

<b>IDENTIFICATION OF APPROVED PLANS</b>
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### (1) Approved Plans and Supporting Documents

Development must be carried out in accordance with the following approved plans and supporting documentation (stamped by Council), except where the conditions of this consent expressly require otherwise.

Pln. No.	Rev. No.	Plan Title.	Drawn by.	Dated.
0000	F	Cover Sheet	Tzannes	20/05/2022
0001	O	Site Plan	Tzannes	20/05/2022
0002	F	Locality Plan	Tzannes	20/05/2022
0003	E	Site Analysis Plan Overall	Tzannes	20/05/2022
0004	D	Site Analysis	Tzannes	11/10/2021
0005	G	Materials	Tzannes	11/10/2021
0006	A	Site Plan Staged Construction	Tzannes	20/05/2022
0009	D	Kennel Layout Plan	Tzannes	20/05/2022
1000	M	Farmstead Plan	Tzannes	20/05/2022
1001	J	Detailed Farmstead Plan	Tzannes	20/05/2022
1002	F	Detailed Farmstead Roof Plan	Tzannes	11/10/2021
1010	L	Typical Kennel Plan	Tzannes	11/10/2021
1011	G	Typical Kennel Roof Plan	Tzannes	11/10/2021
2000	G	Farmstead Elevation	Tzannes	11/10/2021
2010	G	Typical Kennel Elevation	Tzannes	11/10/2021
3000	F	Farmstead Sections	Tzannes	11/10/2021
3010	G	Kennel Section	Tzannes	11/10/2021
9000	C	Photomontage Aerial View	Tzannes	11/10/2021
9001	C	Photomontage Farmstead Courtyard	Tzannes	11/10/2021
9002	C	Photomontage Kennel	Tzannes	11/10/2021
NP001	C	Notification Plans – Site Plan	Tzannes	20/05/2022
NP002	C	Notification Plan – Farmstead Plan	Tzannes	20/05/2022
NP003	B	Notification Plan – Farmstead Elevations	Tzannes	11/10/2021
NP004	B	Notification Plan – Kennel Plan	Tzannes	11/10/2021
NP005	B	Kennel Elevation West	Tzannes	11/10/2021
SK023	A	Kennel Layout Plan – Helicopter Site Landing Sketch	Tzannes	31/10/2022
SK024	A	1% AEP Event and Unaffected Area Calculations	Tzannes	13/11/2022

Document Title.	Ver. No.	Prepared By.	Dated.
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Statement of Environmental Effects	-	Gyde Consulting	3 June 2022
Flood Risk Assessment	V4	EMM Consulting	20 May 2022
Flood Warning Response Plan Memorandum	-	EMM Consulting	30 November 2022
Ecological Advice for Martindale Road	-	NGH	25 November 2022
Acoustic Report	7	Stantec	2 February 2023
Wastewater Management Plan (Ref 21073-D)	-	Larry Cook Consulting	28 November 2022
Biogas Report	-	Inoplex Pty Ltd	21 September 2021
Site Waste Minimisation Management Plan	4	Barker Ryan Stewart	17 May 2022
Traffic Impact Assessment	-	SECA Solution	28 October 2021
'Review of Council RFI for proposed Bylong Park Greyhound Farmstay Facility	-	SECA Solution	11 April 2022
Odour Assessment Bylong Park Greyhound Boarding Facility	A	RWDI Australia Pty Ltd	28 September 2021
Odour Assessment Updated Layout	-	RWDI Australia Pty Ltd	5 May 2022
Greyhound Rehabilitation Centre Landscape Development Application	-	ASPECT Studios	5 May 2022
Design Statement for Bylong Park Farmstay	-	Tzannes	30 May 2022
Supplementary Ecological Advice	-	MJD Environmental	7 April 2022
Response to Ecological Comments by National Parks & Wildlife Services	-	MJD Environmental	8 May 2022
Civil Engineering Services	04	Warren Smith Consulting Engineers	24 May 2022
Hydraulic Services DA Utility Report	05	Warren Smith Consulting Engineers	30 May 2022
Drought Hydraulic Equipment Concept	04	Warren Smith Consulting	31 May 2022
Bylong Valley Park Farmstay Operational Plan	-	Greyhound Racing NSW	Not Dated (submitted 3 June 2022)
Updated POM Appendix B	-	Greyhound Racing NSW	Not Dated (submitted 12 December 2022)
Updated POM Appendix C Emergency Response	-	Greyhound Racing NSW	Not Dated (submitted 28

			February 2023)
Updated POM Appendix K Noisy Dog Management	-	Greyhound Racing NSW	Not Dated (submitted 12 December 2022)

In the event of any inconsistency between the approved plans and the supporting documentation, the approved plans prevail. In the event of any inconsistency between the approved plans and a condition of this consent, the condition prevails.

**Note:** an inconsistency occurs between an approved plan and supporting documentation or between an approved plan and a condition when it is not possible to comply with both at the relevant time.

**Reason:** To ensure all parties are aware of the approved plans and supporting documentation that applies to the development

<p><b>GENERAL TERMS OF APPROVAL PURSUANT TO SECTION 4.47 OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 (AS AMENDED)</b></p>
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## **(2) Compliance with General Terms of Approval**

The development is to be carried out in accordance with the General Terms of Approval issued by the following approval bodies and referenced below:

- a. NSW Department of Planning and Environment – Water, General Terms of Approval Reference No IDAS-2022-10193, dated 16 December 2022.

These General Terms of Approval have been stamped with Council's Approval Stamp and form part of this Notice of Determination.

The General Terms of Approval should be referred to throughout the carrying out of development, in particular when preparing detailed designs to support a Construction Certificate or applying for an Occupation Certificate to ensure compliance with any relevant agency requirements.

**Reason:** Prescribed legislation

<p><b>NSW RURAL FIRE SERVICE CONCURRENCE CONDITIONS</b></p>
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## **(3) Compliance NSW Rural Fire Service Conditions of consent**

The development is to be carried out in accordance with the recommended conditions of consent put forward by the NSW Rural Fire Service in their correspondence dated 16 May 2022 granting concurrence to the development.

This correspondence has been stamped with Council's Approval Stamp and forms part of this Notice of Determination.

The General Terms of Approval should be referred to throughout the carrying out of development, including when preparing detailed designs to support a Construction Certificate or applying for an Occupation Certificate to ensure compliance with any relevant agency

requirements.

Note: Additional conditions have been included in the parts of this Notice of Determination related to the Construction Certificate and Occupation Certification and requirements for the Certifying authority.

**Reason:** *To ensure appropriate bushfire protection measures are provided to the development*

<b>OPERATIONAL CONDITIONS IMPOSED UNDER THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT AND REGULATIONS AND OTHER RELEVANT LEGISLATION</b>
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**(4) Building Code of Australia**

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

**Reason:** *Prescribed legislation*

**(5) Access to premises standard**

The building shall comply with the requirements of the *Commonwealth Disability (Access to Premise Standard) 2010*.

**Reason:** *Prescribed legislation*

**(6) Carrying out of demolition work**

Any demolition work is to be carried out in accordance with the relevant provisions of Australian Standard 2601:2001: Demolition of Structures.

