

ATTACHMENT 4 – CONDITIONS OF CONSENT

CONDITIONS THAT IDENTIFY APPROVED PLANS AND LIMITATIONS OF CONSENT

1. The development must be carried out in accordance with the plans and documentation listed below and endorsed with Council's stamp, except where amended by other conditions of this consent or as noted in red by Council on the approved plans:

Master Plan Documentation			
Plan/Doc. Title	Plan Ref. No.	Revision Date	Drawn By
Concept Proposal	M0103/J	13/11/15	smith + tracey architects
Landscape Concept Plan	SK DA 04 Issue E	June 2016	Umbaco Landscape Architects

Development Plan Documentation – Stage 1			
Plan/Doc. Title	Plan Ref. No.	Revision Date	Drawn By
Site Demolition Plan – Stage 1 DA	DA0102/I	13/11/15	smith + tracey architects
Proposed Site Plan – Stage 1 DA	DA0103/H	13/11/15	smith + tracey architects
Proposed Administration Building External Works – Stage 1 DA	DA1100/C	13/11/15	smith + tracey architects
Proposed Administration Building Ground Floor – Stage 1 DA	DA1101/J	13/11/15	smith + tracey architects
Proposed Administration Building First Floor – Stage 1 DA	DA1102/K	13/11/15	smith + tracey architects
Proposed Administration Building Roof Plan– Stage 1 DA	DA1103/D	13/11/15	smith + tracey architects
Proposed Administration Building Elevations – Stage 1 DA	DA2000/F	13/11/15	smith + tracey architects
Waropara Rd Elevation – Stage 1 DA	DA2001/B	13/11/15	smith + tracey architects

Proposed Sections – Stage 1 DA	DA3000/D	13/11/15	smith + tracey architects
Proposed Administration Building External Materials Board – Stage 1 DA	DA4000/E	13/11/15	smith + tracey architects
Construction Management Plan – Stage 1 DA Site Layout & Pedestrian & Vehicle Movements	DA5000/A	13/11/15	smith + tracey architects
Construction Management Plan – Stage 1 DA Detailed Site Layout Plan	DA5001	13/11/15	Appendix c smith + tracey architects
Landscape Plan/Stage 1	SK DA 01 Issue D	November 2015	Umbaco Landscape Architects
Plant Schedule/Stage 1	SK DA 02 Issue C	October 2015	Umbaco Landscape Architects
Siteworks Plan Sheet 1 of 2	C-0200 Revision F	1/3/16	BG&E
Siteworks Plan Sheet 2 of 2	C-02001 Revision E	1/3/16	BG&E
Siteworks Sections	C-0210 Revision F	1/3/16	BG&E
Pavement Plan	C-0220 – Revision D	1/3/16	BG&E
Details Sheet	C-0250 Revision F	1/3/16	BG&E
Retaining Wall Detail	SK-C-0360 Revision A	23/3/16	BG&E
Drainage Catchment Plan	C-0300 Revision A	1/3/16	BG&E
Drainage Basin Plan and Section	C-0350 Revision F	5/4/16	BG&E

In the event of any inconsistency between conditions of this consent and the drawings/documents referred to above, the conditions of this consent prevail. If there is any inconsistency between the plans and documentation referred to above the most recent document shall prevail to the extent of any inconsistency.

2. A Construction Certificate is required prior to commencement of works approved by this application. The person having the benefit of this consent must appoint a Certifying Authority. If Council is not appointed as the Certifying Authority then Council must be notified of who has been appointed. At least two days' notice must be given to Council of intentions to start works approved by this application.

3. **This development consent applies to the Concept Proposal and Stage 1 only.** A separate development application is to be submitted to and approved by the consent authority in respect to the further stages of the development.
4. This consent authorises the clearing of 32 trees for the **Stage 1 development**. This includes Tree Numbers (inclusive) 29-48, 62-64 and 107-115 as illustrated within the Aboricultural Impact Assessment by Advanced Treescape Consulting dated 02/10/2015. Further development consent is required for additional tree and vegetation removal.
5. The development shall be undertaken in accordance with General Terms of Approval (GTA's) dated 7 June 2016 and issued by the Rural Fire Service (RFS). A copy of the GTA's is included as Schedule 3 of this consent.

