

JOINT REGIONAL PLANNING PANEL

(Northern Region)

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| JRPP No | 2014NTH007 |
| DA Number | 47/2014 |
| Local Government Area | Guyra |
| Proposed Development | 2 Stage construction of a 20 hectare glasshouse and ancillary buildings. |
| Street Address | Lot 156 DP 751474 No 4850 New England Highway |
| Applicant/Owner | Applicant- Greg Hill of Hill Lockart, Architects. Owner- The Costa Group |
| Number of Submissions | 3 |
| Regional Development Criteria (Schedule 4A of the Act) | General Development having a capital investment value in excess of \$20 Million; |
| List of All Relevant s79C(1)(a) Matters | <ul style="list-style-type: none"> List all of the relevant environmental planning instruments: s79C(1)(a)(i) List any proposed instrument that is or has been the subject of public consultation under the Act and that has been notified to the consent authority: s79C(1)(a)(ii) List any relevant development control plan: s79C(1)(a)(iii) List any relevant 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: s79C(1)(a)(iv) List any coastal zone management plan: s79C(1)(a)(v) List any relevant regulations: s79C(1)(a)(iv) eg. Regs 92, 93, 94, 94A, 288 |
| List all documents submitted with this report for the panel's consideration | <ol style="list-style-type: none"> Assessment report and recommendation; Section 79C Report; Written statement for the DA including- <ul style="list-style-type: none"> Completed development application form; Letter of owners consent; Architectural plans; Preliminary glasshouse design details; Storm water management strategy; |

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|----------------|--|
| | <ul style="list-style-type: none"> • Hydraulic and electrical services strategy; • Geotechnical Report; • Traffic Impact Assessment; • Koala Habitat Assessment; |
| Recommendation | Approved subject to conditions. |
| Report by | Robert J Furze- Director of Development and Environmental Services Guyra Shire Council |

Assessment Report and Recommendation Cover Sheet

Executive Summary

Council has received a development application for the 2 stage development of a 20 hectare glass house on the New England Highway approximately 6 kilometres north of the township of Guyra. The application has been submitted by Mr Greg Hill of Hill Lockart, Architects, on behalf of their clients, the Costa Group.

On the 24th March 2014, Council approved a development application No 4/2014, for bulk earthworks on the subject site together with the construction of a temporary intersection and onsite stormwater/erosion control works. This work is being undertaken in preparation for an intensive agricultural activity on the site, however, the consent makes it clear that it does not imply approval for the proposed glass house.

The Costa Group already own a 20 hectare glass house in Elm Street Guyra, which was established in 2004, however, that site has limited scope for the facilities expansion, which is required to meet the increase in demand for Costa's products.

The first stage of the proposed development will provide for the construction of two five hectare glass houses linked, by means of a passageway which is to be insulated and cooled, to the packing shed and cool rooms, a glass house storage building, workshop, an administration building and a staff facilities building are also included. Stage one will also include the completion of most of the site works including the intersection and access road as well as roads and car parking areas. The second stage will include another two five hectare glass houses linked to the packing shed and cool rooms additional staff facilities and glass house storage building.

The proposed glasshouses use a considerable amount of water and in this case it is intended to collect all roof and surface water as well as to reuse the water that currently goes to waste in the existing facility. This water will be treated by a reverse osmosis system to maintain biosecurity. The climate in Guyra is relatively cool and, where necessary, the proposed glass houses will be heated by both gas and coal fired boilers.

The access to the subject site is intended to be via a private road which is to be built within an existing crown road reserve along the southern boundary of the property and connecting to a new intersection with the New England Highway. It is proposed that the existing overtaking lane be closed for use as a merge lane for the new intersection.

Proposed Development

The proposal is for the 2 stage development of four 5 hectare glass houses for the intensive growth of tomatoes, on the eastern side of the New England Highway, approximately 6 kilometres north of the township of Guyra. The application has been submitted by Mr Greg Hill of Hill Lockart, Architects, on behalf of their clients, the Costa Group and includes the construction of buildings ancillary to the glass houses. The ancillary buildings include an administration building, a packing house and cool rooms, staff facilities, a workshop and storage buildings.

Council has reviewed Schedule 3 of the Environmental Planning and Assessment Act 1979, (EP&A Act), which provides that development producing in excess of 30,000 tonnes per annum of produce is designated development and the proponents have indicated that the subject development is expected to produce some 12,000 tonnes per annum.

Referral to Joint Regional Planning Panel

The proposal is referred to the Joint Regional Planning Panel for determination pursuant to clause 13C of State Environmental Planning Policy (Major Development) 2005, given it has an estimated commercial value of \$56,500,000.

Permissibility

The site is zoned RU1 primary Production Zone, pursuant to the Guyra Local Environmental Plan 2012. The proposed development is categorised as an intensive industrial agricultural activity, which meets the objectives of the zone and is permissible within the RU1 zone.

Consultation

In accordance with Chapter 3 of Council's Development Control Plan 2013, the application was notified/exhibited from 4th April 2014 to 30th April 2014. In addition Council wrote to the owners of the three adjoining properties, inviting their submissions either in support of or objection to the proposal. At the close of the exhibition period Council had received three submissions from the neighbouring properties.

As the proposed development is located adjacent to the New England Highway, will gain access and will have an impact on that road the application was referred to the NSW

Roads and Maritime Services as required under the provisions of Section 138 of the Roads Act 1993.

Key Issues

The main issues raised in the submissions and through the assessment process were as follows:

Issue 1- Devaluation of properties in the area;

One of the property owners adjacent to the site of the proposed development has listed their property for sale and, according to the agent selling the property, the value has remained stable or increased and although it hasn't sold yet interest in the property has increased since the announcement that the Tomato Farm was intending to build in the area.

Issue 2- A reduction of ground water in the area;

Guyra is currently going through a period in which it has received below average rainfall and has been drought declared for several months. The Tomato Farm is intending to collect and use all of the water that falls on its property as well as that ground water they can locate. Adjoining landholders advise that they can't be certain that the removal of that volume of water won't have an impact on the ground and surface water available to them. The developers and the Office of Water, who strictly control the use of bores, are negotiating for a license to extract water from the water table.

Issue 3- Chemical Usage on the site and the impact on adjoining residents as well as any restrictions likely to be placed on the use of chemicals on adjoining properties.-

The proponents will use chemicals, which are added to the water in the hydroponic system. Most of the chemicals used are chemical fertilisers and fungicides and as the water is reused in an enclosed system the possibility of contamination is minimal.

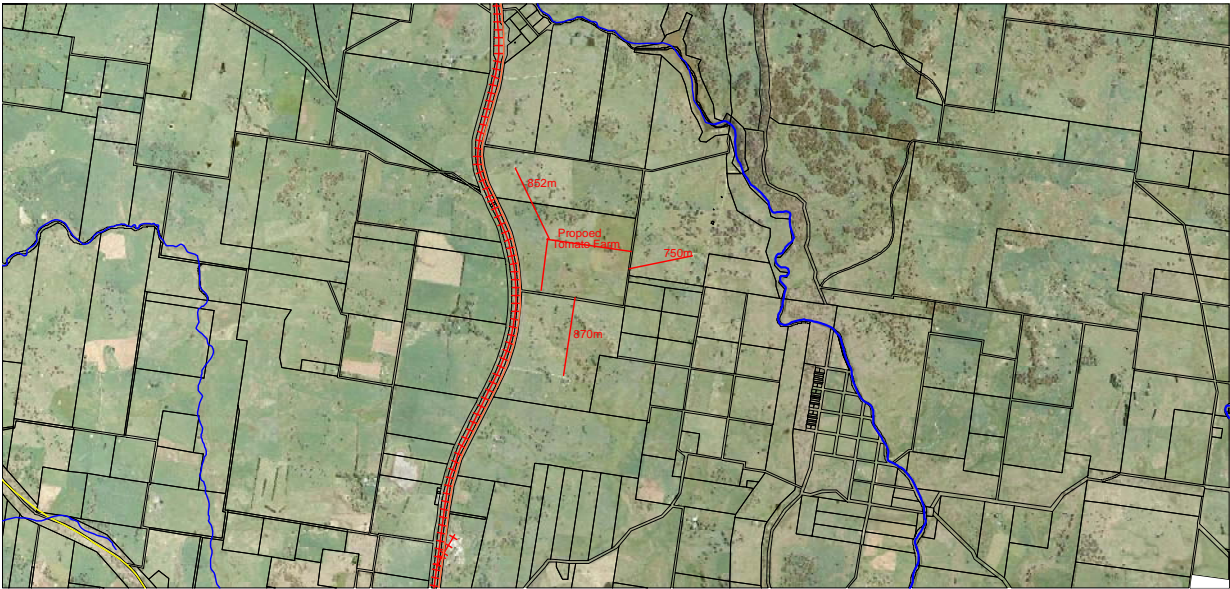
There has been no suggestion that there would be any restriction on the use of chemicals on premises adjoin the proposed development.

