

APPENDIX A - Conditions of Consent

REASONS FOR CONDITIONS

1. The conditions of this consent have been imposed in accordance with Section 80A of the *Environmental Planning and Assessment Act 1979* (NSW). The conditions relate to any matter referred to in Section 79C(1) of relevance to the development the subject of the consent and are imposed to ensure that the development is undertaken in an orderly manner, with acceptable impacts on the natural and built environment.

APPROVED DOCUMENTATION

2. The development is to be implemented in accordance with the plans and supporting documents set out in the following table except where modified by any conditions of this consent:

Plan No / Supporting Document	Reference / Version	Prepared by	Dated
Cut and Fill Plan	TP-L03 Rev A	Programmed Turnpoint	April 2017
Earthworks Plan	TP-L02 Rev A	Programmed Turnpoint	April 2017
Landscape Plan - Holes 4 & 9	TP-L06 Rev B	Programmed Turnpoint	June 2017
Tree Clearing Plan	LO-100	Northrop Engineers	27.06.17
Tree Removal Plan	TP-L08	Programmed Turnpoint	March 2017
Arborist Report		Bradley Magus - Abacus Tree Services	19 June 2017
Statement of Environmental Effects		PEP Consulting	22 March 2017
Letter from applicant		KDC	04 September 2017
Vegetation Management Plan		Umwelt	April 2016
Flood Impact Assessment		Northrop Engineers	4 April 2016
Civil Specifications	LO-01	Northrop Engineers	24 May 2017
Erosion and Sediment Control Plan	LO-101	Northrop Engineers	27 June 2017
Erosion and Sediment Control Details	LO-11	Northrop Engineers	24 May 2017
Site Stormwater Plan	LO-20	Northrop Engineers	24 May 2017
Inset 'A' stormwater plan	LO-21	Northrop Engineers	24 May 2017
Inset 'B' stormwater plan	LO-22	Northrop Engineers	24 May 2017
Office of Water Plan	LO-30	Northrop Engineers	24 May 2017
Stormwater Details	LO-40	Northrop Engineers	24 May 2017

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Stormwater Details Sheet 2	LO-41	Northrop Engineers	24 May 2017
Stormwater Details Sheet 3	LO-42	Northrop Engineers	24 May 2017
Material Assessment		RCA Australia	June 2017

In the event of any inconsistency between conditions of this development consent and the plans/supporting documents referred to above, the conditions of this development consent prevail.

3. The proposal shall comply with the original concept approval and associated conditions of consent, as detailed in DA2012/00419).

CONDITIONS TO BE SATISFIED PRIOR TO THE COMMENCEMENT OF WORK AND DURING THE CONSTRUCTION PHASE

4. Prior to the commencement of works, the boundary of the SEPP14 wetland shall be surveyed by a Registered Surveyor and marked on site. No works are permitted within the SEPP14 wetland boundary. All erosion and sediment control measures shall be installed prior to commencement of works and located wholly outside of the marked SEPP 14 wetland boundary area..
5. All proposed landscaping shall comply with the conditions of the Bushfire Safety Authority issued for the Concept Approval DA2012/0419 dated 21 August 2015.
6. All works shall comply with the conditions of the Controlled Activity Approval issued by the Department of Primary Industries Water dated 14 August 2017.
7. Tree removal shall be undertaken in accordance with Section 6 of the Ecological Assessment prepared by Umwelt Pty Ltd dated October 2015 and the Arborist Report prepared by Bradley Magus - Abacus Tree Services dated 19 June 2017.
8. The trees identified for retention in the Arborist Report prepared by Bradley Magus - Abacus Tree Services dated 19 June 2017 shall be retained and protected in accordance with the approved Arborist Report. Prior to the commencement of any works, the tree protection measures outlined within the report are to be in place.
9. All proposed planting and landscape elements indicated on the submitted landscape concept plan or otherwise required under the conditions of this consent are required to be detailed on a comprehensive landscape design plan and specification. The required comprehensive landscape design plan and specifications is to be in accordance with the provisions of Newcastle Development Control Plan 2012 and is to include details of the following:
 - a) cross sections through the site where appropriate;
 - b) proposed contours or spot levels;
 - c) botanical names;
 - d) minimum 220 compensatory trees with a 100 litre minimum pot size;
 - f) details of proposed soil preparation;
 - g) mulching and staking;
 - h) treatment of external surfaces and retaining walls where proposed;
 - i) drainage, location of taps; and
 - j) appropriate maintenance periods.

