

DRAFT CONDITIONS OF CONSENT

Prepared by Forbes Shire Council, subject to approval by Western Joint Regional Planning Panel

Purple denotes proposed amendments for June 2018 modification

CONDITIONS OF CONSENT:

GENERAL CONDITIONS

IN ACCORDANCE WITH THE APPROVED PLANS

1. The development must be carried out generally in accordance with all of the documents accompanying the development application and with the plans bearing the Forbes Shire Council seal, and any amended plans approved under subsequent modification(s) to the development consent, except where varied by notations made in red ink by Council or conditions of approval.
In the event of any inconsistency between conditions of this consent and the drawings/documents referred to above, the conditions of this consent prevail.

REASON: To ensure the development is completed in accordance with the approved plans and the development consent.

MODIFY DEVELOPMENT APPLICATION 2012-51

2. The approved development has altered the subdivision pattern that was approved within development application 2012-51. This development application will need to be modified prior to this subdivision being registered.

REASON: To ensure that the subdivision pattern is consistent with the approved development.

HOURS OF OPERATION

3. The hours of operation of the Service Station (Including the Food & Drink Premises) shall be 24 hours a day, 7 days a week.
4. The hours of operation of Emergency Vehicle Repair Centre shall be 7am to 7pm Monday to Saturday
5. Emergency call-out repairs shall operate 24 hours a day, 7 days a week

REASON: To preserve the amenity of the area and surrounds.

NON-REFLECTIVE ROOF

6. The roof of the Highway Service Centre will consist of zincalume cladding. To prevent the roof from being reflective the cladding is required to be painted or be pre-coloured.

REASON: To prevent the roof from being reflective and impacting on the safety of motorists using the Newell Highway.

FUTURE DEVELOPMENT ON LOT 4 AND 5

7. The approved architectural plans illustrate proposed development on Lots 4 and 5. The development proposed on Lots 4 and 5 do not form part of this development consent. Development on Lots 4 and 5 will be required to apply for development applications in order to obtain development consent.

REASON: Not enough detail has been provided to approve the development on Lot 4 and 5.

APPROVAL OF ENGINEERING DRAWINGS AND SPECIFICATIONS

8. Approval of Drawings and Specifications shall be sought from Forbes Shire Council's Manager of Technical Services or as an alternative a private certifier that meets the NSW Building Professionals Board eligibility for accreditation from the B1 Accredited certifier - Subdivision certification.

REASON: So as to comply with the requirements of FSC engineers.

INSPECTION OF WORKS

9. Inspections will be required to be conducted by Council's Development Engineer or the Manager of Technical services (or one of their nominees if required) to enable compliance with each and every engineering condition. Failure to notify and successfully comply with any conditions of consent will result in failure to obtain occupation certificates. Use of private certifiers for inspections at 'hold points' or 'witness points' shall require that the private certifier have the appropriate certification for that which they are inspecting.

Examples of these are;

C1 Accredited certifier - private road and drainage design compliance

C2 Accredited certifier - private road and drainage construction compliance

C3 Accredited certifier - stormwater management facilities design compliance

C4 Accredited certifier - stormwater management facilities construction compliance

C5 Accredited certifier - subdivision works & building works (location of works as constructed) compliance

C6 Accredited certifier - subdivision road and drainage construction compliance

C7 Accredited certifier - structural engineering compliance

REASON: So as to comply with the requirements of FSC engineers.

FIRE SAFETY MEASURES

SUBMIT FINAL FIRE SAFETY CERTIFICATE

10. At the completion of works, a Final Fire Safety Certificate detailing each essential fire safety measure provided in the building must be issued by the owner and must be submitted to Council. Copies of the certificate must also be given to the Fire Commissioner and be prominently displayed in the building.

REASON: To ensure compliance with the Environmental Planning and Assessment Regulation 2000.

SUBMIT ANNUAL FIRE SAFETY STATEMENT

11. Each year, the owner of the building must submit to Council an Annual Fire Safety Statement for the building. The Annual Fire Safety Statement must address each Essential Fire Safety Measure in the building.

REASON: To ensure compliance with the Environmental Planning and Assessment Regulation 2000.

Conditions relating to Stage 1 works for the development of the Highway Service Centre

PRIOR TO ISSUING CONSTRUCTION CERTIFICATE (ENGINEERING)

BUILDING CODE

12. Where Council is nominated as the Principal Certifying Authority the applicant is to submit the following information prior to the issue of the Construction Certificate:
- i.) Soil report from suitably qualified Geotechnical firm indicating soil classification.
 - ii.) Proposed footing and slab design prepared by a practicing certified Structural Engineer designed in accordance with soil classification provided in Geotechnical report.
 - iii.) A full structural framing design for the sales building and workshop including member sizes and tie down detail from a suitably qualified practicing structural engineer.
 - iv.) A full structural design for the fuel retailer and fast food signage including footing design and tie down detail from a suitably qualified practicing structural engineer.
 - v.) Details of method of compliance with Volume 1 of the Building Code of Australia regarding access to a fully enclosed sanitary compartment/s.
 - vi.) Details of compliance with AS 2890.6 (off street car parking for people with disabilities).

REASON: So as to ensure compliance with the Building Code of Australia and Council's local policies.

13. The applicant is advised to note the following requirements for the development:
- i) Details are to be provided indicating compliance with AS 1428.1 – Design and Access for Mobility. In particular, the construction certificate plans are to provide compliance with the following matters:
 - a) *Continuous accessible paths of travel;*
 - b) *Floor or ground surfaces on continuous accessible paths of travel and circulation spaces;*
 - c) *Signage*
 - d) *Tactile Ground Surface Indicators;*
 - e) *Walkways, Ramps and Landings;*
 - f) *Handrails;*
 - g) *Doorways, Doors and Circulation Space at Doorways;*
 - h) *Switches and General Purpose Outlets;*
 - i) *Sanitary Facilities;*
 - j) *Sanitary compartments for people with Ambulant disabilities;*
 - k) *Grabrails*
 - ii) Certification from a Structural Engineer is to be provided for the concrete pre-cast wall panels prior to the installation of the panels;

REASON: So as to ensure compliance with the Building Code of Australia, Australian Standards and Council's local policies.

