

DATE OF DETERMINATION	3 September 2020
PANEL MEMBERS	Alison McCabe (Chair), Sandra Hutton, Juliet Grant, Sue George and John Martin
APOLOGIES	None
DECLARATIONS OF INTEREST	None

Papers circulated electronically on 21 August 2020 to 3 September 2020.

MATTER DETERMINED

PPSHCC-1– Singleton – 8.2019.117 at 39 Enterprise Crescent, McDougalls Hill – waste recovery facility (as described in Schedule 1)

PANEL CONSIDERATION AND DECISION

The Panel considered: the matters listed at item 6, the material listed at item 7 and the material presented at meetings and briefings and the matters observed at site inspections listed at item 8 in Schedule 1.

The Panel had deferred this matter at its meeting of 1 July 2020 for the applicant to provide further information regarding the categorisation of the proposed landuse, operation and management of the site, cut and fill details and more detailed plans, sections and RLs.

The Panel has reviewed the applicant's legal advice, further traffic impact analysis and a Draft Operational Environmental Management Plan and amended plans.

The Panel considers that the proposed use can be categorised as a waste or resource transfer station and that the concrete crushing and shredding elements are ancillary and incidental to the predominant use and are not an independent use. In forming this view, the Panel has had regard to the quantitative information provided.

The Panel is also satisfied that with the amendment to the operations regarding separation of commercial and household deliveries and compliance with the Draft Operational Management Plan and Noise Assessment Report that the impacts of the development can be mitigated.

The Panel is satisfied that the modification to the landform and the relationship of land levels and built form to the boundaries is acceptable.

The Panel has proposed additional conditions to address these matters.

Development application

The Panel determined to approve the development application pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979* subject to the conditions attached at Schedule 2.

The decision was unanimous.

REASONS FOR THE DECISION

The Panel determined to approve the application for the reasons outlined below:

- The proposed use, as conditioned to limit the function of crushing and shredding is a use suitable for the site.

- The environmental impacts of the proposal can be mitigated through the Draft Operational Management Plan and conditions of the consent.
- The facility will provide opportunity for improved recycling behaviour and recycling rates, and managing waste diverted from land fill.

CONDITIONS

The development application was approved subject to the conditions attached at Schedule 2. These conditions were amended and renumbered from those attached to the Council Report to address the following (updated condition numbering used):

- Added Noise and Vibration Impact Assessment to approved documents (condition 1).
- Amended condition 2 to refer to GTA attached.
- Added condition regarding approved use (condition 3).
- Added limits on the yearly tonnage permitted (condition 4).
- Added limits on tonnage of crushing and shredding and when these activities can occur and for how long (condition 4).
- Added additional requirement for notification of PCA (condition 8e).
- Added condition requiring consultation with Fire & Rescue NSW (condition 10).
- Added condition requiring compliance with acoustic measures (condition 29)
- Added restriction to condition 33 to reflect condition 3 and 4.
- Amended condition 32 (now condition 35) to require finalised Operational Management Plan and to reflect terms of the consent.
- Deleted original condition 33 as not relevant.
- Added condition 36 to require compliance with noise policy for industry.
- Added to condition 37 to prevent queuing onto public road and ensure outbound traffic utilised Magpie Street and New England Highway intersection. (original Condition 34)

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel notes that one (1) submission of support was made during the exhibition period. Matters that could impact on sensitive landuses have been addressed in the Council Report and the proposed conditions.