Issue 4- Noise, both during construction and in the operations;

Council monitored noise emissions from the existing facility, both during the construction and, once completed, and found that the only significant noise emissions were from earth moving equipment at the initial stage and as a result of traffic noise in the area once the facility was operating. These were generated during the day and were not deemed to be more than 5dBA above the background level at premises in the area.

The fact that, once the facility is in operation all traffic will enter and leave the property from the New England highway is expected to minimise the impact of noise in the area. The three dwellings in the closest proximity to the proposed development are protected by the topography, which will result in considerable noise attenuation, and are located some 750m, 852m and 870m respectively from the proposed development.

For your information please find attached copies of all submissions received in relation to the exhibition of the proposed development together with three letters, which have been received from NSW Transport Roads and Maritime Services.



1. Background

On the 24th March 2014, Council approved development application No 4/2014, for bulk earthworks on the subject site together with the construction of a temporary intersection and on-site stormwater/erosion control works. This work is being undertaken in preparation for an intensive agricultural activity on the site, however, the consent makes it clear that it does not imply approval for the proposed glass houses.

On the 30th May 2014, Council approved Development Application 24/2014 for the subdivision of the subject property to create an appropriately size allotment of 48.77 hectares, in anticipation of the DA for the glass houses being approved.

The Costa Group already own a 20 hectare glass house in Elm Street Guyra, which was established in 2004, however, that site has limited scope for the facilities expansion, which is required to meet the increase in demand for Costa's products.

Development Application No 47/2014 was received on the 24th March 2014, and letters were sent to the Roads and Maritime Services (RMS) and the Police seeking their comments on the proposal. The RMS have sought additional information in relation to the Traffic Impact Assessment, submitted by the applicants, and to date such information has not been forthcoming.

Your attention is drawn to the correspondence received from the RMS to Council on the 19th May 2014, (copy attached). In this letter the RMS outlines the outstanding issues which they believe should be addressed by the developer before entering into a Works Authorisation Deed (WAD), with the RMS, for the proposed works on the New England Highway, prior to the issue of a Construction Certificate.

The proponents hope to commence work on the construction on Stage 1 of the development in mid July, and have some of the components for the building being shipped to Australia at the moment, so the time frame for this application is extremely tight.

2. Site and Locality Description

The proposed development is to be located on Lot 156 DP 751474 No 4850 New England Highway Guyra. The property has been in the ownership of the same family, who have grazed and cropped the site for more than 100 years. The site upon which it is proposed to erect the 20 ha glass house and ancillary buildings is on the eastern side of the New England Highway and is gently undulating and generally sloping toward the south east.

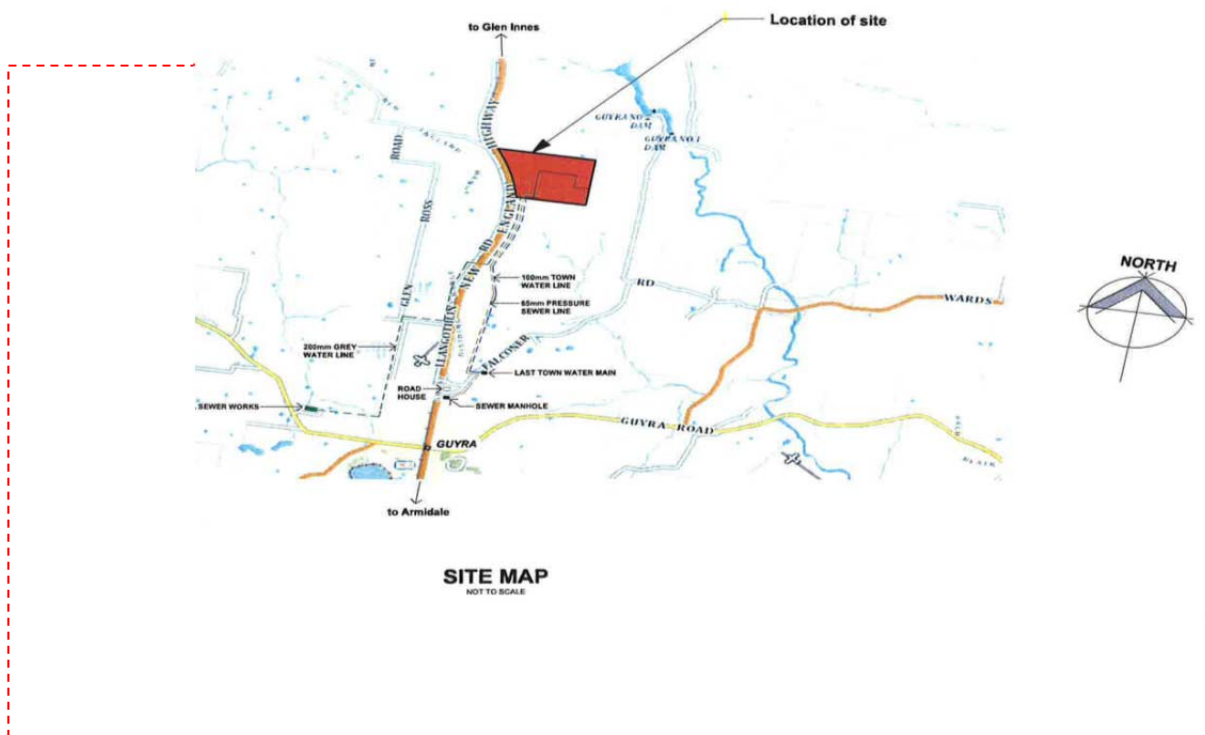
The site had a few scattered trees on it which were removed in order to undertake the bulk earth works approved under DA 4/2014. Melaleuca Enterprises have provided a Koala Habitat Assessment, of the site as required by State Environmental Planning Policy No 44 (SEPP 44). The desktop and field analyses of the vegetation on the study site concluded that the site is not classified as

koala habitat under SEPP 44 and therefore no further action is required in regard to koala habitat protection.

The applicant has undertaken site inspection and a desk top audit in accordance with Section 8 of the Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales to ascertain the need for further investigations and impact assessment.

Council staff have undertaken an initial search of the Aboriginal Heritage Information Management System (AHIMS), which has revealed that there are no Aboriginal sites recorded in the area. The site does not contain landscape features described in the Code, that would indicate the likely existence of Aboriginal objects, so there is a low probability of objects in the area and accordingly an Aboriginal Impact Permit has not been required.

As can be seen on the map hereunder the proposed development is located on the eastern side of the new England Highway, approximately 6 kilometres north of the township of Guyra and some 5 kilometres south of the village of Llangothlin, with The townships of Armidale being approximately 45K to the south and Glen Inness being 55 km to the north of the site.



3. Project Description

The proposal is for 2 stage development including four 5 hectare glass houses for the intensive growth of tomatoes, on the eastern side of the New England Highway, approximately 6 kilometres north of the township of Guyra and is a significant development having a total capital investment value of \$56,500,000.

The application has been submitted by Mr Greg Hill of Hill Lockart, Architects, on behalf of their clients, the Costa Group and includes the construction of buildings ancillary to the glass

houses. Those bulk earthworks, drainage and the temporary of construction access which were approved by Council under development consent No 4/2014, have already been substantially commenced. The two staged development application No 47/2014, includes the following works.

Stage 1 of the proposed development will provide for the construction of-

1. Two five hectare glass houses linked by means of a passageway, which is to be insulated and cooled, to the packing shed and cool rooms;
2. The Packing Shed and Cool Rooms;
3. A glass house storage building;
4. A workshop;
5. An administration building;
6. Staff facilities; and
7. Stage one will also include the completion of most of the site works including the intersection and access road as well as car parks.

Stage 2 of the proposed development will include the construction of-

1. Another two five hectare glass houses linked by a passage way to the packing shed and cool rooms;
2. Additional staff facilities; and
3. A glass house storage building.

Architectural plans are included in APPENDIX 3, of the written statement of the development, which is enclosed, however detailed structural plans, specifications and engineers details, apart from draft plans pertaining to the glass houses, have not been provided at this time.