**Reason:** *Prescribed legislation*

<b>CONSTRUCTION CERTIFICATE REQUIREMENT</b>
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**(7) Construction Certificate Requirement**

No works shall commence on site until a Construction Certificate has been issued for either part or all of the works. If a certificate is issued for part of the works, it must cover the works being undertaken onsite.

**Reason:** *Prescribed legislation*

<b>ANCILLARY MATTERS TO BE COMPLETED PRIOR TO THE ISSUE OF THE CONSTRUCTION CERTIFICATE FOR STAGE 1 OF THE DEVELOPMENT</b>
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**(8) Section 7.12 Contributions**

Pursuant to section 4.17(1) of the Environmental Planning and Assessment Act 1979, and the Muswellbrook Shire Council Section 94A Development Contributions Plan 2010, a contribution of \$333,388.00 shall be paid to Muswellbrook Shire Council, being 1% of the cost of carrying

out the development.

Documentary evidence demonstrating payment of the above contribution to Council is to be provided to the Principle Certifying Authority prior to the issue of a Construction Certificate.

**Reason:** *Prescribed under the Muswellbrook Section 94A Contributions Plan*

### **(9) On-Site Sewage Management**

The development will require an On-Site Sewage Management (OSSM) System/s to adequately store, treat and dispose of wastewater generated by the development. Approval from Council to install, construct or modify under Section 68 of the Local Government Act 1993 is required prior to issue of a Construction Certificate.

Applications to install a system must be accompanied by a Wastewater Management Plan including a Geotechnical Wastewater Assessment prepared by a suitably qualified person. The assessment shall include but not be limited to:

- i. specific details of the site;
- ii. the proposed on-site sewage management system and effluent disposal system type;
- iii. hydraulic loading;
- iv. NATA accredited soil results;
- v. supporting calculations; and
- vi. mitigation measures for emergency management.

Any system proposed that is not recognised by NSW Health may require an additional peer review.

All OSSM systems are to have a current Approval to Operate before an Occupation Certificate can be issued.

**Reason:** *To ensure appropriate management of wastewater*

### **(10) Existing Building Fire Safety and Building Code of Australia Considerations**

Pursuant to Clause 62 and 64 of the *Environmental Planning & Assessment Regulation 2021*, the following fire safety/Building Code of Australia (BCA) works are to be undertaken with the Construction Certificate assessment, to satisfaction of the Principal Certifying Authority, and the relevant related works completed prior to the issue of the Occupation Certificate:

- i. A certificate of structural adequacy is to be submitted to the Principal Certifier, certifying the structural strength and load bearing capacity of the existing cottages and proposed outdoor training area.
- ii. The Principal Certifier is to review the location of the smoke alarms in the cottages in accordance with Part 3.7.5.3 of Volume 2 of the BCA. All smoke alarms are to be upgraded to the current standard in accordance with Part 3.7.5.2 of Volume 2 of the BCA and AS 3786.
- iii. Portable fire extinguishers are to be provided to the outdoor training area in accordance with AS 2444 and E1.6 of Volume 1 of the BCA.
- iv. Emergency lighting is to be provided to the outdoor training area in accordance with AS 2293.1 and E4 of Volume 1 of the BCA.
- v. Exit signs are to be provided to the outdoor training area in accordance with AS 2293.1 and E4 of Volume 1 of the BCA.
- vi. The Principal Certifier is to review the exit travel distances in the outdoor training area in accordance with Part D of Volume 1 of the BCA. If additional upgrade works are required to ensure compliance, they must be carried out as part of this Construction Certificate.

- vii. The Principal Certifier is to review the paths of travel in the outdoor training area in accordance with Part D of Volume 1 of the BCA. If additional upgrade works are required to ensure compliance, they must be carried out as part of this Construction Certificate.

**Reason:** *Fire Safety and Building Improvements required pursuant to Clause 62 and 63 of the Environmental Planning and Assessment Regulation 2021*

#### **(11) Drought Water Storage Equipment to be shown on Construction Certificate Plans**

The hydraulic plans submitted to the Certifying Authority with the Construction Certificate for Stage 1 of the development shall include the above and below ground water storage tanks consistent with the Warren Smith Consulting *Drought and Hydraulic Equipment Concept* dated 31 May 2022 with minimum water storage capacity of:

- a) Interconnected above ground water storage tanks with a total volume of 6ML.
- b) An inground rainwater tank with a total volume of 0.3ML

**Reason:** *Ensure drought resilience strategy consistent with the proposed plans*

#### **(12) Stormwater Management Plan**

Prior to the issue of a Construction Certificate for Stage 1 of the development, an updated Stormwater Management Plan is to be submitted to Council's Chief Engineer for approval. Documentary evidence confirming the approval of the updated Stormwater Management Plan is to be provided to the Certifying Authority with the Construction Certificate application. The updated Stormwater Management Plan shall include:

- a. Widening of proposed swales with rock check dams or permanent staggered staked hay bale arrangements to minimise the opportunity for contamination to migrate further downstream at 50m intervals.
- b. Stormwater pits to include weep holes in the base and a recess to minimise the opportunity for discharge of faecal matter towards the basins.
- c. Optimisation of stormwater quality improvement devices through additional measure of a sand filter arrangement prior to the bioretention basin (or similar alternate proposed device).
- d. No fabric mesh to be included in litter baskets. Steel aperture mesh baskets are to be included in updated plans.
- e. Development of a maintenance manual to include the frequency of inspections, cleaning, safety considerations, methodology, tools and requirements for all stormwater quality improvement devices.

The updated Stormwater Management approved in accordance with this condition is to be implemented throughout the carrying out of the development. The stormwater design plans accompanying the Construction Certificate for each Stage of the development shall reflect the design parameters of the updated Stormwater Management Plan.

**Reason:** *To ensure management of stormwater in accordance with Council requirements*

#### **(13) Section 138 Requirement Martindale Road Intersection Improvement**

Prior to the issue of a Construction Certificate for Stage 1 of the development, a Section 138 permit is to be obtained from Council as the relevant Roads Authority for the carrying out of

improvement works to the intersection of the Martindale Road with the dust sealed road reserve that provides access to the site. Improvements are to achieve the AustRoad standards for a Rural Basic Right Hand Turn (RUL) and AUL(s) treatment with a short left hand turn.

Any Section 138 application related to the works is to be accompanied by a detailed design for the related road improvement works prepared in accordance with the relevant AustRoads standard, and provide;

- a. A stop sign and related line marking for vehicles turning into Martindale Road from the intersection.
- b. Appropriate concealed driveway signage along Martindale Road, subject to design approval by Council's Traffic Committee.
- c. Improvements to the pipe culverts located along Martindale Road in the vicinity of the intersection. All drainage pipes and headwalls should be clear of the intersection safe zone or appropriate safety provisions included within the final design.
- d. A Geotech report should form part of the design and submitted documents.

Documentary evidence demonstrating compliance with this requirement is to be provided to the Certifying Authority prior to the issue of a Construction Certificate.

Note: For information related to the preparation of any Section 138 Permit it is recommended that you contact Council's Community Infrastructure Department on 6549 3700.

***Reason:*** *To ensure design and construction of intersection improvement work is in accordance with the Roads Authority requirements.*

#### **(14) Section 138 Requirement General Road Improvement Work**

Prior to the issue of a Construction Certificate for Stage 1 of the development, and the carrying out of any works in the Martindale Road Reserve, a Section 138 permit is to be obtained from Council as the relevant Roads Authority for the road improvement works described in the table below which are to be completed as part of Stage 1 of the development.