PANEL MEMBERS	
 Alison McCabe (Chair)	 Sandra Hutton
 Juliet Grant	 Sue George
 John Martin	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSHCC-1– Singleton – 8.2019.117
2	PROPOSED DEVELOPMENT	Waste or Resource Transfer Station
3	STREET ADDRESS	39 Enterprise Crescent, McDougalls Hill
4	APPLICANT/OWNER	Eco Logic Developments Pty. Ltd
5	TYPE OF REGIONAL DEVELOPMENT	Designated development - waste management facility or works
6	RELEVANT MANDATORY CONSIDERATIONS	- Environmental planning instruments: - State Environmental Planning Policy No 55 – Remediation of Land - State Environmental Planning Policy (Infrastructure) 2007 - Singleton Local Environmental Plan 2013 - Draft environmental planning instruments: Nil - Development control plans: - Singleton Development Control Plan 2014 - Planning agreements: Nil - Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i> - Coastal zone management plan: Nil - The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality - The suitability of the site for the development - Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations - The public interest, including the principles of ecologically sustainable development
7	MATERIAL CONSIDERED BY THE PANEL	- Council assessment report: 15 June 2020 - Council addendum assessment memorandum: 29 June 2020 - Written submissions during public exhibition: one (1) - Verbal submissions at the public meeting on 1 July 2020: - Peter Smith - On behalf of the applicant – Mark Jackson - Legal advice provided by Fishburn Watson O'Brien dated 27 July 2020 - Council supplementary assessment report – 20 August 2020
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	- Briefing: 13 May 2020 <u>Panel members</u>: Alison McCabe (Chair), Sandra Hutton, Juliet Grant, Sue George and John Martin <u>Council assessment staff</u>: Simon Pocock - Site inspection: - Alison McCabe: 27 June 2020 - Sandra Hutton: 4 May 2020 - Juliet Grant: 28 June 2020 - Sue George: 18 May 2020 - Final briefing to discuss council's recommendation, 1 July 2020, 2:10pm. Attendees: <u>Panel members</u>: Alison McCabe (Chair), Sandra Hutton, Juliet Grant, Sue George and John Martin <u>Council assessment staff</u>: Simon Pocock - Final briefing to discuss council's recommendation, 3 September 2020, 9:30am. Attendees: <u>Panel members</u>: Alison McCabe (Chair), Sandra Hutton, Juliet Grant, Sue George and John Martin

		o <u>Council assessment staff</u> : Naomi Weber and Sarah Hyatt
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the supplementary council assessment report

Conditions of Development Consent

Proposed Development: Waste or Resource Transfer Station and ancillary crushing and shredding components

Prescribed Conditions

- a) The work must be carried out in accordance with the requirements of the *Building Code of Australia (National Construction Code)*.
- b) A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
 - i) showing the name, address and telephone number of the Principal Certifier for the work, and
 - ii) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
 - iii) stating that unauthorised entry to the work site is prohibited

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

Inspections

The person having the benefit of the consent shall ensure that critical stage inspections are carried out and notify the Principal Certifier giving adequate notice of the time that each stage of the building/development is ready for inspection.

General Conditions

1. Approved Plans and Documentation

The development consent incorporates this schedule of conditions and the plans referenced and stamped as follows:

Plans prepared by: Jackson Environment and Planning, Project Number: Nil			
Name of Plan	Drawing Number	Issue	Date
Site and Office Ground Floor Plan	101	A	08/08/2020
Office First Floor Plan	102	A	08/08/2020
Basement Plan	103	A	08/08/2020
Passenger Vehicle Entry and Exit Plan	104	A	08/08/2020
Office Ground Floor Plan	105	A	08/08/2020
Office First Floor Plan	106	A	08/08/2020
Office Section B Plan	107	A	08/08/2020
Office Section A Plan	108	A	08/08/2020
Office East-West Elevation	109	A	08/08/2020
Office South Elevation	110	A	08/08/2020
East Elevation	111	A	08/08/2020
West Elevation	112	A	08/08/2020
North Elevation	113	A	08/08/2020
South Elevation	114	A	08/08/2020
Roof Plan	115	A	08/08/2020
Section AA	116	A	08/08/2020
Section BB	117	A	08/08/2020

Draft Operational Environmental Management Plan	N/A	1	10/08/2020
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Plans prepared by: Spark + Partners		Project Number: 19023	
Name of Plan	Drawing Number	Issue	Date
Concept Sediment and Erosion Control Plan and Details	DA2.01	2	01/04/2019
Concept Bulk Earthworks Cut to Fill Depths Plan	DA3.05	1	31/07/2020
Concept Stormwater Management Plan	DA4.01	5	31/07/2020
Concept Retaining Wall Elevation	DA5.21	1	31/07/2020

Plans prepared by: Moir Landscape Architecture		Project Number: 1782	
Name of Plan	Drawing Number	Issue	Date
Landscape Concept Plan	LP03	D	1/05/2019
Planting Schedule	LP04	D	1/05/2019

Plans prepared by: Wave Consulting		Project Number: N/A	
Name of Plan	Report Number	Issue	Date
Noise & Vibration Impact Assessment	60.00793.01 RPT1R2.DOCX	Unreferenced	01/05/2019

Details of the development shown in the approved plans and documents referenced are altered in the manner indicated by:

- i) Any amendments made by Council on the approved plans or documents;
- ii) Any notes, markings, or stamps on approved plans or documents, and
- iii) Any conditions contained in this consent.