CONDITIONS TO BE SATISFIED PRIOR TO DEMOLITION, EXCAVATION OR CONSTRUCTION

6. A waste containment facility shall be provided on the construction site **prior to the commencement of works** and is to be regularly serviced.
7. **Prior to the commencement of works**, the person having the benefit of this consent shall contact Hunter Water Corporation (HWC) to ensure that the approved works do not impact upon existing or proposed HWC infrastructure. A copy of the information received by HWC shall be provided to Council within 10 days of receipt. Should HWC require modification to the approved development a Section 96 Modification Application and/or modified Construction Certificate Application should be lodged.
8. **Prior to the commencement of works involving vegetation removal**, a pre-clearance faunal survey must be undertaken by a suitably qualified and experienced ecological consultant. The survey must inspect all native trees that have been approved for removal prior to felling within the development disturbance footprint. Documentary evidence of this survey is to be provided to and acknowledged by Council's Natural Resources Management Unit.

If the pre-clearance faunal survey identifies there are threatened species inhabiting a tree flagged for removal; all clearing works shall cease until a plan of management for the relocation of the species has been approved by Council in consultation with the Office of Environment and Heritage.

9. **Prior to the commencement of works involving demolition / building removal**, a targeted bat survey using ultrasonic bat detection units must be undertaken by a suitably qualified and experienced ecological consultant. This survey shall determine whether any microchiropteran bats are using the buildings as roosting habitat and if identified, appropriate removal methodology is to be provided to and approved by Council.

CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF THE CONSTRUCTION CERTIFICATE

10. **Prior to issue of Construction Certificate for Stage 1**, and pursuant to section 80A(1) of the Environmental Planning and Assessment Act 1979 and the Port Stephens Section 94A Development Contributions Plan, a contribution related to the Capital Investment Value (CIV) of the **Stage 1 of the development** shall be paid to Council, as determined in accordance with clause 25j of the *Environmental Planning and Assessment Regulation 2000* and as outlined in the table below.

Capital Investment Value	Levy Rate (% of CIV)
Up to and including \$100,000	Nil
More than \$100,000 and up to and including \$200,000	0.5%
More than \$200,000	1%

A Cost Summary Report Form setting out an estimate of the CIV in accordance with Schedule 1 of the Port Stephens Section 94A Development Contributions Plan, must be approved by Council **prior to issue of the Construction Certificate for Stage 1**. Where the estimated cost of carrying out the whole of the development is more than \$1,000,000.00, the Cost Summary Report Form must be completed by a Quantity Surveyor who is a registered Associate member or above, of the Australian Institute of Quantity Surveyors.

11. **Prior to the issue of the Construction Certificate for the Stage 1**, a Construction Environmental Management Plan (CEMP) is to be submitted to the Certifying Authority. The required CEMP must outline the sequence and construction methodology and specify mitigating measures to ensure all works are carried out with minimal environmental impact in relation to project staging, waste management, traffic management and environmental management. The CEMP must include but is not limited to:
- Soil and Water Management Plan (including erosion and sediment control measures);
 - Traffic Management measures in accordance with the approved plans;
 - Tree removal and retention plans (including species, size and hollows);
 - Tree clearing protocols in accordance with Council's Technical Specifications; and
 - Fauna rescue and relocation measures.
12. The design of parking spaces, access and manoeuvring areas are to be in accordance with:
- Required access and manoeuvring areas are to be designed for swept path clearances for the 85th percentile vehicle per AS 2890.1 2004.

- b. Visitor parking spaces are to be located in proximity to the building entrance and clearly linemarked and signposted.
- c. Disabled parking spaces are to be designed in accordance with AS 2890.6 2009 and be located in proximity to the building disabled access and be clearly linemarked and signposted.
- d. Loading/unloading areas are to be separated from parking and storage areas. Loading areas must be designed to accommodate appropriate turning paths in accordance with AS 2890.2 2002.

