

# **WATERMARK COAL PROJECT**

**LIVERPOOL PLAINS SHIRE COUNCIL**

**SUBMISSION  
TO THE**

**NSW DEPARTMENT OF PLANNING  
&  
INFRASTRUCTURE**



26 April 2013

NSW Department of Planning & Infrastructure  
Major Projects Assessment – Mining & Industry Projects  
GPO Box 39  
SYDNEY NSW 2001

Attention: Mr Stephen O'Donoghue

Email: [plan\\_comment@planning.nsw.gov.au](mailto:plan_comment@planning.nsw.gov.au)

Dear Sir,

**Re: Watermark Coal Project Environmental Impact Statement – Liverpool Plains Shire Council Submission**

**Your Ref: SSD\_4975 – Watermark Coal Project Application**

Reference is made to the above Major Project application which is currently on public exhibition and the Department's correspondence inviting Council to make a written submission in relation to this development proposal.

Please be advised that the first section of this submission offers general observations in relation to the proposal and the second section of the submission provides corresponding details of potential conditions in a "General Terms of Approval" format. Should the Department elect to endorse the proposal, the Department may consider their imposition as conditions of development consent.

## **1.0 General Comments**

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A multi-disciplinary project team comprising Town Planning, Building Surveyors and Engineering staff have conducted a comprehensive review of the submitted Environmental Impact Statement (EIS) in the context of Council's various planning policies, procedures, and, local issues. This review has been undertaken with the assistance and involvement of Council's elected representatives and the adjoining Gunnedah Shire Council. As part of this review process, a number of key "themes" have been identified in the issues analysis, which are further discussed in the following section:-

### **1.1 Cumulative Impacts**

Community concerns with the cumulative impacts of mining in the nearby Hunter Valley are well documented and acknowledged. It is acknowledged that some attention has been paid in the submitted EIS to potential cumulative impacts of the development proposal, particularly with regard to air quality, rail and road network impacts. The Department would be aware that a number of large coal mining operations are proposed within both the immediate Liverpool Plains local government area (LGA) and adjacent LGAs such as Gunnedah and Narrabri Shires. These mines include, but are not limited to, the BHP Billiton Mine, Werris Creek Coal Mine, and, the Maules Creek Mine. Due regard should be given to the potential cumulative impacts of the proposal having consideration to both the existing and proposed development framework.

## 1.2 Regional Strategic Infrastructure Impact Analysis

It is noted that the Watermark proposal is being exhibited almost concurrently with another substantial coal mining project within the region – the Vickery Coal Mine. Both proposals are indicative of the significant existing and pending investment in coal mining resources within the Gunnedah Basin. These also follow on from the recent endorsement of other major mining activities within the region including, but not limited to, the Maules Creek Mine, Tarrawonga Coal and Boggabri Coal Projects.

As mentioned in a preceding section, given the extent of exploitation of coal resources within the Gunnedah Basin, cumulative impacts remain a key area of concern for Liverpool Plains Shire Council. As previously indicated, community concerns with the cumulative impacts of mining in the nearby Hunter Valley are also well documented and acknowledged particularly with regard to regional infrastructure provision.

The NSW Premier's Department in consultation with the Office of the Minister for the State Plan has commenced preparation of Regional Transport Strategies and Regional Strategies in line with the recommendations of the *NSW State Plan, 2010*. Council has been directly involved in this process via the Namoi Group of Councils. Unfortunately, nearly four years on the process to date has provided few tangible outcomes, no terms of reference nor indicative timeframes as to the delivery and intended scope of the Strategy.

The lack of a coordinated and integrated approach to the provision and management of road and rail infrastructure is of significant concern to Council given the impending development of a number of major mines and others imminent within the Region. Considerable impacts are already being experienced by the community. The recently released *NSW Long Term Transport Master Plan* provides no panacea to the problem and its recommendations are primarily metro-centric and underplay the cumulative transportation impacts on rural and regional communities like the Liverpool Plains Shire. It is therefore recommended that the Department require proponents of new mining activities (or extensions to existing operations) to partially contribute to the funding, development and implementation of any future sub-regional infrastructure strategy.

Council takes this opportunity to again draw the Department's attention to the **Werris Creek Bypass Project** and corresponding report prepared on behalf of the ARTC by GHD P/L in 2009. A copy of this report has been previously furnished to the Department, however, further copies can be made available upon request.

The primary objectives of the Werris Creek By-Pass Project are to provide for increased operational flexibility within the rail network which will allow for:-

- (i) A bypass to facilitate increase in coal carrying capacity
- (ii) Increased operational efficiency at Werris Creek
- (iii) Reduced headways on key sections of the local line
- (iv) Delivery of the Werris Creek Bypass
- (v) To provide operational contingencies to manage emergency maintenance impacts.

Following consideration of the GHD report in 2009, Council resolved as follows:

*"Council agree to ARTC Option 3 (Council option 4), to include construction of a grade separation road over rail bridge at a location over the main northern line south of the proposed Werris Creek by-pass connection and including the realignment of Main Road 130 Werris Creek Road along the eastern side of the main Northern Railway line from the existing level crossing near West Street to a point approximately 1,000 metres south to the site of the proposed over bridge".*

The Watermark proposal should have due regard to the recommendations of the Strategy and associated infrastructure requirements. The Department's attention is also drawn to the recommendations of the current

**ARTC 2012-2021 Hunter Valley Corridor Capacity Strategy** which can be downloaded from [www.artc.com.au](http://www.artc.com.au).

The traffic situation at Werris Creek, with long queuing periods and corresponding rail noise implications, is similarly reflected at Quirindi. The township is regularly 'cut in half' by an increasing number of movements on the rail line. It should be noted that Council has been lobbying for an extended period of time for a suitable bypass to alleviate pressures on the local transport network. It is considered that such work would minimise inconvenience and most particularly, mitigate community safety risks.

Sub-regional infrastructure issues have been identified as a matter of critical concern by the Liverpool Plains Shire community. For this reason, Council is recommending that the Department require proponents of new mining developments, or proposals that involve extensions to existing operations, to contribute to the funding, development and implementation of appropriate 'on the ground' solutions. Similarly, funding must be found to improve and maintain local road networks that face increased and heavier traffic volumes. Investment in necessary infrastructure to support mining activity often lags well behind the negative impacts experienced.

#### *1.2.1 Liaison with NSW Roads and Maritime Service (RMS)*

It is understood that the NSW RMS is becoming increasingly concerned with the cumulative impacts of the planned expansion of coal mining activities in the Gunnedah (western) coal basin. A more robust approach is being sought by the RMS in terms of strategic management of infrastructure issues.

As mentioned in the preceding section, the townships of Werris Creek and Quirindi are becoming increasingly affected by the ongoing expansion of coal mining operations given their strategic location at the confluence of major rail and road systems, and, the major geographic transportation constraint in the Murrurundi Range. Council strongly supports the RMS's current charter for a strategic, cross boundary and coordinated approach to the management of these impacts and welcomes ongoing dialogue with applicable stakeholders to ensure the strategic and effective management of these issues.

### **1.3 Impact on the Local Road Network & Traffic Management**

An analysis of the submitted Traffic Assessment in addition to a review of the existing condition of the road network, required upgrades and road safety requirements have been undertaken by Council's Engineering Staff using local data and in accordance with best practice guidelines. The imposition of a range of traffic and engineering related requirements has been identified accordingly and have been detailed as required conditions of consent in Section 2.0 of this document.

The key areas of primary impact and concern as pertaining to management of likely traffic impacts are summarised as follows:-

- (i) *Intersection upgrades* – requirements for intersection upgrades of Werris Creek Road (MR130) & Werris Creek Gap Road (MR579); Werris Creek Road (MR130) & Bulunbulun Road; Werris Creek Gap Road & Kamilaroi Highway (SH29); and, Waverley Road (MR7710) & Kamilaroi Highway (SH29).
- (ii) *Werris Creek Gap Road Upgrade* – upgrades to be conducted in accordance with Council's adopted *Engineering Guidelines for Subdivision and Development*, the road formation will be required to be widened to minimum width requirements by constructing and sealing the road shoulder.

- (iii) *Bulunbulun Road Upgrade* – upgrades to be in accordance with Council's adopted *Engineering Guidelines for Subdivision and Development*, the road formation will be required to be widened to 10 metres by constructing and sealing the road shoulders. The corresponding required pavement width will be 9 metres and a shoulder width of 1 metre. Bridge, culvert and causeway widening will also be required.
- (iv) *Engineering Designs* – Requirement for the proponent to submit suitable plans for Council/RMS approval to ensure that all planned road construction and drainage work will satisfy applicable standards.
- (v) *Survey Report & Drainage Analysis* – Contrary to the advices contained within the Traffic Study, the proponent is responsible for the preparation and submission of a detailed road survey and drainage analysis. Such analysis will need to identify where the road network is deficient and corresponding road upgrades. Both the survey report and the drainage analysis will need to be completed by a suitably qualified and experienced person in accordance with the requirements for Council's adopted *Engineering Guidelines for Subdivision and Development*.

