

JRPP No:	2013NTH019
DA Number:	50/2013
DA Lodgement Date:	6 September 2013
Local Government Area:	Liverpool Plains Shire Council
Proposed Development:	Residential Accommodation Facility and Caravan Park
Classification of Development:	Integrated, pursuant to section 100B of the <i>Rural Fires Act 1997</i>
Estimated Construction Value:	\$48,500,000 (\$48.5 million)
Address:	76 Gap Road, Werris Creek NSW 2341 Lot 112 in DP 611306
Applicant:	The MAC Services Group Pty Ltd
Owner:	The MAC Services Group Pty Ltd
Number of Submissions:	Seven (7)
Recommendation:	Approval subject to conditions
Report Prepared by:	Kate Agnew Consultant Town Planner

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Assessment Report and Recommendations

DA 50/2013, JRPP Ref: 2013NTH019

Executive Summary

Consideration by Joint Regional Planning Panel

The Joint Northern Regional Planning Panel (JRPP) is the determining authority for this DA pursuant to Schedule 4A(3) of the *Environmental Planning and Assessment Act 1979*, as the proposed development has a capital investment value of more than \$20 million.

The capital investment value of this project is \$48,500,000 (\$48.5 million).

Proposal

This DA proposes the following development on the subject site:

1. Construction of a residential accommodation facility for up to 1,512 studio units across 10 stages. Each unit will have an internal floor area of approximately 16m² and will be provided with a bathroom ensuite and small external deck. The individual units form blocks of generally 12 units assembled together into groups of three (i.e. 36 unit blocks). The proposed development will also include eight (8) accessible units located directly to the north-east of the central precinct, identified as part of stage 3;
2. Construction of community facilities including laundry, dining hall with seating for up to 380 people and kitchen areas;
3. Construction of recreational facilities including a tennis court, swimming pool, gymnasium, covered outdoor recreation area and Common Green;
4. Guest services and administration building (including the MAC Group staff area);
5. Provision of 1,134 staff and visitor car parking spaces, loading facilities, motorhome and bus pick up and set down areas;
6. Construction of all internal roads and augmentation of existing roads where required;
7. Construction of a Sewerage Treatment Plant and augmentation of existing water and sewer service facilities where required;
8. Establishment of a caravan park for a total of 23 sites for passing travellers. The Caravan Precinct will be located in the south-western corner of the village, and will be divided into two sub-precincts. Each of the two smaller precincts will be provided with a small recreation pavilion, whilst a shared amenities building and laundry will service the overall Caravan Park;
9. Site landscaping. This includes the construction of a series of landscaped mounds along the Gap Road frontage in order to reduce the development's visual and acoustic impact and to maintain the character of the surrounding area. These mounds will be supplemented by clusters of native trees to be located between the property boundary and Gap Road to act as windbreaks, as well as stands being planted adjacent to the eastern and western boundary in order to screen the proposal from adjoining properties and to improve the overall amenity of the development. The proposed development incorporates the retention of mature native trees where possible, with proposed avenue planting along the main entrance road and localised planting within each of the precincts. Native tree and shrub planting will be introduced to provide screening between the different elements of the development.

It is intended that individual Construction Certificates (CCs) will be released for each identified 'stage', although the applicant is not seeking a staged development consent in order to allow for flexibility during construction. Therefore, the conditions of development consent have been drafted so that the initial build will comprise the core precinct including the entry road, infrastructure, dining and kitchen facilities, whilst construction of certain other facilities (such as car parking, landscaping etc.) are to be triggered upon erection of a certain number of units.

Permissibility

The proposed development constitutes "residential accommodation" with an associated "caravan park". Both land uses are permissible with development consent pursuant to Part 2 of *Liverpool Plains Local Environmental Plan* (LEP) 2011, under which the site is zoned R1 – General Residential.

residential accommodation means a building or place used predominantly as a place of residence, and includes any of the following:

- (a) attached dwellings,
- (b) boarding houses,
- (c) dual occupancies,
- (d) dwelling houses,
- (e) group homes,
- (f) hostels,
- (g) multi dwelling housing,
- (h) residential flat buildings,
- (i) rural workers' dwellings,
- (j) secondary dwellings,
- (k) semi-detached dwellings,
- (l) seniors housing,
- (m) shop top housing,

but does not include tourist and visitor accommodation or caravan parks.

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

Key Issues

From the attached Assessment Report, key issues for this project can be summarised as follows:

- Permissibility;
- Serviceability;
- Surrounding road network;
- Accessibility;
- Socio-economic impacts; and
- Staging of construction.

The proposed development is considered compliant with applicable statutory planning controls and is consistent with the intent of relevant provisions of Council's Development Control Plan (DCP).

Seven (7) submissions were received from members of the public as a result of notification and advertising of the application. These submissions have been considered as part of the assessment of this application. A précis of the issues raised has also been included in the body of this report.

As a result of this assessment, the proposed development is recommended for approval subject to conditions. **Appendix 2** to this report contains all relevant conditions identified throughout the assessment process and as discussed in this report.

Recommendation

- (a) That having regard to the assessment of the Application, Development Application 50/2013 (JRPP ref 2013NTH019) be granted consent subject to the conditions set out in Appendix 2 to this report.**
- (b) That agencies that made submissions in relation to the Application be notified of the determination in writing.**
- (c) That those persons that made submissions in relation to the Application be notified of the determination in writing.**

Subject Site and Locality

The site is known as 76 Gap Road, Werris Creek NSW 2341, and is described as Lot 112 in DP 611306. Cadastral and aerial images of the subject land are included as Figures 1 and 2, below.

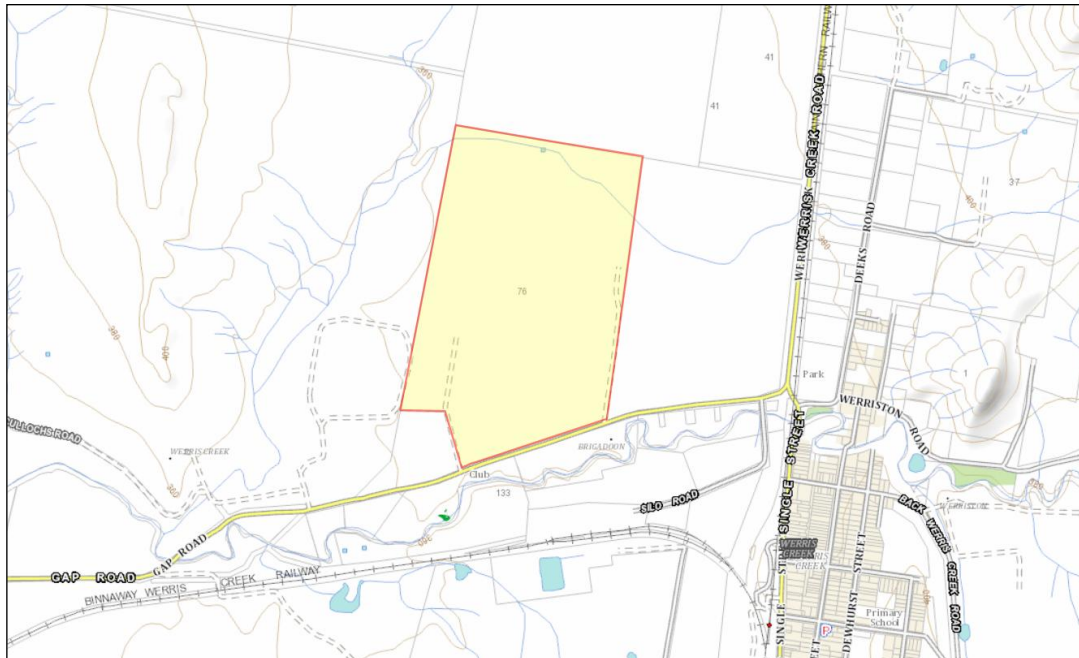


Figure 1 - Cadastral Image of the Subject Land, 76 Gap Road, Werris Creek NSW 2341, Lot 112 in DP 611306



Figure 2 - Aerial and Cadastral Image of the Subject Land, 76 Gap Road, Werris Creek NSW 2341, Lot 112 in DP 611306

The subject land is located approximately one (1) kilometre from the intersection of Werris Creek Road and Gap Road. The allotment has an approximate area of 103 hectares, and has a single street frontage to Gap Road of approximately 640 metres. The site is currently vacant and generally cleared and covered by low lying grass, except for a stand of native trees in the south western corner.

Surrounding development includes:

- Privately owned agricultural land to the north, which is used primarily for grazing and other associated agricultural uses.
- A vacant parcel of privately owned residential land to the east, which is cleared with low lying grass coverage and street frontages to both Gap Road and Werris Creek Road.
- On the opposite side of Gap Road to the south is the Werris Creek Golf Club, consisting of a nine hole golf course, clubhouse and bar. To the south-east is a grain loading facility operated by GrainCorp.
- Immediately adjoining the site to the west is the Werris Creek Sporting Complex, comprising a sports oval and associated amenities buildings under Council ownership, as well as privately owned agricultural land which is used primarily for grazing and cropping.

Gap Road is a regional road that is managed and maintained by Council, and is bitumen sealed unimproved by kerb and gutter. The speed limit in proximity to the subject site is 80 kilometres per hour. A bicycle path runs parallel to Gap Road, commencing at the Werris Creek Sporting Complex west of the subject allotment and terminating at the railway crossing on Werris Creek Road to the east of the subject allotment.

The subject land is not identified as being affected by inundation by flooding and generally has a flat topography, with a slight slope of 1%. No part of the site is identified as having any heritage significance under the Liverpool Plains LEP, and there are no listed items in proximity to the subject allotment.