14. The applicant is advised that the Construction Certificate plans and specification must comply with the provisions of the Building Code of Australia (BCA). In this regard, the development consent plans do not show compliance with the deemed-to-satisfy provisions of the BCA, including:

- | | | | |
|----|------------------|---|---|
| a) | Part B1 | - | Structural provisions |
| b) | Part C1 | - | Fire resistance and stability |
| c) | Part C2 | - | Compartmentation and separation |
| d) | Clause C2.6 | - | Vertical separation of openings in external walls |
| e) | Part C3 | - | Protection of openings |
| f) | Clause C3.2&C3.4 | - | Protection of openings in external walls |
| | | | |
| g) | Part D1 | - | Provisions for escape |
| h) | Clause D1.2 | - | Number of exits required |
| i) | Clause D1.3 | - | When fire-isolated exits are required |
| j) | Clause D1.4 | - | Exit travel distances |
| k) | Clause D1.5 | - | Distance between alternative exits |
| l) | Part D2 | - | Construction of exits |
| m) | Part D3 | - | Access for people with disabilities |
| n) | Clause D3.5 | - | Car parking for people with disabilities |
| | | | |
| o) | Part E1 | - | Fire fighting equipment |
| p) | Part E2 | - | Smoke Hazard Management |
| q) | Part E4 | - | Emergency lighting, exit signs & warning systems |
| | | | |
| r) | Part F1 | - | Damp and weatherproofing |
| s) | Part F2 | - | Sanitary and other facilities |
| t) | Part F3 | - | Room sizes |
| u) | Part F4 | - | Light and ventilation |
| v) | Part F5 | - | Sound Transmission and Insulation |
| | | | |
| w) | Section G | - | Ancillary Provisions |
| x) | Part G2 | - | Heating appliances, fireplaces, chimneys & flues |
| | | | |
| y) | Section J | - | Energy efficiency |

Details of compliance with the relevant provisions of the Building Code of Australia and conditions of development consent are to be provided in the plans and specifications for the construction certificate.

You are advised to ensure that the development is not inconsistent with Council's consent and if necessary consult with Council's Building Certification Services or your accredited certifier prior to submitting your construction certificate application to enable these matters to be addressed accordingly.

REASON: So as to ensure compliance with the Building Code of Australia.

ENGINEERING DOCUMENTATION

15. As a minimum, the engineering documents submission must include all engineering drawings in DWG format, PDFs and hard copy formats. Design and Certification reports shall be submitted in PDF and hard copy formats. As a guide the submissions must contain the following:
 - Cover Sheet
 - Road Details
 - Drainage Details
 - Erosion & Sediment Control Plan

- Traffic Management Plan

Further notes have been provided on councils requirements for the engineering plans that are required to be submitted prior to the issue of any construction certificates.

REASON: So as to comply with the requirements of FSC engineers.

ROAD DETAILS

16. The following items need to be provided to council
- Detailed Engineering Design drawings shall be provided for signage, linemarking and the geometric road design of the site. Swept-paths should be simulated in for all likely heavy vehicle maneuvers. Directions/maneuvers that are not feasible should be dealt with appropriately with signage, traffic control devices etc.
 - Management plan for the use of the loading dock, and how the impact on other site users will be managed.
 - Pedestrian management plan.
 - Signage and line marking layouts

Prior to submitting the above documentation the applicant is required to liaise with Council's Engineering Department.

Accesses

The ingress and egress of the site must be geometrically designed to accommodate the design vehicle by a suitably qualified Civil Engineer. The designer shall make use of Austroads Guide to Road Design guidelines. The proposed design has vehicles mounting proposed kerbs.

Road Furniture

Provide a Signage layout plan compliant with AS1742 – Manual of Uniform Traffic Control.

The design, location and installation of signs, line markings and guide posts shall be in accordance with Australian Standard AS1742 – Manual of Uniform Traffic Control Devices Part 2 – Traffic Control Devices for General Use. The location of signs, line markings etc. shall be shown on a dedicated design plan.

Car park lighting layout AS1158 - Lighting for roads and public spaces.

It is the responsibility of the applicant to engage a professional engineer appropriately experienced to certify the site lighting plan. This plan shall be prepared using AS1158 to evaluate the needs of the site and the appropriate design for the conditions of the site and the users of the site.

REASON: So as to comply with the requirements of FSC engineers.

DRAINAGE DETAILS

17. All storm water drainage design submissions shall include drainage plan, details, long sections and calculations and a certification from the designer. Design shall be undertaken and certified by suitably qualified and experienced engineering design professionals.

Hydrologic and Hydraulic calculations shall be submitted with the design plans based on the proposed development. Details shall include;

- the adopted return frequencies, runoff coefficients, and rainfall intensities
- pit inlet capacities.

- pipe lengths, full-pipe flow velocities, hydraulic grade line and pipe slopes.
- pit pressure change coefficients.
- pit and pipe invert and surface levels.
- design discharges.

The following drainage conditions are to be included and adhered to:

- The Northern drainage easement shall have no landscaping or future development over the easement as it is required for the drainage of lots to the north.
- Internal Drainage lines shall be connected to Councils storm-water connections at the nominated locations, the locations will be provided on request.
- Council requires that a maintenance plan for water quality device SPEL PURACEPTOR and SPEL ECOCEPTOR be provided.
- Council will not accept the release of any SPEL PURACEPTOR effluent into the Storm water system. Council requires that the contents of the PURACEPTOR be pumped out at regular intervals.

Note pipe and pits to be derived for 1 in 5 year storm event. Overland escape route drainage designed for 1:20 yr storm event.

REASON: To ensure that the infrastructure documentation meets Council requirements.