Chainage (approximate)	Suggested upgrade	Benefit
From bridge to subject site access (2500 metres)	Maintain vegetation to both sides to low level	Allows drivers to use the verges in a safe manner but noted this could encourage drivers to pass each other at higher speeds
Left hand curve at 600 m	Seal shoulder to inside of curve to allow for running width of 6 metres for 100 metres including tapers	Allows vehicles to pass each other in opposing directions on the curve
1400 metres	Seal shoulder to both sides of road to provide a width of 6 metres over 50 metres including tapers	Allows a spot for a vehicle to pull over to allow an opposing vehicle to pass
1900 metres	Seal shoulder to both sides of road to provide a width of 6 metres over 50 metres including tapers	Allows a spot for a vehicle to pull over to allow an opposing vehicle to pass
2100 metres	Seal shoulder to both sides of road to provide a width of 6 metres over 50 metres including tapers	Allows a spot for a vehicle to pull over to allow an opposing vehicle to pass
Site access plus 40 metres south	Remove vegetation on left hand side of road along site boundary	Highlights site access
Prior to site access for northbound traffic	Provide advanced warning sign for the presence of the site access	Highlights site access
At site access	Upgrade site access in accordance with Figure 7.4 from Austroads Guide to Road Design Part 4: Intersections and Crossings.	Highlights site access, allows for safe entry / exit movement for truck

Detailed design plans related to the works are to be provided to Council with any Section 138 Permit. A Geotech report should form part of the design and submitted documents.

Documentary evidence demonstrating compliance with this requirement is to be provided to the Certifying Authority prior to the issue of a Construction Certificate.

Note: for information related to the preparation of any Section 138 Permit it is recommended that you contact Council's Community Infrastructure Department on 6549 3700.

**Reason:** To ensure appropriate design and construction of road safety improvements required to support the development.

### (15) Flood Warning System

Prior to the issue of a Construction Certificate a suitably qualified hydraulic engineer is to prepare and submit a detailed design for the Flood Warning and Response System set out within the EMM Memorandum dated 30 November 2022. The design is:

- a. To incorporate all flood warning systems referenced within the EMM Memorandum dated 30 November 2022.
- b. To provide suitable detailed design information for all physical components of the flood warning system and the operation including stream gauges bollards or similar vehicle obstructions and automated boom gates, and the integration between the systems operations
- c. To incorporate/be accompanied by operational procedures relating to the functional operation of the system. These procedures shall:
  - i. Establish roles and responsibilities for site management/operational staff to be charged with the monitoring of flood risk in accordance with the plans.
  - ii. Establish roles and responsibilities for site management staff responsible for making and enacting proactive decisions related to reduced staff operations at



- the site and establish risk thresholds that may inform the making of such decisions.
- iii. Establish how decisions made in relation to reduced site operations related to the proactive management of staff risk will be communicated to operational staff for both on-site and off-site rostered staff called in for work at the facility, as well as consideration of people with medical conditions or accessibility issues at risk or visitors
  - iv. Establish responsibilities of staff to adhere to those directions including staff that may be directed to attend or remain at the site overnight (where required) to manage risk of the site being isolated.
  - v. Establish how the responsibility of ensuring that suitable supplies of dog food and other operational equipment is managed by operational staff
  - vi. Establish roles and responsibilities for ensuring that the site is suitably stocked with supplies (including food and drinking water) to support the staff who will be isolated on-site when site access is restricted.
  - vii. Establish the roles and responsibilities for staff monitoring streamflow gauge conditions and readings and enacting response procedures at the site including the notification of staff operating at the site or staff required to access the site ahead of the site access being restricted, including procedures for inclement weather forecasts that are likely to lead to adverse access conditions
  - viii. Establish maintenance responsibilities for ensuring the function of the system and measures for back-up procedures for function issues such as system failure, malfunction or power loss.
  - ix. Establish how communications with the site are to be maintained during periods of site isolation and responsible roles within the Greyhound Racing NSW structure for maintaining those communications.
  - x. Include a procedure for undertaking flood response test drills to ensure that operational staff understand their responsibilities when adverse stream flow conditions are detected. Regular test drills should be carried out at the discretion of the site operator and subject to advice from the system designer to ensure the response preparedness of operational staff.
  - xi. Include any other operating matters identified as being required by the system design team.
- d. Include any other relevant information related to the system design, function and maintenance.

**Reason:** *To ensure the Flood Warning and Response System is finalised and constructed in accordance with the requirements of this consent and that its function is suitable to support the safe operation of the development.*

<b>ANCILLARY MATTERS TO BE COMPLETED PRIOR TO THE ISSUE OF THE CONSTRUCTION CERTIFICATE FOR EACH STAGE OF THE DEVELOPMENT (INCLUDING STAGE 1)</b>
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#### **(16) Bushfire Protection Measures**

Prior to the issue of a Construction Certificate for each stage of the development, detailed design plans are to be submitted to the Certifying Authority that incorporate the bushfire protection measures (relevant to the development Stage) specified by the NSW Rural Fire Service Concurrence requirements dated 16 May 2022, and which form part of this consent. These requirements include:

- a. Asset Protection Zones.
- b. BAL 12.5 AS3959-2018 construction for new buildings.
- c. Upgrade provisions for existing buildings.
- d. Internal access road requirements.

- e. Water and Utility Service Requirements.
- f. Landscaping requirements.

**Reason:** *Ensure compliance with NSW Rural Fire Service design requirements.*

### **(17) Sediment Control Plan**

Prior to the issue of a Construction Certificate for any Stage of the development a sediment and erosion management plan is to be submitted to and approved by the Certifying Authority. As a minimum, control techniques are to be in accordance with Muswellbrook Shire Council's Guidelines on Erosion and Sediment Control, or a suitable and effective alternative method. The Control Plan shall incorporate and disclose:

1. all details to protect and drain the site during the construction processes;
2. all sediment control devices, barriers and the like;
3. sedimentation tanks, ponds or the like;
4. covering materials and methods;
5. a schedule and programme of the sequence of the sediment and erosion control works or devices to be installed and maintained

**Reason:** *Required by the Muswellbrook Development Control Plan 2009*

### **(18) Dilapidation Survey**

Prior to the issue of a Construction Certificate for each Stage of the development, the person acting with this consent shall prepare and submit a dilapidation survey to Council in relation to Martindale Road. The dilapidation survey may be a combination of text and photographic record related to the Martindale Road pavement condition and any existing damage to the Road.

Documentary evidence demonstrating compliance with this condition is to be provided to the Certifying Authority prior to the issue of a Construction Certificate.

The applicant will be required to bear the cost of all restoration works required to Council property damaged during the carrying out of construction works.

**Note:** This documentation will be used to resolve any dispute over damage to infrastructure. If no documentation is received prior to commencement of work it will be assumed that the infrastructure was undamaged and the applicant will be required to restore all damaged infrastructure at their expense.