The Department is advised that Werris Creek Road (MR130) and the Werris Creek Gap Road (MR579) are regional roads under the care and control of Council. Liverpool Plains Shire Council is the owner of the road reserve in fee simple and the roads authority in accordance with the provisions of the *Roads Act 1993*. The NSW State Government, through the RMS, assist Council with the cost of maintenance through an untied block grant for all regional roads within the local government area (LGA).

As previously advised by Council, the local road network is generally in a poor condition. Council reiterates its previously articulated concerns in the adequacy review assessment that the Traffic and Transport Impact Assessment as completed by DC Traffic Engineering Pty Ltd, is considered to be exceptionally weak, to the point of being, in some areas, misleading. The report makes a series of broad and unquantifiable assumptions on traffic generation, transport behaviours and associated infrastructure requirements.

In addition to providing an inadequate analysis and foundation, the report seriously underplays the traffic implications of this development and associated community risks. Examples of these serious deficiencies are detailed in Plates 1-7 of this submission. Given the report's fundamental inadequacies, Council and other government agencies (including the RMS and ARTC) are effectively precluded from making an informed assessment as to the likely overall impacts and consequences of this development on local and regional transport infrastructure. The report also ignores and omits historical data sets deemed to be of critical and fundamental importance to the assessment. Such data sets include, for example, the 2010 traffic analysis prepared in relation to 'The Mac' temporary workforce accommodation facility located on the Werris Creek-Gap Road, Werris Creek.

Further, the report largely ignores a suite of key deficiencies in local road infrastructure, for example, creek crossings located on the Gap Road and Bulunbulun Rd which regularly become inundated and subsequently closed during even the most minor of flooding events (refer Plates 1 and 2 of this submission). The traffic report relies on outdated 2004 traffic count data for the local and regional roads impacted by the development and incorrectly identifies the regional roads as being under the care and control of Roads and Maritime Services. It is understood that Gunnedah Shire Council shares similar concerns in respect of the Traffic Assessment.

To assist in the detailed review of the submitted Traffic Study, Council deployed a number of traffic counters on the local roads identified in the report. The results are summarised herewith for the information of the Department:

Location	AADT	%HV	AAHV
Werris Ck Rd	2764	48%	1332
Piallaway Rd	228	19%	44
Gap Rd	652	49%	317

As detailed above, the Traffic Study does underestimate the proportion of heavy vehicles utilising the road network. Light traffic operating in association with the development proposal will be effectively competing with a large number of heavy vehicles. As a consequence, it is considered that traffic safety risks are high and a range of road upgrade works should be prioritised and implemented accordingly.

It is noted that the exhibited Traffic Study now acknowledges the proposed workforce accommodation facility that is proposed to be located on the Gap Road, Werris Creek (DA 37/2011). A copy of the corresponding notice of determination for this development is attached for the information of the Department. As detailed in conditions 25-32 of this development consent, there are a range of local road upgrading requirements and road works required. Accordingly, any proposed upgrade works and requirements in respect of the Watermark Coal Mine should be consistent wherever practicable with the terms of approval for the proposed Workforce Accommodation Facility.

An increase in vehicle usage, including both employee and associated mine service vehicles, will lead to an increased burden on the local road system. As detailed in the preceding sections of this submission, the proposed development will also necessitate the requirement for new road works to be undertaken, the costs of which should not be borne by Council. It is considered by Council that considerable nexus exists between the development as proposed and ongoing impact on the performance of the local road network. As a consequence, the applicant should be required to contribute to the ongoing maintenance of the affected road network throughout the life of the development.

The projected increase in vehicle usage on the local roads identified in the submitted traffic assessment will ultimately lead to a reduction in road life. Accordingly, this will necessitate increased construction standards and maintenance work beyond that previously anticipated by Council. It is therefore requested that the Department require the proponent to enter into a road maintenance contribution agreement with Liverpool Plains Shire Council. Such an agreement should be developed utilising a mutually agreed and appropriate methodology and corresponding formula. Such a condition should also clearly detail that contributions will be required to be provided to Council throughout the life of the development.





**Plate 1: Narrow Culvert & Creek Crossing on Werris Creek Gap Road & Railway Underpass**





**Plate 2: Narrow Culvert on Werris Creek Gap Road**



**Plate 3: Werris Creek Gap Road – image taken between two culverts**





**Plate 4: Werris Creek Gap Road Creek Culvert (image taken from westerly direction) beneath rail overpass**



**Plate 5: Werris Creek Gap Road showing narrow pavement and road formation**





**Plate 6: Werris Creek Gap Road showing narrow pavement and road formation**

Additional required local road network upgrade elements are also summarised in Table 1 overleaf:

<b>Road Name</b>	<b>Chainage (km)</b>	<b>Summary of Council Requirements</b>	<b>Notes</b>
<b>ALL AFFECTED LOCAL ROADS</b>	<i>ALL</i>	Condition pavement assessment – all affected roads must meet minimum road construction requirements.	To be undertaken by a suitably qualified and experienced engineering professional & to LPSC standards
<b>ALL AFFECTED LOCAL ROADS</b>	<i>ALL</i>	Road upgrade requirements and improvements should be generally consistent with the terms of the development consent issued in relation to DA 37/2011	Refer Appendix A of this document.
<b>MR 130 - Currabubula</b>	0	Upgrade, widening or replacement of Anstey Creek Bridge at Bulunbulun Road/MR130 intersection	
	0	Construct sheltered right turn lane & sheltered left turn lane at MR130/Bulunbulun Rd intersection. Incorporation of acceleration & deceleration lanes.	
<b>Bulunbulun Rd</b>	<i>ALL</i>	Multiple culvert & causeway upgrades & road widening required. Road survey and drainage report required identifying deficiencies and required upgrades.	To be undertaken by a suitably qualified and experienced engineering professional & to LPSC standards
	0.65	Reconstruct existing causeway to make less severe.	Chainage measured from intersection of MR130
	1.5	Reconstruct causeway/install pipe culvert	
	1.8	Widen pipe culvert	
	2.1	Widen pipe culvert	
	2.5	Widen pipe culvert	
	3.25	Widen box culvert	
	3.5	Widen box culvert	
	3.8	Upgrade causeway	
	4.2	Widen culvert	
	4.3	Widen culvert	
	4.6	Widen culvert	Scott's Lane intersection
	5.1	Widen culvert headwalls	
	5.9	Intersection	Piallaway Intersection
	6.75	Widen box culvert	
	8.4	Widen box culvert	
	8.6	Widen box culvert	
	8.8	Widen box culvert	
	9.0	Widen box culvert	Meynes Rd Intersection
	9.5	Widen box culvert	
	9.75	Widen box culvert	
	9.9	Widen box culvert	
	11.8	Widen and upgrade causeway	
	12.6	Widen box culvert	
	12.9	Widen box culvert	



	13.9	Widen box culvert	
	14.5	Widen box culvert	
	15.5	Widen box culvert	
<b>Gap Road</b>	<i>ALL</i>	Road survey to assess formation width for the full length of Gap Road (ie from the intersection of MR130 & the Kamlaroi Hwy). Road widening to 10 metres by constructing and sealing the road shoulders. The corresponding required pavement width will be 9 metres and a shoulder width of 1 metre.	Road upgrades to be conducted in accordance with Council's adopted Engineering Guidelines
	4.4	Widen box culvert	Chainage measured from MR130 intersection
	5.7	Straighten & widen road, investigate bridge installation in replacement of deteriorated culvert	
	<i>ALL</i>	Undertake a drainage analysis and design a culvert & causeway system (or bridge) in relation to the existing causeway system at a 1:5 ARI design.	

**Table 1: Summary of Required Road Upgrades and Associated Improvements**

#### **1.4 Groundwater Monitoring and Management**

As the Department is well aware, the mitigation and management of potential groundwater impacts within the Liverpool Plains has been identified as a primary area of community concern.

The role of various agencies including (but not limited to) the NSW Office of Water (NOW), the Department of Environment and Climate Change (NSW EPA), Department of Industry and Investment (I & I) and the Department of Planning & Infrastructure (DoP) in the ongoing monitoring, environmental management and environmental licensing activities of current and future mining activities in respect to potential ground water impacts is acknowledged. Council urges an ongoing robust and transparent approach to future environmental monitoring and management processes, particularly in the context of the recently adopted NSW Aquifer Interference Policy. Appropriate and effective mechanisms will need to be incorporated should the mine approval be issued to ensure that community issues and concerns are promptly and comprehensively addressed throughout the life of the mining project.

#### **1.5 Management of Rail Dust & Rail Transport Impacts**

The concerns of citizens living in proximity to the rail corridor highlighting the negative impacts of rail coal dust are becoming increasingly widespread. Community concerns expressed to date have included air quality issues (soiling of washing and housing exteriors), contamination of tank water in addition to a range of health concerns.