TRADE WASTE APPROVAL – MINOR OPERATIONS

18. Trade waste material is not to be discharged into Council's sewerage system and or stormwater system, without first obtaining written approval under Section 68 of the Local Government Act 1993 from Council.

A trade waste application must be lodged prior to issuing of any construction certificate, and completed approval obtained prior to the occupation of the building(s).

The conditions of approval are to be complied with in all respects.

REASON: To prevent damage to the Forbes Sewage Treatment System, minimize risks to sewerage workers, and subsequent pollution of the Lachlan River and comply with the Local Government (General) Regulation 2005 and Section 79C(1) (b) & (e) of the Environmental Planning and Assessment Act 1979, as amended.

PRIOR TO COMMENCEMENT

INTERNAL WATER SERVICE

19. A water service shall be connected to the lot prior to any construction work on site. The water service shall be of adequate size and of a design adequate to serve the development in accordance with the requirements of AS/NZS 3500 and NSW Code of Practice, Plumbing and Drainage. Any necessary upgrading of the existing service shall be at full cost to the applicant.

Application forms for water connections or upgrades can be obtained from Council's Engineering Department.

The cost of the water connection or service upgrade & disconnection of existing service, is at the cost of the applicant, as per Council's Management Plan.

Note: Separate additional water services to the tradewaste generating restaurants would be preferred by Council so that sewerage and tradewaste discharge fees can be calculated based on their actual water use.

REASON: So that the development will have an adequate water service having regard to the character of the development. Section 79C(1)(c) of the Environmental Planning and Assessment Act 1979, as amended.

EROSION & SEDIMENT CONTROL PLAN

20. The Erosion and Sediment Control Plan (ESCP) is required to be submitted and approved by Council prior to any work taking place. The applicant shall prepare their ESCP in line with "Managing Urban Stormwater: Soils and construction" (Blue book vol1) provided by the NSW Office of Environment and Heritage.

The ESCP is required to be presented as a suitably scaled drawing(s) (1:1000 or less) with the north point clearly marked and accompanied by detailed specifications and notes.

The ESCP should clearly show the following information:

- Clearing of vegetation
- Earthworks – all areas where the topsoil is proposed to be stripped and
- proposed areas of cut and fill shall be shown on the ESCP
- Materials Storage Areas & Stockpiles
- Scheduling of works
- Proposed erosion and sediment controls
- Diversion of "Clean" Runoff

N.B Erosion and Sediment control shall be implemented prior to any works commencing.

REASON: Prevent adverse impacts on the environment from erosion and sediment runoff.

WORKS WITHIN A PUBLIC ROAD RESERVE

21. All works within the road reserve, which includes the area between the Property boundary and the roadway will be required to apply for a "Works Within a Public Road Reserve Permit" under section 138 of the Roads Act. The application will be submitted for assessment by Council's Engineering Department; no works shall be undertaken prior to Council's s138 approval.

The Permit requires the Contractor/applicant to submit the following details: A Current Public Liability certificate with a minimum cover of \$20 Million AUD Current Plant/Vehicle insurances for plant to be used for works
A certified Traffic Control Plan for the proposed works, prepared by an RMS accredited holder of 'Prepare Work Zone Traffic Management Plan' qualification. All traffic management will be undertaken by personnel with the RMS accredited qualifications.

Failure to comply could result in a fine, under the s138 of the Roads Act.

REASON: To ensure public safety & Council indemnity. Section 79C(1)(e) of the Environmental Planning and Assessment Act 1979, as amended and s138 Roads Act 1993

SUBMIT REVISED LANDSCAPE PLAN

22. Prior to commencement a revised landscape plan that aligns with the approved site plan is required to be submitted to Council.

REASON: To ensure that the detail of the development is consistent between plans.

SUBMIT TRAFFIC MANAGEMENT PLAN

23. Prior to demolition works commencing a Traffic Management Plan for the works must be submitted to, and approved by, Council under the provisions of Section 138 of the Roads Act 1993.

REASON: To ensure that adequate arrangements are made for traffic and pedestrian safety during the works.

CONSTRUCTION CERTIFICATE (BUILDING) TO BE ISSUED

24. The erection of a building in accordance with the development consent must not be commenced until a Construction Certificate has been issued by Council or an Accredited Certifier.

REASON: To satisfy the requirements of Section 81A of the Environmental Planning and Assessment Act 1979.

SUBMIT NOTICE OF COMMENCEMENT OF BUILDINGWORKS

25. A Principal Certifying Authority for the building work must be appointed and the Principal Certifying Authority must, no later than two days before the building works commences, notify Council of his or her appointment.

REASON: To satisfy the requirements of Section 81A of the Environmental Planning and Assessment Act 1979.

ERECT A SIGN FOR ANY DEVELOPMENT WORKS

26. A sign must be erected and maintained in a prominent position on any site on which building and demolition work is being carried out;
- a. Showing the name, address and telephone number of the Principal Certifying Authority for the work.
 - b. Showing the name of the principal contractor (if any) for the building work and a telephone number on which that person may be contacted outside of working hours.
 - c. Stating that unauthorized entry to the work site is prohibited.

REASON: To satisfy the provisions of Clause 136B and 227A of the Environmental Planning and Assessment Regulation 2000.

DURING CONSTRUCTION BUILDING

REPAIR DAMAGE TO PUBLIC PROPERTY

27. All damage caused to public property during the establishment of the development must be repaired or reinstated prior to the issue of any Occupation Certificate.

REASON: To ensure that all public property in the vicinity of the development is maintained in its pre-development condition.

TEMPORARY VEHICLE ACCESS

28. Temporary vehicle access to the site must be stabilised to prevent the tracking of sediment onto the roads and footpath. Soil, earth, mud or similar materials must be removed from the roadway by sweeping, shoveling, or a means other than washing, on a daily basis or as required. Soil washings from wheels must be collected and disposed of in a manner that does not pollute waters.