**Reason:** *Protection of public assets during construction.*

### **(19) Construction Traffic Management Plan**

Prior to the issue of a Construction Certificate for each Stage of the development, the person acting with this consent shall prepare and submit a Construction Traffic Management Plan for approval by Council's Chief Engineer. The Construction Traffic Management Plan shall:

- a. Have regard to the preliminary construction management plan included in the SECA Solution report dated 11 April 2022.
- b. Setout construction traffic and traffic routes for construction traffic related to that stage of the development.
- c. Provide a copy of vehicle route and driver code of conduct for site delivery vehicles.
- d. Include information around anticipated numbers of heavy and light vehicle movements

- during construction.
- e. Anticipated frequency of construction delivery vehicles.
  - f. Manage oversize over mass vehicles where required. This is to include anticipated vehicle sizes and escort and communication strategies for notifying Martindale Road residents of impending oversized vehicle with travel date and times to be included.
  - g. Includes a review of Martindale Roads safety as a transport route relative to the size and volume of construction traffic vehicles. Where safety hazards are identified the Construction Traffic Management Plan is to propose traffic safety measures which may include temporary construction traffic signage, speed zones or other measures to mitigate road safety risks identified relative to this temporary traffic increase.
  - h. When preparing the Construction Traffic Safety Plan for Stage 1, consideration should be given to the parts of Martindale Road identified as requiring safety upgrades in the SECA Solution Traffic Report dated 11 April 2022. Where road safety improvements have not been completed prior to the commencement of work consideration should be given as to how road safety at these locations will be managed through construction works. Council strongly recommends all road upgrades are completed prior to heavy vehicles accessing the site.
  - i. Propose arrangements (as appropriate depending on contractor engagement and work force requirements) to require or promote shared travel between Denman and the site via car-pooling or alternate shared transport options.
  - j. Have regard to Martindale school bus operating times and restrict construction traffic movements between the site and Denman during the times the school bus is using the route.
  - k. Include a communication strategy with Martindale Road residents of construction dates and contact details (email and telephone number) for the construction site manager/key construction contact.
  - l. The Construction Traffic Management Plan is to have regard to the limitations to site access identified through flood and streamflow investigations carried out with this assessment. The Plan is to include measures to ensure construction is managed to ensure that delivery vehicles do not seek to access the site during periods where site access is likely to be restricted by flooding, and ensure that construction activities will be effectively managed to mitigate the risk of workers' being stranded on-site by Martindale Creek rises.
  - m. Have regard to any incidents or learned issues related to traffic safety from previously completed Stages of the development.
  - n. A reduced speed limit zone (*consistent with previous advice from the Chief Engineer*) should be observed by all construction traffic during the development, and signposted as part of the Section 138 Permit from near the primary school to the entry point of the site (*also due to remaining deficiencies even following intersection upgrades with right hand turn traffic leaving the site*)
  - o. The Construction Traffic Management Plan shall have regard to visual obstructions such as vegetation. Where vegetation is identified that requires management or maintenance to support traffic safety during construction work, the maintenance work is to be identified and maintained in consultation with Council.

The approved Construction Traffic Management Plan is to be adhered to at all times during the carrying out of construction work at the site.

**Reason:** *Traffic management during the carrying out of construction work.*

## **(20) Construction Internal Kennel Areas**

The finished floor height of internal kennel areas is to be constructed above the probable maximum flood (PMF) flood level.

Prior to the issue of a construction Certificate for each stage of the development, suitable documentary evidence is to be provided to the Certifying Authority demonstrating the height of internal kennel areas are above the height of the PMF flood event as identified by the EMM Bylong Valley Park Flood Risk Assessment May 2022.

Note: the EMM Bylong Valley Park Flood Risk Assessment May 2022 identifies the internal floor area of one kennel module as being within the anticipated extent of the PMF flood event.

**Reason:** *protect animal enclosures from being impacted by flooding.*

### **(21) Outdoor Lighting Installations**

All outdoor lighting is to be designed and positioned to minimise any adverse impact on the amenity of the occupants of adjoining and nearby residential premises, or traffic, or the adjoining National Park.

Prior to the issue of a Construction Certificate for each stage of the development, a lighting plan is to be provided to the Certifying Authority demonstrating compliance with the above, that the outdoor lighting installations will comply with the relevant Australian Standards AS/NZ 1158.3.1:2005 Lighting for Roads and Public Spaces Pedestrian Area Lighting and Public Spaces Pedestrian Area (Category P) Lighting – Performance and Design Requirements AS 4282.1997 Control of the Obstructive Effects of Outdoor Lighting.

All lighting installations are to proceed in accordance with the approved lighting plan and the requirements of this consent.

**Reason:** *Minimise light pollution and ensure lighting is installed in accordance with Australian Standards.*

### **(22) Structural Certification**

The person acting with this consent must engage a qualified practising structural engineer to provide structural certification in accordance with relevant BCA requirements prior to the release of the Construction Certificate.

**Reason:** To ensure the structural integrity of the approved development.

### **(23) Long Service Levy**

Documentary evidence of payment of the Long Service Levy under Section 34 of the Building and Construction Industry Long Service Payments Act 1986 is to be submitted to the Principal Certifying Authority prior to the issuing of the Construction Certificate.

**Reason:** Statutory requirement.

### **(24) Noise from Mechanical Plant Adjacent to Residential Premises**

In accordance with the recommendations of the Operational Noise Impact Assessment, the person acting on this consent should consult with a qualified Acoustic Engineer when selecting heating, ventilation and air conditioning plant and their positions.

A certificate from an appropriately qualified Acoustic Consultant is to be submitted to the

Certifying Authority for approval with the Construction Certificate certifying that sound producing plant, equipment, machinery or fittings will not exceed the Project Noise Trigger Levels outlined in Table 6 of the Noise Impact Assessment prepared by Stantec (dated 2<sup>nd</sup> February 2023, Ref: 301350478)

**Reason:** *Management of noise from mechanical plant*

<b>CONDITIONS THAT MUST BE ADDRESSED PRIOR TO COMMENCEMENT</b>
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**(25) Pre-construction fauna survey**

Prior to the commencement of any work related to the construction of the kennel modules, the following fauna survey and exclusion management is to be undertaken in accordance with the National Parks and Wildlife requirements dated 30 March 2022:

- A. Conducting nocturnal fauna surveys prior to commencing construction on the kennel modules to ensure that any native arboreal fauna, such as Brush-tail Possums (*Trichosurus vulpecula*), are not trapped within the trees in the kennel complex on completion of the fences.
- B. Installation of exclusion devices on each hollow-bearing tree once the arboreal fauna (if present) has left the tree/s completely. Subject to the advice “*exclusion device should consist of a 300mm to 400mm band of tin, predation cap or similar installed around the tree barrel (trunk) at approximately 2.5m to 3m high. This will prohibit arboreal fauna being able to occupy the trees, however, still provide functionality for avifauna and bats*”.

**Reason:** *protection of fauna prescribed NSW National Parks and Wildlife Services.*

**(26) Flood Markers**

Prior to the commencement of construction works on-site, flood markers are to be installed alongside the Martindale Creek causeway crossing at locations consistent with the Flood Warning and Response System.

These markers should be referred to by the construction site manager to inform decisions around site access.

Flood markers are to be maintained at all times.

**Reason:** *to ensure suitable safety measures are in place to assist.*

**(27) Sediment and Erosion Control**

Prior to the commencement of works Sediment and erosion controls are to be installed at the site in accordance with the approved Erosion and Sediment Control Plan.