Werris Creek and Quirindi, being the closest communities to the coal source from a rail transportation perspective, will be immediately affected by uncovered coal rail traffic (given that coal dust has not yet had the opportunity to settle and disperse). The ultimate responsibility for the covering of coal loads has long been the subject of conjecture in terms of whether this onus rests with the mine operator or conversely the rail transport operator. It is understood that the covering of rail loads and/or application of

dust suppression treatments is increasingly becoming a best practice (industry) standard in other Australian states and overseas.

Valid and ongoing concerns have also been raised by the community in terms of:-

- Sounding of train horns at controlled rail crossings leading to patterns of sleep disturbance
- Extended periods of traffic queuing at rail crossings leading to concerns as to impacts on emergency services response rates

It is recognised that some of the above issues are external impacts which cannot be directly attributed to the mine activities. Notwithstanding, the mine will operate its own train(s) and consideration should be given to the imposition of a requirement for the covering or treatment of loads wherever practicable to minimize the generation of local coal dust related impacts.

## **1.6 Social & Economic Considerations**

The social and economic impact of the mine is a critical matter for consideration for the Liverpool Plains Shire community. Infrastructure provision, housing affordability, workforce skills and recruitment, social and cultural cohesion, environmental protection, supply of essential services, public order and safety, town planning, amenity and increased administration are just some of the key challenges confronting Council as it seeks to balance the benefits of resource industry activity with community wellbeing and long term sustainability. Generally speaking, the infrastructure funding needs of resource regions throughout Australia far surpasses the funding that mining companies have contributed to date.

The impacts of mining enterprises on the health and well being of communities is well documented and acknowledged as is the recognition that social and economic impacts need to be appropriately managed. This is particularly the case in Queensland where it is a relatively standardised requirement for mining proponents to prepare Social Impact Management Plans (SIMPs) for large scale mining operations. The Department's attention in this regard is drawn to the Queensland Department of Planning and Infrastructure's publication, *'Social Impact Assessment: Guideline to Preparing a Social Impact Management Plan'* (September 2010). It is noted that a SIMP is proposed for this development, and is specifically referred to in section 6.14 of the submitted EIS.

To enable Council to effectively manage and monitor social and economic impacts, it is requested that a SIMP be prepared for this major project proposal. The plan should:

- Reflect the findings and recommendations of the project's social impact assessment, including consideration of the results of engagement with stakeholders;
- Summarise the key findings of the social impact assessment including an analysis of the existing social and cultural area and potential positive and negative impacts (mitigation measures should be described in detail in the project's social impact assessment);
- Be a plain-English stand-alone document;
- Provide a summary for all stakeholders regarding the potential positive and negative impacts of the project, proposed mitigation and management strategies and implementation actions be developed for the life of the project; and
- Promote an active and ongoing role for communities, local authorities and all levels of government through construction, operation and decommissioning.

It will be necessary for the SIMP to be flexible in its application to appropriately deal with previously unforeseen or emergent issues arising from the proposal. As a consequence, it is further requested that the SIMP should be reviewed on an annual basis through a Consultative Committee, or, other suitable framework.

### **1.7 Environmental Monitoring and Management**

The role of various agencies including (but not limited to) the NSW Office of Water (NOW), the Environment Protection Authority (NSW EPA), Department of Industry and Investment (I & I) and the Department of Planning & Infrastructure (DoP) in the ongoing monitoring, environmental management and environmental licensing activities of current and future mining activities is acknowledged. Council urges an ongoing robust and transparent approach to future environmental monitoring and management processes and procedures at the mine to ensure that community issues and concerns are promptly and comprehensively addressed.

### **1.8 Air Quality Monitoring and Management**

The ongoing monitoring and mitigation of air quality impacts will require careful attention by the proponent with ongoing, robust review by both NSW EPA and the Department of Planning & Infrastructure. Appropriate management and mitigation measures should be put in place in accordance with best available industry practice.

### **1.9 Transparency in Decision-Making Processes**

Council would welcome the opportunity to provide further comment on draft conditions of development consent to the proposal prior to determination of the application. It is considered that such a process will assist in improving local community outcomes, and will encourage transparency in decision making processes.

### **1.10 Voluntary Planning Agreements**

Council has previously been involved in lengthy discussions with the proponent regarding a voluntary planning agreement (VPA) for the mine. This VPA has been duly executed by both parties and it is agreed that the funding will be utilised for community enhancement, namely, the construction of an indoor recreation centre. It should be noted that such expenditure is in line with the priorities established within Council's adopted Community Strategic Plan.

Given the time that has elapsed since the negotiation of the VPA, Council wishes to advise that it will be seeking an amendment to the total amount originally funded. It is anticipated that an additional \$100,000 will be sought to cover anticipated increases in design, construction and engineering costs. To ensure that VPA requirements are appropriately encapsulated in the development consent, it is requested that an appropriate condition of development consent be imposed.

In the event that unforeseen issues arise in the application of the 'voluntary' planning agreement, Council would also request that the Department give consideration to the imposition of appropriate conditions of development pursuant to section 94 of the *Environmental Planning & Assessment Act 1979*. Given the complexity of this matter, Council would be seeking to enter into detailed dialogue with the Department prior to the finalisation of any such conditions, particularly if they potentially involve the levy of cross-boundary contributions with the adjoining Gunnedah Shire, and, Tamworth Regional Councils.



## 1.11 Management of Local Workforce Resourcing Impacts & Cost Shifting

According to the Australian Local Government Association (ALGA), the term 'cost shifting' describes a situation where the responsibility for, or merely the costs of, providing a certain service, concession, asset or regulatory function are 'shifted' from a higher sphere of government on to a lower sphere of government without the provision of corresponding adequate revenue raising capacity. In this regard, it should be noted that Council is increasingly carrying the burden of administration costs associated with mining and mining-allied operations. Some of these direct and indirect costs are summarised for the information of the Department as follows:

- The review of complex and lengthy environmental assessments (such as this EIS);
- Unremunerated community liaison functions; and
- The increasing responsibility for the handling and referral of complaints from disgruntled landowners and members of the community in respect of the cumulative impacts of mining development described in the preceding sections of this document.

Given these significant impacts and absence of appropriate recompense for these functions, it is therefore requested that a condition of development consent be imposed on the proponent in relation to items two (2) and three (3) described above. Such a condition would require the payment of ongoing administration costs to Liverpool Plains Shire Council arising from the consequences of the ongoing operation of the development. It has been projected that this cost will be in the order of at least \$20,000 per annum.

The contribution is requested to cover some of the administration costs associated with ongoing mining operations. Such costs incurred by Council will be for the management of noise and dust complaints (particularly from coal haulage operations), referral of information and/or members of the community to other relevant government agencies involved in environmental management and mitigation processes, and participation in required mining consultative committee functions.

Council is also requesting that the proponent enter into an agreement to ensure sufficient 'lead time' can be given in respect to road infrastructure works. It is considered that such an approach will allow for the appropriate scheduling and management of both human and material resources, particularly having regard to the significant road upgrade schedule associated with this development.

## 2.0 Required Local Conditions

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*The numbered conditions below correspond (wherever applicable) to the issues identified in Section 1 of the submission. Council suggests the imposition of the following specific conditions to mitigate potential local impacts of the development proposal:-*

### 2.1.1 Cumulative Impact Management

#### A. Cumulative Impacts - Reporting

The proponent shall ensure that cumulative environmental impacts are identified and mitigated using appropriate operational measures throughout the life of the development. A cumulative impact reporting framework shall be incorporated into the Annual Environmental Management Plan. This reporting framework shall be in accordance with best practice guidelines and be to the satisfaction of NSW EPA, Gunnedah Shire and Liverpool Plains Shire Councils.

**Reason:** *To ensure that cumulative environmental impacts are identified, mitigated and reported.*

### 2.1.2 Strategic Transport Infrastructure Management

#### A. Liaison with ARTC

The proponent shall obtain all necessary approvals from the ARTC in the preparation of rail network designs, upgrade/duplication proposals and access arrangements.

**Reason:** *To ensure that the development is consistent with ARTC strategic objectives, infrastructure upgrade programs and to ensure the longevity of the rail network.*

#### B. Strategic Infrastructure Analysis

The proponent shall contribute to the development of a *Sub-Regional Infrastructure Strategy*. The amount and payment of this contribution shall be as determined by the NSW Department of Planning and Infrastructure.

**Reason:** *To ensure that impacts on transport infrastructure resultant from the ongoing operation of the development are appropriately identified and addressed.*

### 2.1.3 Traffic Management

#### A. Intersection Upgrades - General:

Prior to the commencement of the Watermark Project the following conditions concerning road works and intersection upgrades apply:

- Werris Creek Gap Road (MR59) & Werris Creek Road (MR130),
- Werris Creek Gap Road (MR59) & Kamilaroi Highway (SH29),
- Bulunbulun Road & Werris Creek Road (MR130), and
- Waverley Road (MR7710) & Kamilaroi Highway (SH29).

