

DA 101/2018 – Council’s Recommended Conditions of Consent

Should DA 101/2018 be approved by the Hunter Planning Panel Council recommends that the following conditions of consent are imposed on the Notice of Determination for the development application:

IDENTIFICATION OF APPROVED PLANS

(1) Development in Accordance with Plans

The development being carried out in accordance with the development application and the drawings referenced below, and endorsed with Council’s approval stamp, except where amended by the following conditions.

Drawing No.	Revision	Drawn by	Drawing Date	Received
BA023A1	-	Hunter Pilot Biorefinery	NA	13 November 2019
BA029A1	-	Hunter Pilot Biorefinery	NA	13 November 2019
BA028A1	-	Hunter Pilot Biorefinery	NA	13 November 2019
BA027A1	-	Hunter Pilot Biorefinery	NA	13 November 2019
BA026A1	-	Hunter Pilot Biorefinery	NA	13 November 2019
BA025A1	-	Hunter Pilot Biorefinery	NA	13 November 2019
BA024A1	-	Hunter Pilot Biorefinery	NA	13 November 2019
Site Plan 18026A01	D	DRA Architects	19 March 2019	5 April 2019
Ground Floor Plan 18026A02	D	DRA Architects	19 March 2019	5 April 2019
First Floor Plan 18026A03	D	DRA Architects	19 March 2019	5 April 2019
Elevations 18026A04	D	DRA Architects	19 March 2019	5 April 2019
Elevations 18026A05	D	DRA Architects	19 March 2019	5 April 2019
Sections 18026A06	D	DRA Architects	19 March 2019	5 April 2019
Sections 18026A07	D	DRA Architects	19 March 2019	5 April 2019
3D Overall 18026A08	D	DRA Architects	19 March	5 April 2019

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3D Office Fittout 18026A09	D	DRA Architects	19 March 2019	5 April 2019

(2) **Development in Accordance with Documentation**

The development is to be carried out generally in accordance with the documents referenced below, and endorsed with Council's approval stamp, except where amended by the conditions:

Title	Written by	Date
Statement of Environmental Effects	GHD Pty Ltd	October 2018
Geotechnical Assessment	Qualtest Laboratory (NSW) Pty Ltd	2 May 2017
Trade Waste Concept Design	Pitt & Sherry	Not Dated
Preliminary Hazard Analysis	VIRDIS Consultants Pty Ltd	16 July 2018

Note: Nothing in this consent authorises any site activities or civil works including, but not limited to earthworks, the installation of any utility service, excavation, filling of land, construction of any roads, pathways or retaining walls, undertaking landscaping works or riparian corridor rehabilitation, bushfire hazard management works, clearing of vegetation or the removal of topsoil, before a construction certificate has been issued for the development.

(3) **Development in Accordance with Documentation**

With the exception of any measures that conflict with the following conditions of consent all construction and operation mitigation measures set out in the Statement of Environmental Effects are to be implemented during the carrying out of the development.

OPERATIONAL CONDITIONS IMPOSED UNDER THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT AND REGULATIONS AND OTHER RELEVANT LEGISLATION

(4) **Building Code of Australia**

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

(5) **Access to premises standard**

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

ANCILLARY MATTERS TO BE COMPLETED PRIOR TO THE ISSUE OF THE CONSTRUCTION CERTIFICATE

(6) **Construction Certificate Requirement**

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

(7) Landscape Design Plan

A landscape plan is to be prepared in relation to the proposed development in accordance with the requirements of Section 10.2.2 and Section 20 of the Muswellbrook Development Control Plan. The plan is to include botanical names, quantities, planted state of maturity of all proposed trees, shrubs and ground covers and should be prepared in accordance with Council's Landscaping Guidelines.

The Landscape Plan is to be submitted to and approved by Council in writing prior to the issue of a Construction Certificate. Written confirmation demonstrating that the Landscape Plan has been approved by Council should be provided to the Principle Certifying Authority with an application for a Construction Certificate.