The subject site has access to power and telephone service which are located along Gap Road. There are no available connections to Council's reticulated water and sewer services; although the Werris Creek water supply system operated by Liverpool Plains Shire Council currently extends to the Werris Creek Golf Course to the south of the site.

Proposed Development

This DA proposes the following development on the subject site:

1. Construction of a residential accommodation facility for up to 1,512 studio units across 10 stages. Each unit will have an internal floor area of approximately 16m² and will be provided with a bathroom ensuite and small external deck. The individual units form blocks of generally 12 units assembled together into groups of three (i.e. 36 unit blocks). The proposed development will also include eight (8) accessible units located directly to the north-east of the central precinct, identified as part of stage 3;
2. Construction of community facilities including laundry, dining hall with seating for up to 380 people and kitchen areas;
3. Construction of recreational facilities including a tennis court, swimming pool, gymnasium, covered outdoor recreation area and Common Green;
4. Guest services and administration building (including the MAC Group staff area);
5. Provision of 1,134 staff and visitor car parking spaces, loading facilities, motorhome and bus pick up and set down areas;
6. Construction of all internal roads and augmentation of existing roads where required;
7. Construction of a Sewerage Treatment Plant and augmentation of existing water and sewer service facilities where required;
8. Establishment of a caravan park for a total of 23 sites for passing travellers. The Caravan Precinct will be located in the south-western corner of the village, and will be divided into two sub-precincts. Each of the two smaller precincts will be provided with a small recreation pavilion, whilst a shared amenities building and laundry will service the overall Caravan Park;
9. Site landscaping. This includes the construction of a series of landscaped mounds along the Gap Road frontage in order to reduce the development's visual and acoustic impact and to maintain the character of the surrounding area. These mounds will be supplemented by clusters of native trees to be located between the property boundary and Gap Road to act as windbreaks, as well as stands being planted adjacent to the eastern and western boundary in order to screen the proposal from adjoining properties and to improve the overall amenity of the development. The proposed development incorporates the retention of mature native trees where possible, with proposed avenue planting along the main entrance road and localised planting within each of the precincts. Native tree and shrub planting will be introduced to provide screening between the different elements of the development.

It is intended that individual CCs will be released for different precincts, although the applicant is not seeking a staged development consent in order to allow for flexibility during construction. The Statement of Environmental Effects and subsequent information received by Council detail the following intended construction phases:

1. 144 rooms, 177 parking spaces and the Central Precinct;
2. 216 rooms, 356 car parking spaces and the Caravan Park;
3. 144 rooms and 165 parking spaces;
4. 108 rooms and 40 parking spaces;
5. 144 rooms and 240 parking spaces;
6. 180 rooms and 55 parking spaces;

7. 144 rooms and 35 parking spaces;
8. 144 rooms and 36 parking spaces;
9. 144 rooms and 0 parking spaces;
10. 144 rooms and 30 parking spaces.

Construction of certain other facilities (such as landscaping, acoustic mounds, infrastructure etc.) is to be triggered upon erection of a certain number of units as deemed appropriate by Council.

Vehicular access to the site is via a main entrance / exit spine road to the facility. The layout of the residential accommodation provides ready access to each precinct and the common recreational buildings via a circular ring road. The ring road is improved with roundabout and pedestrian crossing facilities. Pedestrian access is provided internally throughout the site via pathways along the proposed road and between the residential units within each precinct. A pathway along the main internal spine road will link to an existing cycleway adjacent to Gap Road, which provides access directly into the Werris Creek township.

The proposed residential accommodation is of a low scale, with the majority of buildings at a height of single storey. The site is located on the fringe of the Werris Creek township, which is also characterised by low density development. The layout of buildings within the site has been designed to ensure that there are minimised visual impacts from adjoining land. The larger recreational buildings have been located internally to the lower scale housing units, increasing the distance between the large buildings when viewed from outside the site.

The SEE submitted with the application indicates that the resident population of the development will comprise approximately 90% shift workers with the remaining 10% being staff of the MAC Group who will manage and maintain the proposed accommodation facility.

Full time security is to be employed by the MAC Group in order to address the principles of Crime Prevention Through Environmental Design (CPTED). CCTV will be installed in the dining room and reception areas, and metal halide (or similar) street lighting shall be installed, together with compact post lights in walk ways and a variety of florescent lights throughout the village.

Submitted Documents and Plans

The following documentation has been relied upon for assessment of the subject DA:

- A. Statement of Environmental Effects dated September 2013 and subsequent additional information dated 29 October 2013 prepared by JBA Urban Planning Consultants Pty Ltd;
- B. Architectural Drawings and Survey Plan prepared by ddc architects and Bath Stewart Associates – refer list below;
- C. Flora and Fauna Assessment prepared by Mitchel Hanlon Consulting Pty Ltd dated 4 July 2011;
- D. Little Lorikeet Habitat Assessment & 7 Part Test prepared by Mitchel Hanlon Consulting Pty Ltd dated 21 November 2013;
- E. Koala Habitat Assessment prepared by Eco Logical Australia dated 20 August 2013;
- F. Geotechnical Report prepared by Coffey Geotechnics dated 18 June 2012;
- G. Landscape Plan prepared by Nicholas Bray Landscapes dated 1 November 2013;
- H. Traffic Impact Assessment prepared by TPK and Associates dated June 2011;
- I. Sewerage and Stormwater Environmental Investigations prepared by Woodlots and Wetlands Pty Ltd dated 6 August 2012;
- J. Water Supply Investigation prepared by Hunter Water Australia dated May 2013 Revision C;
- K. Werris Creek Sewage Treatment Plant Capacity Assessment Report prepared by Hunter Water Australia dated August 2013 Revision B;
- L. Sewerage Investigation and Strategy Report prepared by MM Hyndes Bailey & Co dated June 2013;
- M. Phase 1 Assessment Report prepared by URS dated 2 September 2013;
- N. Bushfire Assessment prepared by Eco Logical Australia dated 5 February 2014 Version 3;
- O. Economic Impact of Werris Creek Development prepared by WRI dated 24 January 2014;
- P. Social Impact Assessment prepared by Social Impact Strategies Pty Ltd dated November 2013.

<i>Drawing Numbers</i>	<i>Revision/Date</i>	<i>Content</i>
ddc architects		
1115-DA01	A / 03/09/2013	Existing Survey Plan
1115-DA02	A / 03/09/2013	Site Analysis Plan
1115-DA03	B / 06/10/2013	Site Plan
1327-DA04	A / 03/09/2013	Site and Staging Plan

<i>Drawing Numbers</i>	<i>Revision/Date</i>	<i>Content</i>
1327-DA05	A / 03/09/2013	Central Facilities Precinct
1115-DA06	A / 03/09/2013	Stage 1 & 2
1115-DA07	A / 03/09/2013	Stages 3, 4, 5, 6
1115-DA08	A / 03/09/2013	Stages 7, 8
1115-DA09	A / 03/09/2013	Stages 9, 10
1115-DA10a	B / 6/10/2013	Caravan and RV Precinct – Part A
1115-DA10b	B / 6/10/2013	Caravan and RV Precinct – Part B
1115-DA11	A / 03/09/2013	Typical Precinct Elevations
1115-DA12	A / 03/09/2013	Site Sections
1327-DA13	A / 03/09/2013	Floor Plan – Kitchen Dining Recreation (KDR) Building
1327-DA14	A / 03/09/2013	Roof Plan – Kitchen Dining Recreation (KDR) Building
1327-DA15	A / 03/09/2013	Elevations – Kitchen Dining Recreation (KDR) Building
1327-DA16	A / 03/09/2013	Floor and Roof Plan – Reception, Administration, Retail Store – GSA
1327-DA17	A / 03/09/2013	Elevations – Reception, Administration, Retail Store – GSA
1327-DA18	A / 03/09/2013	Training & Recreation Hall
1327-DA19	A / 03/09/2013	Gymnasium
1327-DA20	A / 03/09/2013	Maintenance Building
1327-DA21	A / 03/09/2013	Staff Recreation Room
1115-DA22	A / 03/09/2013	Accommodation Group Units Type 316
1327-DA23	A / 03/09/2013	Accommodation Group Units Type 316
1327-DA24	A / 03/09/2013	Accommodation Group Units Type 224 – Accessible Unit
1327-DA25	A / 03/09/2013	Laundry and Gazebo Pavillions

Agency Referrals

The following agencies were notified of the subject DA:

Referral Agency:	Response Date:	Summary of Advice / Issues:
Essential Energy	9 October 2013	<p>To ensure that the facility has an adequate electricity supply, the applicant lodged a Design Application with the energy provider in order to supply an electrical load of approximately 4.0MVA.</p> <p>Essential Energy has advised the existing high voltage distribution network at the proposed development site does not have sufficient capacity to supply this requested load. Therefore, the developer will be required to contribute toward network augmentation in order to provide the requested capacity.</p> <p>Written advice from the electricity provider, confirming that satisfactory arrangements have been made for the provision of electricity services to the development, are to be submitted to the Principal Certifying Authority prior to issue of any Construction Certificate.</p>
NSW Environment Protection Authority (EPA)	21 October 2013	<p>The EPA provided detailed comments in relation to Council's operation of the Werris Creek Sewage Treatment System (STS) which holds Environment Protection Licence (EPL) no. 575. This advice was provided to Council's Water and Sewer Manager and was taken into consideration as part of Council's assessment.</p> <p>The EPA also noted that waste volumes generated from the project and disposed of at the Werris Creek landfill must be monitored to determine the total volumes of waste received at the landfill. Council's Environmental Health Services Coordinator was consulted regarding the proposed development and advised that the proposal to utilise the existing Council-run waste service is deemed to be suitable.</p>
NSW Office of Environment and Heritage (OEH)	24 October 2013 3 December 2013	<p>The OEH reviewed the proposed development regarding natural and cultural heritage conservation issues. Upon lodgement of additional information, comprising a habitat assessment and 7 Part Test for the Little Lorikeet, the OEH advised that they are satisfied that the proposed development will not have a significant impact on this species.</p>