These intersections must be designed and re-constructed at the applicant's expense to comply with *Austroads Pt.4 – Road Design Guide 2009*. The design shall take into account the return trips along the haulage routes and the cumulative impact of all the traffic.

The full cost of works includes but is not limited to:

- Investigation, Survey and Design
- Pavement Design
- Stormwater Drainage
- Construction
- Wearing Surface Design and construction
- Linemarking – for both new works and re-marking of existing linemarking, and
- Full restoration of any adjacent disturbed areas as a result of the works

**Reason:** *To accommodate the increase in vehicle traffic from Watermark Coal Mine and to meet safety requirements in relation to turning traffic at the intersections listed above.*

#### B. Bulunbulun Road & Werris Creek Road (MR130) Intersection Upgrades:

The intersection upgrade is to be designed in accordance with *Austroads Pt. 4 – Road Design Guide 2009* and *Liverpool Plains Shire Councils Engineering Guidelines for Development and Subdivision Works*. These should also take into account the return trips along the travel routes and the cumulative impact of all mine generated traffic.

The requirements of the Roads and Traffic Authority (RMS) with regard to road, replacement or upgrade of Anstey Creek Bridge and the intersection upgrade(s), shall be met by the applicant to the satisfaction of Liverpool Plains Shire Council and the RMS.

**Reason:** *To accommodate the increase in heavy vehicle traffic from Watermark Coal Mine and to meet safety requirements in relation to turning traffic at the intersections listed above.*



**C. Bulunbulun Road Upgrade:**

The applicant must reconstruct Bulunbulun Road, to meet the projected traffic volumes and loads. A detailed pavement investigation and design process shall be undertaken by a suitably qualified engineer and the proposed engineering geometric and pavement design with supporting calculation submitted to Council for approval. The applicant shall be responsible for all costs associated with the upgrade of Gap Road including investigation, survey, design and construction. The reconstruction works must be completed prior to the commencement of construction works.

The geometric and pavement design must be suitable for heavy vehicle transport as per the *Austroads Road and Pavement Design Guides* and *Liverpool Plains Shire Council's Engineering Guidelines for Development and Subdivision Works*.

**Reason:** *To accommodate the increase in vehicle traffic generated by the Watermark Coal Mine and to meet safety requirements in relation to turning traffic at the intersections listed above.*

**D. Gap Road & SH29 Kamilaroi Highway Intersection:**

All road works and intersection upgrades on SH29 Kamilaroi Highway shall be in accordance with the RMS's requirements and constructed in accordance with relevant Australian Standards and Liverpool Plains Shire Council's *Engineering Guidelines for Development and Subdivision Works*.

**Reason:** *To accommodate the increase in heavy vehicle traffic from Watermark Coal Mine and to meet safety requirements in relation to turning traffic at the intersections listed above.*

**E. Werris Creek Gap Road Upgrade:**

The applicant must reconstruct the Gap Road, to meet the projected traffic volumes and loads. A detailed pavement investigation and design process shall be undertaken by a suitably qualified engineer and the proposed engineering geometric and pavement design with supporting calculation submitted to Council for approval. The applicant shall be responsible for all costs associated with the upgrade of Gap Road including investigation, survey, design and construction. The reconstruction works must be completed prior to the commencement of construction works.

The geometric and pavement design must be suitable for heavy vehicle transport as per the *Austroads Road and Pavement Design Guides* and *Liverpool Plains Shire Council's Engineering Guidelines for Development and Subdivision Works*.

**Reason:** *To accommodate the increase in heavy vehicle traffic from Watermark Coal Mine and to meet safety requirements in regard to traffic on the Werris Creek Gap Road.*

**F. Waverley Road Intersection Upgrade:**

To accommodate the increasing local traffic movements associated with the coal mine, the applicant shall provide Engineering Design details to reconstruct Waverley Road, as per Liverpool Plains Shire Council's *Engineering Guidelines for Development and Subdivision Works* and *Austroads Pt.4 Road Design Guide 2009*. The design shall include appropriate intersection upgrades to the Waverley Road and Kamilaroi Highway Intersection.

**Reason:** *The staggered intersection will allow the safe passage of through traffic on Waverley Road to the Gap Road and prevent the crossing of the intersection at speed by heavy vehicles.*

#### **G. Engineering Designs:**

Submission of all Engineering Designs, including pavement designs shall be designed by a suitably qualified Engineer for Council and RMS approval, including any investigation, survey and test results pertinent to the site prior to commencement of any work.

**Reason:** *To ensure all works associated with roads and road drainage meets safety requirements*

#### **H. Coal Haulage Limitations:**

Under no circumstances is coal haulage permitted via road.

**Reason:** *To confirm and clarify the terms of approval and prevent further damage to the local road network in the event of unforeseen failure or capacity deficiencies in the rail network.*

#### **I. Road Maintenance Contributions**

The Proponent shall:

- (a) Enter into a Road Maintenance Contributions Agreement with Liverpool Plains Shire Council. Such Agreement shall be developed by applying an appropriate and agreed methodology and utilise a formula concurred with by Liverpool Plains Shire Council. Such agreement shall be in place prior to the commencement of any works at the site.
- (b) Provide funding towards the maintenance of the local road network in accordance with the terms of the Road Maintenance Contributions Agreement throughout the life of the development.

**Reason:** *To ensure that an appropriate level of service is retained for the affected road network throughout the life of the development.*

### **2.1.4 Groundwater Quality & Management**

#### **A. Groundwater Monitoring**

The applicant shall ensure that groundwater monitoring is conducted in accordance with the submitted EIS, and pursuant to I & I NSW and NSW EPA best practice requirements (including any technological advancements).

**Reason:** *To ensure the appropriate groundwater monitoring is conducted and to mitigate potential impacts on groundwater supplies to surrounding developments.*

#### **B. Groundwater Management – Guarantee of Groundwater Supply**

The applicant shall ensure that appropriate contingencies are put in place for the ongoing management of groundwater supply to surrounding properties within the affectation zone. These contingencies shall ensure that an ongoing sustainable groundwater supply is available, at current levels of yield and water quality, to affected surrounding landholders. Appropriate rectification measures are to be put in place should future mine operations negatively impact on the availability/sustainability/quality of supply. Any required future rectification measures shall be at full cost to the applicant.

**Reason:** *To ensure the appropriate groundwater management is conducted and to mitigate potential impacts on groundwater supplies to surrounding developments.*

## **2.1.5 Management of Coal Dust & Rail Impacts**

### **A. Covering of Loads - Rail**

The proponent shall ensure that all loads transported via rail are appropriately covered or alternatively an appropriate dust suppression treatment be applied to uncovered loads in accordance with applicable best practice standards.

**Reason:** *To mitigate transportable coal dust related impacts.*

## **2.1.6 Environmental Monitoring and Management**

### **A. Compliance with Statutory Requirements**

The applicant shall comply with environmental monitoring and management requirements as detailed in the submitted EIS, associated statement of commitments and in accordance with applicable statutory requirements.

**Reason:** *To ensure that environmental impacts are monitored and managed throughout the life of the development.*

### **B. Environmental Reporting**

The applicant shall ensure that copies of environmental management reports and associated documentation (as periodically submitted to Mining Consultative Committees and governmental approval authorities) are regularly furnished to Liverpool Plains Shire Council. A synopsis of mine operations shall be prepared in a pre-agreed format on an annual basis and submitted to Council by 30 June of each calendar year. The format and scope of such reporting shall be to the satisfaction of Council.

**Reason:** *To ensure that appropriate levels of communication are maintained, to enable the ongoing assessment of potential cumulative impacts and to assist in the fulfillment of Council's environmental and statutory reporting obligations (including State of the Environment reporting).*

## **2.1.7 Community Enhancement (Voluntary Planning Agreement)**

The proponent shall enter into a planning agreement with Liverpool Plains Shire Council in accordance with:

- (a) Division 6 of Part 4 of the EP&A Act;
- (b) The terms of the proponent's amended offer (as agreed to between both affected parties).

Such an agreement shall be legally binding and be in place prior to the commencement of any site works.

**Reason:** *To ensure that identified community funding priorities have an appropriate strategic framework and are distributed to areas of greatest justified need throughout the mine development.*



## **2.1.8 Management of Local Workforce Resourcing Impacts**

### **A. Road Infrastructure Upgrade Agreement**

The proponent shall enter into an infrastructure agreement with Liverpool Plains Shire Council (as the roads authority) in relation to the program of required road infrastructure upgrading works. The agreement should be prepared in the context of the conditions of development consent as pertaining to road infrastructure upgrading works having regard to the requirements of the *Roads Act 1993*. The agreement should also detail likely impacts on Council's resourcing and work force structure, for example, provision of specialist traffic/transport/engineering services, construction materials, and, anticipated timing of works. The infrastructure agreement will be required to be prepared in a format approved by Liverpool Plains Shire Council.