All required erosion and sedimentation techniques are to maintained in a functional and effective condition throughout the construction activities until the site is stabilised.

**Reason:** *Ensure compliance with Development Control Plan.*

**(28) Site Sign**

A sign must be erected in a prominent position on any work site on which work involved in the

erection or demolition of a building is being carried out:

1. stating that unauthorised entry to the work site is prohibited;
2. showing the name of the principal contractor (or person in charge of the work site), and a telephone number at which that person may be contacted at any time for business purposes and outside working hours; and
3. showing the name, address and telephone number of the Principal Certifying Authority for the work.

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

This condition does not apply to building works being carried out inside an existing building.

***Reason: Prescribed EP&A Regulation 2000.***

### **(29) Damage to Public Infrastructure**

The applicant shall bear the cost of all restoration works to Council property damaged during the development. The applicant shall submit in writing and photographic record, any existing damage to Council property before commencement of work.

Note: This documentation will be used to resolve any dispute over damage to infrastructure. If no documentation is received prior to commencement of work it will be assumed that the infrastructure was undamaged and the applicant will be required to restore all damaged infrastructure at their expense.

***Reason: Ensure any damage public utilities from construction is restored by applicant.***

### **(30) Site Facilities**

- (a) If the development involves building work or demolition work, the work site must be fully enclosed by a temporary security fence (or hoarding) before work commences.
- (b) A minimum width of 1.2m must be provided between the work site and the edge of the roadway so as to facilitate the safe movement of pedestrians.
- (c) Any such hoarding or fence is to be removed when the work has been completed.
- (d) A garbage receptacle fitted with a tight fitting lid for the reception of all food scraps and papers from the work site must be provided prior to building work commencing and must be maintained and serviced for the duration of the work.
- (e) Toilet facilities must be provided on the work site at the rate of one toilet for every 20 persons or part of 20 persons employed at the work site.
- (f) Each toilet provided must:
  - be a standard flushing toilet, connected to a public sewer, or
  - if connection to a public sewer is not available, to an on-site effluent disposal system approved by the council, or
  - an approved temporary chemical closet.
- (g) The provision of toilet facilities must be completed before any other work is commenced.
- (h) A person having the benefit of this certificate who causes an excavation that extends below the level of the base of the footings of a building on an adjoining allotment of land must at their own expense and where necessary:
  - protect and support the building from damage, and
  - If necessary, underpin and support the building in accordance with the details prepared by a professional engineer.
- (i) A person having the benefit of this certificate who causes the excavation must, at least 7 days before commencing this work, give notice of intention to do so to the owner of

- the adjoining allotment of land and provide particulars of the proposed work.
- (j) Erosion and sediment controls must be provided in accordance with the details shown on the approved plans, prior to the disturbance of any soil on the work site.

**Reason:** *To ensure adequate Construction facilities.*

<b>CONDITIONS THAT MUST BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK</b>
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**(31) Materials**

The external cladding of the building shall be constructed from non-reflective materials. Zinalume or reflective white sheet metal cladding is not be used without the prior written approval from Council.

**Reason:** *Compliance with Muswellbrook Development Control Plan.*

**(32) Dust Emission and Air Quality**

1. Materials must not be burnt on the site.
2. Loaded Vehicles entering and leaving the site must be covered.
3. Dust suppression measures must be carried out to minimise air-borne emissions in addition odour suppression measures must also be carried out where appropriate to prevent nuisance occurring at adjoining properties.

**Reason:** *Construction requirement.*

**(33) Restriction on the import of fill**

The only fill material that may be received at the development site is:

- a) Virgin excavated natural material (VENM) within the meaning of the *Protection of the Environment Operations Act (POEO Act 1997)*; or
- b) Excavated natural material (ENM) within the meaning of the *POEO Act 1997*; or
- c) Any other waste-derived material the subject of a resource recovery exemption under s.91 of the *Protection of the Environment Operations (Waste) Regulation 2014* that is permitted to be used as fill material.

Any waste-derived fill material the subject of a resource recovery exemption received at the development site must be accompanied by documentation as to the material's compliance with the exemption conditions and must be provided to the Principal Certifying Authority.

Any fill, soil, mulch and plant brought onto the site must be certified as free of weeds and weed seeds.

**Reason:** *Ensure any fill is appropriately sourced.*

**(34) Discovery of Aboriginal Heritage**

If Aboriginal objects are uncovered during work, excavation or disturbance of the area, work must stop immediately. The Environmental Protection and Regulation Group of the OEH is to be contacted. Aboriginal archaeological excavation must be co-ordinated with any proposed investigation of non-indigenous material.

**Reason:** *Ensure protection of items of cultural heritage in accordance with relevant legislation.*

<b>CONDITIONS WHICH MUST BE COMPLIED WITH PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE</b>
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### **(35) Occupation**

Buildings are not to be used or occupied until a final inspection has been carried out and an occupation certificate has been obtained from the Principal Certifying Authority.

**Reason:** *Prescribed legislation*

### **(36) Flood Warning and Response Plan**

Prior to the issue of any Occupation Certificate for the facility, all physical components of the Flood Warning and Response System are to be installed and tested where appropriate or a certificate prepared by a suitably qualified person confirming the completion of the installation and that all aspects of the system are functioning.

**Reason:** *Ensure installation of flood warning system in accordance with the approved plans*

### **(37) Martindale Road Improvement**

Prior to the issue of an Occupation Certificate for any Stage of the development, all improvements to Martindale Road required by this consent are to be completed in accordance with the related conditions of consent and Section 138 permit to the satisfaction of Council within its function as the Roads Authority for Martindale Road.

**Reason:** *Ensure road improvement carried out in accordance with the approved plans and the requirements of the Roads Authority.*

### **(38) Construction of Parking Areas**

Prior to the issue of an Occupation Certificate for Stage 1, all parking areas, loading bays, driveways, internal access ways, vehicular ramps and turning areas shall be fully constructed, sealed, line marked, sign posted in accordance with the approved plans and AS.2890.1 2004 Parking Facilities and the relevant provisions of AS1428.1 and AS1428.4.

**Reason:** *Ensure development carried out in accordance with approved plans.*

### **(39) Bushfire**

Prior to the issue of an Occupation Certificate for any Stage of the development, all identified matters related to bushfire damage prevention specified by the NSW Concurrence requirements dated 16 May 2022, and the Construction Certificate plans, shall be implemented for the relevant Stage of the development.

**Reason:** *ensure the implementation of bushfire protection measures.*

### **(40) Stormwater Management**

Prior to the issue of an Occupation Certificate for any Stage of the development all stormwater infrastructure related to that Stage of the development are to be fully installed in accordance with the Final Stormwater Management Plan approved by Council in accordance with this consent.



*Reason: ensure the implementation of stormwater management measures.*

#### **(41) On-site Sewage Management**

Prior to the issue of an Occupation Certificate for any Stage of the development the on-site wastewater management system is to be constructed or modified in accordance with the relevant Section 68 permit and a current approval to operate for the on-site sewage management system is to be provided to the Principal Certifying Authority prior to the issue of an Occupation Certificate.