Referral Agency:	Response Date:	Summary of Advice / Issues:
NSW Office of Water	24 October 2013	<p>The NSW Office of Water reviewed the proposed development and provided comments to Council in relation to groundwater and effluent reuse. The Office of Water advised that the SEE submitted in support of the proposed development is lacking in investigative work and proposed impact of the complex on groundwater. In this regard, the following recommendations have been made:</p> <ol style="list-style-type: none"> 1. That an adequate geotechnical investigation be carried out of the proposed stormwater / effluent holding pond or ponds. <p><i>Council comment:</i></p> <p>This information will be required to be submitted to and approved by Council's Water and Sewer Manager prior to issue of any Construction Certificate.</p> <ol style="list-style-type: none"> 2. That at least three monitoring bores be constructed in a triangular pattern, up-gradient and down-gradient of the proposed stormwater / effluent holding pond or ponds. The monitoring bores must intercept groundwater to provide adequate information on contamination. 3. A similar set of monitoring bores be constructed around the proposed irrigation area as per recommendation 2. <p><i>Council comment:</i></p> <p>These bores will be required to be constructed prior to issue of the Occupation Certificate for the stage including the holding pond and irrigation area.</p> <ol style="list-style-type: none"> 4. Groundwater quality is monitored 3 monthly for the first 12 months, then at 6 monthly intervals for a full suite of analyses. This must also occur prior to the commencement of the use of the proposed stormwater / effluent holding pond or ponds operations for benchmarking purposes. <p><i>Council comment:</i></p> <p>Monitoring will be required to be undertaken prior to the commencement of works for the relevant stage including the construction of the holding pond and be provided to Council's Water and Sewer Manager. Ongoing monitoring as recommended by the NSW Office of Water will be required by a condition included in the Terms of Consent.</p>

Referral Agency:	Response Date:	Summary of Advice / Issues:
NSW Office of Water (continued)		<p>5. An annual review of the monitoring data should be undertaken by a suitably qualified person and a copy of the data and comments by the reviewer should be held on site and be made available to the NSW Office of Water and Council if requested.</p> <p><i>Council comment:</i> This requirement has been included in the 'ongoing operations' section of Appendix 2.</p> <p>6. A groundwater mitigation program must also be outlined in the event that unacceptable levels of contamination are identified.</p> <p><i>Council comment:</i> A condition has been included prior to issue of a Construction Certificate for the stage including the holding ponds, requiring this program to be completed, submitted to and approved by Council's Water and Sewer Manager.</p> <p>7. The proponent should consult with the NSW Office of Water to determine licensing requirements for the monitoring bores.</p> <p><i>Council comment:</i> Suitable 'Advice' has been included as part of the recommended conditions of development consent.</p>
NSW Police	27 November 2013	<p>The NSW Police completed a risk assessment using Crime Prevention Through Environmental Design (CPTED) Principles and did not raise any objection to approval of the proposed development. The following crime prevention strategies were raised, and have been included as 'Advice' in the determination documentation:</p> <ol style="list-style-type: none"> 1. High Visibility Policing Patrols to be included in the Tasking Sheets for local Police to patrol. 2. Crime Prevention Security Information to be included on the doors of the units. <p>Consideration of Alcohol Free Zones was also recommended by the NSW Police. The applicant has advised that although alcohol can be consumed in the occupant's rooms, the dining room and reception area are designated as alcohol free zones.</p>

Referral Agency:	Response Date:	Summary of Advice / Issues:
NSW Roads and Maritime Services (RMS)	19 October 2013	<p>Werris Creek Road and Gap Road are both Regional Roads that are managed and maintained by Council.</p> <p>The following comments in relation to mitigating the impacts on traffic management and road safety were provided by the RMS:</p> <ul style="list-style-type: none"> • The line marking at the junction of Werris Creek and Gap Roads needs to be improved in order to better manage turning traffic. A centrally raised median is required in Gap Road to encourage traffic to make safer right turns. The marked left and right turning lanes in Gap Road should be marked with appropriate turning arrows. • The northern approach of Werris Creek Road appears to have enough pavement for a right turn bay. This is to protect stationary turning traffic from faster through traffic. • Gap Road between Werris Creek Road and the western boundary of the property should be upgraded to current standards. This should include the provision of road shoulders and improvements to the existing shared path in accordance with current cycleway guidelines. • RMS does not support constructing the access to the proposed development from Gap Road to intersection standards unless a section of the access is dedicated as a public road. It should be constructed as an AUSTROADS Fig.7.4 Rural Property Access and widened to provide at least a 1.0m centrally raised median. It should be sealed for at least 30m back from Gap Road. This is to encourage entering / existing traffic to maintain normal legal requirements. • Werris Creek Road should be widened and sealed to provide an AUSTROADS AUR right turn bay for westbound traffic as recommended in the traffic report. This should include the provision of a raised central pedestrian refuge and street lighting to connect to the golf club. <p>The abovementioned matters have been assessed by Council's Consultant Development Engineer and, where appropriate, included as conditions to be satisfied prior to release of any Occupation Certification for the development. Prior to construction of these upgrades, the applicant will be required to lodge a Special Crossing of a Footway application pursuant to Section 138 of the <i>Roads Act</i> 1993.</p>

Referral Agency:	Response Date:	Summary of Advice / Issues:
NSW Rural Fire Service (RFS)	7 February 2014	<p>Section 91 of the <i>Environmental Planning and Assessment Act</i> 1979 defines “integrated development”, and includes an authorisation under Section 100B of the <i>Rural Fires Act</i> 1997 for development of land identified as bush fire prone for special fire protection purposes. A ‘special fire protection purpose’ is defined in Section 100B of the <i>Rural Fires Act</i> 1997, and includes a hotel, motel or other tourist accommodation. As the caravan park proposed as part of the development will cater for tourists, the subject application was referred to the NSW Rural Fire Service (RFS) for assessment.</p> <p>The NSW RFS issued their general terms of approval subject to conditions, which have been included in Schedule 2 of the recommended conditions of development consent attached as Appendix 2 to this report.</p>

Political Donations

At the time of lodging the Development Application the applicant indicated, pursuant to Section 147(4) of the *Environmental Planning and Assessment Act* 1979, that no reportable political donation or gift had been made by the applicant or any person with a financial interest in this application to a local Councillor or employee of Liverpool Plains Shire Council.

Assessment - Matters for Consideration

The assessment of this Development Application has been undertaken in accordance with Section 79C(1) of the *Environmental Planning and Assessment Act 1979*, as amended. In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development application:

Section 79C(1)(a) the provisions of the following that apply to the land to which the development application relates:

(i) the provisions of any environmental planning instrument

State Environmental Planning Policies (SEPPs):

The following SEPPs have been considered in connection with this development:

SEPP No. 21 – Caravan Parks

A small caravan park, consisting of a total of 23 caravan sites for short stay tourist accommodation, is proposed in the western portion of the development site. SEPP No. 21 (Caravan Parks) aims to ensure the orderly and economic use, management and development of land for caravan parks.

Clause 8 of the SEPP requires Council to determine the number of sites suitable for use for long-term residence, and impose a condition specifying the maximum number of sites (if any) within that land that may be used for long-term residence. The MAC Group does not intend to utilise the caravan park for long-term accommodation and as such, a condition has been included as part of the recommended conditions of development consent clarifying that the 23 caravan sites are for short-term, visitor accommodation only.

Clause 10 of the SEPP specifies a range of matters for consideration by Councils, as follows:

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

It is considered that the component of land identified for use as a caravan park is suitable. The proposed caravan park has the potential to benefit from a range of surrounding community and recreational infrastructure including the Werris Creek Railway Museum, Sporting Complex and Golf Course. The site is also readily accessible via existing tourist routes located on Werris Creek Road and the Kamilaroi Highway.

As the subject site is identified as bushfire prone land, the NSW Rural Fire Service has assessed the suitability of the allotment for use as a caravan park pursuant to the provisions of Section 100B of the *Rural Fires Act 1997*. Details of their assessment have been included earlier within this report.

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

A deficiency in tourist accommodation options currently exists in Werris Creek, with the nearest caravan park located in Quirindi (approximately 20 minutes south of Werris Creek). Community consultation as part of the assessment of the subject application has highlighted the community's desire for inclusion of the caravan park component. Furthermore, the need for additional facilities and associated range of accommodation choice has been previously highlighted by the community in the *Liverpool Plains Community Economic Development Strategic Plan* (2006). As clarified above, there are no long-term sites provided as part of this proposal.

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

The caravan park is intended to be operated as an adjunct to the primary accommodation facility (the MAC Village) and is considered ancillary to the proposed development. The MAC Group does not intend to utilise the caravan park for long-term accommodation as such accommodation will be provided within the village itself. This facility is intended to cater for short-term stays only by tourists.

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

A range of services will be available within the accommodation village for use by the short-term occupants of the caravan park. Such facilities include laundries, a gymnasium, amenities building, swimming pool and restaurant.

(e) Any relevant guidelines issued by the Director.