**Reason:** *To minimise potential impacts on Council's workforce structure, to ensure impacts on transport infrastructure resultant from the operation of the development are appropriately identified and addressed, and, to facilitate compliance with the requirements of the Roads Act 1993.*

### **B. Financial Contribution to Community Administration Costs**

The proponent shall contribute to ongoing community administration costs arising from the operation of the development, particularly in respect to the management of environmental complaints and community enquiries. An appropriate financial contribution shall be levied on an annual basis to an amount agreed to by both the proponent and Liverpool Plains Shire Council.

**Reason:** *To minimise the impact on Council's resourcing structure, and, to ensure appropriate levels of cost recovery for ongoing administration costs fulfilled by Council during the life of the development.*

## **2.1.9 Management of Social and Economic Impacts**

### **A. Social Impact Management Plan**

The proponent shall prepare a Social Impact Management Plan (SIMP) in accordance with available best-practice standards. The SIMP should be prepared and submitted for the consideration of Liverpool Plains Shire Council on an annual basis and shall incorporate the following matters:

- Reflect the findings and recommendations of the project's social impact assessment, including consideration of the results of engagement with stakeholders;
- Summarise the key findings of the social impact assessment including an analysis of the existing social and cultural area and potential positive and negative impacts (mitigation measures should be described in detail in the project's social impact assessment);
- Be a plain-English stand-alone document;
- Provide a summary for all stakeholders regarding the potential positive and negative impacts of the project, proposed mitigation and management strategies and implementation actions be developed for the life of the project; and
- Promote an active and ongoing role for communities, local authorities and all levels of government through construction, operation and decommissioning.

**Reason:** *To ensure that the social and economic impacts of the development are appropriately managed throughout the life of the development, to enable the ongoing assessment of potential cumulative impacts and to assist in the fulfillment of Council's environmental and statutory reporting obligations (including State of the Environment reporting and preparation of Social Plans)*

## **ADVISORY NOTES**

### **AN1**

Regular environmental management training of road and rail transport operational mining staff (including contract staff) should be conducted with the view of mitigating external operational impacts. Particular attention should be provided to road safety and noise management issues.

### **AN2**

The Department of Planning & Infrastructure Consultative Committee framework shall be extended to include membership of representatives of NSW EPA, NSW Office of Water (NOW), Department of Industry and Investment (I & I) and/or the NSW Department of Planning & Infrastructure.

### 3.0 Conclusions & Key Recommendations

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Council raises no objection to the Department issuing development consent to the proposal subject to the imposition of a range of development consent conditions. The development consent conditions should aim to both manage and mitigate the potential detrimental environmental, social and economic impacts of the development and address the following key areas of community concern:

- Groundwater
- Surface water
- Noise and vibration
- Air quality
- Biodiversity
- Cultural heritage
- Soils and land capability
- Visual amenity
- Traffic and transport
- Agricultural impact
- Socio economic setting

Council looks forward to working in partnership with the proponent and the applicable regulatory authorities to ensure that the best available outcomes are achieved for all affected stakeholders. It would be appreciated if a copy of the Notice of Determination for this proposal could be forwarded to Council at the Department's earliest convenience.

Council thanks the Department for providing the opportunity to comment on the above development proposal. Please do not hesitate to contact Council's Manager of Planning & Development, Ms Donna Ausling on (02) 6746 1755 or email [lpdc@lpdc.nsw.gov.au](mailto:lpdc@lpdc.nsw.gov.au) should additional information or clarification be required in relation to the submission.

Yours faithfully



Robert Hunt  
**GENERAL MANAGER**

# APPENDICES



# **Appendix 'A'**

## **Notice of Determination**

**DA 37/2011**

### **Proposed Workforce Accommodation Facility on Gap Rd, Werris Creek**



# LIVERPOOL PLAINS SHIRE COUNCIL

## Notice of determination of a development application

issued under *the Environmental Planning and Assessment Act*  
1979 section 81 (1) (a)

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**development application number** DA 37/2011

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**development application**

**applicant name** The Mac Services Group

**applicant address**  
GPO Box 3930  
SYDNEY NSW 2001

**land to be developed: address** Lot 112 in DP611306  
76 Gap Road WERRIS CREEK

**owner's name and address** The Mac Services Group  
GPO Box 3930  
SYDNEY NSW 2001

**proposed development** Workforce Accommodation Facility

**Property Zoning** Zone No. 1(b) General Agriculture Zone  
Parry Local Environmental Plan 1987

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**Determination**

**made on (date)** 17/11/2011  
By the Northern Region Joint Regional Planning Panel (JRPP)

**Determination** ☒ consent granted subject to conditions described below – *see Page 3*

**consent to operate from (date)** 17/11/2011

**consent to lapse on (date)** 17/11/2016

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**other approvals**

list *Local Government Act 1993*  
approvals granted under s 78A(5) Not applicable

general terms of other approvals  
integrated as part of the consent  
(list approvals)

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**right of appeal**

If you are dissatisfied with this decision section 97 of the *Environmental Planning and Assessment Act 1979* gives you the right to appeal to the Land and Environment Court within 12 months after the date on which you receive this notice.

*\*section 97 of the Environmental Planning and Assessment Act 1979 does not apply to the determination of a development application for State significant development or local designated development that has been the subject of a Commission of Inquiry*

**Review of Determination -  
Section 82A Environmental  
Planning and Assessment Act  
1979:**

An applicant in accordance with provisions of s82A of the *Environmental Planning and Assessment Act 1979*, may request the Council where it is the consent authority to review a determination of application. Applicants seeking a review of a determination should discuss the process with Council's Director Environmental Services.

*An applicant may request Council to undertake a review of any applicants determination under s82A of the Environmental Planning and Assessment Act 1979 where:*

- *the request is made in writing*
- *the appropriate fee is paid*

*A determination cannot be reviewed after:*

- a) *the time limited for making of an appeal under s97 expires, if no such appeal is made against the determination.*
- b) *after an appeal under s97 against the determination is disposed of by the Court, if such an appeal is made against the determination.*

*If you wish to have a review of your determination it is suggested in the first instance an appointment is made with the Director Environmental Services, Ron Van Katwyk on 6746 1755.*



### Deferred Commencement Matter

Prior to this consent becoming operational, and as provided for by section 80(3) of the Environmental Planning and Assessment Act 1979, the consent shall not operate until a detailed **Infrastructure Servicing Strategy** is endorsed by Liverpool Plains Shire Council. Such a Strategy shall address all infrastructure servicing requirements for the site and be prepared in accordance with Best Practice Guidelines. Such a Plan shall include, but not be limited to the following matters:

- (i) Hydraulic analysis;
- (ii) Nutrient and salt balance modelling;
- (iii) Compliance with applicable Australian Standards;
- (iv) An assessment of the implications on the Werris Creek Water and Sewerage Infrastructure;
- (v) Provision of gas, electricity and telecommunications services;
- (vi) Compliance with Council's *Engineering Guidelines and Specifications for Subdivisions and Development Works*; and
- (vii) Compliance with section 68 of the Local Government Act 1993;
- (viii) Provision of details of proposed staging of works.

In accordance with clause 95(3) of the Regulation, a period of two (2) years from the date of the development consent is allowed for the satisfaction of the "deferred commencement" matters.

### Identification of approved plans

1. The development must be carried out in accordance with the following plans and documentation listed below and as endorsed by Council, except where amended by other conditions of this development consent:

Plan No.	Prepared/Drawn By	Date
Statement of Environmental Effects	Mitchel Hanlon Consulting	13/07/2011
1115-DA00 – Title Sheet	DDC Architects	13/07/2011
1115-DA01 – Location & Existing Survey Plan	DDC Architects	13/07/2011
1115-DA02 – Site Analysis Plan	DDC Architects	13/07/2011
1115-DA03 – Site Plan	DDC Architects	13/07/2011
1115-DA04 – Site and Precinct Plan	DDC Architects	13/07/2011
1115-DA05 – Central Facilities Precinct	DDC Architects	13/07/2011
1115-DA06 – Precinct 1	DDC Architects	13/07/2011
1115-DA07 – Precinct 2	DDC Architects	13/07/2011
1115-DA08 – Precinct 3	DDC Architects	13/07/2011
1115-DA09 – Precinct 4	DDC Architects	13/07/2011
1115-DA10 – Precinct 5	DDC Architects	13/07/2011
1115-DA11 – Caravan Park and RV Precinct	DDC Architects	13/07/2011
1115-DA12 – Typical Precinct Elevations	DDC Architects	13/07/2011
1115-DA13 – Typical Community Facilities Elevations	DDC Architects	13/07/2011
1115-DA14 – Central Facilities Building	DDC Architects	13/07/2011
1115-DA15 – Central Facilities Building	DDC Architects	13/07/2011
1115-DA17 – Recreation Centre	DDC Architects	13/07/2011
1115-DA18 – Multi-Purpose Hall	DDC Architects	13/07/2011
1115-DA19 – Gymnasium	DDC Architects	13/07/2011
1115-DA20 – Maintenance Building	DDC Architects	13/07/2011
1115-DA21 – Accommodation buildings Type 316	DDC Architects	13/07/2011
1115-DA22 – Laundry and Gazebo Pavilions	DDC Architects	13/07/2011
L01 – Landscape Master Plan	Nicholas Bray Landscapes	08/07/2011

### **Inconsistency between documents**

2. In the event of any inconsistency between conditions of this consent and the drawings/documents referred to above, the conditions of this consent shall prevail.