The plan is to be prepared by a qualified landscape designer and be included in

documentation for a Construction Certificate application.

10. Prior to commencement of site works the developer is to submit to Council for approval a Detailed Construction Traffic Management Plan addressing traffic control measures to be utilised in the public road reserve during the construction phase. These measures should include:
 - a) Deliveries to the site are to be prohibited between 8 am and 9 am and between 3 pm and 5 pm to avoid the road network peaks.
 - b) All construction employees parking are to occur on-site.
11. The Construction Traffic Management Plan is to be prepared by a Roads & Maritime Services accredited person with a Design and Audit Traffic Control Plans Certificate in accordance with Australian Standard 1742.3:2009 - Manual of uniform traffic devices – traffic control for works on roads. The plan is to ensure the provision for safe, continuous movement of traffic and pedestrians within the road reserve.
12. All stormwater runoff from the proposed development being managed in accordance with the requirements of Element 7.06 'Stormwater' of Newcastle Development Control Plan 2012, the associated Technical Manual and the latest issue of AS 3500.3 as applicable, as indicated on the Shortland Waters Golf Course Concept Earthworks Plan #6 dated 17/02/16 by Programmed Turnpoint. Full details are to be included in documentation for a Construction Certificate application.
13. Prior to the commencement of works, a nest box installation plan is to be submitted to Council. The nest box installation plan shall include the number of nest boxes to be installed, location of nest boxes and monitoring of nest boxes to be undertaken by the proponent. Replacement of hollows shall be undertaken at a rate of 2:1. The installation, on-going maintenance and inspection of nest boxes being at the proponent's expense.
14. Prior to the commencement of works, the proponent preparing and submitting to Council a detailed weeds management plan specifying procedures and measures to remove weeds at the site and the on-going management programs for weed control during and after construction phases to prevent growth of weeds.
15. Prior to the commencement of works, the proponent shall prepare and submit to Council an Environmental Management Plan (EMP) for construction works on the site, such to be kept on site and made available to authorised Council officers upon request. The EMP is to include but not be limited to:
 - a) A site management strategy, identifying and addressing issues such as environmental health and safety, site security, and traffic management.
 - b) A water management strategy, detailing erosion and sediment control, management of soil stockpiles, control and management of surface water, groundwater. Procedures should also be included to ensure that all roads adjacent to the site are kept free and clear from mud and sediment.
 - c) A dust management strategy, detailing procedures to minimise dust generation, with particular reference to control techniques and operational limits under adverse meteorological conditions.

The EMP is to be implemented in accordance with its recommendations for the full duration of the works on site.

16. An assessment of the likelihood of the presence of any Aboriginal sites in relation to the proposed development area is to be undertaken to comply with the requirements of the *National Parks and Wildlife Act 1974* (NSW) and the significance and requirements for the protection of any sites being incorporated into the construction documentation. Written confirmation that the National Parks and Wildlife Service's requirements have been met shall be submitted to Council prior to works commencing. Any submitted archaeological study shall be accompanied by a letter

from the appropriate Local Aboriginal Land Council stating that they are satisfied with the study process and that appropriate arrangements are in place for continued consultation during development of the site.

Note: It is illegal to knowingly damage, deface or destroy a 'relic' or Aboriginal Place without the Director's prior written consent.

17. Toilet facilities are to be available or provided at the work site before works begin and be maintained until the works are completed, at a ratio of one toilet plus one additional toilet for every 20 persons employed at the site.

Each toilet is to:

- a) Be a standard flushing toilet connected to a public sewer, or
- b) Have an on-site effluent disposal system approved under the *Local Government Act 1993* (NSW), or
- c) Be a temporary chemical closet approved under the *Local Government Act 1993* (NSW).