REASON: To minimise transfer of soil from the site onto the road pavement.

HOURS OF OPERATION FORWORKS

29. All works associated with the construction of this development must be carried out between the following hours:

Weekdays:	7.00am to 6.00pm
Saturdays:	8.00am to 4.00pm
Sundays and Public Holidays:	8.00am to 4.00pm

REASON: To reduce the chance of offensive noise being created and to minimise the impacts of the development in its locality.

FORECOURT AND DRIVEWAY GRATES AND COVER PLATES

30. All forecourt and driveway grates and cover plates shall be acoustically isolated and mechanically fixed to eliminate impact drive over noise from passing vehicles.

REASON: To provide noise mitigation measures to protect the amenity of the neighbouring property.

INSTALLATION AND DESIGN OF LIGHTING

31. The lighting is to be designed and installed as follows:

- Lighting should be designed to the Australian and New Zealand Standard.
- Australian and New Zealand Lighting Standard 1158 for public streets, car parks and pedestrian areas requires lighting engineers and designers to consider crime risk and fear when selecting lamps and lighting levels.

REASON: To ensure that the lighting complies with the AS 1158 for public streets and the requirements of the NSW Police.

32. If illumination is installed on the northern side of the heavy vehicle refueling canopy, it is to be installed in such a way that neighbours on the northern boundary are not impacted by light spill.

REASON: To prevent unnecessary light spill that may be created from the proposed development.

LANDSCAPING

ADVANCED STOCK TREES

33. Advanced stock trees to a height of 3m are required to be planted along the northern boundary. The advanced stock trees are to be planted outside of the 5m easement for storm water that is located along the northern boundary. The type of species chosen for the advanced stock trees is required to be approved by Council. The advanced stock trees are required to be planted prior to the issue of any occupation certificate.

REASON: To provide an effective landscape buffer to shield the northern residence from light spill and to reduce noise attenuated from the development.

LANDSCAPE BOND

34. A landscape bond is required to be provided to Council by the developer for the provision and maintenance of landscaping. The landscape bond is to be in the form of cash, a Bank Guarantee or Bank Cheque. To be made in favour of Forbes Shire Council, to the value of \$2000. The landscape bond will be released upon request a minimum of 12 months after the issue of the "Occupation Certificate".

REASON: To ensure that the landscaping is established and maintained as a part of the development.

FENCE

FENCE REQUIREMENTS ALONG NORTHERN BOUNDARY

35. A fence is required to be constructed along the length of the northern boundary shared with the neighbouring property of 42 Parkes Road to a height of 2.1m (above existing ground level) by the developer. The fence is to be constructed at no cost to the northern neighbor. The materials of the fence are to have acoustic properties. A fence to a height of 1.8m is required to be constructed for the remainder of the northern boundary. The remainder of the fence is not required to consist of acoustic properties.

REASON: To provide an effective barrier for noise and light spill that will be created from the proposed development.

BUILDING

PROTECTION OF SEWER AND STORMWATER MAINS

36. Council's sewer main affected by the development must be protected by:
- a. Extending footings below the invert of the main and,
 - b. Implementing pier and beam construction that has been designed and certified by a practicing structural engineer.

REASON: To ensure that public services are not damaged or otherwise impacted on by the development.

COMPLY WITH THE BUILDING CODE OF AUSTRALIA

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

REASON: This is a prescribed condition under the provisions of clause 98 of the Environmental Planning and Assessment Regulation 2000.

ADVERTISING SIGNAGE

ROADS AND MARITIME SERVICES REQUIREMENTS FOR SIGNAGE

38. In accordance with Section 18 of *State Environmental Planning Policy No.64 'Advertising and Signage'* Roads and Maritime grants its concurrence to the proposed development subject to the following conditions:

- Signage is to be in accordance with the Department of Planning and Environment's *Transport Corridor Outdoor Advertising and Signage Guidelines 2007*, is not to flash, move or be objectionably glaring or luminous.
- Advertising signage and associated structures are to be contained wholly within the subject land. Advertising Signage is not to overhang the Parkes Road reserve.

REASON: To ensure the approved advertising structures do not impact on the operation of the classified road

ENVIRONMENTAL

OVERFILL PREVENTION DEVICE

39. Overfill prevention devices must be fitted to each bowser to reduce the likelihood of liquid spills.

REASON: To provide environmental protection.

AUTOMATIC PRESSURE MONITORING

40. An automatic pressure monitoring system must be installed and should be certified as meeting the NSW EPA conditions and criteria established as a guide. The automatic pressure monitoring system must detect faults in the proper functioning of the systems and indicate faults to the operator.

REASON: To provide environmental protection.

SPILL KIT

41. Adequate spill kit must be provided and maintained in strategic location.

Spillage kits shall be appropriate in size, type and equipment to the identified hazards.

Kits shall consist of, but not limited to the following:

- Oil absorbent materials, booms & socks
- Impervious drain covers
- Drip trays
- Spades, brooms, funnels

- Hydrocarbon compatible containers
- Appropriate PPE
- Ensure staff are trained in how to use the spill kit.

REASON: To ensure fast dry clean up action can be taken in event of a minor spill.

REMOVAL OF WASTE

42. The waste generated by the stormwater improvement device is required to be pumped and transported by a licensed hazardous waste transporter to a suitably licensed facility.

REASON: To ensure disposal in an environmentally appropriate manner.

ENVIRONMENTAL MANAGEMENT PLAN

43. The proponent must develop and maintain an Environmental Management Plan (EMP) which includes management and maintenance of the stormwater improvement device and spill containment. The EMP should include but is not limited to the following:

- The leak monitoring procedures;
- The incident management procedure;
- A maintenance schedule and procedure;
- Final as built drawings for the site showing location of storage systems, all buildings and associated infrastructure including tanks, lines, dispensers and vents, fences and gates, groundwater monitoring wells, pit observation wells, any unsealed surface;
- Copy of specifications adopted in the design and installation of the storage system;
- Contact details for storage system the name and 24 hr contact details and postal address of the persons responsible for the system.