The Written Statement for the Development referenced above includes-

1. Introduction;
2. Site Description;
3. Zoning;
4. Proposal;
5. Section 79C Evaluation;
6. Appendices-

Appendix 1. Completed Development Application Form;

Appendix 2. Owners consent letter;

Appendix 3 & 4 Architectural drawings;

Appendix 5. Survey Plans;

Appendix 6. Preliminary glasshouse drawings;

Appendix 7. Stormwater Management Strategy;

Appendix 8. Hydraulic and electrical Services Strategy;

Appendix 9. Geotechnical Report;

Appendix 10. Traffic Impact Assessment;

Appendix 11. SEPP 44 Koala Habitat Assessment;

Appendix 12. Colours and finishes; and

Appendix 13. Quantity Surveyors Costing;

5. Referrals

1. Council referred the application to NSW Transport- Roads and Maritime Services and to the Police Department for comment. There is no statutory requirement to refer the application to any other government department at this time.
2. It is anticipated that there will be some alternate solutions proposed for the development. Under the provisions of Clause 142 of EP & A Regulations, and Council will need to refer the application to NSW Fire Brigades within 7 days of receipt of an application for a construction certificate. Note-A construction certificate can't issue on the development until Council has received an initial fire safety report from the NSW Fire Brigades;

6. Section 79C Considerations

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| DA NUMBER: | DA-47-2014 |
| LOCATION: | 4850 New England Highway FALCONER NSW 2365 |
| DEVELOPMENT DESCRIPTION: | Construction of a new tomato farm (Stages 1 and 2) |
| COUNCIL: | Guyra Shire Council : Bob Furze |

| PROPERTY DETAILS / HISTORY | |
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| FILE HISTORY | 4/2014 |
| TITLE PLAN | OK |
| CHECK OWNERSHIP | Title Search on file. Mr P G Bell and P G Bell Pty Ltd have signed Application form. |
| REFERRALS | |
| if yes to any question refer to 79C reference document | |
| Airport | |
| Is the height of the development more than 30 metres above natural ground level <u>and</u> within 30 kilometres of an aerodrome? | NO |
| Is the height of the development greater than 45 metres? | NO |
| Is the height of the development more than 30 metres above natural ground level and located in the PANS-OPS area? | NO |
| Is the development likely to require use of a crane during construction in a location that could potentially affect Airport operations? | NO |
| Power | |
| Is the development located wholly or partially within a Transgrid easement? | NO |
| Roads | |
| Does the development gain access from or is it adjacent to a classified road? | YES |

| ENVIRONMENTAL PLANNING INSTRUMENTS | |
|---|--|
| SECTION 79C(1)(a)(i) | |
| STATE ENVIRONMENTAL PLANNING POLICIES (SEPPs) | |
| SEPP | n/a |
| GUYRA LOCAL ENVIRONMENTAL PLAN (Guyra LEP 2012) | |
| PART 1 PRELIMINARY | |
| 1.2 Aims of Plan | The assessment of this application has been carried out having regard to the aims of the Plan. |

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| 1.9A | Suspension of covenants, agreements and instruments | N/A |
| PART 2 PERMITTED OR PROHIBITED DEVELOPMENT | | |
| 2.2 | Zoning of land to which Plan applies | RU1 Primary Production |
| 2.3 | Zone objectives and Land Use Table | OK |
| 2.4 | Unzoned land | N/A |
| 2.5 | Additional permitted uses for particular land | N/A |
| 2.6 | Subdivision—consent requirements | 24/2014 Approved 30/5/14 |
| 2.7 | Demolition requires development consent | No |
| 2.8 | Temporary use of land | N/A |
| PART 4 PRINCIPAL DEVELOPMENT STANDARDS | | |
| 4.1 | Minimum subdivision lot size | 200HA |
| 4.1AA | Community title schemes | N/A |
| 4.1A | Minimum subdivision lot size for strata plan schemes in certain rural, residential or environmental protection zones | N/A |
| 4.1B | Subdivision of lots in both Zones E3 and E4 | N/A |
| 4.1C | Exceptions to minimum lot sizes for certain rural subdivisions | See 4.1 |
| 4.1D | Minimum lot sizes for certain split zones | N/A |
| 4.2 | Rural subdivision | The subject allotment is less than the 200ha minimum lot size provided under the LEP lot size map but was approved under the provisions of Clause 4.2 of the Guyra Local Environmental Plan 2012. |

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| 4.2A | Erection of dwelling houses or dual occupancies on land in certain rural, residential and environmental protection zones | N/A |
| 4.2B | Erection of rural workers' dwellings in certain rural and environmental protection zones | N/A |
| 4.3 | Height of buildings | N/A |
| 4.6 | Exceptions to development standards | N/A |
| PART 5 MISCELLANEOUS PROVISIONS | | |
| 5.1 | Relevant acquisition authority | N/A |
| 5.3 | Development near zone boundaries | N/A |
| 5.4 | Controls relating to miscellaneous permissible uses | N/A |
| 5.8 | Conversion of fire alarms | N/A |
| 5.9 | Preservation of trees or vegetation | N/A |
| 5.9AA | Trees or vegetation not prescribed by development control plan | N/A |
| 5.10 | Heritage conservation | The subject site is not identified as being of European heritage significance. |
| 5.12 | Infrastructure development and use of existing buildings of the Crown | N/A |
| 5.13 | Eco-tourist facilities | N/A |

| PART 6 ADDITIONAL LOCAL PROVISIONS | | |
|---|--|------------------------------------|
| 6.1 | Earthworks | Approved under DA 24/2014 |
| 6.2 | Flood planning | N/A |
| 6.3 | Airspace operations | N/A |
| 6.4 | Development in areas subject to aircraft noise | N/A |
| 6.5 | Development within a designated buffer | N/A |
| 6.6 | Essential Services | See comments below under DCP 2013. |

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| DO EXISTING USE RIGHTS APPLY? No | |
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DRAFT OR UNDER CONSULTATION - ENVIRONMENTAL PLANNING INSTRUMENTS
SECTION 79C(1)(a)(ii)

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| | N/A |
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| <u>Section 4 Residential Development Controls</u> | |
| 4.1 Urban Residential Development – Single and Dual Occupancy Dwellings | N/A |

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| 4.2 Urban Residential Development – Multi-Unit Housing, Residential Flat Buildings, Attached Dwellings, Semi-detached Dwellings, Shop Top Housing | N/A |
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| 4.3 Rural and Environmental Protection Zone Residential Development – Single and Dual Occupancy Dwellings | N/A |
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| <u>Section 5 Commercial and Industrial Development Controls</u> | |
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| 5.1 Development in the Business Zones | N/A |

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| 5.2 Industrial Development | N/A |
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| 5.3 Bed and Breakfast and Farm-stay Accommodation | N/A |
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| 5.4 Brothels and Restricted Premises | N/A |
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| 5.5 Animal Boarding or Training Establishments for Companion Animals | N/A |

| ANY CURRENT OR DRAFT PLANNING AGREEMENT | |
|---|------------------|
| SECTION 79C(1)(a)(iiia) | |
| Are there any planning agreements or draft agreements in place? | Not at this time |

| REGULATIONS | |
|--|-----|
| SECTION 79C(1)(a)(iv) | |
| Does the proposal include any demolition? | No |
| Does the proposal involve the relocation of a building to/from the site? | No |
| Are there any fire considerations (i.e. fire separation) | Yes |

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| Should the building be brought up to current BCA standards? (Refer Building Surveyor assessment) | Yes |
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| COASTAL ZONE MANAGEMENT PLAN SECTION 79C(1)(a)(iv) |
| Not applicable to the Guyra Local Government Area. |

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| LIKELY IMPACTS OF THE DEVELOPMENT SECTION 79C(1)(b) | |
| Potential impacts on the natural environment? | |
| Impact on air quality? | Construction: Standard conditions for dust suppression be applied Operation: No significant emissions anticipated |
| Impact on water quality? | Construction: Standard conditions erosion and sediment control measures be applied. Operation: Standard conditions regarding discharges from the property be applied. |
| Land degradation, tree loss impact on flora, fauna ecosystems? | The subject site is not identified as being of ecological significance. |
| Potential impacts on the built environments? | |
| Impact of noise generation? | Standard conditions for noise emissions be applied. |
| Impact on any places of aboriginal heritage significance? | The applicant has undertaken a site inspection and a desk top audit in accordance with Section 8 of the Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales to ascertain the need for further investigations and impact assessment. |
| Impact on any places of European heritage significance? | Nil. |
| Amenity (i.e. hours of operation)? | Generally 7.00am to 5.00pm although truck movements occur outside of these times. |

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| Privacy, overshadowing and visual impact? | Minimal impact on privacy, no overshadowing and a vegetative screen is to be installed to minimise the visual impact from the south and west. |
| Significant views affected? | No |
| Potential social impacts? | |
| Likely social impacts, benefits or precedents? | Positive |
| Implications for public infrastructure? (i.e. public transport, main extensions etc.) | No |
| Impact on surrounding public places? | Nil. |
| Potential economic impacts? | |
| Likely economic impacts or benefits? | No negative economic impacts. |
| Developer contributions applicable? | Yes |

| SUITABILITY OF THE SITE FOR THE DEVELOPMENT | |
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| SECTION 79C(1)(c) | |
| Risks and hazards? | |
| Flood prone? | According to Council's GIS program Enlighten and the proposed works at this site are situated above the 1%AEP (+500mm freeboard) and are therefore <u>not</u> considered to be flood prone/liable. |
| Bush fire prone? | <p>The site is not identified as being bush fire prone in Council's certified mapping.</p> <p>Has Council:</p> <p>Referred application to the RFS? No</p> <p>Received a response from the RFS? Yes/No</p> |