(8) Muswellbrook Shire Water and Waste Division

A 'Notice of Requirements' under the Water Management Act 2000 must be obtained, prior to any Construction Certificate application, detailing water and sewer extensions to be built and charges to be paid by the applicant. Any charges identified in the 'Notice of Requirements' as requiring payment at construction certificate stage are to be paid prior to release of a Construction Certificate.

Details demonstrating compliance with any requirements for works by Muswellbrook Shire Council Water & Waste Department are to be provided with the Construction Certificate application.

The final compliance certificate must be submitted to the Certifying Authority prior to release of the Occupation Certificate.

(9) Turning Circle Diagrams

Prior to the issue of a Construction Certificate Turning Circle Diagrams are to be prepared in relation to the development and submitted to Council for approval by its Community Infrastructure Department.

The turning circle diagrams must be prepared in relation to largest vehicle type required to enter the site and should demonstrate that there would be adequate driveway and hardstand areas for this type of vehicle to access and manoeuvre about the site and exit it in a forward direction. Where driveway and hardstand areas are not an appropriate width to support vehicle manoeuvring at the site the proposed plans are to be amended to extend hardstand and driveway areas to an appropriate size to support the functionality of the development.

(10) Site Waste Minimisation Management Plan

Prior to the issue of a Construction Certificate a Site Waste Minimisation Management Plan is to be prepared, submitted to and approved by Council in relation to the operation of the site.

Prior to the issue of a Construction Certificate a Site Waste Minimisation Management Plan is to be prepared in relation to the construction and operation of the development in accordance with the requirements of Section 24.4.5 of the Muswellbrook Development Control Plan. The site waste minimisation management plan must have regard to the objectives of this Section of the Development Control Plan and should achieve the requirements of the controls expressed by this part wherever possible.

(11) Liquid Trade Waste Agreement

Prior to the issue of a Construction Certificate a Commercial Liquid Trade Waste Application, Classification C form is to be completed, signed by the property owner and submitted to Council for approval along with relevant documentation, including hydraulic plans, relating to the construction of the required liquid trade waste infrastructure at the site.

Documentary evidence is to be provided to the Principle Certifying Authority confirming that a Liquid Trade Waste application has been lodged with Council prior to the issue of a Construction Certificate.

(12) On-site Sewage Management System/Pre-treatment Storage Device

The wastewater pre-treatment/storage device requires approval from Council as an on-Site Sewage Management System in accordance with the provisions of Section 68 of the Local Government Act 1993.

Prior to the issue of a Construction Certificate for the development a Section 68 application for the installation of this device is to be lodged with Council. The Section 68 application is to be accompanied by a full set of plans and documentation relating to the system proposed for installation at the site.

A current Approval to Operate will also be required for the system prior to the issue of an Occupation Certificate.

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO COMMENCEMENT
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(13) Sediment and Erosion Control

Prior to the commencement of works Sediment and erosion controls are to be installed at the site in accordance with the Erosion and Sediment Control Plan prepared by McKenzie Burrridge & Associates Pty Ltd and submitted to Council as Sheet 12 of Appendix H of the Statement of Environmental Effects or any subsequent plan approved by Council in writing.

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

(14) Site Sign

A sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:

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

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

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

(15) Damage to Public Infrastructure

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

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

(16) Site Facilities

- (a) If the development involves building work or demolition work, the work site must be fully enclosed by a temporary security fence (or hoarding) before work commences.
- (b) A minimum width of 1.2m must be provided between the work site and the edge of the roadway so as to facilitate the safe movement of pedestrians.
- (c) Any such hoarding or fence is to be removed when the work has been completed.
- (d) A garbage receptacle fitted with a tight fitting lid for the reception of all food scraps and papers from the work site must be provided prior to building work

commencing and must be maintained and serviced for the duration of the work.