REASON: To ensure risks are identified, prioritised and appropriately managed on a day to day basis to prevent environmental harm.

WATER QUALITY REQUIREMENTS

44. Discharge to Council's stormwater system from the stormwater improvement device are only permitted when the water quality meets the standards detailed below:

Parameter	Criteria
pH	6.5 - 8.5
Suspended	<25 mg/L
Turbidity	<10 NTU
Oil and Grease	<10 mg/L

REASON: To ensure water quality entering the Stormwater System meets required standard.

GROUNDWATER MONITORING

45. A minimum of three (3) groundwater monitoring wells must be installed on the site. Groundwater monitoring wells should be sampled and analysed within 30 days of commissioning and annually thereafter for the parameters outlined in the table below, all analysis for organic and inorganic substances must be for total concentrations.

Parameter	Criteria
pH	6.5 - 8.5
Total Petroleum Hydrocarbons C6-C9 C10-C40	600µg/L
BTEX (total)	950 µg/L
Benzene	300 µg/L
Toluene	140 µg/L
Ethyl Benzene	200 µg/L
Xylenes	350 µg/L
Ethanol	1400 µg/L
Lead (Total)	3.4 µg/L

REASON: To ensure compliance with Protection of the Environment Operations (Underground Petroleum Storage Systems) Regulations 2014 and Ground Water Quality standards.

FOOD

CONSTRUCTION AND FITOUT REQUIREMENTS

46. Food preparation, sale and storage areas must be constructed and fitted out to comply with the requirements of the:
- c. Food Act 2003;
 - d. Food Regulations 2010;
 - e. Australia New Zealand Food Standards Code; and
 - f. AS1668.2 – The use of ventilation and air conditioning in buildings – Part 2: Ventilation design for indoor air contaminant control

REASON: To ensure safe and hygienic food preparation/storage and compliance with Food Act 2003 and Regulations 2010, Food Standards Code and relevant Australian Standards.

DURING CONSTRUCTION OF INFRASTRUCTURE

SEWER CONNECTION – Existing Gravity Main

47. The applicant is to connect to the existing sewer main at an existing junction if possible. Where no existing junction is available, the applicant is to arrange with Council the installation of a junction, to the live sewer. The work will be undertaken by Council at cost to the applicant. Council will permit two sewer connections from this development to existing sewer mains.

It should be noted that the Services Co-ordination Plan does not show all council mains on site, and shows some disconnected lines as being live. The develop needs to confirm location of existing sewer services and redesign the internal sewer connection locations.

REASON: Because these utilities are necessary to serve the development. Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979, as amended.

ENGINEERING INSPECTIONS

48. The applicant shall arrange an inspection of the development works with Council's Development Engineer, Manager of Technical Services (or their nominee) for the inspections listed in the INSPECTIONS REQUIRED section. Inspection by persons not Councils Development Engineer, Manager of Technical Services (or their nominee) will not qualify for compliance with engineering condition and therefore not qualify for Occupation Certificate.

This condition applies notwithstanding any private certification of the engineering works. The following Inspections are indicated as being a Hold Point or Witness Point. There definitions of these terms are consistent with the RMS definitions included below.

“Hold Point” means a point beyond which a work process must not proceed without the Principal's (Director of Engineering and Technical Services, carried out on their behalf by their nominated representative) express written authorisation; applicant must give at least 3 days' notice for inspection

“Witness Point” means a point in a work process where you must give prior notice to the Principal and the option of attendance may be exercised by the Principal (Director of Engineering and Technical Services, carried out on their behalf by their nominated representative applicant must give at least 24 hours' notice for inspection

INSPECTIONS REQUIRED

Erosion and Sediment Control

Witness Point - Following the installation of erosion control measures.

Line-marking and signage

Witness Point - Following the completion of line-marking and signage works.

Drainage

Hold Point - After laying of pipes and prior to backfill;

Hold Point - Pits after rendering openings and installation of step irons

Concrete Footway Crossings (Access Driveways)

Hold Point - After placing of formwork and reinforcement, and prior to concrete placement;

All Development Works

Hold Point - Practical completion.

REASON: Because it is in the public interest that Council inspect the work at these stages of development. Section 79C(1)(e) of the Environmental Planning and Assessment Act 1979, as amended.

CAR PARKING TO COMPLY WITH AS2890

49. All car parks must comply with AS2890 – 2004 Parking Facilities and the Accessible (disabled) car parking standard AS 2890.6.

REASON: To provide adequate off-street car parking.

SURFACES TO BE CONCRETE OR BITUMEN SEALED

50. All parking spaces, loading bays, driveways and turning aisles must be concrete or bitumen sealed, with all parking spaces line marked and provided with wheel stops.

REASON: To ensure car parking spaces are functional prior to use of the premises.

51. The area described as “stabilised engineering road base” in the plans must be constructed.

REASON: To ensure all areas required for heavy vehicle maneuvering are constructed to a high safety level.

ROADS AND MARITIME SERVICES REQUIREMENTS FOR THE ACCESS

52. Roads and Maritime’s conditions of concurrence are as follows:

- An Auxiliary Left (AUL) turn treatment as shown in Part 4A Figure 8.4 of *Austroads Guide to Road Design 2010* (copy enclosed) and relevant Roads and Maritime supplements is to be provided in Parkes Road servicing the proposed public road intersection with Parkes Road. The AUL facility is to be completed and operational prior to use of the public road.
- A Channelised Right (CHR) turn lane in accordance with Figure 7.7 Part 4A of *Austroads Guide to Road Design* (copy enclosed), and relevant Roads and Maritime supplements, is to be provided in Parkes Road at its intersection with the proposed public road. The intersection works are to be designed and constructed for an 80km/h speed zone and be able to accommodate the largest vehicle accessing the intersection. The CHR facility is to be completed and operational prior to use of the public road.
- The Parkes Road intersections with (a) the proposed public road, and, (b) the proposed exit driveway are to be lit in accordance with *Australian Standard 1158*.
- A formal agreement in the form of a Works Authorisation Deed (WAD) will be required between the developer and Roads and Maritime for the developer to undertake “private financing and construction” of any works on Parkes Road. This agreement is necessary for works in which Roads and Maritime has a statutory interest. The WAD is to be executed prior to issuance of a Construction Certificate.
- Size “A” “Left Only” (r2-14) signs are to be erected on the land on each side of the exit driveway to Parkes Road. The signs are to be located near the departures side of the exit driveway/service road intersection to provide sufficient notice to motorists that all egress from the exit driveway to Parkes Road is left turn only.