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| | <p>Assessor's Comments:</p> <p>The site is not within a bush fire prone area, although the development will be serviced by the RFS if there is a fire. When contacted the RFS advised that it would be more appropriate for NSW Fire Brigades to deal with the application.</p> |
| Contaminated land? | The subject site is not identified in Council's Information System for Potentially Contaminated Land as having been previously used for a purpose that may have resulted in contamination. |
| Slope / Slip instability? | The subject site is not affected by slope instability. |
| Adjoining / nearby land uses and activities? | |
| Rail? | Yes- There is a disused rail line located on the western side of the New England Highway, opposite the subject property. |
| Classified road? | Yes |
| Other incompatible land uses? | No |
| Access to and within the site? | |
| Suitable vehicular circulation/access/parking? | Yes |
| Suitable loading/unloading area? | Yes |
| Pedestrian access to public transport, facilities inc. for people with a disability? | Due to the site's isolation there will be little or no pedestrian access to the site, except from the car park. |
| Servicing? | |
| Sewer connection? | The method of sewage waste disposal is yet to be determined although the proponents have expressed a desire to connect to Council's sewerage reticulation system. |
| Water supply? | The connection to Council's water reticulation system has |

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| | yet to be determined. |
| Stormwater? | Details provided in Appendix 7 Stormwater Management Plans prepared by the Kelly Covey Group. |
| Energy Supply / Conservation and telecommunications? | Will be addressed in the detailed plans, yet to be received. |

| SUBMISSIONS | |
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| SECTION 79C(1)(d) | |
| Any submissions from: | |
| The public? | 3 written submissions were received in relation to the development proposal. |
| Consultation/concurrence with other public authorities? | Only RMS and Police |
| Any other submissions? | No |

| THE PUBLIC INTEREST | |
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| SECTION 79C(1)(e) | |
| Construction or safety issues? | Standard condition for barrier/hoarding during construction and Roads Act approval for associated works on the public road. |
| Public Health issues (food safety, skin penetration etc)? | No |
| Management plans, agreements or bonds? (inc. Fire safety measures) | No |
| Principles of Ecologically Sustainable Development? | The proposed development is considered to be satisfactory having regard to ESD principles. |
| Planning Circulars? | No |
| Applicable Strategic Plans? | No |
| Other public interests (i.e. precedents)? | No |

CONCLUSIONS / RECOMMENDATIONS

I confirm that I am familiar with the relevant heads of consideration under the Environmental Planning and Assessment Act and Local Government Act (if applicable) and have considered them in the assessment of this application.

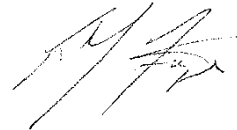
I certify that have no pecuniary or non-pecuniary interest in this application.

I recommend that the proposal be granted conditional consent under delegated authority.

ADDITIONAL NOTES ATTACHED: No

DA No: DA-47-2014

Signed:



Date: 14 June 2014

Time: 2.14pm 2/6/14

(a)(ii) the provisions of any draft environmental planning instrument-

There are no draft SEPPs or LEPs with which the proposed development would not be compliant

(a)(iii) any development control plans-

The proposed development is general in compliance with the Guyra Development Control Plan 2013

(a)(iiia) any planning agreement that has been entered into or any draft planning agreement that the developer has offered to enter into-

Neither the developer nor Council have sought to enter into a planning agreement.

(a)(iv) any matters prescribed by the regulations

There are no matters prescribed by the regulations which have not been met.

(b) the likely impacts of the development

All of the likely impacts of the development on the community or the area have been addressed in the application or will be addressed by compliance with the conditions of consent outlined in Appendix A

(c) the suitability of the site for development

The proposed development is more intensive than the agricultural activities on the adjoining sites in the area, particularly grazing, which is the sole activity conducted in the area;

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

Conditions have been imposed that it is believed will address all of the matters raised in the submissions with the exception of-

- The impact on ground and surface water by the development which is being addressed in current negotiations between the proponents and the Office of Water.
- The traffic impact on the New England Highway, which must be addressed before NSW Transport Roads and Maritime Services will be implemented in the Works Authorised Deed

(e) the public interest

The proposed development will provide employment for some 300 to 400 persons and so will rejuvenate the local economy.

7. Conclusion

Subject to various conditions, the proposal is acceptable against the relevant considerations under section 79C.

8. Recommendation

That the Joint Regional Planning Panel grant consent to 47/2014, subject to the conditions contained in Appendix A.

APPENDIX A - Conditions of Consent

A General Conditions

A1

No building work is to commence on any part of the development unless a construction certificate has issued. A construction certificate will not issue until detailed plans, specifications and engineers details for the proposed work have been submitted to and approved by Council.

Section 80 and Part 1 Schedule 1 of the Environmental Planning and Assessment Act 1979.

Reason: To ensure the structural integrity of the building and the safety of its occupants.

B Conditions which must be satisfied prior to the issue of any construction certificate

B1

A construction Certificate will not issue until Council has received an initial fire safety report from the NSW Fire Brigades;

Clause 142 of Environmental Planning and Assessment Regulation 2000;

Reason- To safeguard people from illness or injury during evacuation of any building due to a fire in and to avoid the spread of fire between buildings.

B.2

A Construction Certificate will not be issued for the development until Council has received a signed declaration of acceptance of the conditions of this consent;

I accept the conditions of consent for Development Application No. /2014 as outlined hereunder.

Signature..... Date

B.3

A construction Certificate will not issue until the applicant has paid to Council a Section 94A Contribution amounting to 0.5% of the development cost where the estimated cost to carry out the proposed development is between \$100,001 and \$200,000 and 1% of the development cost where the estimated cost to carry out the development is in excess of \$200,000,. The development costs include all of the costs and expenses incurred by the developer, which will be applied to the provision or augmentation of existing public facilities.

In order to estimate the amount of the levy it will be necessary for a Cost Estimate Report to be prepared setting out an estimate of the cost of carrying out the proposed development. The proposed cost to carry out the works is calculated by –

- i. If the development involves the erection of a building, or the carrying out of engineering or construction work, the costs of or incidental to erecting the building, or carrying out the work, including the costs (if any) of an incidental to demolition, excavation and site preparation, decontamination or remediation;
- ii. If the development involves a change of use of land- the costs of or incidental to doing anything necessary to enable the use of the land to be made; and
- iii. If the development involves the subdivision of land, the costs of or incidental to preparing, executing and registering the plan of subdivision and any related covenants, easements or other rights.

Note- 1- The levy must be paid-

- (a) In the case of development involving building work, before the release of the Construction Certificate, permitting commencement of work;*
- (b) In the case of a development involving subdivision, before the release of any Construction Certificate or the Linen Plan which ever occurs first;*

Note 2- Who can prepare a Cost Estimate Report.

- (a) Where the estimate of the proposed cost of carrying out the development is less than \$500,000, a cost summary must be prepared, by the builder or other person approved by Council, in accordance with Schedule 2 of Council's Section 94A Development Contributions Plan, 2006.*
- (b) Where the estimate of the proposed cost of carrying out the development is more than \$500,000, a cost summary must be prepared, by a registered quantity surveyor, in accordance with Schedule 3 of Council's Section 94A Development Contributions Plan, 2006.*

B.4

A construction certificate will not issue for the commencement of construction on the land unless the land on which the development is to be erected (or adjoining land in common ownership) has direct access to a constructed public road.

B.5

A construction certificate will not issue until Council has received an initial fire safety report from the NSW Fire Brigades;

Clause 142 of Environmental Planning and Assessment Regulation 2000.

Reason: To ensure the structural integrity of the building and the safety of its occupants and to protect the property and occupants of adjoining premises.

B6.

The developer will be required to enter into a Works Authorisation Deed (WAD) with Roads and Maritime, or enter into a binding agreement to comply with any requirements of the RMS in respect to such WAD, for all road works on the New England Highway prior to the issue of any Construction Certificate for the proposed development. A pre-qualified contractor will be

required to complete all road works under the WAD to practical completion, as determined by Roads and Maritime prior to the commencement of any traffic movements associated with operation of the approved development. The Developer will be responsible for all costs associated with the works and administration of the WAD.

B7

A construction Certificate will not issue until an application has been submitted to Council and the requisite fee has been paid.

C Conditions which must be satisfied during any development work

C1

The building shall not be used or occupied until completed or until approval has been granted by the Principal Certifying Authority to occupy an uncompleted building and an Occupation Certificate has been issued in respect of the building or part.

Section 109C of the Environmental Planning and Assessment Act 1979

Reason: To ensure that the building does not adversely affect the health and safety of the occupants.