*Reason: Ensure on-site sewerage management installed in accordance with the Local Government Act 1993.*

#### **(42) Drought Water Storage Equipment**

The drought resilience water storage required by this consent and the Warren Smith Consulting Drought and Hydraulic Equipment Concept dated 31 May 2022 are to be installed prior to the issue of an Occupation Certificate for Stage 1 of the development.

*Reason: Ensure appropriate water storage provided in accordance with approved plans.*

#### **(43) Reinstatement of Public Infrastructure**

Prior to the issue of an Occupation Certificate for each Stage of the development, written confirmation is to be obtained from Muswellbrook Shire Council's Chief Engineer that any damage caused to Council's infrastructure has been reinstated to a satisfactory condition. Council's inspection charges will apply.

*Reason: Ensure restoration of any damage to Council infrastructure.*

#### **(44) Stream Gauge Section 88B Instrument**

Prior to the issue of any Occupation Certificate for Stage 1 of the development a Section 88B instrument is to be registered on the title of Lot 20 DP 753794 (2181 Martindale Road). The Section 88B Instrument shall:

- a. Burden the owner of Lot 20 DP 753794 and benefit the owner of Lot 2 DP 1088704.
- b. The instrument will permit the owner of the benefited land to install a stream monitoring gauge on the land burdened and access that property to inspect and maintain the stream gauge as required.

Note: Council and State Authorities maintain an interest in this flood gauge for monitoring streamflow data and informing the local community of flood risks. Once the stream gauge is installed it is recommended that you consult with Council in relation to the ability for the stream gauge data to be made available on a regional basis to assist local emergency service responses.

*Reason: Ensure the stream gauge is maintained in accordance with the requirements of this consent.*

#### **(45) Section 88E Instrument**

Prior to the issue of an Occupation Certificate for Stage 4 of the development, a Section 88E instrument on the title of Lot 2 DP 1088704.

The Section 88E Instrument shall burden the owner of the land concerned with the responsibility for maintaining the length of the road reserve that connects the land to the intersection with the sealed body of Martindale Road to a standard suitable for all weather, two-wheel drive access at all times that the land is operated for the purpose of animal boarding or training facility under this consent.

**Reason:** *Ensure the site access is maintained to a suitable standard by the person benefited by this consent.*

#### **(46) Operational Management Plan**

Prior to the issue of any Occupation Certificate, the Operational Management Plan is to be updated and submitted to Council's Director Environment and Planning for approval. The updated Operational Management Plan shall include the following:

- a. Incorporate the drought water saving provisions for the premises reduced water consumption patterns set out in Section 4 'Drought period Study' of the Warren Smith Consulting Report Drought Hydraulic Equipment Concept, 31 May 2022.
- b. Incorporate operational maintenance measures consistent with the maintenance manual accompanying the final Stormwater Management Plan approved in accordance with this consent. The related part of the Operational Management Plan is to include an example maintenance inspection log to be complete by the Officer completing that maintenance. A record of the completed inspection/maintenance records are to be kept by the person acting with this consent and made available to Council Officers for inspection on request.
- c. Appendix B Daily Operations is to be updated to reflect the most current version of that plan provided to Council 12 December 2022.
- d. Appendix C Emergency Response is to be updated to reflect the most current version of that plan provided to Council on the 28 February 2023 (subject to any further required amendments by this consent and the final detail design of the flood warning system).
- e. Appendix E Noisy Dog Management is to be updated to reflect the most current version of that plan provided to Council 12 December 2022.
- f. The Operational Management Plan is to be updated to incorporate the operating procedures established by the updated Flood Warning and Response Plan and associated operating procedures submitted to and approved by Council prior to the issue of a Construction Certificate or subsequent plan version.

At all times the development is to be carried out generally in accordance with the approved Operational Management Plan as amended from time to time.

**Reason:** *Update of Operational Management Plan to ensure appropriate management of environmental impacts.*

#### **(47) Contact information**

Prior to the issue of an Occupation Certificate for Stage 1 of the development, the person acting on this consent is to provide evidence to the Certifying Authority to demonstrate the following:

- A. The establishment of a phone number and email address to receive complaints or feedback from neighbours and members of the public related to the operation of the premises in line with the Operational Management Plan;
- B. That this contact information has been circulated via a mailbox drop to neighbouring

properties and residents along Martindale Road.

- C. An information sign is to be installed and maintained at a prominent and logical location on site (administrative building entry/adjacent site entry or similar) displaying this contact information and contextual information.

**Reason:** *Ensure the availability of operational contact information to the Martindale community.*

#### **(48) Complaint Handling Procedure**

Prior to the issue of an Occupation Certificate for Stage 1 of the development the person acting with this consent is to establish a complaint handling procedure and provide a copy of that procedure to Council for approval. The procedure shall:

- a. Establish a procedure and organisational responsibilities for actioning the investigation and response to complaints received in relation to the operation of the premises.
- b. A record keeping system for keeping a record of complaints received, including key information on complaint source, type (i.e., noise, odour, traffic incident etc.), complaint particulars, investigation details, and response.
- c. Ensure an initial response is provided to complaints within 24 hours, where contact information is provided.
- d. Includes provisions related to the reporting on complaints received to senior management on a 12 monthly basis to inform a review of operating procedures or systems requiring improvement.
- e. Access to the record keeping system is to be available on-site.
- f. The procedure is to note that Council is to be provided a copy of a complaint record and/or the 12 monthly report for the year prior. request Council

**Reason:** *Ensure appropriate complaint management procedure is established for the operation of the development.*

<b>OPERATIONAL CONDITIONS AND CONDITIONS THAT MUST BE COMPLIED WITH AT ALL TIMES</b>
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#### **(49) Medical waste -**

All clinical and medical waste including but not limited to sharps, x-rays, and waste which may have come into contact with bodily fluids, must be managed and disposed of according to:

- a. All relevant Australian Standards
- b. Part 11 of the [Protection of the Environment Operations \(Waste\) Regulation 2014](#) for requirements relating to the storage, transport and disposal of clinical waste.

All clinical and medical waste is to be directed to a licenced waste facility licenced to receive that waste.

**Reason:** *Ensure waste management in accordance with relevant legislation*

#### **(50) Waste**

No waste is to be received for processing, storing or treating from any external site without the prior written consent from the NSW EPA, in accordance with the Protection of the Environment Operations Act 1997.

***Reason:*** Ensure compliance with the Protection of the Environment Operations Act 1997.

**(51) Quality Assurance Program Drinking water -**

Given a private drinking water supply is required, the Public Health Act 2010 and the Public Health Regulation 2012 require drinking water suppliers to have a quality assurance program (QAP) that complies with the Regulation and comply with the approved QAP. You are required to develop and submit a copy of the QAP to NSW Health (Hunter New England Public Health Unit) for review prior to occupation of the site.

***Reason:*** Ensure compliance The Public Health Act 2010.

**(52) Public Swimming Pool**

Should the proposed swimming pool be provided for the use of employees the pool must be registered with Council prior to use, as per the Public Health Act "Public Swimming Pools and Spas". The pool must comply with the Act and associated regulations.

***Reason:*** Ensure compliance The Public Health Act 2010.

**(53) Backwash**

Any backwash generated by a treatment system associated with the swimming pool is to be directed to an adequately sized disposal area that complies with Australian Standard 1547:2012 for trench design and sizing.