The Certifying Authority is to be satisfied that the plans demonstrate compliance with this condition **prior to the issue of a Construction Certificate.**

- 13. Full geometric, drainage and certified structural details for retaining walls intended for use as earth retaining structures together with existing and proposed earthworks levels are to be submitted to the Certifying Authority and determined to be satisfactory by the Certifying Authority **prior to the issue of the Construction Certificate for Stage 1.**
- 14. A system of on-site stormwater detention shall be employed to restrict discharge from the site to that of pre-development flows, for the 100 year Average Recurrence Interval (equivalent to the 1% Annual Exceedance Probability) critical duration storm event. The stormwater detention system shall be designed and built in accordance with the approved DA plans. **The Construction Certificate cannot be issued for Stage 1** until full calculations and construction details of the stormwater system are provided to the Certifying Authority for assessment and determined to be satisfactory by the Certifying Authority. The construction detail shall include details of the location and type of detention system, pipes, pits, outlet structure, access for maintenance, major overland flow path and the discharge point to the public drainage system.
- 15. The on-site stormwater detention system shall be constructed and made operational prior to construction of any hardstand areas within the site, including (but not limited to) slabs, parking and manoeuvring areas. **No Construction Certificate(s) can be issued** until a construction staging plan has been provided to the Certifying Authority for assessment and determined to be satisfactory by the Certifying Authority. A construction staging plan shall include measures necessary to capture and convey stormwater to the system during construction stages, as well as any measures required to provide compliance with this condition at each stage of construction.
- 16. Full geometric, drainage and certified structural, geotechnical and hydraulic details for retaining walls intended for use in the proposed detention basin together with existing and proposed earthworks levels are to be submitted to and approved by the Certifying Authority **prior to the issue of the Construction Certificate for Stage 1.**

17. Water Quality Modelling shall meet Council's targets within the Urban Stormwater and Rural Water Quality Management Plan. Details shall be provided demonstrating that each stage of construction achieves the targets. An electronic copy of the MUSIC model and associated MUSIC link report shall be provided to the Certifying Authority and the Certifying Authority satisfied that the parameters within the model are practical for the development based assumptions and all other parameters **prior to issue of Construction Certificate for Stage 1 development.**
18. The recommendations provided in the Access Report by Ergon Consulting (Rev C and dated 30 November 2015) are to be included in the plans associated with the Construction Certificate and determined to be satisfactory by the Certifying Authority **prior to the issue of the Construction Certificate for Stage 1.** This documentation is to include internal finishes, evaluation of slip resistance floor materials, lift specification, door and window schedule, tactile ground surface indicators, gradients and floor levels, lighting levels, signage and the like.
19. **Prior to the issue of a Construction Certificate for Stage 1,** a Detailed Site Investigation Report and Remedial Action Plan (RAP) dealing with the potential contamination identified within the Preliminary Site Assessment (Contamination) prepared by Douglas Partners (Ref: 81808.00 dated December 2015) shall be submitted to the Certifying Authority and Council. The report shall be carried out by a suitably qualified and experienced contaminated land consultant, and prepared in accordance with:
 - a. Council's Contaminated Land Policy,
 - b. Managing Land Contamination Planning Guidelines (1998),
 - c. Relevant EPA Guidelines
 - d. Assessment of Site Contamination NEPM (1999 as amended 2013).

Note: An appropriately qualified and experienced environmental consultant should be certified by one of the following certification schemes, or equivalent:

- Site Contamination Practitioners Australia (SCPA) scheme
- Environment Institute of Australia and New Zealand's (EIANZ) Contaminated Land Assessment Specialist Certified Environmental Practitioner (CLA Specialist CEnvP) scheme

All actions recommended by the RAP are to be carried out **prior to the issue of a Construction Certificate** unless other consent is given by Council. Once the actions required under the RAP have been completed, a Site Audit Statement is to be submitted to the Certifying Authority and Council stating that the site is suitable for its intended use.

20. **Prior to issue of the Construction Certificate for Stage 1,** a copy of the Section 50 Hunter Water Compliance Certificate shall be submitted to the Certifying Authority.