C2

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

Note: Where it is impractical to comply with the deemed to satisfy provisions of the Building Code of Australia, an alternative solution may be acceptable to Council. Such alternative solution must be supported by a report by an appropriately qualified Fire Engineer.

Section 80 A of the Environmental Planning and Assessment Act 1979.

Reason: To ensure the structural integrity of the building and the safety of its occupants and to protect the property and occupants of adjoining premises.

C3

Compliance with the requirements of the fire safety report prepared by the New South Wales Fire Brigade.

Clause 144 of the Environmental Planning and Assessment Regulation 2000.

Reason: To ensure the structural integrity of the building and the safety of its occupants and to protect the property and occupants of adjoining premises.

C4

The building including its services must have a thermal and energy design, to the degree necessary, that facilitates the efficient use of energy and maintenance appropriate to its internal environment for climate zone 8. Details of such design must meet the deemed to satisfy provisions of the Building Code of Australia, or if an alternate solution is proposed such design must be appropriately verified. A construction certificate will not issue until the aforementioned design details have been submitted and approved by Council.

Section J of the Building Code of Australia.

Reason: To reduce greenhouse gas emissions by efficiently using energy throughout the life of the building.

C5

The erection of a dwelling will not be permitted on the allotment created by the subdivision of the property as it does not have the minimum area of 200 hectares required by Clause 4.2A of the Guyra Local Environmental Plan 2012;

C6

An appropriate temporary sanitary service shall be provided to the building site before building operations are commenced. In sewerred areas a temporary connection shall be made to Council's sewer main.

Table 4- Amenities for various work places of the Code of Practice for Amenities for Construction Work- Code of Practice 1997- Work Cover NSW Health and Safety Code of Practice.

Reason: To ensure that adequate sanitary provisions are provided and maintained on the building site for use by persons engaged in building activity.

C7

Arrangements are to be made for Council to carry out inspections of the building during the following stages of its construction, as applicable. Applicants are required to notify Council's Building Services Department on the cards provided with the Building Approval, or by telephone, 48 hours prior to:

- a) when excavation for raft slab (slab on ground) is completed and prior to covering with damp proof membrane (ie plastic or "Fortecon");
- b) when steel is in place and before concrete is poured (footings, slabs, beams, piers pads etc);
- c) when all framework is completed prior to covering in (including flashing to wet areas and plumbing rough in);
- d) when drainage lines are laid and before covering in;

Note: sub floor drains under concrete slabs shall be inspected and under test prior to covering with filling.

- e) when the building is completed and before occupation.

Section 109 C of the Environmental Planning and Assessment Act 1979.

Reason: To ensure the structural integrity of the building and the safety of its occupants and to protect the property and occupants of adjoining premises.

C8

Practicing Structural Engineer's details or Certificates of Structural Adequacy for the following work as applicable, shall be submitted to Council for consideration and approval before such work is commenced:

Note: Certificates or details shall identify the extent to which the Engineer has relied on relevant specifications, rules, codes of practice or publications in respect of the construction.

- (a) reinforced concrete footings and floor slab, suspended reinforced concrete slabs, or reinforced concrete floor slab on ground;
- (b) structural steelwork;
- (c) retaining walls;
- (d) pier and beam footings;
- (e) roof trusses;

Note- Certification must be provided verifying the loads outlined in Section 2.2 of Appendix 6.

B 1.3 of the Building Code of Australia.

Reason: To ensure that the proposed building, when constructed, will comply with the relevant Australian Standards and support all anticipated loads to be imposed upon it.

C9

The building must be capable of withstanding all loads and other actions to which it may be reasonably subjected and accordingly must comply with the provisions of Australian Standard No. 1170:

- Part 1 Dead and Live Loads;
- Part 2 Wind Loads;
- Part 3 Snow Loads; and
- Part 4 Earthquake Loads.

Clause 2.1 of the Housing Provisions and B 1.2 of the Building Code of Australia.

Reason: To safeguard the occupants from injury and loss of amenity and property caused by physical damage caused by structural failure.

C10

All glazing materials are to be installed in accordance with the provisions of B1.3 of the Building Code of Australia and AS 1288 – 1994.

Reason: To protect the building and its occupants.

C10

Details of method of treating roofing and wall cladding to eliminate glare is to be submitted to and approved before building work commences.

Australian Standard 1562.1- 1992 and A2.1 of the Building Code of Australia.

Reason: To minimise impact and to protect the amenity of the area.

C11

Metal deck roofing must be fixed strictly in accordance with the manufacturer's detail.

B1.2 & B 1.3 of the Building Code of Australia.

Reason: To maintain the long term integrity of the building.

C12

Steel members are to be protected against corrosion in accordance with the relevant SAA Codes.

B1.2 & B 1.3 of the Building Code of Australia.

Reason: To maintain the long term integrity of the building by restricting corrosion of steel building members.

C13

Signs, other than as of right signs, shall not be installed on the building without first obtaining the consent of Council. As of right signs have an area not greater than 1.0 meters square and require only a written application and a letter of approval from Council, with no development application being required. These signs include:-

- Advertisements within the site but not visible from outside the site;
- Business identification signs;
- Temporary signs;
- A public notice displayed by a public body giving information about the services provided; and
- Signs behind the glass line of a business or shop.

State Environmental Planning Policy No 64

Reason: To ensure the development does not adversely effect the amenity of the residents in the area.

C14

All vehicles entering and leaving the premises must do so in a forward direction.

Section 79 C of the Environmental Planning and Assessment Act 1979 and P 2.5 of the Building Code of Australia

Reason: To minimise the risk of an accident involving persons leaving the premises and to ensure safe passage by pedestrians and vehicles in the area.

C15

Provision of on site parking for staff and visitor's vehicles must be provided behind the building line in accordance and compliance with Chapter 6 of Guyra Shire Council Development Control Plan 2013. Parking areas and access lanes must be constructed, drained and concrete or bitumen sealed.

Section 79 C of the Environmental Planning and Assessment Act 1979.

Reason: To minimise the potential environmental damage and nuisance to occupants and to minimise any adverse impact on the amenity in the area.

C16

Erosion control measures, both permanent and temporary must be undertaken as necessary once development commences. All disturbed areas must be seeded and maintained until grass-cover is established, as soon as possible after a site disturbance occurs.

Section 79 C of the Environmental Planning and Assessment Act 1979.

Reason: To prevent soil erosion and minimize any adverse impact on the environment and the amenity in the area.

C17

The un-built upon or unsealed areas around the building shall be grassed and planted with appropriate trees or shrubs to the satisfaction of Council.

Section 79 C of the Environmental Planning and Assessment Act 1979.

Reason: To prevent soil erosion and minimize any adverse impact on the environment and the amenity in the area.

C18

Construct access road with erosion control measures. Sow all disturbed areas, (excluding road surface with the following seed/fertiliser mixture:

- Couch grass.....3 kg/ha (spring/summer)
- Ryegrass.....20 kg/ha (autumn/winter)
- Starter R 15 or equivalent.....100 kg/ha
- Oats/Ryegrass.....30 kg/ha (autumn/winter/early spring)
- Japanese Millet25 kg/ha (spring/summer)
- Couch3 kg/ha (spring/summer)
- Starter R 15 or equivalent.....250 kg/ha

Section 79 C of the Environmental Planning and Assessment Act 1979.

Reason: To prevent soil erosion and minimize any adverse impact on the environment and the amenity in the area.

C19

Run-off from offsite shall be diverted around the premises into a stable drainage line or water disposal area. Diversion Banks should be constructed with channel velocities of 0.6m/s for bare channel to a maximum of 1.0m/s for vegetated channels.

Section 79 C of the Environmental Planning and Assessment Act 1979.

Reason: To prevent soil erosion and minimize any adverse impact on the environment and the amenity in the area.

C20

Permanent erosion and sediment control structures shall be properly designed. Sediment control structures and dams must have adequate capacity, depending on the catchment size, the outlet must be designed to take overflows from a 1:20 yr storm event and spill via a level sill onto stable areas. Wall batters must be no steeper than 1(v): 3(h).

Section 79 C of the Environmental Planning and Assessment Act 1979.

Reason: To prevent soil erosion and minimise any adverse impact on the environment and the amenity in the area.

C21

All surplus surface and roof-water must be collected and transported through a drainage system approved by Council, to an area of detention from which it can discharge at a rate, which will not cause erosion or transport sediment. Hydraulics engineer's details of such drainage system must be submitted and approved by Council before commencement of work.

Section 79 C of the Environmental Planning and Assessment Act 1979.

Reason: To ensure the development does not adversely effect the environment and the residents in the area.

C22

A detailed landscape plan must be prepared and submitted for approval within three months of commencement of work. Such plan must make provision for the screening of the development from the west and south where there is potential for adverse impacts on highway traffic.