*Reason: To confirm and clarify the terms of Council's approval.*

### **Prior to work commencing**

3. Pursuant to s.81A of the Act, the following matters must be satisfied prior to the commencement of work:-

- (i) Obtain a Construction Certificate from either Council or an accredited certifier; and
- (ii) Appoint a Principal Certifying Authority (PCA) and advise Council of the appointment, if it is not the Council.

*Reason: To ensure compliance with statutory requirements.*

4. A sign is to 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 stating that unauthorized entry to the work site is prohibited and showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours. The sign is to be removed when the work has been completed.

*Reason: To ensure compliance with statutory requirements.*

5. Toilet facilities are to be provided, prior to the commencement of work, at or in the vicinity of the work site on which work involved in the erection or demolition of the building is being carried out.

Facilities are to be provided at the rate of one toilet for every 20 persons or part of 20 persons employed at the site. Each toilet provided must be a standard flushing toilet and must be connected to a public sewer. If connection to a public sewer is not practicable, then the toilet is to be connected to an accredited sewage management facility approved by the council. If connection to a public sewer or an accredited sewage management facility is not practicable, then connection to some other sewage management facility approved by Liverpool Plains Shire Council is required.

*Reason: In the interest of workplace health and amenity and to ensure compliance with statutory requirements.*

6. An Erosion and Sediment Control Plan shall be prepared by a suitably qualified person for approval by Council prior to the commencement of any construction works.

Erosion and sediment controls for the construction works are to be installed and approved by Council before site works begin, and maintained effectively for the duration of the construction works.

*Reason: To protect the environment and Council's assets.*

7. Pursuant to section 68 of the Local Government Act 1993, the following approvals must be obtained from Council prior to the issue of a Construction Certificate:-

- (i) Carry out water supply works;
- (ii) Carry out sewerage works (if applicable);
- (iii) Carry out onsite sewage management works (if applicable);
- (iv) Carry out stormwater drainage work; and
- (v) Dispose of trade waste into a sewer of the Council (if applicable).

*Reason: To ensure compliance with statutory requirements.*

8. Prior to landscape works commencing, a revised Landscape Design Plan shall be submitted and approved showing additional supplementary buffer plantings to a depth of thirty (30) metres. The plan is to include details of species, planting densities, methodology and placement. Wherever practicable, native endemic species should be incorporated into the landscape design.

*Reason: To confirm and clarify the terms of Council's approval and to mitigate potential edge effects arising from the development.*

## **Prior to the issue of a Construction Certificate**

### **Water & Sewer**

9. A compliance certificate under section 306 of the Water Management Act 2000 must be obtained from Council (as the local water supply authority) prior to the issue of a Construction Certificate. All infrastructure design, including engineering drawings and construction specifications for water and sewerage supply (prepared in accordance with Council's Engineering Guidelines), must be approved and payments for water and sewer headworks contributions made prior to the issue of the compliance certificate.

*Reason: To ensure compliance with statutory requirements.*

### **Water & Sewer Headworks**

10. Prior to the release of the Construction Certificate, the payment by the Developer of **water supply headworks** contributions, calculated on an equivalent tenement (ET) basis, pursuant to Section 64 of the Local Government Act 1993, Division 5 of Part 2 of Chapter 6 of the Water Management Act 2000 and in accordance with Council's adopted Development Servicing Plan (DSP). The contribution will be levied in accordance with Council's adopted Management Plan Fees and Charges Schedule as payable at the time of lodgement.

*Reason: To ensure compliance with statutory requirements and Council's Development Services Plan*

11. Prior to the release of the Construction Certificate, the payment by the Developer of **sewer services headworks** contributions, calculated on an equivalent tenement (ET) basis, pursuant to Section 64 of the Local Government Act 1993, Division 5 of Part 2 of Chapter 6 of the Water Management Act 2000 and in accordance with Council's adopted Development Servicing Plan (DSP). The contribution will be levied in accordance with Council's adopted Management Plan Fees and Charges Schedule as payable at the time of lodgement.

*Reason: To ensure compliance with statutory requirements and Council's Development Services Plan.*

12. An Erosion and Sediment Control Management Plan shall be prepared in accordance with the relevant sections of the Department of Housing Manual "Soil and Water Management for Urban Development", and *Council's Engineering Guidelines and Specifications for Subdivisions and Development Works*. Such a Plan shall be submitted to and approved by Council prior to the issue of a Construction Certificate.

The Plan shall include:

- (i) Measures to prevent site vehicles tracking sediment and other pollutants from the development site;
- (ii) Dust control measures;
- (iii) Control structures such as sediment basins, sediment fences and sediment traps to trap sediment and allow filtered water to pass through; and
- (iv) Safety measures for temporary and permanent water bodies including fencing and maximum batter slopes.

The erosion and sediment control measures shall be provided to avoid damage to the environment during

construction and are to be maintained throughout construction of the development.

*Reason: To ensure compliance with Council's Policies and Codes and to ensure that community assets are appropriately protected.*

13. Detailed engineering drawings specific to the works and prepared in accordance with Council's *Engineering Guidelines and Specifications for Subdivisions and Development Works*, are required to be submitted and approved by Council for the following, as a minimum, to ensure all works are designed and constructed in accordance with recognized standards and guidelines:

- (b) Stormwater drainage;
- (ii) Carparks and internal roads;
- (iii) Access road intersection;
- (iv) Intersection improvements at MR130/Gap Road;
- (v) Erosion and sedimentation control.

The engineering drawings shall be prepared by a suitably qualified and experienced practicing engineer and be submitted to Council for approval prior to the issue of a Construction Certificate.

*Reason: To ensure compliance with Council's Policies and Codes and to ensure all works are designed and constructed in accordance with recognized standards and guidelines.*

14. Prior to the issue of a Construction Certificate, a Construction Management Plan is to be submitted and approved by Council. The plan is to identify the methodology of managing all construction impacts.

*Reason: To ensure that potential impacts arising from the construction phase of the development are appropriately managed.*

15. All internal driveways, parking areas, loading bays and vehicular turning areas are to be constructed with a base course of adequate depth to suit design traffic, being sealed with either asphaltic concrete, concrete or interlocking pavers and being properly maintained to facilitate the use of vehicular access and parking facilities and to minimize associated noise and dust nuisance. Full details of compliance are to be included on the plans submitted to and approved by Council prior to the issue of the Construction Certificate application.

*Reason: To ensure compliance with Council's Policies and Codes and in the interest of traffic safety.*

16. Street lighting shall be installed for the full frontage of the development site in accordance with Council's *Engineering Guidelines and Specifications for Subdivisions and Development Works* and AS1158. Specific attention will need to be provided to the site entry.

Full details on street lighting arrangements will be required to be submitted to Council for endorsement prior to the release of the Construction Certificate.

*Reason: To ensure compliance with Council's Policies and Codes and to ensure that the development site is appropriately illuminated in the interest of traffic safety.*

#### Section 94A Contributions

17. Pursuant to Section 80(1)(A) of the Environmental Planning and Assessment Act 1979, and the Liverpool Plains Section 94A Contributions Plan, a contribution of \$485,000 shall be paid to the Council.

The above amount may be adjusted at the time of actual payment, in accordance with the requirements of the



Liverpool Plains Section 94A Contributions Plan. Payment of the contributions is required prior to the release of the Construction Certificate.

*Reason: To ensure compliance with Council's Section 94A Contributions Plan and statutory requirements.*

#### **Caravan Park**

18. The proposed caravan/tourist park of the development shall comply with the requirements of the *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005*. Detailed plans and specifications of the caravan park component and demonstrated compliance with the Regulation shall be submitted for the endorsement of Council prior to the release of the Construction Certificate.

*Reason: To ensure compliance with statutory requirements.*

19. The caravan park shall not be utilized for long-term accommodation.

*Reason: To confirm and clarify the terms of Council's approval.*

#### **Koala Plan of Management**

20. A Koala Plan of Management (KPoM) shall be prepared for the site in accordance with the recommendations of the Flora and Fauna Assessment and submitted for Council endorsement prior to the release of the Construction Certificate.