It is considered that the development as proposed is consistent with the NSW Department of Planning and Infrastructure Guidelines, including available Planning Circulars.

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

A condition of development consent has been included as part of the recommended conditions requiring compliance with the *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005*. Furthermore, specific conditions regarding required amenities, access to recreation facilities, car parking, visitor parking, speed limits, fire hydrants, disabled access to facilities, construction of laundry blocks and sewerage have been included. Amended plans demonstrating compliance with this Regulation were provided by the applicant on 29 October 2013 in order to ensure that the current design is capable of achieving compliance.

SEPP No. 44 – Koala Habitat Protection

As the subject allotment exceeds 1 hectare in size, the provisions of SEPP No. 44 - Koala Habitat apply to the proposed development. This SEPP aims to encourage the proper conservation and management of areas of natural vegetation that provide habitat for koalas. Before development consent can be granted to a proposal, Council must be satisfied that the land does not constitute core koala habitat.

Eco Logical Australia has undertaken a koala habitat assessment to investigate the potential for koala habitat on the site and to determine the potential impacts of development within the building envelope upon koalas and their habitat. A review of available data identified that four separate koala records were located within 15 kilometres of the site. The site inspection carried out by Eco Logical Australia also identified one (1) tree species (River Red Gum) on the site listed under SEPP No. 44 as a koala habitat tree. The majority of the other trees on the site were identified as secondary koala feed trees.

In order to be classified as potential koala habitat under SEPP No. 44, a total of 15% of the entire tree community on the site is to be classified as koala habitat trees. Despite the presence of one species of koala habitat tree on the site, the existing number of trees does not meet this criteria and the site therefore does not constitute potential or core koala habitat. Accordingly, based on the results of the SEPP No. 44 assessment of the project site undertaken by Eco Logical Australia, and the lack of “potential core koala habitat” or “core koala habitat”, the consultant does not consider that a Koala Plan of Management is required in this instance.

SEPP No. 55 – Remediation of Land

The objective of SEPP No. 55 is to provide a state-wide planning approach to the remediation of contaminated land. The SEPP requires consideration of previous land uses and promotes the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment.

The site is well vegetated, mostly with pasture grass and scattered stands of trees on the site perimeters and is currently used as farmland and for grazing cattle. The site is not identified in Council’s information system as potentially contaminated land and it is not listed on the NSW Environment Protection Authority’s on line register of Records under Section 58 of the *Contaminated Land Management Act* 1997. There were no visual indicators of contamination noted during the site inspection for this application.

The Geotechnical study submitted as part of the application observed no fill on the site, eliminating the chance of wide spread undermined soil conditions. A phase 1 Environmental Site Assessment was prepared for the subject land, and demonstrates that the allotment is suitable for the development as proposed.

SEPP (Building Sustainability Index: BASIX) 2004

SEPP (BASIX) aims to encourage sustainable residential development through the BASIX scheme established under the *Environmental Planning and Assessment Regulation* 2000, and ensures consistency in the implementation of the BASIX scheme throughout New South Wales.

It is considered that the proposed sole occupancy units are best described as a room or suite of rooms which include/s sleeping facilities (Class 3 buildings as defined by the *Building Code of Australia* (BCA)). In this regard, compliance with the provisions of Section J of the BCA will be required to be achieved at the Construction Certificate stage. The proposed units are not considered to be dwellings, as the BCA defines a Class 1a dwelling as a building including a kitchen and a laundry. Therefore, compliance with the provisions of this SEPP is not considered to be required in this instance.

SEPP 64 – Advertising and Signage

There is no signage included as part of the proposed development.

SEPP (Infrastructure) 2007

The proposed development is deemed to be 'Traffic Generating' development under Part 3 Clause 104 of the *SEPP (Infrastructure) 2007* as it seeks approval for more than 300 accommodation units and has access to a road. Recommended conditions of development consent provided by the RMS, as detailed earlier within this report, have been included as part of the proposed determination documentation, where deemed appropriate by Council's Consultant Development Engineer. Among other things, the RMS recommended that a portion of the main entry road be dedicated as a Public Road and constructed to a public road standard including 1m raised central median to enforce and maintain safe driver behaviour. While the requirement to construct to a public road standard is supported by Council's Consultant, the need to dedicate a portion of the main access is not considered justified in this instance.

Local Environmental Plans (LEPs):

The *Liverpool Plains Local Environmental Plan 2011* has been considered in connection with this development:

Clause	Subject	Comments
1.2 (2)	Aims	<p>Relevant aims of the LEP considered in this assessment include:</p> <p><i>(b) to manage the urban areas of Liverpool Plains by strengthening retail hierarchies and employment opportunities, promoting appropriate tourism development, guiding affordable urban form and providing for the protection of heritage items and precincts,</i></p> <p><i>(e) to minimise land use conflict,</i></p> <p><i>(f) to ensure that development has regard to the capability of the land,</i></p> <p><i>(g) to provide a choice of living opportunities and types of settlement within Liverpool Plains,</i></p> <p><i>(h) to ensure that the efficiency of arterial roads is not adversely affected by development on adjacent land,</i></p> <p><i>(i) to enable development that has proper regard to the environmental constraints of the land and minimises impacts on biodiversity, water resources and natural landforms.</i></p> <p>The proposed development is considered to be consistent with these aims. Relevant issues have been considered and are addressed where appropriate in this assessment.</p>
2.1	Land use zones	The subject site is zoned R1 – General Residential.
2.3	Zone objectives	The consent authority must have regard to the relevant zone objectives in determining a DA (see Land Use Table provisions, below).
-	Land use table	<p>In the LEP's Land Use Table, the objectives for the R1 zone are:</p> <ul style="list-style-type: none"><i>To provide for the housing needs of the community.</i><i>To provide for a variety of housing types and densities.</i><i>To enable other land uses that provide facilities or services to meet the day to day needs of residents.</i><i>To permit other development that is compatible with the surrounding residential environment and that is unlikely to adversely affect the amenity of residential development within the zone.</i> <p>The proposed development is considered to be consistent with these objectives.</p>

Clause	Subject	Comments
-	Land use table (continued)	<p>The proposed development is specified as a use permissible with consent in the zone under Part 3 of the relevant zone table, being “residential accommodation” and a “caravan park” as follows:</p> <p>residential accommodation means a building or place used predominantly as a place of residence, and includes any of the following:</p> <ul style="list-style-type: none"> (a) attached dwellings, (b) boarding houses, (c) dual occupancies, (d) dwelling houses, (e) group homes, (f) hostels, (g) multi dwelling housing, (h) residential flat buildings, (i) rural workers’ dwellings, (j) secondary dwellings, (k) semi-detached dwellings, (l) seniors housing, (m) shop top housing, <p>but does not include tourist and visitor accommodation or caravan parks.</p> <p>caravan park means land (including a camping ground) on which caravans (or caravans and other moveable dwellings) are, or are to be, installed or placed.</p> <p>The group term “residential accommodation” is considered to be the most appropriate land use definition in this instance considering:</p> <ol style="list-style-type: none"> 1. The NSW Court of Appeal Decision <i>GrainCorp Operations Ltd v Liverpool Plains Shire Council</i> [2013] NSWCA 171 where the court held that the use of the proposed development was characterised as a “residential building”; 2. The use of the word “includes” in the definition of “residential accommodation” suggests that if the proposed development does not fit within any of the definition’s specified uses, this is not determinative as those uses are not intended to be exhaustive; 3. The purpose of the proposed development is to accommodate the residential needs of mining workers;

Clause	Subject	Comments
-	Land use table (continued)	<p>4. The character of the proposed development is residential as it will provide accommodation and living facilities for mine workers for considerable periods of time, in aggregate; and</p> <p>5. The proposed development will provide a permanent or settled abode for its guests.</p>
7.1	Earthworks	<p>Clause 7.1 requires consideration of the environmental impacts of any earthworks to be carried out in conjunction with development. In this case excavations and other earthworks will be required in connection with the proposed development and consent for this aspect of the proposal is therefore sought as part of this DA.</p> <p>The required earthworks will include clearing of proposed development area and site preparation and excavation works. Relevant matters such as erosion, sedimentation, potential archaeological relics, and nuisance impacts have been addressed via the inclusion of appropriate conditions of development consent.</p>
7.4	Essential services	<p>This clause requires the consent authority to be satisfied that the following services that are essential for the development are available or that adequate arrangements have been made to make them available when required:</p> <ul style="list-style-type: none"> (a) the supply of water, (b) the supply of electricity, (c) the disposal and management of sewage, (d) stormwater drainage or on-site conservation, (e) suitable road access. <p><u>Water & Sewer</u></p> <p>The proposed development represents a significant servicing challenge to existing service infrastructure in the Werris Creek system. Calculated loads from the development have been determined to equal an approximate increase in load of approximately 50%. This load is also to occur over a relatively short period in the context of those experienced in other growth centres. In this regard, detailed assessment has been undertaken of the strategies submitted in support of the proposed development by Council's Works Department. Suitable conditions of development consent have been provided and included as part of the recommended conditions of development consent attached to this report.</p>

Clause	Subject	Comments
7.4	Essential services (continued)	<p><u>Electricity</u></p> <p>Existing electrical infrastructure is provided to the site via Gap Road. The extension and augmentation of the existing facilities will be addressed at the detailed design stage prior to the relevant Construction Certificate in line with comments received by the provider, detailed previously within this report.</p> <p><u>Stormwater</u></p> <p>The water supply to the proposed development will be via a combination of methods including Council water supply system, collection and storage of rain water and recycling systems. A trickle feed potable water supply system will be further investigated for the site to provide top up supply for additional demand. A wet weather holding pond is proposed on the southern side of the site. Stormwater runoff from both drainage catchments in the development are proposed to be treated via a combination of a vegetated infiltration basin and swales. The swale can be used to convey the remaining, treated stormwater toward natural drainage lines at flow rates that should not cause increased erosion. The approach adopted is intended to be consistent with the <i>Liverpool Plains Shire Council Stormwater Management Plan</i> objectives and its <i>Integrated Water Cycle Management Strategy</i>, as has been assessed in detail by Council's Works Department. Suitable conditions of development consent have been provided and included as conditions of development consent attached to this report.</p> <p><u>Roads</u></p> <p>The site has direct vehicle access Gap Road. Traffic and parking arrangements in connection with the development are discussed in detail elsewhere in this report.</p>

(ii) the provisions of any draft environmental planning instrument

At the time of submission of this report there were no draft environmental planning instruments that applied to the subject site.