CONDITIONS TO BE SATISFIED DURING THE DEMOLITION, EXCAVATION AND CONSTRUCTION PHASES

21. **During works**, erosion and sediment control measures shall be put in place to prevent the movement of soil by wind, water or vehicles onto any adjoining property, drainage line, easement, natural watercourse, reserve or road surface, in accordance with *Managing Urban Stormwater – Soils and Construction, Volume 1* (Landcom, 2004). These measures are to remain in place until the completion of the construction works.
22. The development shall be constructed in accordance with the NSW Government Floodplain Management Manual (2005).
23. **During works**, any habitable floor levels shall not be less than the Flood Planning level for the site (10.5m AHD).
24. All building work must be carried out in accordance with the provisions of the Building Code of Australia.
25. Construction work that is likely to cause annoyance due to noise is to be restricted to the following times:-
 - Monday to Friday, 7am to 6pm;
 - Saturday, 8am to 1pm;
 - No construction work to take place on Sunday or Public Holidays.
26. Where no sanitary facilities currently exist onsite for construction workers toilet accommodation for all tradespersons shall be provided from the time of commencement until the building is complete.
27. It is the responsibility of the applicant to erect a PCA sign (where Council is the PCA, the sign is available from Council's Administration Building at Raymond Terrace or the Tomaree Library at Salamander Bay free of charge). The applicant is to ensure the PCA sign remains in position for the duration of works.
28. Building demolition shall be carried out in accordance with Australian Standard AS2601-2001 - The Demolition of Structures.
29. The demolition and disposal of materials containing asbestos should be carried out in accordance with Workcover Authority Guidelines. Material is to be disposed of at an appropriately licenced landfill facility.
30. The only fill material that may be received at the development site is:

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

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

31. During the extraction, removal, and transportation of material associated with the works, the person having the benefit of the consent shall ensure that airborne dust is contained within the work site or transport vehicles, and does not impact on the amenity of the surrounding environment. Effective environmental controls and practices shall be implemented and maintained to the satisfaction of Council and/or the Certifying Authority.

CONDITIONS TO BE SATISFIED PRIOR TO ISSUE OF AN OCCUPATION CERTIFICATE

32. All civil engineering works shall be carried out in accordance with the Construction Certificate and Council's Design and Construction Specification, Policies and Standards, to the satisfaction of Council or the Principal Certifying Authority **prior to issue of Occupation Certificate for Stage 1.**
33. **Prior to the issue of an Occupation Certificate for Stage 1,** ten car parking spaces as shown on the approved plans shall be provided in accordance with the requirements of the Port Stephens Council DCP and AS2890.1.
34. **Prior to the issue of the Occupation Certificate for Stage 1,** the PCA is to be satisfied that all site landscaping has been installed and established in accordance with the approved landscaping plans and Council's Landscape Technical Specification.
35. **Prior to the issue of the Occupation Certificate for Stage 1,** advisory signs shall be prominently located adjacent to the stormwater detention area detailing the purpose of the system, the depth indicators and warning of the dangers associated with the detention basin.
36. **Prior to the issue of the Occupation Certificate for Stage 1,** the PCA is to be provided with documentary evidence prepared by a suitably qualified consultant (B-PAD accreditation) that all requirements set out under the NSW Rural Fire Service General Terms of Approval (see Schedule 3) have been complied with.

CONDITIONS TO BE SATISFIED AT ALL TIMES

37. The stormwater system, including any water quality, quantity or infiltration components, shall be maintained in perpetuity for the life of the development.
38. A fire safety certificate as prescribed by Section 174 Environmental Planning & Assessment Regulations 2000 which certifies the performance of the implemented fire safety measures in accordance with Section 170 of the Regulation must be submitted to the Principal Certifying Authority and the Commissioner of New South Wales Fire Brigades. A copy of fire safety certificate needs to be forwarded to Council if Council is not nominated as the Principal Certifying Authority. A further copy of the certificate must also be prominently displayed in the building.
39. At least once in each 12 month period, fire safety statements as prescribed by Section 175 Environmental Planning & Assessment Regulations 2000 in respect of each required essential fire safety measure installed within the building are to be submitted to Council. Such certificates are to state that:
 - a. The service has been inspected and tested by a person (chosen by the owner of the building) who is competent to carry out such inspection and test; and
 - b. That the service was or was not (as at the date on which it was inspected and tested) found to be capable of operating to a standard not less than that specified in the fire safety schedule for the building.

ADVICES

- A. In the event of any bone or stone artefacts, or discrete distributions of shell, being unearthed during any earthmoving, all work must cease immediately in the affected area, and the National Parks and Wildlife Services (NPWS) shall be informed of the discovery. Work must not recommence until the material has been inspected and permission has been given by NPWS to proceed.

SCHEDULE 2

RIGHT OF APPEAL

If you are dissatisfied with this decision:

- a review of determination can be made under Section 82A of the Act, or
- a right of appeal under Section 97 of the Act can be made to the Land and Environment Court within six (6) months from the date on which that application is taken to have been determined.