2. General Terms of Approval

The following approval bodies have given general terms of approval in relation to the development:

NSW Environment Protection Authority (reference 1584023 and dated 05 September 2019)

The development shall be undertaken in accordance with conditions specified by the approval body contained in Schedule 2 of this consent.

3. Approved Use

This approval is for a Waste or Resource Transfer Station only.

4. Maximum Thresholds

a) General solid waste, special waste, liquid waste, hazardous waste,

The maximum amount of waste permitted to be received at the premises per year is 95,000 tonnes. An annual report is required to be prepared and submitted to Council on 30 June annually to demonstrate compliance with this condition.

b) Ancillary crushing and shredding components

The maximum amount of crushing permitted at the premises per year is 3,990 tonnes and the maximum amount of shredding permitted at the premises per year is 2,698 tonnes.

The crusher plant is only permitted to operate once a week for a maximum period of 30 minutes. No crushing activity is permitted on Saturday, Sunday or Public Holidays.

The shredder plant is only permitted to operate once a week for a maximum period of 60 minutes.

No shredding activity is permitted on Saturday, Sunday or Public Holidays.

5. Construction Certificate, Principal Certifier & Notice Required

In accordance with the provisions of Section 6.6 of the *Environmental Planning and Assessment Act 1979* construction or civil works approved by this consent must not commence until:

- a) A Construction Certificate has been issued by the consent authority, Council or an accredited certifier; and
- b) A Principal Certifier has been appointed by the person having benefit of the development consent in accordance with Section 6.5 of the *EP&A Act 1979*; and
- c) If Council is not the Principal Certifier, notify Council no later than two (2) days before building work commences as to who is the appointed Principal Certifier; and
- d) At least two (2) days before commencement of building work, the person having benefit of the development consent is to notify Council as to the intention to commence building work.

6. Energy Efficiency - Class 3, 5, 6, 7, 8 and 9 Buildings

The proposed building(s) must be constructed in accordance with the current requirements for efficient energy use. The Principal Certifier is to be satisfied that the proposed building(s) will comply with Section J and NSW Subsection J(B) of the Building Code of Australia.

7. Accessible Facilities

Accessible toilets must be provided in accordance with the Building Code of Australia, relevant Australian Standards and have regard to the *Disability Discrimination Act 1992* (DDA).

Plans and specifications must demonstrate compliance with the relevant legislation and Standards.

The plans must be approved by the Principal Certifier prior to the issue of the Construction Certificate.

8. Appointment of Principal Certifier and issue of Construction Certificate

Work shall not commence in connection with this Development Consent until:

- a) A Construction Certificate for the building work has been issued by:
 - i) the Consent Authority (Singleton Council); or
 - ii) a Principal Certifier (PC); and
- b) The person having the benefit of the development consent has:
 - i) appointed a Principal Certifier (PC) for the building work, and
 - ii) notified the Principal Certifier that the person will carry out the work as an owner-builder, if that is the case; and
- c) The PC has, no later than 2 days before the building work commences:
 - i) notified the Council of their appointment, and
 - ii) notified the person having the benefit of the development consent of any critical stage inspections and other inspections that are to be carried out in respect of the building work; and
- d) The person having the benefit of the development consent, if not carrying out the work as an owner-builder, has
 - i) appointed a Principal Contractor for the building work who must be the holder of a contractor license if any residential building work is involved, and
 - ii) notified the Principal Certifier of such an appointment, and
 - iii) unless that person is the Principal Contractor, notified the principal contractor of any critical stage inspections and other inspections that are to be carried out in respect of the building work, and

- e) The person having the benefit of the development consent has given at least two (2) days notice to the Council of the person's intention to commence the erection of the building.

Note: If Council is appointed as the PC, the nomination will be subject to the payment of a fee for the service to cover the cost of undertaking all necessary inspections and the issue of the appropriate certificates. Completion of a contract for appointment of Council as the PC is required to be submitted to Council prior to commencement of any works.

9. Section 138 Approval

Any work within a public road must be inspected and approved by Council under the *Roads Act 1993* as the Roads Authority. The applicant is to submit an application in order to obtain a permit with conditions prior to starting any works on the Council Road Reserve.

PRIOR TO THE ISSUE OF CONSTRUCTION CERTIFICATE

10. Consultation with Fire and Rescue NSW

The person benefiting this consent must consult with Fire and Rescue (FRNSW) in regard to the fire safety requirements for the facility, with consideration given to the applicable parts of FRNSW's fire safety guideline *Fire Safety in Waste Facilities* and FRNSW's response capability in the area. The design and measures afforded to the facility should demonstrate that Clauses E1.10 and E2.3 (if applicable) of Volume 1 of the National Construction Code have been adequately addressed.