(iii) the provisions of any development control plan

The *Liverpool Plains Shire Council Development Control Plan (DCP) 2012* applies to the land.

The following Table outlines the relevant Chapters / provisions of the DCP that have been considered in connection with this assessment. Due to the unique nature of the proposed development, there are no specific Chapters within the DCP that provide controls for the proposal. Therefore, although not strictly applicable, the application has been assessed against the provisions of Section 3.3 'Residential multi-dwelling development' for guidance. It is noted that these provisions are not statutory requirements in accordance with Section 74BA and Section 79C(3A)(b) of the *Environmental Planning and Assessment Act 1979*.

Chapter	Comment
2.2.1 Notification 2.2.2 Advertising	In accordance with Section 2 of the DCP the subject DA was notified and publicly exhibited from 16 September 2013 – 16 October 2013 through letters to adjoining property owners, advertisement in the local print media, the placement of notification signs on the Gap Road frontage of the subject site and Facebook updates. During the notification and advertising period of the DA, seven (7) submissions were received. The matters raised are detailed and addressed later in this report.
3.3.1 Building Setbacks	This section prescribes a 4.5 metre street setback and 1 metre side / rear setback for development in zone R1 – General Residential. The proposed development complies with the requirements of this Part.
3.3.2 Building Height	A maximum building height of 7.2 metres to the topmost ceiling and 10 metres to the topmost ridge is prescribed by this Part. The development proposes a <3.5 metre height to the topmost ceiling of all buildings, with a maximum of <6 metres to the top of the ridge, complying with this Section.
3.3.3 Site Coverage	For residential zones, a site coverage of not more than 75% (including hardstand areas) is specified. The proposed development will occupy an area of approximately 20 hectares, while the size of the allotment is approximately 103 hectares. Therefore, the proposed development will have a site coverage of not more than 75%, complying with the provisions of this Part.
3.3.4 Solar Access	As the proposed development does not include any two storey buildings this Part does not apply. Furthermore, considering the proposed setbacks of the development from side boundaries as well as the nature of adjoining allotments, there are no overshadowing implications expected.

Chapter	Comment
3.3.5 Off-Street Parking	<p>This Section requires each 1 bedroom dwelling to be provided with 1 enclosed car park, as well as a minimum of 1 visitor space per 5 dwellings.</p> <p>If the development were to comply with these provisions, over 1,800 car parks would be required to be provided. The application includes provision of 1,134 parking spaces in order to cater for residents and staff that live on site, giving a ratio of 0.75 spaces per accommodation unit. This proposal has been addressed by the applicant in their Traffic Assessment Report, which has subsequently been assessed by a Consultant Development Engineer engaged by Council.</p> <p>The proponent has identified that client guest arrivals and departures are anticipated from a wide variety of transportation types and modes including rail, bus and air combinations. The business operating footprint for transport to shifts will remain the same for other MAC villages with transport to job sites being primarily via shuttle bus.</p> <p>It is considered that the proposed rate of parking is commensurate with likely demand. A condition of development consent has been included in order to ensure that sufficient sealed parking is provided in line with pre-determined development thresholds and in accordance with the submitted plans. It is noted that should the level of parking provided in association with the proposed development be inadequate, that ample site area exists for the construction of additional car parks.</p>
3.3.6 Access	<p>This Part requires all parking and manoeuvring areas to be hardstand (pavers or concrete); parking dimensions to meet AS2890.1 Parking Facilities and adequate turning dimensions to allow all vehicles to enter and exit the site in a forward direction. In this regard, the proposed development has been assessed by a Consultant Development Engineer engaged by Council and is deemed to comply. Conditions of development consent have been imposed with respect to compliance with relevant Australian Standards, parking for people with disabilities, provision of dedicated load and unloading areas and bus pick up / lay by areas.</p>
3.3.7 Utilities	<p>A Servicing Strategy is required to be lodged with all development applications in order to demonstrate the availability and feasibility of providing water, sewer and stormwater services appropriate for the proposal.</p> <p>Detailed assessment has been completed by Council's Works Department in accordance with the provisions of this Section. Suitable conditions of development consent have been provided in order to ensure that adequate infrastructure is provided at all stages of construction.</p>
3.3.8 Storage	<p>This Section requires a minimum of 5m³ dedicated storage area per dwelling in addition to the standard internal storage provision (e.g. wardrobes, kitchen cupboards, pantry, linen press).</p> <p>The applicant has advised that no internal built in wardrobes or cupboards are currently proposed; however, the units have been designed in order to accommodate single beds with space for sufficient furniture fit out (to be addressed at the detailed design stage).</p>

Chapter	Comment
3.3.8 Storage (continued)	Compliance with the storage provisions of this Part are considered unreasonable in this instance as the nature of the accommodation does not allow for residents to store personal items while they are not residing in the complex. The applicant has advised that there will be adequate space for private storage needs while the units are occupied.
3.3.9 Outdoor Lighting	In order to comply with the provisions of this Part, a condition has been included as part of the recommended conditions of development consent requiring that prior to issue of any Occupation Certificate, compliance with the provisions of AS4282 Control of Obtrusive Effects of Outdoor Lighting for the relevant construction phase shall be provided to the Principal Certifying Authority.
3.3.10 Private Open Space	<p>This Section requires the provision of a certain amount of private open space depending upon its orientation relative to the dwelling.</p> <p>Large private open space areas are not proposed as part of this application given the temporary nature of the accommodation. Rather, public recreation and open space areas are provided throughout the development with the central precinct providing a common grassed area, covered outdoor dining area and recreation areas (including gym, swimming pool and courts). Considering the nature of the proposed development, a departure from the requirements of this Section is considered appropriate in this instance.</p>
3.3.11 Design	<p>The provisions of this section limit garage frontages on the street elevation as well as continuous sections of walls built on side boundaries.</p> <p>This Section is not applicable to the proposed development, as there are no garages provided or any construction proposed on the property boundary.</p>
3.3.12 Adaptability	<p>This Part requires development of 5 or more units to provide 1 in 5 units capable of conversion to adaptable housing in accordance with AS4299. The applicant has advised that due to the temporary nature of the facility as workers accommodation, no adaptable units are proposed.</p> <p>The proposed development has been assessed by a Consultant Building Surveyor engaged by Council who has advised that Table D3.1 of the <i>Building Code of Australia</i> (BCA) specifies a minimum of 40 accessible accommodation units for 1,512 class 3 units (the proposed development). However, Section D3.4 of the BCA provides exemptions to accessible requirements where a provision would be inappropriate due to the particular purpose for which the area is used. As the proposed development will accommodate personnel employed to work in surrounding coal mines, it is considered that it would be unlikely for persons with a disability to reside at the site. The application nevertheless proposes 8 accessible units in order to enable a proportionate provision of accessible services for people with a disability, which could include MAC staff. This is considered adequate for the development application and may be reviewed as part of future Construction Certificate requirements.</p>
3.3.13 Fencing	<p>Where street fencing is proposed, this Section requires it to be open or a combination of open panels and masonry columns to a height of 1.8 metres.</p> <p>The applicant has advised that the design of fencing is intended to be addressed in accordance with this Clause in the detailed landscape design stage and prior to the issue of the relevant Construction Certificate. A suitable condition requiring compliance with this Part has been included.</p>

Chapter	Comment
3.3.14 Landscaping	This Part requires landscaping to be provided on the basis of 100m ² per dwelling for the development site. Due to the scale of the proposed development, strict compliance with this Control is considered to be unreasonable as the landscaped area would be unfeasibly large. The applicant has submitted a comprehensive landscape plan which responds to the nature of the proposed use and ensures that adequate landscape amenity and functionality is provided for the proposed development.
3.3.15 Facilities	This Section relates to garbage storage, letterboxes and clothes drying facilities. The applicant has advised that centralised on-site facilities will be provided throughout the proposed development.
3.3.16 Density	A minimum area of 300m ² is required per dwelling in the R1 – General Residential zone in accordance with this Part. When averaged across the development site the proposed development complies with the specified provisions.
5.1 Developer Contribution Plans	A condition has been included as part of the recommended conditions of development consent requiring payment of a Section 94A Contribution in accordance with Council's adopted contributions plan.

(iiia) the provisions of any planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F

Not applicable.

(iv) the provisions of the regulations

The development is not listed in Schedule 3 of the *Environmental Planning and Assessment Regulation 2000*. Therefore, development is not deemed to require, with the exception of Liverpool Plains Shire Council, the Joint Regional Planning Panel and the NSW Rural Fire Service, development consent by any state agency or governing body.

(v) the provisions of any coastal zone management plan (within the meaning of the Coastal Protection Act 1979)

Not applicable.