NOTES

- This is not an approval to commence work. Building works cannot commence until a Construction Certificate is issued by Council or an accredited certifier.
- Consent operates from the determination date. For more details on the date from which the consent operates refer to Section 83 of the Environmental Planning and Assessment Act 1979.
- Development consents generally lapse five years after the determination date, however different considerations may apply. For more details on the lapsing date of consents refer to Section 95 of the Environmental Planning and Assessment Act 1979.

SCHEDULE 3

APPROVAL UNDER SECTION 91

General Terms of Approval issued by the NSW Rural Fire Service

All communications to be addressed to:

Headquarters
15 Carter Street
Lidcombe NSW 2141

Headquarters
Locked Bag 17
Granville NSW 2142

Telephone: 1300 NSW RFS
e-mail: csc@rfs.nsw.gov.au

Facsimile: 8741 5433



The General Manager
Port Stephens Council
PO Box 42
RAYMOND TERRACE NSW 2324

Your Ref: 16-2015-837-1
Our Ref: D15/4084
DA15123000113 MA

ATTENTION: Priscilla Emmett

7 June 2016

Dear Sir/Madam

Integrated Development for 1//868525 6 Waropara Road Medowie

I refer to your letter dated 2 June 2016 seeking general terms of approval for the above Integrated Development in accordance with Clause 55(1) of the Environmental Planning and Assessment Regulation 2000.

This response is to be deemed a bush fire safety authority as required under section 100B of the 'Rural Fires Act 1997' and is issued subject to the following numbered conditions:

Asset Protection Zones

The intent of measures is to provide sufficient space and maintain reduced fuel loads so as to ensure radiant heat levels of buildings are below critical limits and to prevent direct flame contact with a building. To achieve this, the following conditions shall apply:

1. At the commencement of building works and in perpetuity the entire property west of the tree line as shown on smith+tracey architects diagram, referenced 'concept proposal', dwg no. M0103, dated 13/11/2015 shall be managed as an inner protection area (IPA) as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.

2. The area outlined on the diagram prepared by Ecological Australia, titled 'Figure 4: Proposed Concept Plan building APZ' within the bush fire report referenced 15GOSBUS_2449, dated 1/6/16 shall be managed as an inner protection area (IPA) and outer protection area (OPA) as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.

Evacuation and Emergency Management

The intent of measures is to provide suitable emergency and evacuation (and relocation) arrangements for occupants of special fire protection purpose developments. To achieve this, the following conditions shall apply:

3. Arrangements for emergency and evacuation are to comply with section 4.2.7 of 'Planning for Bush Fire Protection 2006'.

Design and Construction

The intent of measures is that buildings are designed and constructed to withstand the potential impacts of bush fire attack. To achieve this, the following conditions shall apply:

4. New construction of the Temporary Uniform Shop and Discovery Centre shall comply with Sections 3 and 7 (BAL 29) Australian Standard AS3959-2009 'Construction of buildings in bush fire-prone areas' and section A3.7 Addendum Appendix 3 of 'Planning for Bush Fire Protection 2006'.
5. New construction of the Administration Building and Block F shall comply with Sections 3 and 5 (BAL 12.5) Australian Standard AS3959-2009 'Construction of buildings in bush fire-prone areas' and section A3.7 Addendum Appendix 3 of 'Planning for Bush Fire Protection 2006'.
6. Block E shall be required to be upgraded to improve ember protection. This is to be achieved by enclosing all openings (excluding roof tile spaces) or covering openings with a non-corrosive metal screen mesh with a maximum aperture of 2mm. Where applicable, this includes any sub floor areas, openable windows, vents, weepholes and eaves. External doors are to be fitted with draft excluders.

This letter is in response to a further assessment of the application submitted and supersedes our previous general terms of approval dated 5 May 2016.

For any queries regarding this correspondence please contact Matthew Apps on 1300 NSW RFS.

Yours sincerely

Jason Masten

Team Leader Development Assessment and Planning

The RFS has made getting information easier. For general information on 'Planning for Bush Fire Protection, 2006', visit the RFS web page at www.rfs.nsw.gov.au and search under 'Planning for Bush Fire Protection, 2006'.