***Reason:*** Ensure appropriate wastewater management

**(54) Water Security**

At all times the person acting with this consent shall ensure water consumption at the premises is reduced in line with the water consumption patterns for drought periods set-out in Section 4 of the Warren Smith Consulting Hydraulic Equipment Report dated 31 May 2022.

***Reason:*** Ensure water security equipment provided in accordance with the approved plans.

**(55) Bushfire Protection Measures**

At all times the bushfire protection measures specified by the NSW Concurrence requirements dated 16 May 2022, including asset protection zones, landscaping requirements and firefighting water storage shall be maintained in the development.

***Reason:*** ensure the implementation of bushfire protection measures.

**(56) Maintenance of Stormwater Management System**

At all times the person acting on this consent is to ensure that the stormwater management system is maintained in good working order. Routine maintenance of the stormwater system is to be completed in accordance with the Operational Plan of Management and records of maintenance inspections and repairs maintained in a database which is to be made available to Council Officers for inspection on request.

***Reason:*** Ensure maintenance of stormwater management system.

### **(57) Maintenance of Flood Warning and Response System**

The flood warning, flood markers and response system is to be maintained in working order at all times.

To ensure the system functionality the system is to be tested on an annual basis by a suitably qualified technician. Following each successful test, a certificate or record of the test is to be made out to the site operator. These records are to be maintained in a database which is to be made available to Council Officers for inspection on request.

**Reason:** *Ensure maintenance of flood warning response system.*

### **(58) Site Inductions**

The person acting with this consent is to ensure that all contractor and staff site inductions include a component related to the operation of the flood warning and response system and their related responsibilities when operating at the site.

**Reason:** *Ensure all individuals working at the site are inducted in the flood warning response system*

### **(59) Site Isolation Equipment**

At all times the person acting with this consent is to ensure suitable equipment and supplies are maintained on-site to support the operation of the site in conditions where access to the site is disrupted for up to 14 days.

The maintenance of suitable equipment and supplies is to be proactively managed and rotated through to ensure any food stocks do not exceed used by dates and that material stores are not inadvertently depleted by regular operations.

**Reason:** *Ensure appropriate management and checks of material is retained on-site to support its operation under restricted site access conditions.*

### **(60) Site Isolation Communication Equipment**

At all times the person acting with this consent is to ensure that a satellite phone or suitable alternate communications equipment are maintained on-site to enable off-site communication with relevant with Greyhound Racing NSW Management, the site operating team and/or emergency services where required during times where the site is restricted by floodwaters and streamflow in the Martindale Creek.

**Reason:** *Ensure appropriate communications equipment is retained on-site to support its operation under restricted site access conditions.*

### **(61) Site Access Maintenance**

The person acting on this consent is to assume the responsibility for maintenance to the access road (approximately 800m in length) between the site and the formed sealed part of the Martindale Road. This access road is to be maintained at all times to a standard where it would be suitable for 2-wheel drive traffic in all weather conditions.

Road work related to the maintenance of the road reserve is likely to require a Section 138 permit from Council prior to the work being undertaken in accordance with Council's Road

Development Standards Policy. Council Community Infrastructure Department should be contacted regarding their requirements for any Section 138 Permit when preparing to undertake road works required under this condition.

**Reason:** *Ensure the person acting with this consent carries out the maintenance of the site access to the satisfaction of the Roads Authority*

#### **(62) Lighting**

Illumination of the site is to be arranged to provide an appropriate level of lighting and in accordance with the requirements of Australian Standard 4282 (as amended) so as not to impact upon the amenity of the occupants of adjoining and nearby residential premises, traffic, or the National Park.

Any lighting of external areas within the development such as the rooftop shall be designed and located in a manner to prevent light spill and/or glare impacts off-site.

Lighting shall be designed to minimise all forms of light pollution and must not use bright “blue-white” LED lighting outside in order to avoid harmful effects on insects which has flow on effects for microbats and birds.

**Reason:** *Ensure site lighting is maintained to minimise environmental impacts*

#### **(63) Complaint Handling**

At all times complaints related to the operation of the premises are to be investigated and actioned in accordance with the approved complaint handling procedure.

**Reason:** *Ensure complaints received in relation to the site operations are appropriately investigated and actioned.*

#### **(64) Greyhound Care**

At all times greyhounds at the facility are to be cared for in accordance with related legislation, the NSW Greyhound Welfare Code of Practice (as amended from time to time) and industry best practice.

**Reason:** *ensure animal care provided in accordance with legislated requirements and industry best practice.*

<b>OPERATIONAL CONDITIONS REQUIRING PERIODIC ACTION, REPORTING AND UPDATE OF OPERATING PARAMETERS</b>
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#### **(65) Operational Data and Reporting**

The person acting on this consent is to ensure data is recorded in relation to monitor the operation of the development in terms of its compliance with this consent and provide useful data points for the periodic review of the facilities performance. Council requires the following to be captured in operational reporting and related information provided to Council on request:

- A. Number of greyhounds transported to the facility on a financial year basis.
- B. Complaints received on a financial year basis.
- C. Number of incidents where a greyhound escapes the facility and is returned or accounted for on a financial year basis.
- D. Number of incidents where a greyhound escapes the facility and is not returned or accounted for on a financial year basis,
- E. Data is to be collected related to significant incidents and animal deaths at the facility.

Council may request information related to incidents where the issue in question is considered to relate to an area of Council responsibility or its function as the consent authority.

- F. Any other data and information streams viewed as relevant to monitor the operation of the development and inform periodic performance reviews by the site operator.

**Reason:** *Ensure the collection of data relevant to informing the performance of the proposed facility, its operation against the requirements of this consent and the management of environmental impacts.*

#### **(66) Complaint investigation and Management Reporting to Council**

For the first five (5) years of the operation of the development, the person acting with this consent is to provide an annual report to Council detailing complaints received in the reporting period and related investigatory action in accordance with the complaint management procedure.

At the conclusion of this five (5) year period Council is to advise in writing whether it requires the report to continue to be provided on a regular basis beyond this period.

Where Council advises that it does not require the submission of the annual report at the conclusion of the five (5) year period it retains the right to request the resumption of reporting at a future stage.

In considering whether the continued reporting of complaints is required Council will have regard to the proponents record actioning complaints received, data trends and any other considerations that it views relevant.

**Reason:** *To ensure compliance with this consent and complaint management procedures.*

#### **(67) Review of Drought Preparedness Measures**

The drought preparedness measures related to the development are to be periodically reviewed by a suitably qualified person in the following circumstances:

- a. Following the first significant drought period affecting the facility.
- b. Following any drought period in which the water reserves for the facility are affected to the point where water carting is required to maintain site operations.
- c. Following the receipt of a written request from Council for the completion of a review. Such a request will only be made in response to a significant water security or drought issue in the Martindale Valley.

The review should have regard to the following:

- i. Drought Security Strategy Proposed greyhound Facility, Larry Cook Consulting Pty Ltd, 26 May 2022.
- ii. Drought Hydraulic Equipment Concept, Warren Smith Consulting Engineers, 31 May 2022.
- iii. Data available from the operation of the premises including from the operation of the premises during drought/dry periods within the review timeline including water consumption information.
- iv. anecdotal information related to the operation of the facility during drought/dry periods.
- v. Weather data and information related to the severity of any drought within the review period, and
- vi. Any other information considered relevant to informing the report.