79C(b) the likely impacts of the development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality

This assessment has been undertaken having regard to various issues, as follows:

Impacts on the Natural Environment

The development site comprises highly disturbed land which is largely devoid of vegetation. Isolated mature trees exist within the confines of the facility footprint which are proposed to be retained. A detailed flora and fauna assessment was submitted by the proponent with the subject development application. This assessment addresses potential impacts on critical habitats, koala habitat, threatened flora and fauna species and populations and endangered ecological communities.

A total of 68 flora species were identified on the site during a survey. The open grassland on the allotment contains eleven (11) sparse mature paddock trees, and three (3) mature trees exist in the proposed development footprint. The floral assemblage of the remnant vegetation patch is reflective of “White Box – Yellow Box – Blakely’s Red Gum Grassy Woodland Ecological Community”, which is listed as Endangered under the *Threatened Species Conservation Act 1995* and Critically Endangered under the *Environmental Protection and Biodiversity Conservation Act 1999*.

According to the flora and fauna assessment submitted as part of the application, the proposal will not result in any adverse impacts to the identified critically endangered flora species, being the White Box – Yellow Box – Blakely’s Red Gum Grassy Woodland and Derived Native Grassland as the proposal is not located in the vicinity of these species. In order to ensure that the protection of these species occurs, it has been recommended that ongoing management be undertaken in accordance with the *Environmental Protection and Biodiversity Conservation Act* Policy Statement. In this regard, a suitable condition has been included as part of the recommended conditions of development consent.

The potential impact on fauna species which have, or have potential, for habitat on the site was assessed by way of a Seven (7) Part Test of significance as set out under the *Threatened Species Conservation Act*. Based on this assessment, it has been identified that the proposal is unlikely to impact on these species or their habitat.

A 7 Part Test was also submitted in relation to the Little Lorikeet, which was recorded on site during a field assessment and is listed as a Threatened Species under the *Threatened Species Conservation Act 1995*. The submitted report determined that the development is unlikely to have a significant impact on the Little Lorikeet, and is not expected to result in adverse impacts that may place the local population at risk of extinction. The following recommendations are made by the report, and have been included as ‘advice’ in the development consent:

- Native trees within the development area should be left insitu where possible; and
- Should native vegetation be required to be removed, hollows should be retained and mounted in adjacent vegetation (at a height above 2 metres).

Impacts on the Built Environment

The subject land is located within the Werris Creek environs at the fringe of the Werris Creek urban area. The development site has historically been utilised for traditional agricultural pursuits (grazing). The property adjoins existing agricultural operations, recreational facilities and undeveloped residential land. The impacts of the proposed development on the surrounding built environment have been considered in detail, and addressed as part of this report. The proposal is considered suitable for the development site and is considered to have an acceptable impact on the built environment.

Utility / Infrastructure Impacts

Assessments of existing services available to the subject land, as well as the required upgrades in order to facilitate the proposal have been undertaken by Council's Water and Sewer Department as well as a Consultant Development Engineer as outlined within this report. Suitable conditions have been included as part of the recommended conditions of development consent requiring upgrades to water, sewerage, stormwater and road infrastructure in order to accommodate the development as proposed.

Construction Impacts

As the project is expected to involve a lengthy construction phase, a condition has been included as part of the recommended conditions of development consent requiring the submission of a detailed Construction Management Plan prior to issue of a Construction Certificate, in order to insure that the impacts likely to be experienced during the construction phase of the development are appropriately managed and mitigated. This Plan may address issues including, but not limited to:

- Hours of building work (to be consistent with NSW State Guidelines);
- Construction related parking and interim parking/traffic management;
- Construction waste storage and management;
- Toilet facilities for builders;
- Noise and dust management and control of other potential pollutants;
- Construction and public advisory signage.

Traffic Impacts and Parking Impacts

A detailed assessment of traffic and parking impacts has been undertaken by a Consultant Development Engineer engaged by Council as detailed within this report. The assessment considered the Traffic Impact Assessment submitted by the proponent as part of the application, the recommendation of the RMS and the initial assessment completed by Council's Development Engineers. In accordance with the recommendation of the RMS and Council's Development Engineers, the Consultant Engineer has recommended that following conditions be imposed:

- Gap Road from the intersection of Werris Creek Road to the western boundary of the subject land shall be upgraded to provide a road formation of 9.4m wide with a sealed pavement 8m wide;
- A 2.5m wide shared path shall be provided across the frontage of the subject land;
- A pedestrian refuge shall be provided on Gap Road;
- The intersection of Gap Road and Werris Creek Road is to be upgraded to RMS requirements.

The RMS also recommended that a portion of the main entry road be dedicated as a Public Road and constructed to a public road standard including 1m raised central median to enforce and maintain safe driver behaviour. While the requirement to construct to a public road standard is supported by Council's Consultant, the need to dedicate a portion of the main access is not considered justified in this instance.

Internal car parking areas, road networks, bus lay by and loading zones have all been assessed by Council's Consultant Development Engineer and appear to comply with the requirements of AS2890. Conditions have been included as part of the recommended conditions of development consent with respect to compliance with relevant Australian Standard, parking for people with disabilities, provision of dedicated loading and unloading areas and bus pick up / lay by areas.

Social Impacts

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

The applicant has submitted a Social Impact Assessment (SIA) in relation to the proposed development, which includes a number of recommended mitigation strategies in order to improve the MAC's integration into the Werris Creek community, including:

- In order to encourage social cohesion, the MAC should continue to establish and enforce acceptable behaviour norms which insist on a standard of behaviour from FIFO workers that respects Werris Creek and its residents. Guests agree to be bound by the guest code of conduct, which should be reviewed with the Werris Creek community (via a community consultative committee) so that both the guests and the community have similar expectations.
- Regular community open days to the village, with a BBQ and activities to attract attendance, to promote understanding and interaction.

- Maximise the need for residents to go into Werris Creek to mix with the community. This could be achieved by minimising the range of goods which are stocked in the on-site store; providing a guest welcome package which outlines what is available in Werris Creek; facilitating resident access to town by providing loan bicycles; and erecting information about local sporting groups, cultural activities and health services on notice boards throughout the facility.
- Develop a Community benefits package (including corporate sponsorships) in consultation with the community and Council.
- Maintain effective communication with the community and with Council via community newsletters, the establishment of a 1800 complaints number and a community consultative committee.
- Source MAC staff locally wherever possible.

These recommendations have been included in the 'Advice' section of the development consent, and Council's Economic Development Department have made a commitment to engage in long-term discussions with the MAC Group in order to implement these strategies and facilitate social cohesion.

Economic Impacts

In the short term, a multi-million dollar construction project of this type can be expected to generate considerable direct and multiplier benefits to the local economy, such as the local construction industry, which may be involved as principal contractors following the required tender process. Many local trades and suppliers would be expected to be involved during the construction phase.

The proponent has submitted an Economic Impact Assessment (EIA) with the application, providing modelling of the impacts of the proposed development according to the 2012/13 financial year. The economic impact of the MAC's proposed facility was measured in terms of contributions to value added, household income and full-time equivalent employment in the regional economy. The results derived are based on conservative assumptions and the use of the marginal coefficients model, a model that overcomes the over-estimation of impacts that can result from using the linear approach. The table below summarises the economic impact of the proposed development on the Liverpool Plains economy for the 2012 / 13 financial year:

Scenario	Value Added \$m	Household Income	Employment FTE
Construction	10.8	6.5	109
Operations: Based on 1,512 new mining employees residing in the region	9.0	5.0	128
Operations: Based on 1,200 new mining employees residing in the region	8.1	4.5	116

Access for People with Disabilities

As a new development, all buildings are expected to be fully compliant with the BCA, which is directly aligned with the *Disability (Access to Premises – Buildings) Standards* 2010, made under the Commonwealth *Disability Discrimination Act* 1992. An advisory note has been included as part of the recommended conditions of development consent, drawing the proponent's attention to compliance with the *Disability Discrimination Act* and associated Australian Standards.

Noise

The subject site is located in proximity to an existing GrainCorp Storage and Intermodal transport facility. This premises operates 24 hours per day, 7 days per week and the operator of the facility has raised concerns regarding potential land use conflict and impingement on existing site operations (discussed in detail later in this report). Noise is currently generated at the site via traffic movements (heavy vehicles) and train shunting. The GrainCorp site is located approximately 250 metres from the development site and is physically separated by the Werris Creek Golf Club land and the Gap Road. In order to address these concerns, the applicant has lodged a Landscaping Plan which has been assessed as part of this application and includes provision of a number of acoustic earth mounds on the southern portion of the development site (within the street setback) in order to redirect sound away from the proposed development. This Plan also incorporates the installation of a vegetative barrier on the south-eastern property boundary in order to establish a buffer between the proposed land use and adjoining rural developments. Construction of the buildings has also been designed so that the external walls and windows will be insulated to reduce nuisance noise to acceptable levels which will also assist in external noise attenuation.

Considering the abovementioned amelioration measures proposed by the applicant, together with the location of the subject land (the suitability of which is further discussed within this assessment report), it is expected that any detrimental impacts of the development on adjoining land uses, and of adjoining land uses on the proposed development will be minimal.

Waste

Refuse storage areas will be provided centrally throughout the facility, with staff being responsible for collection and disposal on site. It is intended to utilise the existing Council-run waste service to provide waste collection service to the proposed facility. Where these services are not adequate, the proponent will arrange for a licensed waste contractor to collect and dispose of all waste. Council's Health Services Coordinator has reviewed the proposed development and has determined that waste service arrangements are adequate for the development and that the existing Werris Creek landfill has adequate capacity to cater for ongoing site operations.