- (e) Toilet facilities must be provided on the work site at the rate of one toilet for every 20 persons or part of 20 persons employed at the work site.
- (f) Each toilet provided must:
 - be a standard flushing toilet, connected to a public sewer, or
 - if connection to a public sewer is not available, to an on-site effluent disposal system approved by the council, or
 - an approved temporary chemical closet.
- (g) The provision of toilet facilities must be completed before any other work is commenced.
- (h) A person having the benefit of this certificate who causes an excavation that extends below the level of the base of the footings of a building on an adjoining allotment of land must at their own expense and where necessary:
 - protect and support the building from damage, and
 - If necessary, underpin and support the building in accordance with the details prepared by a professional engineer.
- (i) A person having the benefit of this certificate who causes the excavation must, at least 7 days before commencing this work, give notice of intention to do so to the owner of the adjoining allotment of land and provide particulars of the proposed work.
- (j) Erosion and sediment controls must be provided in accordance with the details shown on the approved plans, prior to the disturbance of any soil on the work site.

(17) Section 68 Local Government Act Approval

Prior to the commencement of works the applicant to obtain a Section 68 Local Government Act 1993 approval for the carrying out of stormwater works and any sewer or water works requiring approval under this legislation.

Any application for the carrying out of stormwater works must be lodged with Council and full design details of the stormwater management system provided. The stormwater management system installed at the site should include pollution control measures in accordance with the requirements of Council's Development Control Plan.

Full details of the stormwater infrastructure proposed including pollution controls are to be submitted to Council for approval with any Section 68 application.

CONDITIONS THAT MUST BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK
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(18) Materials

In accordance with the provisions of the Muswellbrook Development Control Plan the external cladding of the building shall be constructed from non-reflective metal

cladding. Zincalume or reflective white sheet metal cladding is not be used without the prior written approval from Council.

(19) Prohibition on Use of Pavements

Building materials and equipment must be stored wholly within the work site, unless prior written approval has been obtained from council. Equipment must not be operated on the footpath or roadway, unless prior written approval has been obtained from council.

(20) Dust Emission and Air Quality

- (a) Materials must not be burnt on the site.
- (b) Vehicles entering and leaving the site with soil or fill material must be covered.
- (c) Dust suppression measures must be carried out to minimise wind-borne emissions in addition odour suppression measures must also be carried out where appropriate so as to prevent nuisance occurring at adjoining properties.

(21) Restriction on the import of fill

Any fill imported to and used at the site is to be appropriately sourced from an approved quarry, landscaping supply business or reputable source.

All fill must be free of contaminants and the person operating with this consent is to provide details of the location or premises that any fill used at the site has been obtained from and provide these details to the Principle Certifying and Council.

(22) Discovery of Aboriginal Heritage

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

(23) Mandatory Council inspections

During the carrying out of building works the person acting with this consent shall ensure that all mandatory stage inspections specified by any approvals issued under Section 68 of the Local Government Act 1993 or Section 138 of the Roads Act 1993 are carried out by Council at the relevant stage of works specified by these approvals.

CONDITIONS WHICH MUST BE COMPLIED WITH PRIOR TO THE ISSUE OF THE OCCUPATION CERTIFICATE
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(24) Occupation

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

(25) Vehicle Layback Construction

Prior to the issue of an Occupation Certificate a sealed vehicle crossover is to be constructed between Carramere Road and the property boundary in accordance with Council's Footpaths and kerb and guttering Policy (F10/1) and Council requirements.

A permit for the work must be obtained from Council, under Section 138 of the Roads Act 1993 prior to the construction of the vehicle crossover or the carrying out of work in the Carramere Road reserve.

(26) Final Compliance Certificate for Water Supply and Sewerage Works

The final compliance certificate for water supply and sewerage works is to be obtained from Muswellbrook Shire Council Water & Waste Department and a copy must be submitted to the Principal Certifying Authority prior to release of any Occupation Certificate.

(27) Pre-treatment System Installation

Prior to the issue of an Occupation Certificate a waste water pre-treatment system is to be installed in accordance with the submitted plans and documentation and a Section 68 Local Government Act Approval for the installation of an on-site sewage management system.

Prior to the issue of an Occupation Certificate the person acting with this consent must provide the Principle Certifying Authority with documentary evidence that the pre-treatment system has a valid Approval to Operate.