11. Fire Safety Systems in class 2-9 buildings.

Prior to the issue of a Construction Certificate for building work involving the installation, extension or modification of any hydraulic fire safety system within the meaning of clause 165 of the *Environmental Planning and Assessment Regulation 2000*, fire detection and alarm system or mechanical ducted smoke control system in a Class 2, 3, 4, 5, 6, 7, 8, or 9 building the plans and specifications for the system must be submitted to the Principal Certifier together with a Certificate of Compliance referred to in Section 6.16 of the *Environmental Planning and Assessment Act 1979* unless they are subject to an exemption under Clause 164B of the Regulations.

12. Sediment and Erosion Control Plan

Prior to the issue of a Construction Certificate, a sediment and erosion control plan is to be submitted and approved by the nominated Principal Certifier. The sediment and erosion control plan shall be prepared in accordance with Council's Development Engineering Specifications and Landcom's 'Soil and Construction – Managing Urban Stormwater – Current edition.

13. Earthworks – Construction Drawings

Prior to the issue of a Construction Certificate, earthwork construction drawings are to be submitted to the PCA for approval. All earthworks are to be constructed in accordance with Australian Standard 3798-2007, "Guidelines on Earthworks for Commercial and Residential Developments".

Any alterations to existing surface levels on the site shall be undertaken in such a manner as to ensure that no additional surface water is drained onto or impounded on adjoining properties. If engineered fill is to be placed on the site, it shall be placed in accordance with Council's Development Engineering Specifications and *Australian Standard AS 3798 'Guidelines on Earthworks for Commercial and Residential Developments'*.

The finished level of any building area shall be designed to ensure a minimum surface grading of 1.5% oriented in the direction of the drainage system designed to cater for its catchment.

(Note: Refer to Singleton Development Engineering Design specification-documentation section for detailed drawing requirements).

Retaining Structures

Prior to issue of the Construction Certificate, the applicant shall supply design details of a retaining structure where the excavation/fill is to be retained by a retaining wall above 1 metre in height. The design shall be carried out by a qualified practicing structural engineer. The structural engineer's design and structural certification shall be submitted to the Principal Certifier for approval.

14. Drainage Design

Prior to the issue of a construction certificate the applicant shall submit details of stormwater disposal with supporting calculations for the development to the Principal Certifier for approval.

The stormwater design is to be designed in accordance with Singleton Development Engineering design specifications and the applicant shall demonstrate that the development will not increase the limits of upstream and downstream flooding for floods over the range of 1 in 1 year to the 1 in 100 year Average Recurrence Interval (ARI) storm events by the inclusion of on-site stormwater detention controls.

Additionally, the provision of a water quality control system to treat stormwater runoff from the development as outlined in Council's DCP water quality performance guidelines and Stormwater Management strategy shall be included.

15. Parking and Vehicle Movements

Prior to the issue of a Construction Certificate, the applicant is to supply scaled drawings of parking and vehicle movements for the development to the Principle Certifying Authority for approval.

Parking facilities are to be designed in accordance with *AS-NZS 2890.1:2004 – Off-Street Parking Facilities* and *AS-NZS 2890.6:2009 – Off-Street Parking for People with Disabilities*. The number of available car parking spaces is to be based on the Council's Development Control Plan.

Turning path templates are to be supplied in accordance with *Austroads- Design Vehicles and Turning Path Templates Guidelines*, (including turning radius, angle of visibility, and opposing simultaneously turns). The turning paths are to be illustrated on a scaled drawing and overlapped on top of the proposed carpark.

16. Unexpected Finds Protocol

A copy of the Unexpected Finds Protocol shall be submitted to Council for approval.

17. Construction Environmental Management Plan (CEMP)

Prior to the issue of a Construction Certificate, the applicant is to prepare a Construction Environment Management Plan (CEMP) which sets out the processes to meet all regulatory requirements and specific mitigation measures or controls to avoid or minimise negative environmental impacts associated with the construction of the development. At a minimum the CEMP is to address the following;

- Construction traffic management;
- Air quality management;
- Noise and vibration management,
- Soil and stormwater management; and
- Waste management.