- “No Entry” (R2-4) signs are to be provided on the land at each side of the exit driveway. The signs are to face Parkes Road to advise motorists not to enter the site from Parkes Road via the exit driveway.
- “No Entry” (R2-4) signs are to be provided on the land at each side of the exit driveway. The signs are to face the service road to advise motorists not to enter the site from the service road via the exit driveway.
- Signage is to be erected on the site directing all southbound heavy vehicles exiting the site to do so via Corriedale Street.
- To improve sight distance and access to the site, a “No Stopping” zone is to be created by the installation of “No Stopping” (r5-400) signs in Parkes Road, adjacent to the road shoulder adjoining the northbound travel lane, south of the intersection of the proposed public road and Parkes Road to north of the proposed exit driveway intersection with Parkes Road.
- Adequate turning circles, storage room and vertical clearance is to be provided in the site for the largest type of vehicle (36.5 metre articulated vehicle) that will visit the site during construction and operation.
- Landscaping, signage and fencing is not to impede sight lines of traffic within or when passing, entering or departing from the site.

Note: It is noted that a private agreement has been established between the proponent and Forbes Shire Council for the carrying out of the above works. This agreement is exclusive to the existing parties only.

REASON: To ensure that the Highway Service Centre access and operation is in accordance with the RMS requirements.

PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

WORK-AS-EXECUTED

53. One complete set of “Work as Executed” (WAE) drawings, indicating all details of new engineering works constructed, shall be submitted to Council.

The WAE Drawings shall be supplied to Council in the following format:

AutoCAD .dwg on MGA 94 Zone 55 and AHD coordinates; and PDF; and A3 Hard Copy; and Shall include the following details :

Sewer – Levels, Grades, Pit Details and tie details;

Stormwater - Location, Depth, Size, Material, Easement, Invert Level, Grades, Pit Details and tie details;

Traffic/Pedestrian management plan – roads plan, cross sections, long sections, pavement details, K&G details, Footpath and Cycleway Details, Bus Stop Details, Street Light Locations;

Details of property accesses including a cross section from the centre of the road to at least 3 metres into the adjacent property. Cross section to show all change in grades

Charges applicable in 2017/2018 FY:

PUBLIC AMENITIES BLOCK (PER SHOWER)				
Equivalent Tenement (ET) value	Monetary value per an Equivalent Tenement	Discharge factor ET/Shower	No. of Showers	Total
1 Water ET	=\$7056	0.4 x 7 showers		=\$19,756.80
1 Sewer ET	=\$4036	0.63 x 7 showers		=\$19,148.22
SERVICE STATION (PER LANE)				
Equivalent Tenement (ET) value	Monetary value per an Equivalent Tenement	Discharge factor ET/Lane	No. of Lanes	Total
1 Water ET	\$7,056.00	0.6 x 3		\$12,700.80
1 Sewer ET	\$4,342.00	0.9 x 3		\$11,723.40
LAUNDRY (PER MACHINE)				
Equivalent Tenement (ET) value	Monetary value per an Equivalent Tenement	Discharge factor ET/Machine	No. of Machines	Total
1 Water ET	\$7,056.00	0.45 x 3		\$9,525.60
1 Sewer ET	\$4,342.00	0.71 x 3		\$9,248.46
TAKE AWAY FAST FOOD: INCLUDING AMENITIES (m²)				
Equivalent Tenement (ET) value	Monetary value per an Equivalent Tenement	Discharge factor ET/M ²	M ²	Total
1 Water ET	\$7,056.00	0.03 x 331.2		\$ 70,108.42
1 Sewer ET	\$4,342.00	0.05 x 331.2		\$ 71,903.52
		SUB – TOTAL		\$224,115.22
LESS CONTRIBUTIONS PAID AT SUB-DIVISION				-\$33,528.00
TOTAL				\$190,587.22

REASON: Because these utilities are necessary to serve the development. Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979, as amended.

REGISTRATION OF SUBDIVISION

54. The subdivision of the development site approved in DA 2012-51 is required to be registered prior to the issue of an occupation certificate for the Stage 1 development works.

REASON: To ensure that the development is not occurring over multiple lots and does not create fire separation issues.

BUILDING CODE OF AUSTRALIA, AUSTRALIAN STANDARDS AND COUNCIL'S LOCAL POLICIES

55. A regulatory inspection is required to be satisfactorily completed prior to food premises commencing operation.

REASON: So as to ensure compliance with the Building Code of Australia, Australian Standards and Council's local policies.

56. The food premises is to comply with all requirements of the Food Act 2003, the Food Regulation 2010 and the Food Standards Code.

REASON: So as to ensure compliance with the Building Code of Australia, Australian Standards and Council's local policies.

57. Refrigerators are to maintain food at below 5 degrees Celsius.

REASON: So as to ensure compliance with the Building Code of Australia, Australian Standards and Council's local policies.

58. The food premises is to be registered with the NSW Food Authority and one of the operators is to be registered as a Food Safety Supervisor for the development.

REASON: So as to ensure compliance with the Building Code of Australia, Australian Standards and Council's local policies.