Australian Standard 1562.1- 1992 and A2.1 of the Building Code of Australia.

Section 79 C of the Environmental Planning and Assessment Act 1979.

Reason: To minimise impact and to protect the amenity of the area.

C23

There must be no reuse of waste water unless a management plan which outlines:-

- The contents of water;
- The likely impact of the application of such waste water on the land;
- Verification by means of a report from an accredited testing authority that there is and will be no adverse impact on the land by the application of such waste water on the land.

Section 79 C of the Environmental Planning and Assessment Act 1979.

Reason: To minimise impact and to protect the amenity of the area.

C24

All spillage or waste is to be collected on a daily basis and disposed of to the satisfaction of Council.

Section 79 C of the Environmental Planning and Assessment Act 1979.

Reason: To ensure the development does not adversely effect the environment and the residents in the area.

C25

The business must not interfere with the amenity of the locality by the emission of noise, vibration, odours, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit, oil or any other form of emission.

Section 79 © of the Environmental Planning and Assessment Act 1979 and E O 1 of the Building Code of Australia

Reason- To minimise the social and environmental impact of the development in the neighbourhood in particular and on the Guyra community generally.

C26

Activities which may result in a noise nuisance being created shall be restricted to hours of operation between 7am and 6pm Monday to Friday and 8am to 5pm on weekends and public holidays.

Note - Noise levels, as a result of emissions from the subject premises, must not exceed 5 dB(A) above the background noise level at the window of any effected premises. It should also be noted that noise levels at the boundary of any affected property must not exceed 60 dB(A) in the daytime and 50 dB(A) at night.

Section 79 C of the Environmental Planning and Assessment Act 1979.

Reason: To ensure the development does not adversely effect the environment and the residents in the area.

C27

Erosion control measures, both permanent and temporary must be undertaken as necessary once development commences. Temporary erosion and sediment control works such as hay bales, and sediment control fences shall be used to control sediment loss from temporary, disturbed or bare areas.

Section 79 C of the Environmental Planning and Assessment Act 1979.

Reason: To ensure the development does not adversely effect the environment and the residents in the area.

C28

Door(s) in a required exit, forming part of a required exit or in a path of travel to a required exit shall be able to be opened without a key from the side facing a person seeking egress, by a single handed downward action or pushing action on a single device which is located between 900mm and 1200 mm from the floor.

Note: a turning knob, and nib type latches, pad bolts, slide bolts, etc are not permitted.

D 2.21 of the Building Code of Australia.

Reason: To provide occupants with safe passage from the building.

C29

The building must be constructed in such a way that it is protected and forms fire compartments having areas not greater than that provided in Table C 2.2 or Specification C 2.3 of the Building Code of Australia. Such compartments must be separated by construction complying with Specification C 1.1- Fire-Resisting Construction of the Building Code of Australia.

Section C of the Building Code of Australia.

Reason: To safeguard the occupants from illness or injury while evacuating the building during a fire, to facilitate the activities of emergency services personnel and to avoid the spread of fire.

C30

No point on the floor of the buildings is to be more than 20m from an exit, or from a point from which travel in different directions to 2 exits is available in which case the maximum distance to one of those exits must not exceed 40m.

Note 1. The distance between exits must not be less than 9.0m nor exceed 60m apart and be uniformly distributed around the storey.

Note 2. The building is to be designed such that safe and dignified access and egress is provided from all parts of the premises for all persons likely to attend those premises.

Required by D 1.4 of the Building Code of Australia.

Reason: To provide the occupants with a safe passage from the building.

C31

Exit signs shall be installed in appropriate positions in corridors, hallways, lobbies, foyers and the like indicating the direction to a required exit. Design and installation of Exit signs shall comply with AS 2293.1 and the following:

- a) Exit signs shall be clearly visible to persons approaching the exit and shall be circuit sensing to the general lighting circuit;
- b) Exit signs shall be green with white lettering and installed to operate continuously in the event of a power failure.
- c)

E4.5, E4.6 (NSW) and E4.8 of the Building Code of Australia.

Reason: To ensure exits are readily identified by occupants and to provide them with a safe passage from the building

C32

Design and installation of the emergency lighting system and emergency exit signs shall comply with AS/NZS 2293.1 and the following:

- a. Electrical layout details (2 sets) indicating emergency lighting and illuminated exit sign locations and height above floor level are to be submitted to and approved by Council prior to installation;
- b. Details shall include:
 - fittings- code number;
 - fittings photometric classification number;
 - location of main switchboard/ distribution board.
- c. Luminaries on exit signs are to be circuit sensing to the general lighting circuit. Exit signs shall be green with white lettering and installed to operate with a continuous indicator of power to the fitting. All circuitry associated with the emergency lighting system originating at the switchboard or distribution box shall be protected by appropriate circuit breakers or HRC fuses.
Note: switching must be on at all times except during testing.
- d. The owner/ operator of the building shall keep a log book designed in accordance with Clause 6.13 of AS/NZS 2293 (Part 1) to record maintenance and testing in accordance with Section 3 AS/NZS 2293 (Part 2).
- e. The licensed electrical contractor shall, on completion of the installation of the Emergency Lighting and Exit Sign installation, submit to Council a certificate certifying compliance with AS/NZS 2293.

Required by E 4.4 and E 4.8 of the Building Code of Australia and AS/NZS 2293.

Reason: To ensure that the illuminated exit signs and emergency lighting provide sufficient illumination to facilitate safe evacuation of the building.

C33

A fire control centre must be provided from which fire fighting operations or other emergency procedures can be directed.

Part E 1.8 and Specification E 1.8 of the Building Code of Australia.

Reason- To allow occupants time to evacuate the building without being overcome by the effects of fire or smoke.

C34

A smoke detection and alarm system, which may include smoke alarms, must be installed in the building.

Note- Any alarms which are installed must be connected to a main electrical power supply and have a stand by power supply.

Table C.2.3 of Part E2.2a of the Building Code of Australia.

Reason: To warn people occupying the building of fire and give them adequate warning to evacuate the building in the event of fire, prior to being overcome by the effects of smoke or fire.

C35

Portable fire extinguishers shall be installed in the building or portions of the building, compatible to the hazard/s posed by equipment or functions associated with the use of the building, as follows:

| <u>Hazard/Area</u> | <u>Extinguishers</u> |
|-------------------------------|----------------------|
| Plant rooms | 5.5kg Carbon Dioxide |
| Boiler rooms | 5.5kg Carbon Dioxide |
| Machine rooms | 5.5kg Carbon Dioxide |
| Main electrical switchboards | 5.5kg Carbon Dioxide |
| Kitchen (minor) | 3.5kg Carbon Dioxide |
| Kitchen (major) | 5.5kg carbon Dioxide |
| All general areas of building | 9.0 L air water type |

Consideration will be given to other types of extinguishers being located in the above positions provided they are no less effective than the extinguisher listed.

Note 1: Additional extinguishers may be required in certain buildings as specified by the Director General NSW Fire Brigades.

Note 2: Not less than 1 fire extinguisher to suit class A, B and C fires and electrical fires must be provided at all times during construction.

Installation and maintenance of fire extinguishers shall comply with Australian Standard 2444 and the Building Code of Australia E1.6.

E 1.6 of the Building Code of Australia

Reason: To ensure that there is adequate provision for first aid fire fighting services appropriate to the risk associated with the use of the portion of the building in which it is located.

C36

Fire Hose Reels shall be installed in the building and shall be located not more than 4 metres from a required exit on each floor of the building, and adjacent to any hydrant required within the building. Hose reels shall not be installed in fire isolated exits or where the fire hose will need to pass through a doorway fitted with fire or smoke doors. The nozzle end of a fully extended hose reel when laid to avoid partitions and other barriers shall reach every part of the floor, served by the hose reel on that floor.

Required by E1.4, Table E1.4 of the Building Code of Australia

Reason: To provide adequate first aid fire fighting services for use by both occupant and fire brigade personnel to control, prevent or restrict the growth of fire in a building.

C37

The applicant shall prior to the installation of any fire main or fire hose reel furnish to Council for approval:

- a. Details (2 sets), prepared by a Hydraulics Consultant, of the proposed design of the fire main and hose reel installation, complying with the Building Code of Australia E1.4, and AS 1221 and 2441 as applicable; and
- b. Certification from the Hydraulics Consultant that the proposed design complies with AS 1221 and 2441.

A2.2 and E1.4 of the Building Code of Australia

Reason: To ensure that the fire hose reels provide sufficient protection for use by occupants and fire brigade personnel to control, prevent or restrict the growth of a fire in a building.

C38

Sprinklers shall be installed in any fire compartment having an area greater than that provided in Clause C2.3 (a) or (b) of the Building Code of Australia. Such sprinkler system must comply with E 1.5 of the Building Code of Australia.

C2.3 and E1.5 of the Building Code of Australia.

