition is achieved).

#### B1 Procedural

##### Identification of approved plans

2. 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 (as amended 16/02/2012)	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**

3. 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**

4. 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.

5. 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.

6. 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.

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

7. 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.

8. 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.

#### **Auto Alley**

9. Auto Alley is not granted within this consent.

Reason: To ensure compliance with the approved drawings/documents

10. 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.

11. 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

#### **Inspections**

12. 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.

13. 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

14. 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

## B2 - Prior to the issue of a Construction Certificate

### *Water & Sewer*

15. 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*

16. 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

17. 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

18. 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..

19. 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.

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

20. 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

21. 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 the interest of traffic safety

### **Section 94A Contributions**

22. 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.

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

23. a) 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.
- b) 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.

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

## **B3 – DURING CONSTRUCTION**

24. 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

Reason: To ensure compliance with statutory requirements.



### ***Stormwater***

25. 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;

Reason: to ensure that stormwater generated from the site is appropriately managed

26. 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

Reason: To ensure compliance with Council's policies

27. 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***

28. 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

30. 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

31. 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 shall be extended to the intersection of Industrial Drive thus providing an evenly widened pavement for the entire frontage of the proposed development.

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

32. All car parking and manoeuvring paths for the development should be contained wholly within the site in accordance with AUSTROADS and AS2890.

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

### Lighting

33. 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".

Reason: To ensure compliance with statutory requirements.

34. 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.

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

35. 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.

36. 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.

37. 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.

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

38. 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.

39. 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

40. 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

41. 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

42. 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

43. 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 the terms of Council's approval

44. 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

45. 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.

## **B4- PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE**

### ***Safety, Security & Crime Prevention***

46. 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

47. 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 to the satisfaction of Liverpool Plains Shire Council.

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

### ***Food Premises***

48. 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.

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

### **Acoustic Wall**

49. The construction of the acoustic wall shall be of an approved Acoustic walling or baffle material and the location of this wall is to be determined by the acoustic engineer and approved by Council prior to installation.

Note: the Acoustic wall shall continue in a westerly direction to meet the western boundary across the part of the site previously referred to as "Auto Alley".

Reason: in the interest of community wellbeing

### **Signage**

50. 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.

Reason: in the interest of community wellbeing

### **Underground Petroleum Storage Systems**

51. 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.

Reason: to ensure compliance with statutory requirements

52. To ensure that building work is executed 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 sufficiently completed in accordance with the approval and the principal certifying authority has completed a satisfactory inspection; and
- 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 are sufficient to ensure that all neighbourhood amenity, public safety and operational aspects are fulfilled.

53. 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

## **B5 – ONGOING OPERATIONS**

### **Hours of Operations**

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

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

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

### **Noise & Vibration**

55. The noise level generated by the development must not exceed the Office of Environment and Heritage Industrial Noise Policy's recommended LAeq noise level for suburban receivers of 55dB(A), for day time (the period from 7:00 am to 6:00 pm Monday to Saturday; and 8:00 am to 6:00 pm on Sundays and public holidays), 45 db(A) for evening (the period from 6:00 pm to 10:00pm), and 40 dB(A) for night time (the remaining periods). In assessing noise levels at residences, ( shown on page 9, figure 1, in the VIPAC Acoustic Report) the noise level is to be assessed at the most affected point on or within the residential property boundary or, if this is more than 30m from the residence, at the most-affected point within 30 m of the residence.

Reason: in the interest of community wellbeing and to ensure compliance with statutory requirements

56. An acoustic validation report must be provided and endorsed by Council within the first three (3) months of operation of the service centre & after each major additional component, 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. Such report will be at the full cost of the land owner.

Reason: To ensure that the ongoing operation of the development complies with Council's approval

57. In the event that an owner of privately-owned land considers the development to be exceeding the relevant criteria listed within condition 55, then he/she may submit in writing to the Council, for an independent review of the impacts of the development on his/her land. The report will be at the full cost of the land owner.

If the Council is satisfied that an independent review is warranted, then within 2 months of the Council's decision the owner of the approved development shall:

- Consult with the landowner to determine his/her concerns
- Conduct monitoring to determine whether the development is complying with the relevant criteria listed in Condition 55

If the development is not complying with the above criteria then:

- identify the measures that could be implemented to ensure compliance with the relevant criteria.
- implementation of reasonable and feasible mitigation measures, in consultation with the landowner and Council and to conduct further monitoring until the development is compliant with the relevant criteria.

Note: The Applicant shall provide Council and the landowner with a copy of the independent review.

Reason: in the interest of community wellbeing and to ensure compliance with Council's approval

58. Any audible alarms (excluding security alarms) shall be prohibited

Reason: in the interest of community wellbeing

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

Reason: to ensure compliance with statutory requirements.

60. 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

61. 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 in in the interest of traffic safety

62. 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.

63. 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.

64. 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.

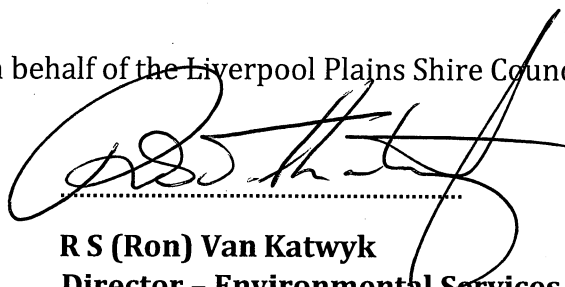
### **Environmental Planning and Assessment Act 1979**

In determining this development application, Council has considered all matters under S79C of the Environmental Planning and Assessment Act 1979.

**Signed**

On behalf of the Liverpool Plains Shire Council

Signature



Name

**R S (Ron) Van Katwyk**  
**Director - Environmental Services**

for: **R C Hunt**  
**GENERAL MANAGER**

Date

16/02/2012