RMS REQUIREMENTS FOR PRIOR TO ISSUING OCCUPATION CERTIFICATE

59. All entry/exit points onto/from the public road network, internal vehicular manoeuvring, parking and loading areas are to be constructed in accordance with the submitted plans prior to the issuance of an Occupation Certificate for the development.

REASON: To ensure compliance with RMS requirements, the Roads Act 1993 and State Environmental Planning Policy (Infrastructure) 2007.

COMPLETION OF ROAD WORKS

60. Prior to the issue of any form of occupation certificate for the Highway Service Centre the following infrastructure work must be completed:

1. New access to the Parkes Road to the south of the eastern boundary,
2. Upgrading of Corriedale Street, and
3. Construction and completion of the public road between Lot 8 and Lots 5, 6 and 7.

REASON: To ensure that the site can be adequately service and function for the approved use as a highway service centre.

OBTAIN OCCUPATION CERTIFICATE BEFORE OCCUPATION

61. Occupation or use of whole or part of the building must not commence unless an Occupation Certificate has been issued in relation to the building or part.

REASON: To satisfy the provisions of Section 109M of the Environmental Planning and Assessment Act 1979.

INSPECTION PRIOR TO OPENING FOOD PREMISES

62. The premises must be inspected by Council's Environmental Health Officer upon

completion of construction and fit out and prior to sale of food commencing.

REASON: To ensure that the fit out of the food premises complies with the relevant standards.

SUBMIT FOOD BUSINESS REGISTRATION FORM

63. The proprietor of the food business must complete a Council “*Food Registration Form*” and submit it to Council prior to sale of food commencing. As a part of the “*Food Registration Form*” you will need to identify the Food Safety Officer.

REASON: To ensure correct information to be gathered on the Food Premises so as to maintain the list of food business that Council is required to maintain as per section 106 of the Food Act 2003.

INSTALLATION OF UNDERGROUND FUEL TANKS

64. The installation of the underground fuel tank and removal of fuel bowser must be in accordance with current legislative requirements.

Certification from a suitably qualified installer must be submitted to the Principal Certifying Authority prior to the issue of any Occupation Certificate.

REASON: To ensure that the installation and/or decommissioning of fuel tanks meets the relevant legislative requirements.

ON-GOING MANAGEMENT OF THE DEVELOPMENT

65. ON-GOING RMS REQUIREMENT FOR THE OPERATION OF THE HIGHWAY SERVICE CENTRE

- All vehicle movements to and from the land are to be in a forward direction.
- All activities including loading and unloading of goods associated with the development are to be carried out on site in the dedicated areas.
- Where practicable, fuel deliveries are to be scheduled outside of busy periods associated with the service station.

REASON: To ensure that the loading, unloading and vehicle movements from the development site do not impact on the operation of the RMS classified road.

REMOVE DAMAGED OR OBSOLETE SIGNS

66. The sign(s) allowed by this consent must be removed if the signage becomes obsolete or is in a state of disrepair.

REASON: To ensure that obsolete signs and signs in poor condition are not left on buildings.

COMPLIANCE WITH AUSTRALIAN STANDARDS AND LEGISLATION

67. The operator shall comply with provisions of the following Australian Standards, Guidelines, Industry Codes of Practice and Policies provided such provisions are not in conflict with the conditions in this approval.

- The NSW Protection of the Environment Operations Act 1997

- Protection of the Environment Operations (Underground Petroleum Storage Systems) Regulations 2014
- AS1940 – The Storage and Handling of Flammable and Combustible Liquids.
- AS4897 – The Design, Installation and Operation of Underground Petroleum Storage Systems.

The occupier of a petrol service station must take all practical measures to manage the risk associated with the storage and handling of dangerous goods. For example the Work Health and Safety legislation, the *National Occupational Health and Safety Commission's National Standard for the Storage and Handling of Workplace Dangerous Goods*, and the *National Code of Practice for the Storage and Handling of Dangerous Goods*.

REASON: To ensure compliance with all the relevant legislative requirements and minimise risk.

CONTAINMENT OF SPILLS AND LEAKS

68. All spills and leaks from bulk fuel transfer activities (ie. fuel tanker trucks delivering and filling fuel storages at the site) must be contained onsite.

The bulk fuel transfer point outside to canopy must be defined and automatically divert any spills and runoff to the underground pollution control containment vessel during bulk fuel transfer. The forecourt may require modification to ensure this occurs.

REASON: To ensure all spills from bulk fuel transfer are contained onsite.

MECHANICAL PLANT NOISE REQUIREMENTS

69. Noise associated with mechanical plant, machinery and ancillary fittings shall not give rise to any one or more of the following:
- a. Transmission of "offensive noise" as defined in the Protection of the Environment Operations Act 1997 to any place of different occupancy.
 - b. An LAeq(15min) noise level that exceed the LA90 background noise level (measured in the absence of the noise source) when measured or assessed at the boundary of any affected residence. Affected residence. Boundary includes any window or elevated window of the affected residence. The measured noise level must be corrected in accordance with the NSW EPA 'Industrial Noise Policy' Modifying Factors.

REASON: To provide noise mitigation measures to protect the amenity of the property.

MAINTAIN PLANT AND EQUIPMENT

70. All plant and equipment installed or used in or on the site shall be maintained in a safe and good condition and in accordance with manufacturer's recommendations.

REASON: To ensure that the plant and equipment is installed, operated and maintained effectively.

LATE NIGHT TRADING MANAGEMENT PLAN

71. Prior to the issue of any Occupation Certificate, the applicant is required to prepare and submit to Forbes Shire Council a late night trading management plan. The late night trading management plan is required to detail management practices to mitigate

noise that will be generated between 10pm and 7am (Weekdays and Saturday) and 10pm to 8am (Sundays and Public Holidays).

REASON: To provide measures to mitigate the noise impacts generated from the approved use between 10pm and 7am.

MAINTENANCE AND REPAIR RECORDS

72. Records of maintenance and repairs performed on all plant and equipment including drainage systems, stormwater improvement device and infrastructure shall be kept for a period of seven (7) years and made available to Council Officers on request.