18. Waste management shall be implemented in accordance with the approved Waste Management Plan. At a minimum, the following measures shall be implemented during the construction phase:

- a) A waste container of at least one cubic metre capacity shall be provided, maintained and regularly serviced from the commencement of operations until the completion of the building for the reception and storage of waste generated by the construction of the building and associated waste
- b) The waste container is to be, at minimum, constructed with a 'star' picket (corners) and weed control mat (sides), or equivalent. The matting is to be securely tied to the pickets
- c) Appropriate provision is to be made to prevent windblown rubbish leaving the site and
- d) Footpaths, road reserves and public reserves are to be maintained clear of rubbish, building materials and all other items.

Note: Fines may be issued for pollution/littering offences under the *Protection of the Environment Operations Act 1997* (NSW).

19. A rigid and durable sign is to be erected on any site on which building work, subdivision work or demolition work is being carried out, before the commencement of the work:

- a) showing the name, address and telephone number of the Principal Certifying Authority for building work and subdivision work, and
- b) showing the name, address and telephone number of the Principal Contractor for any building work and also including a telephone number on which the Principal Contractor may be contacted at any time for business purposes, and
- c) stating that unauthorised entry to the work site is prohibited, and
- d) being erected in a prominent position that can be read easily by anyone in any public road or other public place adjacent to the site.

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

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

21. All building materials, plant and equipment is to be placed on the site of the development so as to ensure that pedestrian and vehicular access in public places is not restricted and to prevent damage to the road reserve. The storage of building materials on Council reserves including the road reserve is not permitted.

22. Any alteration to natural surface levels on the site is to be undertaken in such a manner as to ensure that there is no increase in surface water runoff to adjoining properties or that runoff is impounded on adjoining properties, as a result of the development.
23. Construction/demolition work that generates noise that is audible at residential premises is to be restricted to the following times:
- Monday to Friday, 7:00 am to 6:00 pm and
 - Saturday, 8:00 am to 1:00 pm.

No noise from construction/demolition work is to be generated on Sundays or public holidays.

24. Council's 'PREVENT POLLUTION' sign is to be erected and maintained in a conspicuous location on or adjacent to the property boundary so it is clearly visible to the public or at other locations on the site as otherwise directed by Council for the duration of demolition and construction work.

Note: Council's 'PREVENT POLLUTION' sign can be obtained by presenting your development application receipt at Council's Customer Enquiry Counter at 282 King Street Newcastle.

25. Any excavated material to be removed from the site is to be assessed, classified, transported and disposed of in accordance with the Department of Environment and Climate Change's (DECC) 'Waste Classification Guidelines Part 1: Classifying Waste'.
26. Any fill material imported into the site is to be Virgin Excavated Natural Material or material subject to a Resource Recovery Order that is permitted to be used as a fill material under the conditions of the associated Resource Recovery Exemption, in accordance with the provisions of the *Protection of the Environment Operations Act 1997* and the *Protection of the Environment (Waste) Regulation 2014*.
27. Documentation demonstrating the compliance with the conditions of the appropriate Resource Recovery Order and Resource Recovery Exemption must be maintained for any material received at the site and subsequently applied to land under the conditions of the Resource Recovery Order and Exemption. This documentation must be provided to Council officers or the Principal Certifying Authority on request.
28. Erosion and sediment control measures are to be implemented prior to the commencement of works and be maintained during the period of construction in accordance with the details set out on the Erosion and Sediment Control Plan submitted with the application, and with the below requirements:
- a) Control over discharge of stormwater and containment of run-off and pollutants leaving the site must be undertaken through the installation of erosion control devices such as catch drains, energy dissipaters, level spreaders and sediment control devices such as hay bale barriers, filter fences, filter dams and sediment basins and controls are not to be removed until the site is stable with all bare areas supporting an established vegetative cover. Erosion and sediment control measures are to be designed in accordance with the requirements of the Managing Urban Stormwater: Soils and Construction 4th Edition - Vol. 1 (the 'Blue Book') published by Landcom, 2004.
29. Prior to the commencement of work, a 3m wide all weather vehicle access is to be provided from the kerb and gutter to the building under construction, to reduce the potential for soil erosion. Sand shall not be stockpiled on the all-weather vehicle access.