*Reason: To ensure compliance with the provisions of State Environmental Planning Policy (SEPP) No. 44 and to mitigate the potential impact of the development on local koala populations.*

#### **General**

21. All proposed building, site works or property improvement indicated on the submitted plans or otherwise required under the terms of this consent shall be completed prior to occupation of the premises to ensure compliance with the provisions of the Environmental Planning and Assessment Act, 1979.

*Reason: To ensure compliance with statutory requirements.*

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

*Reason: To ensure compliance with statutory requirements.*

23. The developer is responsible for any costs relating to alterations and extensions of existing roads, drainage and Council services (including water and sewer reticulation) for the development.

*Reason: To confirm and clarify the terms of Council's approval.*

### Stormwater

24. The stormwater management system, as detailed in the submitted and Council-endorsed Infrastructure Strategy must be constructed to comply with the following requirements as a minimum:
- (i) All plumbing within the site must be carried out in accordance with relevant provisions of Australian Standard AS/NZS 3500.3 – Plumbing and Drainage – Stormwater Drainage;
  - (ii) All surface flow paths must have a practical and satisfactory destination with due consideration to erosion and sediment control during all stages of the development; and
  - (iii) Any interruption to the natural overland flow of stormwater drainage which could result in the disruption of amenity, or drainage, or deterioration to any other property is not permitted.

*Reason: To ensure that stormwater generated from the site is appropriately managed.*

### Traffic and Parking

25. A vehicle crossing shall be provided at the location identified in the submitted engineering design plans and shall be constructed in accordance with NSW Roads and Traffic Authority requirements.

*Reason: To ensure compliance with NSW Roads and Traffic Authority requirements and to ensure appropriate access provisions to the development site.*

26. All parking and loading bays shall be permanently marked out on the pavement surface and being clearly indicated by means of appropriate signs to facilitate the orderly and efficient use of onsite parking and loading/unloading facilities.

*Reason: To facilitate the orderly movement and parking of vehicles throughout the development site and in the interest of traffic safety.*

27. The direction of traffic movement within the site shall be clearly indicated by means of suitable signs and pavement markings to ensure that clear direction is provided to the drivers of vehicles entering and leaving the premises in order to facilitate the orderly and efficient use of on-site parking and traffic access and in the interest of traffic safety.

*Reason: To facilitate the orderly movement and parking of vehicles throughout the development site and in the interest of traffic safety.*

28. The site intersection access with Gap Road shall be constructed in accordance with the AUSTROADS Guide to Road Design and in accordance with the submitted Traffic Assessment Report prepared by TPK Associates dated June 2011.

*Reason: In the interest of traffic safety and to confirm and clarify the terms of Council's approval.*

29. The existing intersection with the Gap Road and Werris Creek Road (MR130) shall be redesigned to adequately define vehicle turning paths and provide for channelization of traffic movements. All associated upgrading works shall be conducted at full cost of the Developer and shall be undertaken in accordance with NSW RTA requirements.

*Reason: To ensure compliance with NSW RTA requirements and in the interest of traffic safety.*

30. Upgrade of the Gap Road from the intersection of MR130 to the western boundary of the development site to provide a road formation with of 9.4m with a seal pavement width of 8.0m. All road upgrading works shall be to the satisfaction of Council and the NSW Roads and Traffic Guidelines and shall be conducted in accordance with *Council's Engineering Guidelines and Specifications for Subdivisions and Development Works*.

*Reason: To ensure compliance with Council's Policies and Codes and NSW RTA requirements in the interest of traffic safety.*

31. A pedestrian refuge shall be installed adjacent to the development site to facilitate the safe movement of pedestrians traversing Gap Road. The pedestrian refuge shall be installed in accordance with Austroads Design Standards and NSW Roads and Traffic Authority Guidelines.

*Reason: To facilitate the safe movement of pedestrians in accordance with accepted design standards.*

32. Section 5 of the Traffic Assessment Report prepared by TPK & Associates shall be reviewed and resubmitted prior to the design of the Gap Road/MR130 channelisation and construction of the development entrance utilizing current existing traffic count data. Such traffic data is available from Council's Works Department upon request.

*Reason: To ensure that engineering designs are prepared utilizing best available data.*

#### *Fencing*

33. The applicant shall submit details of boundary fencing treatments for Council's endorsement prior to the release of the Construction Certificate. Wherever practicable, fencing shall be installed in such a manner to minimize potential interaction of site patrons with adjoining properties (with the exception of the Werris Creek Sporting Complex) and provide clear delineation of patron accessible and non patron-accessible areas.

Any additional fencing will be required to be installed at full cost to the Developer.

*Reason: To minimize potential for land use conflict and in the interest of community safety.*

#### *Bushfire Management*

34. A minimum asset protection zone of 40 metres shall be maintained between the facility and the unmanaged vegetation to the west (including any vegetated plantings). The APZ shall be maintained as an inner protection area (IPA) as outlined within Appendices 2 and 5 of *Planning for Bushfire Protection 2006* and the NSW Rural Fire Service's document Standards for asset protection zones.

*Reason: To ensure compliance with statutory requirements and in the interest of community safety.*

35. A minimum asset protection zone of 10 metres shall be maintained to the north, east and south of the facility.

*Reason: To minimize potential bushfire risk and in the interest of community safety.*

36. The Australian Standard AS3959-2009 *Construction of buildings in bushfire prone areas* now identifies 'grassland' as bushfire prone vegetation. Accordingly construction of the facility shall comply with AS3959-2009. In this regard the above minimum APZ requirements may be increased to reduce the construction requirements.

*Reason: To ensure compliance with statutory requirements and in the interest of community safety.*

37. Water supplies shall be made available for fire fighting purposes by ensuring tanker access. Full details on water supply for Bushfire Fighting provision shall be provided as part of the Site Infrastructure Servicing Strategy and shall be to the satisfaction of Liverpool Plains Shire Council and the NSW Rural Fire Service.

*Reason: To minimize potential bushfire risk and in the interest of community safety.*

38. Suitable tanker access shall be provided around the perimeter of the facility.

*Reason: To minimize potential bushfire risk and in the interest of community safety.*

39. An emergency and evacuation plan is to be prepared for the facility. The plan is to comply with section 4.2.7 of *Planning for Bushfire Protection 2006* and shall be endorsed by Council.

*Reason: To ensure that appropriate measures are in place to evacuate patrons in the event of an emergency.*

#### *Safety, Security & Crime Prevention*

40. Submission of additional documentation for endorsement detailing site specific crime prevention strategies, surveillance mechanisms and site access management in accordance with the Crime Prevention Through Environmental Design (CPTED) Guidelines. The documentation shall be to the satisfaction of Liverpool Plains Shire Council and the NSW Police Service.

*Reason: To ensure appropriate site specific measures are implemented in the interest of community safety.*

41. The developer shall prepare, and submit to Council for endorsement, an emergency services plan. Such a plan shall detail site evacuation strategies and site identification mechanisms.

*Reason: To ensure that appropriate measures are in place to evacuate patrons in the event of an emergency.*

#### *Community Benefit Plan*

42. The Developer shall prepare, and submit to Council for endorsement, a Community Benefit Plan. Such a Plan should identify strategies to encourage and facilitate integration of the Workforce Accommodation Facility with the Werris Creek community and shall specify intended implementation measures and associated timeframes.

*Reason: To confirm and clarify the terms of Council's approval and to ensure that potential community benefits arising from ongoing facility operations are maximised.*

#### *Food Premises*

43. The food premises, including the construction and installation of all equipment, fixtures and fittings must comply with the requirements of the Food Act 2003, Food Regulation 2004, Food Standards Code and Australian Standard AS4674 for the Design, Construction and Fit Out of Food Premises. In this regard, the developer's attention is drawn to the following aspects:

- (i) If Council is nominated as the Principal Certifying Authority, details of compliance are to be included in the plans and specifications for the Construction Certificate. Council's Environmental Services Department is to be given 48 hours notice to inspect the premises prior to the commencement of the business.
- (ii) Where Council is not nominated as the Principal Certifying Authority, a Certificate from an appropriately qualified person confirming compliance with the above legislation and guidelines is to be provided before the issue of the Occupation Certificate.



- (iii) Prior to occupation and commencement of trade the food business is required to be registered with Council and/or the NSW Food Authority.

*Reason: In the interest of community safety and to ensure compliance with statutory requirements.*

#### Noise & Dust Attenuation

43A.

- (a) The proponent shall construct a bunded mound to a minimum height of 1.8 metres at the frontage of the development site. The design and location of the mound shall be approved by Liverpool Plains Shire Council prior to construction and shall be fully landscaped.
- (b) A revised site plan shall be submitted to and approved by Liverpool Plains Shire Council prior to the issue of a Construction Certificate. The revised plan shall show that there are no buildings capable of occupation within a minimum distance of 180 metres from the property boundary adjacent to Gap Road.
- (c) Any windows located on the south and eastern elevations of buildings that are capable of occupation, being those structures in the outer row of buildings closest to Gap Road and eastern boundary of the site, shall be double-glazed to a standard approved by Liverpool Plains Shire Council prior to the issue of the Construction Certificate.
- (d) Any buildings that are capable of occupation shall be fully air-conditioned with appropriate dust filtration measures.