REASON: To ensure the maintenance can be reviewed by Authorised Officers under POEO ACT 1997 at any time.

MAINTENANCE OF FENCE AND ADVANCED STOCK TREES

73. The fence required by condition 28 and the landscaping required by condition 27 are required to be maintained on an ongoing basis.

REASON: To ensure that the barrier for light spill and noise impacts are maintained and remain as an effective barrier.

MAINTAIN CAR PARKING AREAS AND DRIVEWAY SEALS

74. All sealed car parking areas, loading bays, maneuvering areas and driveways must be maintained in a trafficable condition.

REASON: To ensure car park areas are useable.

HAZARDOUS & TOXIC MATERIALS STORAGE

75. Hazardous and toxic material must be stored in accordance with NSW WorkCover Authority requirements.

REASON: To minimise threats to the environment from hazardous and toxic materials.

FLAMMABLE LIQUIDS STORAGE & HANDLING

76. The storage and handling of flammable and combustible liquids must be in accordance with:

- a) Australian Standard 1940—2004 “The Storage and Handling of Flammable and Combustible Liquids”, and
- b) The NSW WorkCover Authority’s Code of Practice for Storage and Handling of Dangerous Goods, and
- c) Work Health and Safety Regulation 2011.

REASON: To minimise threats to the environment from flammable and combustible liquids and to advise of relevant standards.

OTHER APPROVALS (Section 78A(5) Environmental Planning & Assessment Act 1979 as amended):

Section 68 Local Government Act 1993

CARRY OUT WORK TO WATER, DRAINAGE AND SEWER.

PLUMBING AND DRAINAGE

NOTICE OF WORKS TO BE SUBMITTED

77. Prior to commencement of plumbing and drainage work a notice of works is to be submitted to Council from the licensed plumber.

REASON: To ensure compliance with the Plumbing and Drainage Act 2011.

PLUMBING AND DRAINAGE INSTALLATION REGULATIONS

78. Plumbing and drainage work must be carried out in accordance with the requirements of Australian Standard 3500-Plumbing and Drainage, the Local Government (General) Regulation 2005, the Plumbing and Drainage Act 2011 and Regulations under that Act and with the Plumbing Code of Australia.

It is noted that all plumbing and drainage work must be inspected by Council prior to backfilling. Such work must be carried out by a person licensed by the NSW Department of Fair Trading.

REASON: This is a mandatory condition under the provisions of the Local Government (General) Regulation 2005.

INSPECTION OF PLUMBING AND DRAINAGE

79. Plumbing and Drainage must be inspected by Council at the relevant stages of construction in accordance with Council's inspection schedule.

REASON: To ensure compliance with the inspection requirements of Plumbing and Drainage Regulation 2012 and Council's inspection schedule.

FLOOR LEVEL TO BE 150mm ABOVE YARD GULLY

80. The floor level of areas with fixtures connected to sewer must be at least 150mm above overflow level of the yard gully and surface water must be prevented from entering the yard gully.

REASON: To ensure any sewage surcharges occur outside the building and to prevent surface water from entering the sewerage system.

HEATED WATER NOT TO EXCEED 50 DEGREES C

81. All new heated water installations, must deliver hot water at the outlet of all sanitary fixtures used primarily for personal hygiene purposes at a temperature not exceeding 50^o Celsius.

All heated water installation for any accessible facility must deliver hot water at a temperature not exceeding 45^o Celsius.

REASON: To prevent accidental scalding.

INSULATE HEATED AND COLD WATER SERVICE PIPES

82. Heated and cold water service pipes installed in the following areas of the building must be insulated in accordance with the requirements of AS 3500: Plumbing and Drainage:

The storage and handling of flammable and combustible liquids must be in accordance with:

- a) Australian Standard 1940—2004 “The Storage and Handling of Flammable and Combustible Liquids”, and
- b) The NSW WorkCover Authority’s Code of Practice for Storage and Handling of Dangerous Goods, and
- c) Work Health and Safety Regulation 2011.

REASON: To prevent the water service being damaged by water freezing within the pipes due to local climatic conditions.

SEWERAGE DRAINAGE DIAGRAM AND CERTIFICATE OF COMPLIANCE

83. Upon completion of the plumbing and drainage works and prior to the relevant inspections, a sewer drainage diagram and certificate of compliance are to be submitted to Council.

REASON: To ensure compliance with the Plumbing and Drainage Act 2011.

NOTIFICATION REQUIRED PRIOR TO INSPECTIONS

84. The Applicant shall request Council to undertake internal and external drainage inspections prior to the backfill of the trenches for compliance with the plumbing code. Generally, 24 hours is the minimum required notice to undertake an inspection.

REASON: To ensure compliance with Australian Standard 3500-Plumbing and drainage.

NOTE: NSW POLICE RECOMMENDATIONS

Surveillance

- A CCTV system should be installed within the development.
- It should include cameras both inside and outside of the buildings.
- Cameras should monitor high risk areas, such as cash areas and areas with poor natural surveillance. Given that the development is likely to become a major business for drivers to fuel their vehicles and that it is on the National Highway, cameras should cover all fuel pumps to ensure all registration plates and the persons pumping the fuel are captured.
- Monitors should be installed so staff can monitor the cameras, particularly at Night. Lighting .
- A lighting maintenance policy needs to be established for the development.
- Installation of vandal proof lighting will reduce maintenance costs. Bollard lighting should be avoided as it is easily vandalized and makes the area appear poorly maintained.
- Lighting should complement the CCTV system so that night time footage captured on the system is of such a quality that registration plates and faces are still identifiable.

Environmental Management

- It is recommended that lighting maintenance policy and graffiti removal policy be established. Research has shown that one of the best ways to prevent graffiti is to be removed quickly when it occurs.

Space/Activity Management

- Consideration should be given to a pay before you pump policy, particularly at high risk bowzers.