Any recommendations made by the report related to improved drought resilience at the facility are to be explored for enactment subject to relevant approvals being obtained for the recommended measures. A copy of the Report and its findings is to be provided to Council.

**Reason:** *Establish a criteria for the review of drought preparedness measures to ensure proactive measures for the management of water security during drought periods for the development without adversely impacting on the locality.*

#### **(68) Flood Warning and Response System Operational Improvements**

The Flood Warning and Response system and associated operational documents adopted through the Operational Management Plan are to be maintained as 'living documents' and are to be subject to regular review and update by an appropriately qualified person to ensure responses account for any learnings from previous flood events and conform with best practice.

A review of the Flood Warning and Response System should be carried out in the following circumstances:

- a. Following any flooding or streamflow event where there is insufficient warning time or communication issues results in staff being isolated on-site that should have exited the site prior to site access being impacted.
- b. Following any flooding or streamflow event where there is insufficient warning time or communication issues results in staff being prevented from accessing the site who should have entered to the site to ensure site operations during the period of isolation.
- c. Following a flooding or streamflow event where access to the site is restricted for a period greater than 6 calendar days (multiple reviews may not be required where a second or third event restricting site access in excess of 6 calendar days occurs in the same year).
- d. In any instance where a significant issue or emergency occurs on-site during the period that site access is restricted by flooding or streamflow events.
- e. At any time deemed appropriate by site operators.
- f. Where the site operator is directed to undertake a review in writing by Council in response to a significant event or issue which the site operator did not otherwise deem to require a review.
- g. In circumstances where a previous review has not been conducted within the previous five years.

A copy of the review is to be provided to Council for its information.

Recommendations from the review are to be considered by the site operator and the Flood Warning and Response System and associated operating plans updated to account for improved operating procedures or safety requirements recommended by the corresponding review.

**Reason:** *Establish a criteria for the review of flood warning response system in to ensure the system operation is updated, where appropriate to account for the sites operating requirements and industry best practice.*

#### **(69) Operational Review of Noise**

Within 12 months of the commencement of the operation of each Stage of the development, the person acting with this consent is to engage a suitably qualified acoustic consultant to undertake a noise compliance assessment of the site's noise emissions. The investigation is to be carried out in accordance with industry best practice and generally in line with the

following:

- A. Undertake attended noise monitoring at the site and/or off-site locations identified by the person undertaking the investigation as suitably representative of neighbouring receptor locations identified in the Noise Impact Assessment prepared by Stantec (dated 2<sup>nd</sup> February 2023, Ref: 301350478).
- B. Review observed noise monitoring against Project Noise Trigger Levels outlined in Table 6 of the Noise Impact Assessment prepared by Stantec.
- C. If the noise monitoring identifies any exceedances, then steps to evaluate feasible and reasonable noise control shall be taken in accordance with the Noise Policy for Industry.
- D. The outcomes of the noise monitoring alongside any recommended controls are to be reported to be reported to Council.
- E. Following Council's review and endorsement of the investigation where additional controls are recommended those controls are to be implemented and following their implementation additional attended noise monitoring shall be repeated to determine whether noise control has been effective in reducing site noise levels. The outcomes of any further investigation is to be re-reported to Council in line with the steps above. Where non-compliances persist further recommendations are to be put forward and the process repeated until compliance is achieved or the matter satisfactorily resolved.

In addition to the requirement for the above monitoring to be carried out within 12 months of the commencement of each Stage, Council may direct the person acting with this consent to carry out an investigation in line with the above in response to community complaints regarding site noise.

**Reason:** *Ensure development complies with Project Noise Trigger Levels.*

#### **(70) Odour**

At all times the person acting with this consent must undertake reasonable steps to control and manage any offensive odour associated with the operation of the premises. This would include the carrying out of the following:

- i. A record of odour complaints received in relation to the operation of the premises and any action taken to rectify the issue raised is to be kept by the person operating on this consent and is to be made readily available to Council Officers on request.
- ii. Within one (1) month of the commencement of the site's operation, the person acting on this consent shall take reasonable steps to advise neighbouring property owners of how to make complaints in relation to the operation of the premises.
- iii. Where odour complaints from adjoining neighbours during operating times, the person acting on this consent is to investigate the likely source or sources of any offensive odour emissions and implement control measures to mitigate the impact of odour emissions on affected receivers.

**Reason:** *Ensure the person acting with this consent undertakes reasonable steps to control and investigate any odour complaints or issues related to the development.*

#### **(71) Operational Improvement Review Audit**

The person acting with this consent is to implement a system of completing a regular Review Audit that is to be carried out on a minimum basis of every 3 years.

The Review Audit is to have regard to matters related to the following within the prior review

period:

- A) The site operators legislated obligations under the Greyhound Racing Act 2017 and any superseding or otherwise relevant legislation.
- B) The site operators Occupational Health and Safety obligations.
- C) Complaints received and any related complaint trends within the previous period.
- D) Compliance with the requirements of this consent.
- E) Consider the site operational management plan and any recommended improvements.
- F) The implementation of the requirements of any technical review or study required by this consent and completed within the proceeding period.
- G) Include any relevant recommendations related to the improvement of the site operations relative to the above areas.

The Review Audit and Recommendations is to be provided to suitable persons within the Greyhound Racing NSW administration and Greyhounds as Pets initiative to consider and enact improvement recommendations.

Council is to be provided with correspondence to confirm the completion of Review Audit's in accordance with this requirement.

***Reason:*** *Ensure regular review of the site operation to identify and address any matters requiring attention to ensure management of the facility in accordance with best practice.*

## **(72) Operational Management Plan Updates**

The development is to be operated generally in accordance with the site Operational Management Plan approved by Council, as amended from time to time.

This development consent includes provisions requiring the update of the Operational Management Plan under prescribed conditions or in response to learnings or reasonable changes to the site operating parameters once the development is established. Minor changes to the site Operational Management Plan and changes required in response to expert advice or learnings taken from reviews of incidents may be made without necessitating consultation and approval from Council.

To ensure the updated Operational Management Plan remains compatible with this consent and Council requirements, the most recent version of the plan is to be submitted to Council every 3 years. Where there have been no changes to the Plan within the previous 3 years Council is to be advised accordingly. Upon receipt of an updated Operational Management Plan, Council may review the plan within 6 months of the date of its receipt and endorse the Plan or recommend any changes or updates to the Plan.

***Reason:*** *Ensure regular review of the site operation to identify and address any matters requiring attention to ensure management of the facility in accordance with best practice in consultation with Council.*

## **(73) Review of Stormwater Management System**

The stormwater management system is to be subject to periodic technical performance reviews in line with the following:

- a. A review is to be carried out within 24 months of the issue of an Occupation Certificate for the development.
- b. A review is to be carried out from the end of the financial year within which the initial review was completed.
- c. The review is to be carried out by a suitably qualified and experienced Civil Engineer.

The review shall identify all operational and non-operational components of the stormwater system and verify that the system is in good working and functional order with respect to the approved design and to make recommendations around any rectification works or maintenance required to maintain functionality.

The recommendations of any stormwater review are to be implemented.

***Reason:*** *Ensure the stormwater management system is appropriately maintained.*