Cumulative Impacts

The potential impacts of the proposed development have been addressed in detail within this report. It is considered that the subject land is suitably located and capable of supporting the development as proposed.

79C (c) the suitability of the site for the development

The subject site is considered suitable for the proposed development for the following reasons:

- The allotment is appropriately zoned pursuant to the provisions of the LEP 2011;
- The proposed development is consistent with the desired future character of the area;
- There are no known environmental hazards or constraints associated with the site which prohibit the proposed development, as detailed within this report;
- With the required upgrades, the locality has the necessary utility service infrastructure to support the proposed development. Detailed arrangements for public road access, water, sewer, stormwater drainage services and connections have been considered by Council's Consultant Development Engineer and Works Department, with suitable conditions included as part of the recommended conditions of development consent;
- Electricity and telecommunication services are available to the site;
- There is a direct link between the development site and the town of Werris Creek via an existing bicycle path; and
- Any identified negative externalities are considered capable of being managed and appropriate conditions have been applied as has been deemed necessary.

79C(d) any submissions made in accordance with the Act or the Regulations

Agency submissions

Agency submissions have been addressed in previous sections of this report.

Public submissions

The subject DA was notified and publicly exhibited in accordance with Council's DCP 2012 – Chapter 2. This included public advertisement in the local print media, the placement of notification signs on the Gap Road frontage of the subject site and Facebook updates as well as notification by mail to the owners of properties in the vicinity of the site.

The period for response was from 16 September 2013 – 16 October 2013.

During this time, seven (7) public submissions were received, which were forwarded to the applicant for consideration. An assessment of these public submissions (as relevant to the proposed development) is provided in the table below:

Issues Raised (and frequency of mentions)	Assessment comment
<p>Timing of construction of the caravan park, and the desire to have this established early in the project.</p> <p>(2)</p>	<p>Additional information regarding the timing of the proposed construction was requested from the applicant. The MAC Group have advised that the construction of the caravan park shall be completed prior to issue of the Occupation Certificate for Stage 2 of the project (i.e. upon the completion of approximately 360 rooms as well as the central precinct and associated works). A suitable condition of development consent has been included in this regard.</p>
<p>Consideration in relation to how the current cycleway connects with the town.</p> <p>(1)</p>	<p>The existing cycleway along the frontage of the subject land on Gap Road currently terminates at the intersection of Werris Creek Road and the railway tracks. It is noted that connectivity of the proposed MAC Village with the town of Werris Creek is desirable and a unique aspect of this development site.</p> <p>As discussed earlier within this report, the NSW RMS requires improvements to the existing path on Gap Road between Werris Creek Road and the western boundary of the property in accordance with current cycleway guidelines.</p> <p>While the extension of the cycleway past the intersection of Gap Road and Werris Creek Road is subject to ongoing discussions between Council and the applicant, it is considered that the existing situation is suitable in order to allow determination of the application without the imposition of a condition requiring an upgrade. A cycleway is provided (and will be required to be upgraded by the applicant in line with current standards) within the urban fringe (80km/h speed zone) in order to allow for the safe navigation into the village itself. Upon the termination of Gap Road at the intersection of Werris Creek Road, the speed limit is reduced to 50km/h and the provision of urban facilities (together with a safer riding environment) is provided.</p> <p>Nevertheless, an 'advice' condition has been included as part of the recommended conditions of development consent in order to encourage ongoing consultation with Council regarding this matter.</p>

Issues Raised (and frequency of mentions)	Assessment comment
<p>Concerns in relation to the stormwater drain to the north and north-west of the development site and its impact on an adjoining property in terms of:</p> <ul style="list-style-type: none"> • Erosion to drainage lines; • Seepage from swale drains; • Position of pivot irrigation; • Changes to native vegetation with regard to natural water flow. <p>(1)</p>	<p>The proposed development has been extensively assessed by Council's Water and Sewer Engineers and Consultant Development Engineer, and consultation has been undertaken with the NSW Department of Primary Industries Office of Water as detailed earlier within this report.</p> <p>Any interruption to the natural overland flow of stormwater drainage which could result in the disruption of amenity, drainage, or deterioration to other property is not permitted. A standard condition has been included as part of the recommended conditions of development consent in order to ensure that runoff is:</p> <ul style="list-style-type: none"> • Not impounded; • Conveyed effectively through the development site; • Not redirected onto adjoining lands; • Not concentrated into a single discharge point causing increase velocities and possible erosion.
<p>With regard to proximity to the railway line, it is requested that Council consider:</p> <ul style="list-style-type: none"> • Noise and vibration as specified by the SEPP (Infrastructure); • That no additional stormwater flows toward the rail corridor, and that all wastewater is appropriately treated and disposed of; and • The security fencing along the rail corridor is essential to prevent unauthorised entry. The correspondence requests that Council impose a condition on any consent requiring a 1.8m chain wire fence or similar to prevent access to the rail corridor. <p>(1)</p>	<p><i>State Environmental Planning Policy (Infrastructure) 2007</i> addresses the impact of rail noise or vibration on non-rail development. This SEPP states that if the development is for the purposes of a building for residential use, the consent authority must not grant consent to the development unless it is satisfied that appropriate measure will be taken to ensure that the following LAeq levels are not exceeded:</p> <ul style="list-style-type: none"> (a) In any bedroom in the building – 35dB(A) at any time between 10pm and 7am, (b) Anywhere else in the building (other than a garage, kitchen, bathroom or hallway) – 40dB(A) at any time. <p>The proposed development has been assessed by a Consultant Environmental Health Officer engaged by Council, who has advised that given the construction materials proposed and design parameters, together with separation distances between the subject land and the rail corridor, that the abovementioned figures can be achieved. Compliance will be required to be demonstrated prior to issue of an Occupation Certificate for the relevant stage.</p>

Issues Raised (and frequency of mentions)	Assessment comment
Proximity to the railway line (continued)	<p>With regard to stormwater flows, considering the downhill location of the subject land from the railway, together with large separation distances, there are no additional stormwater flows towards the rail corridor expected.</p> <p>The disposal and treatment of wastewater has been assessed in detail by Council's Water and Sewer Department.</p> <p>As the subject land does not share a boundary with the rail corridor, the request to include the erection of security fencing is considered to be unreasonable.</p>
<p>The application is contrary to the aims of the Liverpool Plains LEP 2011 and in particular, fails to minimise land use conflict.</p> <p>The rezoning of the subject land has created the potential for land use conflict. The approval of the MAC premises will ensure that such conflict arises and in doing so:</p> <ul style="list-style-type: none"> • Breaches 1.2(2)(a) of the LEP in that there is a failure to properly manage and protect productive agricultural land; • Breaches 1.2(c) of the LEP in that it fails to promote ecologically sustainable urban and rural development; • Breaches 1.2(e) of the LEP in that it fails to minimise land conflict use. <p>(1)</p>	<p>It is considered that the matters raised in this point form an objection to the zoning of the subject land, rather than an objection to the proposed development, as the R1 - General Residential zone permits dense residential development in proximity to established rural and primary land uses. In this regard, an assessment of whether the proposed residential land use has the ability to conflict with neighbouring land uses has been undertaken.</p> <p>The applicant has lodged a Landscaping Plan which has been assessed as part of this application and includes provision of a number of acoustic earth mounds on the southern portion of the development site (within the street setback) in order to redirect sound away from the proposed development. This Plan also incorporates the installation of a vegetative barrier on the south-eastern property boundary in order to establish a buffer between the proposed land use and adjoining rural developments.</p> <p>Furthermore, a number of recommendations have been included in the 'advice' section of the development consent regarding acoustic measures, i.e. the installation of double glazing and insulation as well as measures to reduce odour such as non-openable windows along the boundaries of the MAC premises.</p> <p>The implementation of these amelioration measures is expected to reduce the likelihood of any land use conflict.</p>

Issues Raised (and frequency of mentions)	Assessment comment
<p>The application is contrary to the objectives of the R1 General Residential zone, as:</p> <ul style="list-style-type: none"> • The development does not provide for the housing needs of the community; • The facility does not provide for a variety of housing types and densities; • The facility does not provide facilities or services that meet the day to day needs of the current residents; • The facility is not compatible with the surrounding residential environment and is likely to adversely affect the amenity of residential development for the zone. <p>(1)</p>	<p>This objection is based on the opinion that the residents of the proposed development are not members of the community. ‘Community’ is a broad term that is beyond only the permanent residents of an area; it also includes businesses, industries and their workers. Accordingly, it is considered that the proposed development meets the needs of the community by providing for the residential needs of the workers.</p> <p>The proposed development provides communal facilities that are ancillary to the residential accommodation, such as the tennis court, gymnasium and swimming pool. These facilities will meet the day to day needs of the residents of the village and are available to be used by the residents of Werris Creek.</p> <p>Planning Principles regarding “compatibility” indicate that it does not necessarily equate to being the same as its surroundings. As discussed within this report, it is considered that the proposed development will not conflict with its immediate surroundings.</p>
<p>There is a jurisdictional issue arising out of clause 7.8 of the LEP (1).</p>	<p>Discussion regarding the appropriate definition of the proposed development is included in detail in this report under compliance with Section 79C(1)(a)(i) of the Act.</p>
<p>The approval of the application and subsequent development and operation of the MAC premises may result in the imposition of restrictions on the operations at the GrainCorp premises and have an adverse impact on GrainCorp’s operations in terms of:</p> <ul style="list-style-type: none"> • Road use; and • Noise, dust and particle emissions. <p>(1)</p>	<p>A consent authority cannot impose further restrictions upon the use of a neighbouring property so as to benefit the proposed development. This would be <i>Ultra Vires</i>, beyond the power of the consent authority to impose conditions on land which is not the subject of an application. Conditions can only be imposed on the proposed development, where it fairly relates.</p> <p>The proposed development has been assessed by the NSW RMS as well as a Consultant Engineer engaged by Council regarding the capacity of the road network to support existing traffic as well as the development as proposed. Suitable conditions of development consent have been recommended and adopted.</p> <p>Matters regarding noise, dust and particle emissions have been discussed in detail earlier within this section.</p>