*Reason: To ensure that potential impacts on occupants arising from surrounding land uses and road traffic movements are mitigated and to confirm and clarify the terms of Council's approval.*

#### During Construction

44. Work on the project shall be limited to the following hours to prevent unreasonable disturbance to the amenity of the area:-

Monday to Friday – 7:00am – 5:00pm;

Saturday – 8:00am to 1:00pm if audible on other residential premises, otherwise 7:00am to 5:00pm.

No work to be carried out on Sunday or Public Holidays if it is audible on other residential premises.

The builder shall be responsible to instruct and control his sub-contractors regarding the hours of work.

*Reason: To prevent unreasonable disturbance to the amenity of the neighbourhood and to ensure compliance with statutory requirements.*

45. A site rubbish enclosure shall be provided on the site for the period of the proposed construction works.

*Reason: To ensure that waste is stored in an environmentally acceptable manner.*

46. A copy of the current stamped approved engineering construction plans and specifications must be kept on site for the duration of the works and be made available upon request to either the Principal Certifying Authority or an officer of the Council.

*Reason: To facilitate compliance with consent conditions and to confirm and clarify the terms of Council's approval.*

47. The proponent shall ensure that dust suppression is undertaken to the satisfaction of the Responsible Authority, in the form of constant water spraying or other natural based proprietary dust suppressant, to ensure that dust caused by any vehicles moving within the site does not cause nuisance to surrounding properties.

*Reason: To minimize dust nuisance during the construction phase of the development.*

48. Stockpiles of topsoil, sand, aggregates, spoil or other material shall be stored clear of any natural drainage path, constructed drainage systems, easement, water bodies, or road surface and located wholly within the site with measures in place to prevent erosion or movements of sediment in accordance with the approved erosion and sediment control management plan.

*Reason: To ensure the protection of community infrastructure assets.*

49. All spillage of materials, as a result of delivery or handling, must be removed as soon as practicable and placed into suitable receptacles for reclamation and disposal in a manner that does not cause pollution to the environment.

*Reason: To ensure that materials are stored and disposed of in an environmentally acceptable manner.*

50. Open and piped drains, gutters, roadways and access ways shall be maintained free of sediment for the duration of the work. When necessary, roadways shall be swept and drains and gutters cleaned of sediment build up.

*Reason: To ensure the protection of community infrastructure assets.*

51. The footpath and/or road reserve is not be used for construction purposes or placing of building materials (without Council's prior consent) to ensure safe and unobstructed access for pedestrians and motorists.

*Reason: In the interest of pedestrian and traffic safety.*

52. All works undertaken on a public road are to be maintained in a safe condition at all times. Council may at any time, without prior notification, make safe any such works it considers unsafe and recover all reasonable costs incurred from the Developer.

*Reason: In the interest of community safety and to protect Council's assets.*

53. Any damage caused to the road pavement, kerb and guttering and/or footpath during building operations shall be rectified by the Developer or the builder to the satisfaction of Council to ensure the integrity of Council's road infrastructure is maintained to a suitable standard.

*Reason: To protect community infrastructure assets and to confirm and clarify the terms of Council's approval.*

54. Traffic management measures as a result of the works are to be maintained at all times in accordance with approved Traffic Control Plans and Traffic Management Plans.

*Reason: In the interest of traffic and community safety.*

55. Should any item of indigenous or European heritage be uncovered during construction, all work shall cease immediately and notification shall be provided to the Office of Environment and Heritage (OEH).

*Reason: To ensure compliance with statutory requirements.*

## Inspections

56. As a consent authority under the Water Management Act 2000, the following inspections are required to be carried out by Council.

- (i) Underfloor drainage under hydrostatic test prior to covering;
- (ii) Internal stackwork under hydrostatic test prior to covering;
- (iii) Hot and cold water plumbing under pressure test prior to covering;
- (iv) Sanitary drainage (under hydrostatic test) prior to backfilling trenches or covering;
- (v) The installation of any Trade Waste facilities prior to backfilling or covering;
- (vi) Final inspection of all plumbing and drainage works;
- (vii) Verification of "work as executed" drawings.

*Reason: To ensure compliance with statutory requirements.*

57. It is required that a Principal Certifying Authority (PCA) be appointed to undertake all critical stage inspections as prescribed under the Environmental Planning and Assessment Regulation 2000. The owner may appoint either the Council or an accredited certifier to be the PCA.

*Reason: To ensure compliance with statutory requirements.*

58. Inspections are required to be carried out by Council for the following works:

- (i) Stormwater drainage infrastructure prior to backfilling trenches;
- (ii) Road pavement prior to sealing;

Please note that Council requires a minimum of 48 hours notice to undertake inspections.

*Reason: To ensure works are compliant with applicable requirements and are constructed to an appropriate standard.*

## Prior to Occupation

59. To ensure that building work is completed in accordance with the approval and is in a safe and healthy condition for use by the occupants, the building(s) shall not be occupied or used until:

- (a) It is completed in accordance with the approval and the principal certifying authority has completed a satisfactory final inspection;
- (b) The principal certifying authority gives written permission to allow the building to be occupied or used before it is completed.

*Reason: To ensure compliance with statutory requirements and completed works comply with relevant approvals.*

60. One (1) set of approved construction drawings for the intersection upgrade at the development site and the Gap Road shall be amended to show the "work as executed" and submitted to Council. The drawings shall be certified by a Registered Surveyor or a Chartered Professional Civil Engineer.

An 'Autocad' file of the "work as executed" plans shall be submitted to Council to upload on Council's Geographic Information System.

A 'pdf' version of the "work as executed" plans shall also be submitted to ensure that adequate community records are maintained of community infrastructure.

*Reason: To confirm and clarify the terms of Council's approval and to ensure that data is provided to Council in an acceptable file format for archival and data management purposes.*

### **Continued Operations**

61. The sealing of all vehicular parking, manoeuvring and loading and unloading areas is to be maintained at all times.

*Reason: To ensure that infrastructure is maintained for the life of the development and in the interest of traffic safety.*

62. The pavement markings of all vehicular parking areas and directional pavement markings is to be maintained at all times.

*Reason: To ensure that infrastructure is maintained for the life of the development and in the interest of traffic safety.*

63. All vehicular movement to and from the site shall be in a forward direction to ensure that the proposed development does not give rise to vehicle reversing movements on or off the public road with consequent traffic accident potential and reduction in road efficiency.

*Reason: In the interest of traffic safety.*

64. To ensure that required car parking spaces, associated driveways and vehicle manoeuvring areas are able to function efficiently for their intended purpose, they shall be maintained clear of obstruction and used exclusively for the purposes of car parking and vehicle access and under no circumstances are such areas to be used for the storage of goods or waste materials.

*Reason: In the interest of traffic safety.*

65. Landscaping shall be maintained throughout the life of the development.

*Reason: To confirm and clarify the terms of Council's approval and to ensure that landscaping is maintained to a suitable standard throughout the life of the development.*

### **Advisory Notes**

- A1. The applicant is advised that Council's existing waste services contract does not extend to operations at the facility and, unless changes to the contract are requested, separate arrangements must be made with a private waste services/waste transportation contractor.
- A2. Progressive Interim Occupation Certificates are permitted at the completion of each Precinct.
- A3. Liaison with Australia Post regarding the provision of postal services to the facility.
- A4. Compliance with the Disability Discrimination Act 1992.



reasons for conditions/refusal

***Environmental Planning and Assessment Act 1979***  
*- s79C Matters for Consideration*

In determining this development application, consideration of the following matters which are of relevance to the development application.

- Parry Local Environmental Plan 1987
- Likely impacts of the development, including;
  - a. environmental impacts on both the natural and built environments
  - b. social and economic impacts in the locality
- The suitability of the site for the development
- Any submissions made in accordance with this Act or Regulations
- The public interest

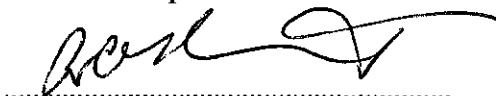
Advices

- **Review of Determination – Section 100 – Local Government 1993 Section 68 Approvals:**  
 An applicant in accordance with the provision of s100 of the *Local Government Act 1993*, may request Council to review a determination of the applicants determination. The request for a review must be made within 28 days after the date of determination.

Signed

On behalf of the Liverpool Plains Shire Council

Signature



Name

**R C Hunt**  
**GENERAL MANAGER**

Date

18/11/2011

**Note 1:** Where the consent is subject to a condition that the consent is not to operate until the applicant satisfies a particular condition the date should not be endorsed until that condition has been satisfied.

**Note 2:** Clause 69A of the Regulation contains additional particulars to be included in a Notice of Determination where a condition under Section 94 of the Environmental Planning and Assessment Act, 1979 has been imposed.