Reason: To safeguard the occupants from illness or injury while evacuating the building during a fire, to facilitate the activities of emergency services personnel and to avoid the spread of fire.

C39

Hydrants shall be designed and installed in the building/s and or on site in accordance with the Building Code of Australia E1.3 and so located that:

- Internal hydrants are not more than 4 metres from a required exit, or in a required stairway, passageway or ramp so as not to encroach on the required width of the exit;
- Every point on the floor is within a 6 metre spray of water from the nozzle of a fully extended 30 metre length of hose;
- External hydrants are not more than 20 metres unobstructed distance from hard stand access for a fire pump appliance;
- Have two (2) outlets on every stand pipe or pillar hydrant; and
- Be located not closer than 6 metres from a building, unless protected by a wall having a Fire Resistance Level of not less than 90/90/30 extending at least 2 metres above the hydrant outlet.

Required by E 1.3 of the Building Code of Australia.

Reason: To ensure fire fighters have access to a good supply of water in close proximity to a fire within a building.

C40

The applicant shall, prior to the installation of any fire main or fire hydrant, furnish to Council for approval:

- a. Details (2 sets), prepared by an Hydraulics Consultant, of the proposed design of the fire main and fire hydrant installation, complying with the Building Code of Australia E1.3 and AS 2419.1 as applicable; and
- b. Certificate from the Hydraulics Consultant certifying that the proposed design complies with the appropriate requirements.

Required by A 2.2 and E1.3 of the Building Code of Australia

Reason: To ensure that hydrants provide the required protection for use by fire brigade personnel to control, prevent or restrict the growth of a fire in a building and to ensure that all fire fighting services are provided with an adequate and reliable water supply.

C41

Occupation of the building/s shall not be approved by Council until such time as the building owner or his/her agent submits to Council a certificate from a competent person, certifying that each of the undermentioned essential services have been installed and are operating to relevant minimum Australian Standard, Ordinance/BCA/Specification/Codes of Practice requirements.

Note: Such certificate shall state as to each essential service installed in the building:

- a. that the service has been inspected and tested by a person (chosen by the owner of the building) who is competent to carry out such an inspection and test;
- b. that the service was or was not (as at the date on which it was inspected and tested) found to have been designed and installed, and to be capable or operating, to a standard not less than that required by or under this Regulation or by the Council, and
- c. the building/s have been completed to Council's satisfaction and an Occupation Certificate has issued in relation to the building/ or part ;

Required by Section 109 C of the Environmental Planning and Assessment Act 1979.

Reason: To ensure each of the essential services is installed and capable of operating to the appropriate standard.

C42

The following fire safety schedule contains the statutory fire safety measures which must be installed in the building/s:

- a. Automatic fire detection and alarm systems
- b. Automatic sprinkler systems
- c. Emergency Lighting
- d. Emergency warning and intercommunication systems
- e. Exit signs
- f. Fire and smoke alarms
- g. Fire doors
- h. Fire hydrants
- i. Fire mains/water supply. Service
- j. Fire seals protecting openings
- k. Hose reels
- l. Mechanical ventilation and air-conditioning systems
- m. Perimeter vehicle access for emergency vehicles
- n. Portable fire extinguishers
- o. Required exit doors (automatic)
- p. Smoke detectors and heat detectors
- q. Smoke doors
- r. Solid core doors

Required by Part 7B of the Environmental Planning and Assessment Regulation 1994.

Reason: To ensure the occupants of the building are provided with the required protection and to provide occupants with safe passage from the building.

C43

A final fire safety certificate must be provided which states that each essential fire safety measure, included in the fire safety schedule, for the building to which the certificate relate:

- a. has been assessed by a properly qualified person, and
- b. was found, when it was assessed, to be capable of performing to a standard not less than that required by the current fire safety schedule for the building for which the certificate has issued.

Required by Clause 153 Environmental Planning & Assessment Regulation 2000

Reason: To ensure each of the essential services is installed and capable of operating to the appropriate standard

C44

A Fire safety Certificate must be provided by the building owner, in every 12 month period after the occupation of the building. The statement must certify the building and services have been inspected by a competent person. The statement must further certify that the provision/performance of all essential services and such items listed in the fire safety schedule meet the minimum specified requirements. Certificate will be in triplicate, one (1) to be submitted to Council, one (1) to the NSW Fire Brigade and one (1) retained on the premises.

Required by Clause 170 of the Environmental Planning and Assessment Regulation 2000.

Reason: To ensure each of the essential services installed in the building are maintained so that they operate in accordance with the appropriate standard.

C45

No effluent containing any lubricants, chemicals or acids from works or operations of the Holder shall be allowed to seep or flow into any stream, watercourse or groundwater, or from the land.

Section 79 C of the Environmental Planning and Assessment Act 1979.

Reason: To ensure the development does not adversely effect the environment and the residents in the area.

C46

Parking and vehicular access for each stage of the development must comply with Guyra Shire Council's Parking Development Control Plan 2007. At least one car-parking space for each 100 car parking spaces, or part thereof, indicated on the site plan must be designated and designed for people with disabilities.

Required by Table D 3.5 of the Building Code of Australia.

Reason: To ensure safe equitable and dignified egress from vehicles.

C47

Access for the disabled must be provided to all parts of the building.

Required by Table D3.2 of the Building Code of Australia.

Reason: To ensure safe equitable and dignified access and egress from the building.

C48

Toilet facilities must be provided in accordance with the provisions of Table F2.3 of the Building Code of Australia (BCA) as outlined below:

Ratio of fixtures to occupants or patrons

| Water Closets | | Urinals | Hand-basins | |
|--|------|--------------------------|-------------|------|
| Female | Male | | Female | Male |
| 1:20 | 1:20 | 2:50 and 1:50 thereafter | 1:20 | 1:20 |
| Facilities for people with disabilities | | | | |
| One wheelchair accessible closet and hand basin for each sex | | | | |

Table F2.3 of the Building Code of Australia.

Reason: To safeguard the occupants of the building from a loss of amenity arising from the absence of adequate personal hygiene facilities.

D Engineering conditions which must be satisfied prior to any occupation or use of the building

Access-

D1

All works on the New England Highway are to be designed and constructed in accordance with current Austroads Guidelines, Australian Standards and Roads and Maritime Services (RMS) Supplements.

D2

The intersection of the proposed access and the New England Highway is to be designed and constructed to a 'seagull layout' in accordance with the Austroads Guide to Road Design Part 4A and is to include;

- A channelized right turn (CHR) deceleration lane for northbound traffic.
- An auxiliary left turn (AUL) deceleration lane for southbound traffic.
- A dedicated acceleration lane for vehicles turning right out of the access onto the New England Highway, transitioning appropriately with an extension of the existing northbound overtaking lane and providing a safe and efficient passing opportunity to the satisfaction of Roads and Maritime Services.

D3

The temporary construction access on the New England Highway is to be legally and physically closed prior to the commencement of operational traffic generated by the proposed development.

D4

The applicant is advised that commencement of the WAD process will require the submission of a detailed design to Roads and Maritime. A Road SAFETY Audit of the detailed design will be required prior to obtaining design approval and execution of the WAD. No works on the New England Highway are to commence until the WAD agreement has been executed. It is recommended that the developer initiate the WAD process as soon as any development approval is obtained to avoid delay to their project timeline. It is recommended that the

developers familiarise themselves with the requirements of the WAD process and contact wad.northern@rms.nsw.gov.au to obtain further advice.

D5

The access road is to be constructed in accordance with the requirements of Guyra Shire Council and gazetted for use by B Doubles. Driveway connections from the access road to the subject site should be appropriately divided to accommodate two-way traffic and should adequately facilitate the turning paths of the largest design vehicle requiring access to the site.

D6

The driveway, internal road ways and parking areas are to be designed in accordance with Australian Standards and should be sealed to minimise dust generation.

D7

Any proposed advertising is to have consideration for the provision of the State Environmental Planning Policy No. 64 Advertising and Signage, Council's development control plan and any applicable guidelines. Advertising is to be limited to a single structure, located within private property and is not to impact adversely upon the safety and efficiency of the New England Highway.

D8

Construction works are to be approved by the Roads and Maritime Services for any part of the access intersection, the access shall be constructed in accordance with Austroads Guidelines beyond the Highway to the site.

D9

Consideration should be given to appropriate signage for directing visitors to the appropriate internal parking areas.

D10

The Traffic Impact Assessment does not adequately consider the impact upon existing Highway traffic and how the proposed access treatment will accommodate the existing overtaking facility, nearby road local network intersections. The Assessment is required to be revised to adequately assess all parameters of the access road in respect to the existing highway to the satisfaction of the Roads and Maritime Services.

WATER-

D11

A detail water supply design, including backflow prevention, is required to be submitted to Council for approval.