(28) Trade Waste Management and Wastewarer Control

Prior to the issue of an Occupation Certificate a water tap with hose connection and Reduced Pressure Zone Device (RPZD) is to be installed within 3 metres of the pre-treatment system in accordance with AS35000 Plumbing and Drainage. Commissioning and test records for this device are to be submitted to Council.

(29) Connection to Sewer

The premises shall be connected to the sewer system in accordance with the Australian Standard 3500.

A works as executed plan on Council's approved form is to be submitted to Council within seven (7) days following the final drainage inspection and prior to any Occupation Certificate being issued.

(30) Construction of Parking Areas

Prior to the issue of any Occupation Certificate required parking areas, loading bays, driveways, internal access ways used for visitor and staff parking shall fully constructed, sealed, line marked, sign posted in accordance with the approved car parking plans and AS.2890.1 2004 Parking Facilities and the relevant provisions of AS1428.1 and AS1428.4.

(31) Construction of Hardstand Pavement Areas

Prior to the issue of any Occupation Certificate all hardstand areas, loading bays and vehicle accesses and manoeuvring areas are to be constructed in accordance with the approved plans to a standard which meets the recommendations of the Geotechnical Assessment prepared by Qualtest Laboratory (Appendix A of the Statement of Environmental Effects) or any superseding document approved by the Principle Certifying Authority.

(32) Construction of Stormwater Infrastructure

Prior to the issue of an Occupation Certificate all stormwater management infrastructure is to be installed in accordance the stormwater management plan approved by Council, AS 3500.3, the provisions of the relevant Section 68 Approval and industry best practice.

(33) Installation of landscaping

Prior to the issue of any Occupation Certificate landscaping is to be installed at the site in accordance with the approved Landscape Plan, the requirements of this consent or as otherwise directed by Council in writing.

(34) Construction of bunded storage areas

Prior to the issue of any Occupation Certificate involving elements of the approved development where chemicals or dangerous goods would be stored, or used impervious bunded areas are to be constructed in accordance with the requirements of this consent, the approved plans and Preliminary hazard Analysis.

CONDITIONS THAT MUST BE COMPLIED WITH AT ALL TIMES

(35) Operational Parameters

At all times the operation of the premises is to remain generally in accordance with the scope of proposed operations set-out in the Statement of Environmental Effects.

The amount of ethanol produced by the facility and the frequency of production cycles are not to be altered to exceed the production targets expressed in this document.

Where there is any intention for the scope of the operation of the premises to be reviewed and expanded it is recommended that the person consult with Council to determine what approvals may be required and the information required to support any application to change the operating parameters of the premises

(36) **Biomass Storage and Management Requirements**

At all times the person acting with this consent shall take reasonable steps to the control manage and mitigate the airborne distribution of biomass transported to the site.

Minimum pollution controls for the management of the airborne distribution of light weight biomass materials shall be as follows:

1. Biomass stores shall be securely located and stockpiled at the site under the awning structure approved under DA 62/2017.
2. The North East, North West and South East elevations of the awning shall be enclosed by sheet metal cladding to prevent material escaping stockpiles and being distributed around the site.
3. Light weight biomass stockpiles shall be secured by the placement of tarpaulins over stockpiles which are to be appropriated tie-downed and weighted.
4. The site is to be securely fenced at all times. A shade cloth or material similar composition with a minimum height 1m above ground level is to be fixed to the sites boundary fence and maintained at all times.
5. The person acting with this consent shall prepare management procedures for the unloading, loading and transfer of biomass materials within the site. These procedures should include provisions for sediment control fences to be placed around locations which materials are deposited in outdoor areas for any prolonged period of time while they are transported to storage locations. At all times which loading, unloading and biomass transfer operations are being carried out operators shall take reasonable care to prevent the unintentional distribution of biomass material.
6. The person acting with this consent shall ensure that regular clean up details are carried out at the site to collect and dispose of any biomass material around the site. The frequency of clean up details should be informed by operational cycles, the type of biomass being used in production, the risk of that material escaping the site and polluting adjoining land or waterways, visual observations of the site and any complaints about off-site pollution received from Council or impacted persons.
7. At no time other than during loading/unloading and transfer operations are stockpiles of biomass material to be stored in an outdoor area of the site.
8. Where Council receives a complaints in relation to pollution incidents and/or investigations of the site by its Officers identifies that pollution controls are inadequate to manage the airborne distribution of biomass at the facility Council may require the pollution control measures to be reviewed, the biomass storage areas to be fully enclosed and additional pollution control measures implemented.