30. All necessary measures are to be undertaken to control dust pollution from the site. These measures must include, but not are limited to:
- a) Restricting topsoil removal
 - b) Regularly and lightly watering dust prone areas (note: prevent excess watering as it can cause damage and erosion)
 - c) Alter or cease construction work during periods of high wind and
 - d) Erect green or black shade cloth mesh or similar products 1.8m high around the perimeter of the site and around every level of the building under construction.
31. Where the proposed development involves the destruction or disturbance of any existing survey monuments, those monuments affected are to be relocated at no cost to Council by a Surveyor registered under the *Surveying and Spatial Information Act 2002* (NSW).
32. During construction works, an assessment of acid sulfate soil potential is to be undertaken in the area of excavation. If acid sulfate soils are found to be present, soils are to be treated in accordance with the New South Wales Acid Sulfate Soil Management Advisory Committee's 'Acid Sulfate Soil Manual'.

CONDITIONS TO BE SATISFIED PRIOR TO THE USE OF THE SITE AS A GOLF COURSE

33. Prior to the use of the site as a golf course, evidence of the development being carried out in accordance with the details set out in the Vegetation Management Plan prepared by Umwelt (Australia) Pty Ltd dated April 2016 being submitted to Council.
34. Prior to the use of the site as a golf course, details demonstrating compliance with the letter received from the NSW Rural Fire Service dated 11 April 2017 shall be submitted to Council.
35. All public footways, footpaving, kerbs, gutters and road pavement damaged during the works are to be immediately repaired following the damage, to a satisfactory state that provides for safe use by pedestrians and vehicles. Full restoration of the damage is to be carried out to Council's satisfaction prior to the use of the site as a golf course.
36. A copy of the stormwater drainage design plans with 'work as executed' levels indicated, shall be submitted to Council prior to the use of the site as a golf course. The plans shall be prepared by a Practising Professional Engineer or Registered Surveyor experienced in the design of stormwater drainage systems.
37. The water management measures as indicated on the submitted plans and Stormwater Management Strategy and/or as modified under the terms of this consent are to be implemented and the nominated controls and appliances are to be installed and operational prior to the use of the site as a golf course.
38. A Landscape Practical Completion Report is to be submitted to the Council prior to the use of the site as a golf course. The report is to verify that all landscape works have been carried out in accordance with the comprehensive landscape design plan and specifications that were required to be prepared prior to the commencement of works and is to verify that an effective maintenance program has been commenced.
39. All nest boxes are to be installed prior to the use of the site as a golf course for the proposed development.

CONDITIONS TO BE SATISFIED DURING THE OPERATION AND USE THE DEVELOPMENT

- 40. All proposed garden and lawn areas on the site are to be kept free of parked vehicles, garbage, trade waste or other extraneous material and being permanently maintained.
- 41. The driveway crossing, parking areas and stormwater management system are to be properly maintained for the life of the development.
- 42. All vehicular movement to and from the site is to be in a forward direction.

ADVISORY MATTERS

- 43. Retaining walls not clearly noted on the approved plans or outside of the parameters of 'exempt development' as specified in *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* (NSW) are to be subject to a separate development application. An application in this regard is to be approved prior to any works relating to the retaining wall taking place.
- 44. It is recommended that, prior to commencement of work, the free national community service 'Dial before you Dig' be contacted on 1100 or by fax on 1200 652 077 regarding the location of underground services in order to prevent injury, personal liability and even death. Inquiries should provide the property details and the nearest cross street/road.
- 45. Any necessary alterations to public utility installations are to be at the developer/demolisher's expense and to the requirements of both Council and any other relevant authorities. Council and other service authorities should be contacted for specific requirements prior to the commencement of any works.
- 46. It is an offence under the provisions of the *Protection of the Environment Operations Act 1997* (NSW) to act in a manner causing, or likely to cause, harm to the environment. Anyone allowing material to enter a waterway or leaving material where it can be washed off-site may be subject to a penalty infringement notice ('on-the-spot fine') or prosecution.
- 47. Failure to comply with the conditions of consent constitutes a breach of the *Environmental Planning and Assessment Act 1979* (NSW), which may be subject to a penalty infringement notice ('on-the-spot fine') or prosecution.

END OF CONDITIONS