D12

A water service proposed for the development should only be considered available for staff amenities, cleansing and emergency fire storage. Use of potable town water service is not permitted for irrigation or treatment of agricultural crops.

D13

The developer must arrange easements over all infrastructure installations, not within the road reserve or on the site of the proposed development. The developer is responsible for installation and maintenance of all infrastructure in respect of the water service system from the site to Council's existing reticulation water main system.

D14

An application for connection of this service will be required to be submitted and payment of connection fee.

D15

The development water supply system should be designed to limited water usage of 25 kl on any one day.

D16

The development should then be limited to an overall water usage allocation of 8 ML in any one calendar year period.

D17

The developer should have an annual reduction in the maximum daily water use allocation of two percent (2%) each year such that in fifty years there will be no reliance upon town potable water.

SEWER-

D18

A detail sewerage design is required to be submitted to Council for approval.

D19

Sewer connection to the Council system can only be made to the existing gravity sewer access point at the corner of Falconer Road and the New England Highway.

D20

The developer must install infrastructure in respect of the sewerage system from the site to sewer access point at their cost. This system will continue to be the responsibility of the developer for ongoing operation and maintenance. Note- The developer will be required to indemnify Council of any liability in relation to this installation.

D21

The development sewerage system should be designed to ensure that sewage does not remain within that system for longer than four (4) hours in order that the sewage is kept in an aerobic state.

D22

The developer must arrange easements over all infrastructure installations, not within the road reserve or on the site of the proposed development. The developer is responsible for installation and maintenance of all infrastructure in respect of the sewerage service system from the site to Council's existing sewerage reticulation system.

D23

An application for connection of the sewer service will be required to be submitted Council and the requisite connection fee paid.

NOTIFICATION OF COMMENCEMENT OF WORK AND

APPOINTMENT OF PRINCIPAL CERTIFYING AUTHORITY FORM

made under the *Environmental Planning and Assessment Act 1979* s. 81A(2) or (4),
86(1) and (2)

| 1. Applicant Details | | |
|---|---------------------------------|--|
| Name | | Company/Organisation |
| <input type="text"/> | | <input type="text"/> |
| Street Address/Postal Address | | |
| <input type="text"/> | | |
| Town | State | Postcode |
| <input type="text"/> | <input type="text"/> | <input type="text"/> |
| Email Address | Telephone | Mobile |
| <input type="text"/> | <input type="text"/> | <input type="text"/> |
| 2. Property Details | | |
| Property Street Address | | Lot and DP Number |
| <input type="text"/> | | <input type="text"/> |
| Town | State | Postcode |
| <input type="text"/> | <input type="text"/> | <input type="text"/> |
| 3. Description of Development | | |
| Is the Council the Principal Certifying Authority | | |
| <input type="text" value="YES"/> | <input type="text" value="NO"/> | If NO, provide details of the Principal Certifying Authority |
| Certifier's Name | | Certifier's Accreditation Number |
| <input type="text"/> | | <input type="text"/> |
| Company/Organisation | | |

Address

State

Postcode

Email Address

Telephone

Mobile

4. Principal Certifying Authority

Is the proposal for:

BUILDING WORK

SUBDIVISION WORK

Development Consent
for CDCs)

DA Number

CDC Number

CC Number (not required)

Date of Determination:

5. Compliance With Consent

Have all conditions required to be satisfied prior to the commencement of work been implemented?

YES

NO

If NO, work MUST NOT COMMENCE

Date work is to commence

6. Declaration

I declare that the above information is, to the best of my knowledge, true and correct.

Print Applicant's Name

Signature

Date

APPENDIX B – Referral Comments

Comments from External Agencies

| Agency | Comments |
|------------------------|---|
| NSW Rural Fire Service | The site is not in an area classified a Bush Fire Prone |

Comments from Internal Departments

| Department | Comments |
|--------------------------|---|
| COUNCIL PLANNING OFFICER | The proposed plantings to the western and southern sides of the development will provide the necessary shielding or screening of the development and will also be aesthetically pleasing to those attending the site. |
| COUNCIL ENGINEER ACCESS | <p><u>Access – New England Highway</u></p> <ol style="list-style-type: none">1. All works on the New England Highway are to be designed and constructed in accordance with current Austroads Guidelines, Australian Standards and Roads and Maritime Services (RMS) Supplements.2. The intersection of the proposed access and the New England Highway is to be designed and constructed to a 'seagull layout' in accordance with the Austroads Guide to Road Design Part 4A and is to include;3. A channelised right turn (CHR) deceleration lane for northbound traffic.4. An auxiliary left turn (AUL) deceleration lane for southbound traffic.5. A dedicated acceleration lane for vehicles turning right out of the access onto the New England Highway, transitioning appropriately with an extension of the existing northbound overtaking lane and providing a safe and efficient passing opportunity to the satisfaction of Roads and Maritime Services.6. The temporary construction access on the New England Highway is to be legally and physically closed prior to the commencement of operational traffic generated by the proposed development.7. The developer will be required to enter into a Works Authorisation Deed (WAD) with Roads and Maritime for all road works on the New England Highway prior to the issue of any Construction Certificate for the proposed development. A pre-qualified contractor will be required to complete all road works under the WAD to practical completion, as determined by Roads and Maritime prior to the commencement of any traffic movements associated with operation of the approved development. The Developer will be responsible for all costs associated with the works and administration of the WAD. |

| | |
|---------------------------|--|
| | <ol style="list-style-type: none"> 8. The applicant is advised that commencement of the WAD process will require the submission of a detailed designed to Roads and Maritime. A Road SAFETY Audit of the detailed design will be required prior to obtaining design approval and execution of the WAD. No works on the New England Highway are to commence until the WAD agreement has been executed. It is recommended that the developer initiate the WAD process as soon as any development approval is obtained to avoid delay to their project timeline. It is recommended that the developers familiarise themselves with the requirements of the WAD process and contact wad.northern@rms.nsw.gov.au to obtain further advice. 9. The access road is to be constructed in accordance with the requirements of Guyra Shire Council and gazetted for use by B Doubles. Driveway connections from the access road to the subject site should be appropriately divided to accommodate two-way traffic and should adequately facilitate the turning paths of the largest design vehicle requiring access to the site. 10. The driveway, internal road ways and parking areas are to be designed in accordance with Australian Standards and should be sealed to minimise dust generation. 11. Any proposed advertising is to have consideration for the provision of the State Environmental Planning Policy No. 64 Advertising and Signage, Council's development control plan and any applicable guidelines. Advertising is to be limited to a single structure, located within private property and is not to impact adversely upon the safety and efficiency of the New England Highway. 12. Construction works are to be approved by the Roads and Maritime Services for any part of the access intersection, the access shall be constructed in accordance with Austroads Guidelines beyond the Highway to the site. 13. Consideration should be given to appropriate signage for directing visitors to the appropriate internal parking areas. 14. The Traffic Impact Assessment does not adequately consider the impact upon existing Highway traffic and how the proposed access treatment will accommodate the existing overtaking facility, nearby road local network intersections. The Assessment is required to be revised to adequately assess all parameters of the access road in respect to the existing highway to the satisfaction of the Roads and Maritime Services. |
| Council Engineer Water | <ol style="list-style-type: none"> 1. A detail water supply design, including backflow prevention, is required to be submitted to Council for approval. 2. A water service proposed for the development should only be considered available for staff amenities, cleansing and emergency fire storage. Use of potable town water service is not permitted for irrigation or treatment of agricultural crops. 3. The developer must arrange easements for, install infrastructure in respect of, and maintain the water service system from the site to Council's existing reticulation water main system. Note- The |

| | |
|---------------------------|--|
| | <p>developer will be required to indemnify Council of any liability in relation to this installation.</p> <ol style="list-style-type: none"> 4. An application for connection of this service will be required to be submitted and payment of connection fee. 5. The development water supply system should be designed to limited water usage of 25 kl on any one day. 6. The development should then be limited to an overall water usage allocation of 8 ML in any one calendar year period. 7. The developer should have an annual reduction in the maximum daily water use allocation of two (2%) each year such that in fifty years there will be no reliance upon town potable water. |
| COUNCIL ENGINEER SEWER | <p><u>Sewer</u></p> <ol style="list-style-type: none"> 1. A detail sewerage design is required to be submitted to Council for approval. 2. The developer must arrange easements for, install infrastructure in respect of, and maintain the sewer service system from the site to Council's existing reticulation water main system. 3. Sewer connection to the Council system can only be made to the existing gravity sewer access point at the corner of Falconer Road and the New England Highway. 4. The developer must install infrastructure in respect of the sewerage system from the site to sewer access point at their cost. This system will continue to be the responsibility of the developer for ongoing operation and maintenance. Note- The developer will be required to indemnify Council of any liability in relation to this installation. 5. The development sewerage system should be designed to ensure that sewage does not remain within that system for longer than four (4) hours in order that the sewage is kept in an aerobic state. |