These controls or may be reviewed or amended by Council in writing at any time where the biomass stockpile storage is location is amended to be situated within a fully enclosed building or based on the outcome of any Council investigation into pollution from the site.

(37) Lignin Disposal and Testing

Where lignin from the premises is to be disposed of other than by direct transfer to an appropriately licensed waste management facility the following is to be complied with: requirements are to be adhered to:

1. A testing regime is to be developed for the testing of sample lignin output from each 28 operating cycle to determine the material composition of that material and that it meets the relevant NSW EPA guidelines for composting and/or application to land. A copy of the testing regime is to be provided to Council for its information.
2. Lignin testing is to be carried out in accordance with the testing regime prior to the disposal of lignin from the 28 day operational cycle.
3. The person operating with this consent is to keep records of the outcomes of all lignin testing completed in relation to the operation of the premises. Copies of these records are to be provided to Council on request.
4. Where the testing completed indicates that the composition of the lignin is not suitable to be disposed of by composting or application to land it is to be transported to an appropriately licensed waste management facility for disposal.
5. Where the lignin meets appropriate standards for it to be disposed of by composting or application to land the material may be disposed of in this manner. Where lignin is disposed of in this manner the person acting with this consent must keep records of the particulars around the disposal of the lignin including details of the location the lignin was dispatched to and the individual or company which owns the land or facility that the substance has been provided to. Copies of these records are to be provided to Council on request.

(38) Stormwater Disposal

All stormwater from the development including all hardstand areas and overflows from rainwater tanks is to be collected and disposed of in accordance with the proposed stormwater management plan and the requirements of any Section 68 application approved by Council.

The person operating with this consent shall maintain all stormwater infrastructure in an operational condition at all times and shall replace any defective drainage and removal silt from any open swale drains as required.

(39) Hours of Operation

In accordance with the particulars set-out in the Statement of Environment Effects the premises may have the following hours of operation:

24 hours 7 days a week.

During late night and early morning operational periods (10:00pm – 6:00am) reasonable care shall be taken to limit noise and light emissions from the premises. Where the operator of the premises or Council receives or is made aware of complaints about noise or light emissions from the premises during these periods the reasonable steps must be taken to investigate and address the cause of any noise or light pollution.

(40) **Site Waste Minimisation Management Plan**

Unless otherwise specified by Council in writing at the operation of the premises shall be carried out in accordance with the particulars of the site waste minimisation management plan prepared in relation to the development.

(41) **Trade Waste**

At all times liquid trade waste from the premises shall be disposed of in accordance with the requirements of the trade waste agreement between the operator of the premises and Muswellbrook Shire Council.

(42) **Vehicles to Leave Site in a Forward Direction**

At all times vehicles leaving the site shall do so in a forward direction.

(43) **Vehicle Egress Signs**

Appropriate sign(s) shall be provided and maintained within the site at the point(s) of vehicular egress to compel all vehicles to stop before proceeding onto the public way.

(44) **Landscaping**

At all times landscaping at the site is to be maintained in accordance with the approved Landscape Plan or as otherwise agreed by Council in writing.

(45) **Fences**

Access gates must be hung so that they do not encroach on a footpath or roadway.

(46) **Chemical Spill Kit Requirement**

At all times the person acting with this consent shall ensure that spill kits are made available at the premises. These Spill kits should be kept in a readily available location in close proximity to all chemical stores and all staff should be trained in their use.