PRIOR TO THE COMMENCEMENT OF WORKS

18. Notice of commencement

At least 48 hours prior to the commencement of any development (including demolition, excavation, shoring or underpinning works), a notice of commencement of building or subdivision work form and appointment of the Principal Certifier form shall be submitted to Council.

19. Principal Certifier Signage and Contact Details

Prior to the commencement of works, a sign must be erected in a prominent position on the site on which the proposal is being carried out. The sign must state:

- a) Unauthorised entry to the work site is prohibited;
- b) The name of the principal contractor (or person in charge of the site) and a telephone number on which that person may be contacted at any time for business purposes and including outside working hours; and
- c) The name, address and telephone number of the Principal Certifier for the work.

Any such sign must be maintained while the work is being carried out, but must be removed when the work has been completed.

20. Critical stage inspections

Critical stage inspections must be called for by the Principal Contractor or Owner Builder as required by the Principal Certifier (PC), and PC Service Agreement, and the Act and Regulation.

Work must not proceed beyond each critical stage until the PC is satisfied that work is proceeding in accordance with this consent, the Construction Certificate(s) and the Act. Critical stage inspections, means the inspection prescribed by the Regulations for the purpose of section 6.5 of the Act or as by the PC and PC Service Agreement.

21. Temporary Closet Requirements

A temporary closet shall be provided on site from the commencement of building work. No inspections will be made until the closet is installed.

A temporary closet shall be:-

- a) A water closet connected to the sewerage system to Council approval; or
- b) A water closet connected to an approved septic tank; or
- c) A chemical closet supplied by a contractor approved by Council.

22. Service Relocations

The registered proprietor of the land shall be responsible for all costs incurred in the necessary relocation of any services affected by the required construction works. Council and other service authorities should be contacted for specific requirements prior to commencement of any works.

DURING WORKS

23. Waste Management

Rubbish generated from the development is to be suitably contained on site at all times. No rubbish shall be stockpiled in a manner which facilitates the rubbish to be blown off site.

24. Dust Suppression

During the extraction, removal, and transportation of material associated with the works, the person

having the benefit of the consent shall ensure that airborne dust is contained within the work site or transport vehicles, and does not impact on the amenity of the surrounding environment.

Effective environmental controls and practices shall be implemented and maintained to the satisfaction of Council and/or the Principal Certifier.

25. Excavation Works

Excavated material shall be classified in situ as per the NSW Environment Protection Authority Waste Classification Guidelines.

Evidence of in situ waste classification and lawful disposal of excess excavated material shall be supplied to Council within twenty-four (24) hours of a request.

Any water collected within and requiring removal from excavated areas shall be disposed of in a lawful manner.

PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE

26. Prior to the issue of the Final Occupation Certificate

Prior to the issue of the Final Occupation Certificate, the earthworks, retaining walls and driveways shall be completed to the satisfaction of the Principal Certifier.

27. Fire Safety Certificate

A Final Fire Safety Certificate must be obtained in accordance with Part 9, Division 4 of the Environmental Planning and Assessment (Amendment) Regulation 2000, prior to the issue of an Occupation Certificate for the building.

A copy of the Fire Safety Certificate and Fire Safety Schedule must be:

- a) Forwarded to Singleton Council;
- b) Forwarded to the Commissioner of NSW Fire and Rescue; and
- c) Prominently displayed in the building

28. Acoustic Certification

Upon completion of the works and prior to the issue of an Occupation Certificate, a certificate shall be provided to the Principal Certifier from a suitably qualified Acoustic Consultant certifying that the works have been completed in accordance with the recommendations contained in the acoustic report prepared by Waves Consulting document number 60.00793.01 RPT1R2.DOCX dated 01 May 2019 and the development or proposed use is capable of operating in accordance with the design criteria.

29. Occupation Certificate – Principal Certifier

The building shall not be occupied or used until an Occupation Certificate has been issued by the Principal Certifier.

Please be advised that Section 6.10 of the *Environmental Planning and Assessment Act, 1979* prevents the Principal Certifier from issuing an Occupation Certificate until all conditions of Development Consent have been completed.

30. Driveway Access – Industrial/Commercial

Prior to issue of an Occupation Certificate, the driveway access to the car parking area of the development shall be designed and constructed in accordance with Council Development design and construction specifications.

Note: This work within the road reserve will require approval of a section 138 application.

31. Electronic Linking of Roller Doors to Waste Plant/Machinery

Prior to issue of an Occupation Certificate the operation of all roller doors within the premises are to be electronically linked to all stationary/fixed items of waste equipment such that the waste equipment is automatically shut down while the roller doors remain open. Appropriate written confirmation of compliance with the condition is to be provided by a suitably qualified electrical contractor to the PCA.