Issues Raised (and frequency of mentions)	Assessment comment
<p>The application does not comply with various requirements of the Development Control Plan 2012 including off street parking requirements, storage requirements, adaptability requirements, private open space requirements, adaptability and landscaping requirements and fencing requirements.</p> <p>(1)</p>	<p>It is noted that DCPs are a matter of mandatory consideration pursuant to s 79C(1)(a)(iii) of the Act and should form the focal point of the consent authority's determination. However, these provisions are not statutory requirements in accordance with Section 74BA and Section 79C(3A)(b) of the Act and can be used as a guide with some scope for flexibility.</p> <p>An assessment of the proposed development against the relevant provisions of the DCP is included earlier within this report.</p>
<p>Economic impacts:</p> <p>Mining Camp Village proponents overstate the economic benefits of their developments. The proponent does not appear to have provided any written and legally enforceable undertakings in the DA to prioritise the use of local and regional businesses, or to employ local workers to do the necessary activities associated with the Village.</p> <p>(1)</p>	<p>The applicant has submitted an Economic Impact Analysis (EIA) of the proposed development, which is based on conservative assumptions and the use of the marginal coefficients model, a model that overcomes the over-estimation of impacts that can result from using the linear approach.</p> <p>Matters relating to the prioritisation of the use of local and regional business, as well as a commitment to employ local workers, are discussed in detail below.</p>

Issues Raised (and frequency of mentions)	Assessment comment
<p>Impacts on jobs:</p> <p>The development will facilitate FIFO / DIDO workers and therefore remove the requirement of mining companies to skill up local workers. The result will be that the majority of each mineworker's wage will be spent in their "home" community and not in the local and regional communities.</p> <p>Other impacts of mining camp villages:</p> <ul style="list-style-type: none"> • Changes to work practices, including longer rosters and shifts; • Further lack of training for locals; • Reduces job security. <p>(1)</p>	<p>The applicant has submitted a Social Impact Assessment (SIA) of the proposed development. Section 4.2 estimates that around 4,000 additional direct jobs will be created in the next 3 to 5 years within the Gunnedah Basin with an additional 7,500 indirect jobs needing to be filled. While some of the existing workforce will switch employment to the mining section, the Assessment states that some component of FIFO workforce cannot be avoided in the region when considered against current demographic statistics.</p> <p>Section 4.4 of the SIA notes that a submission has been made by Gunnedah Shire Council in relation to the Environmental Impact Statement submitted in relation to the Watermark Coal development. In this regard, clarification has been sought in relation to what proportion of operational employees of the mine will be 'locals' compared with 'non-locals'. The submission further notes that Council's ultimate support for the project is contingent upon prior agreement being reached with the proponent on several key issues, including that the operational workforce will be at least 50% 'local' and that the proponent support a detailed apprenticeship and training program and a housing development programs. It is clear that some component of FIFO workforce cannot be avoided in the region.</p> <p>It is noted that the MAC Group will build the proposed facility in-line with demand, i.e. not all beds at commencement. Appropriate management of the FIFO workforce is required, as well as incentives to encourage resettlement into the LGA.</p> <p>Based on the abovementioned matters, the SIA states that predicted mining employment cannot be met from the local government mining pool, and they cannot all be housed locally. The SIA goes on to further state that the realistic scenario is one which has a high reliance on a FIFO workforce.</p>

Issues Raised (and frequency of mentions)	Assessment comment
<p>Community economic impacts:</p> <ul style="list-style-type: none"> • Fly-over effects from mining camp operators purchasing goods and services from suppliers outside locally based communities; • Increased costs of living and per capita costs of supporting existing townships; • Stress on community services and infrastructure. <p>(1)</p>	<p>In relation to fly-over effects from mining camp operators purchasing goods and services from suppliers outside locally based communities, this could be addressed via the following mitigation strategy, recommended in Section 7 of the SIA:</p> <ul style="list-style-type: none"> • Formalise a local procurement policy specific to the site, to maximise the facility's local expenditure, and provide a way to communicate opportunities to service the facility to local businesses. The SIA states that this is the standard approach at all MAC facilities where goods and services are sourced from local suppliers who retain the profits locally. Council has a similar "Local Preference Purchasing Policy". <p>With regard to increased costs of living, it is considered that the proposed development will assist in alleviating pressure of housing affordability in the region. Section 6.1 of the SIA states that when rental prices increase, lower socio-economic families are forced out of their current rental accommodation, causing falling school enrolments in those areas, and also adding to the pressure on education and other lower socio-economic parts of the region where they move to. Further implications in this regard are discussed in detail within the SIA.</p> <p>It is considered that demand for services such as housing and access to doctors will be due to the growth of the mining industry, not the MAC development specifically. The impact of mining expansion on community facilities should be addressed as part of the mining expansion projects' relevant statements' of commitments and voluntary planning agreements.</p> <p>The stress on community services and infrastructure as a result of the proposed development has been assessed in detail as part of this report.</p>

Issues Raised (and frequency of mentions)	Assessment comment
<p>Community level impacts:</p> <ul style="list-style-type: none"> • Destruction of local communities if they are unable to meet the infrastructure and service demands generated by a non-resident workforce; • Erosion to local communities where there has been a shift from a permanent resident workforce to a largely FIFO / DIDO workforce if it reduces the economic viability of local infrastructure, services and businesses; • Erosion to communities or regions bordering 'host' or 'home' communities if workers relocate to take advantage of FIFO / DIDO arrangements; • Limited participation and integration by FIFO / DIDO workers reduces the viability of volunteer groups and community clubs; • FIFO / DIDO creates a reduced 'sense of community' in mining based communities; • Impact on FIFO workers. <p>(1)</p>	<p>The subject land is located on the fringe of Werris Creek which will enable the future occupants of the proposed development to frequent the town and take advantage of its services. The SIA states that "a range of literature has been reviewed, which identifies that locating workforce accommodation near a town promotes the best integration with the community (socially and economically). Strategies recommended in the SIA in order to encourage interaction between the MAC village residents and the village of Werris Creek include:</p> <ul style="list-style-type: none"> • In order to encourage social cohesion, the MAC should continue to establish and enforce acceptable behaviour norms which insist on a standard of behaviour from FIFO workers that respects Werris Creek and its residents. Guests agree to be bound by the guest code of conduct, which should be reviewed with the Werris Creek community (via a community consultative committee) so that both the guests and the community have similar expectations. • Regular community open days to the village, with a BBQ and activities to attract attendance, to promote understanding and interaction. • Maximise the need for residents to go into Werris Creek to mix with the community. This could be achieved by minimising the range of goods which are stocked in the on-site store; providing a guest welcome package which outlines what is available in Werris Creek; facilitating resident access to town by providing loan bicycles; and erecting information about local sporting groups, cultural activities and health services on notice boards throughout the facility. • Develop a Community benefits package (including corporate sponsorships) in consultation with the community and Council. • Maintain effective communication with the community and with Council via community newsletters, the establishment of a 1800 complaints number and a community consultative committee. • Source MAC staff locally wherever possible.

Issues Raised (and frequency of mentions)	Assessment comment
Community level impacts (continued)	<p>These recommendations have been included in the 'Advice' section of the development consent, and Council's Economic Development Department have made a commitment to engage in long-term discussions with the MAC Group in order to implement these strategies and facilitate social cohesion.</p> <p>The impact on FIFO workers is considered outside the scope of this assessment, as the mental health of mine workers is the responsibility of their employers.</p>

79C(e) the public interest

Ecologically sustainable development is defined in NSW Legislation (for example the Dictionary to the *Local Government Act 1993*), and involves consideration of the precautionary principle, inter-generational equity, and conservation of biological diversity and ecological integrity. The proposal represents a major development for the Werris Creek community and is expected to contribute to the community's sustainability as outlined within this assessment report.

The development will be required to meet the energy efficiency requirements of the BCA (Section J) and its location is also considered appropriate in land use terms. Other specific aspects such as water reuse have also been considered, as detailed within this report.

The project will not lead to any loss of biological diversity, and social and economic impacts have been addressed as part of Council's assessment. The application is considered to be consistent with applicable Environmental Planning Instruments and the intent of Council's adopted policies as outlined within this report.

Assessment Conclusion

The proposed development constitutes "residential accommodation" with an associated "caravan park", and is permissible with development consent pursuant to Part 2 of the *Liverpool Plains Local Environmental Plan 2011*, under which the site is zoned R1 – General Residential.

Seven (7) submissions were received from members of the public raising various concerns to aspects of the development. These submissions have been considered as part of the assessment.

As a result of this assessment, the proposed development is recommended for conditional consent. **Appendix 2** to this report contains all relevant conditions identified throughout the assessment process and as discussed in this report.

Recommendation

- (a) That having regard to the assessment of the Application, Development Application 50/2013 (JRPP ref 2013NTH019) be granted consent subject to the conditions set out in Appendix 2 to this report.**
- (b) That agencies that made submissions in relation to the Application be notified of the determination in writing.**
- (c) That those persons that made submissions in relation to the Application be notified of the determination in writing.**