CONDITION TO BE SATISFIED AT ALL TIMES

32. Hours of Operation

The approved hours of operation of the proposed development are as follows;

Operational Activity	Hours
Normal operating hours (staffed)	Mon-Fri: 7am to 6pm Saturday: 8am to 4pm Sunday: 10am to 3pm
Waste deliveries and pick up of waste materials for off-site transfer	Commercial vehicles: Mon-Fri: 7am to 3pm Residential / householder vehicles: Saturday: 8am to 2pm Sunday: 10am to 1pm
Operation of the waste plant	Mon-Fri: 3pm to 6pm Saturday: 2pm to 4pm Sunday: 1pm to 3pm (as limited by condition 4)
Evening access for return of vehicles only (no loading/unloading)	6pm to 10pm
Night-time (10pm to 7am)	No operational activities or truck movements
Operation of crusher and shredder	Refer to condition 4

33. Driveways to be Maintained

All access crossings and driveways shall be maintained in good order for the life of the development.

35. Operational Environmental Management Plan (OEMP)

Prior to the issue of an Occupation Certificate, the applicant/proponent is to finalise the approved draft Operational Environmental Management Plan which sets out specific mitigation measures or controls to avoid or minimise negative environmental impacts associated with the operation of the development. At a minimum the OEMP is to address the following;

- Traffic management associated with the inward receipt of vehicles and avoidance of queuing or parking of such vehicles within the adjacent public road network.
- Air quality management;
- Noise and vibration management associated with the loading/unloading of waste materials, sorting and operation of waste processing/sorting equipment and/or machinery;
- Vermin and pest control;
- Stormwater management;
- Pollution incident response management;
- Fire management;
- the conditions of this consent.

34. NSW Noise Policy for Industry (NPI)

The development must satisfy the Project Noise Trigger Levels (PNTLs) of the NSW Noise Policy for Industry (NPI) during all time periods as detailed in the Noise & Vibration Impact Assessment prepared by Wave Consulting dated 01 May 2019.

35. Traffic Management & Monitoring Plan

The applicant shall prepare a traffic management and monitoring plan to ensure queuing does not occur on Enterprise Crescent prior to the issue of the Construction Certificate. No queuing of vehicles waiting to enter the development shall occur on any public road at any time.

The traffic management and monitoring plan is to outline that all outbound heavy vehicles are to use the intersection of Magpie Street and New England Highway instead of the intersection of Maison Dieu Road and New England Highway.

36. Traffic Survey & Report

The applicant shall conduct a traffic management survey and report annually for council to confirm traffic levels are in accordance with the predictions in the EIS.

ADVICE

a) Disability Discrimination Act

This application has been assessed in accordance with the *Environmental Planning and Assessment Act 1979*. This Consent does not guarantee that the proposal complies with the *Disability Discrimination Act 1992*. The applicant/owner is responsible for ensuring compliance with this, and other, anti-discrimination legislation. The *Disability Discrimination Act 1992* covers disabilities not catered for in the minimum standards called up in the Building Code of Australia which references *AS 1428.1 - Design for Access and Mobility*. *AS1428 Parts 2, 3 & 4* provide the most comprehensive technical guidance under the *Disability Discrimination Act 1992* currently available in Australia.

b) Construction Certificate Plans

The applicant is advised that the Construction Certificate plans and specifications must comply with the provisions of the Building Code of Australia.

In this regard the development plans do not contain sufficient information to determine compliance with the Building Code of Australia.

Details showing full compliance with the Building Code of Australia are to be provided in the Construction Certificate plans and specifications.

c) Correct Survey Position

The correct survey position of the site boundary/boundaries shall be ascertained prior to commencement of work.

d) Plumbing and Drainage Works

All plumbing and drainage works affecting any Sewerage or On-Site Sewage Management System shall be carried out by a licensed plumber in accordance with the provisions of the *Plumbing and Drainage Act & Regulation 2011*, National Plumbing and Drainage Code AS/NZ 3500, and with the approval of Singleton Council being the Plumbing Regulator under delegation by NSW Fair Trading.

e) Site Contamination Issues During Construction

Should any new information come to light during demolition or construction works which has the potential to alter previous conclusions about site contamination, Council must be immediately notified by the applicant, and works must cease. Works must not recommence on site until approval is granted by Council.