

SCHEDULE OF CONDITIONS

PART 1. GENERAL CONDITIONS

1. The development shall be carried out substantially in accordance with the approved stamped and signed plans and/or documentation listed below except where modified by any following condition.

Reference/Dwg No	Title/Description	Prepared By	Date
21/25081	Remediation of the former Goulburn Gasworks site Statement of Environmental Effects	GHD	16/02/2018
-	Re: Development Application No. DA/0276/1718- Supporting Information	Jemena	21/05/2018
-	<i>RE: Water treatment and beneficial re-use of water</i>	<i>Jemena</i>	<i>24/04/2018</i>
Project No. 27213	Remediation of former Goulburn Gasworks: Aboriginal Cultural Heritage Due Diligence Assessment	Biosis	14/05/2018
-	Re: Heritage Referral Response- Development Application No. DA/0276/1718	Jemena	26/03/2018
21/25081	Former Goulburn Gasworks Remediation Action Plan Final	GHD	30/11/2017
17-001	Statement of Heritage Impact – the former city of Goulburn gas and coke works, 1 Blackshaw Road Goulburn NSW	JCIS Consultants	18/01/2018
-	Appendix G Demolition of Structures	Jemena	23/02/2018
21/25081	Remediation of the former Goulburn gasworks Aboricultural Assessment	GHD	16/02/2018

In the event of any inconsistency between conditions of this approval and the plans and documentation referred to above, the conditions of this approval prevail.

2. No revised site layout, staging or external works that will impact on water quality, shall be permitted without the agreement of Water NSW.
3. All stormwater that falls on disturbed areas or stockpiles shall be directed, collected, and treated in the proposed Water Treatment Plant.
4. Water that cannot be irrigated shall be disposed of under a Trade Waste Agreement with Council or be tankered to an appropriately licensed treatment facility.
5. No variation to water treatment or management shall be permitted without prior agreement of Water NSW.
6. The dewatering of excavations may require a licence from Water NSW. Any requirements shall be satisfied for the duration of works.
7. Any proposed excavation on waterfront land must be undertaken in accordance with a plan submitted as part of a controlled activity approval, to be approved by DPI Water.
8. Department of Primary Industries- Water provides General Terms of Approval (GTA) that applies to the proposed controlled activity described in the plans and associated documents below, relating to DA/0276/1718 provided by Council to DPI Water. Any amendments or modifications to the proposed controlled activity may render the GTA invalid. If the proposed controlled activity is amended or modified, DPI Water, Nowra Office, must be notified in writing to determine if any variations to the GTA will be required.
 - Remediation of the former Goulburn Gasworks site Statement of Environmental Effects (SEE) by GHD 2018,
 - Development Application No. DA/0276/1718- Supporting Information by Jemena dated 21st may 2018,
 - Trade Waste application by Jemena dated 24th April 2018.
9. Any proposed controlled activity must be carried out in accordance with plans submitted as part of a controlled activity approval application, and approved by DPI Water.

DEVELOPMENT APPLICATION DETERMINATION NOTICE

10. The application for a controlled activity approved must include the following documents: a site plan showing the clear demarcation of waterfront land, design details and plans for all works/activities proposed on waterfront land, Construction Management Plan including erosion and sediment control measures, a schedule & sequence of works and site rehabilitation.
11. The development proponent shall engage a site auditor, accredited under the Contaminated Land Management Act 1997. The site auditor must review the adequacy of assessments, unexpected finds protocol, any remedial works and Long Term Environmental Management Plan (LTEMP) required and/or confirm that remediation objectives have been met and the suitability of land use.
12. All environmental reports shall comply with the requirements of the Contaminated Land Management Act 1997 to be prepared, or reviewed and approved, by a certified consultant. Reference shall be made to EPA's Contaminated Land Consultant Certification Policy.
13. All contamination assessment and remediation works at the site shall be carried out in accordance with the requirements of the following guidelines:
 - Guidelines for the NSW Site Auditor Scheme (3rd Edition) 2017
 - Guidelines for Consultants Reporting on contaminated sites, 2011
 - Guidelines for the Assessment and Management of Groundwater contamination; NSW Department of Environment and Conservation (DEC) 2007
 - The National Environment Protection (assessment of contamination) measures 2013 as amended.
 - Information for the Assessment of Former Gasworks Sites, NSW DEC, July 2005
 - Managing Land Contamination – Planning Guidelines (1998)
14. The remedial works, validation report and LTEMP shall be carried out in accordance with the current Voluntary Management Proposal (VMP) approved by the Environment Protection Authority (EPA).
15. The transportation of waste shall be carried out in accordance with the Protection of the Environment Operations (Waste) Regulation 2014.
16. A Site Audit Statement shall be issued by an accredited Site Auditor upon the completion of the development, in accordance with the timeframe specified in the Voluntary Management Proposal (VMP) approved by the EPA, certifying that the site has been remediated to be suitable for commercial and light industrial land uses.
17. In accordance with clause 17 of State Environmental Planning Policy No 55- Remediation of Land, the development proponent is required to submit to Council a notice of completion of remediation work within 30 days after the completion of the remediation work. The notice of completion shall be in accordance with clause 18 of this Policy.
18. A Long Term Environmental Management Plan (LTEMP) for the site, including the foreshore works, shall be prepared in consultation with Water NSW by a person with knowledge and experience in the preparation of such plans prior to the completion and sign-off of the remediation works. The LTEMP shall be implemented and shall include but not be limited to:
 - institutional controls to manage potential exposure to residual contamination
 - checklists for recording inspections and maintenance activities, and
 - an identification of the responsibilities and detailed requirements for the inspection, monitoring and maintenance activities including the frequency of such activities.
19. Water NSW shall be supplied with a copy of all reports prepared by the Environmental Auditor.
20. Treated water from the proposed remedial works shall be conveyed to land with the prior consent of the land owner.
21. The development proponent shall ensure that the conditions contained within the exemption granted under section 139(4) of the *Heritage Act 1977* are satisfied.
22. The recommendations within Part 6 of the approved Aborigicultural Assessment shall be adhered to, for the duration of the remediation work.
23. Areas where vegetation will be removed for the required remedial work (where possible) shall be replaced where not superseded by asphalt capping works and concrete hardstanding with local riparian species to the same level of density as existing. The species to be utilised shall be a variety selected from the Goulburn Mulwaree Council Development Control Plan (DCP) 2009, Appendix B, *Preferred Planting Species in the Goulburn Mulwaree Local Government Area*. The required re-vegetation shall occur within 2 weeks of the completion of the remediation work to ensure the ground is adequately stabilised.

- A maintenance schedule shall also be established for the on-going longevity of the required landscaping.
24. The recommendations within Part 5.2 of the approved Aboriginal Cultural Heritage Due Diligence Assessment shall be adhered to, for the duration of the remediation work.
25. Risk to the heritage significant building located within the site shall be mitigated during the after the remediation works. The following shall be undertaken:
- Pre-remediation dilapidation survey of all buildings,
 - Installation of sheet piling around the heritage building to ensure the building is geotechnically stable for the duration of the works, and
 - Post-remediation dilapidation survey to ensure the buildings remain structurally sound and no geotechnical issues are realised.
26. In accordance with clause 145 of the Environmental Planning and Assessment Regulation 2000, the plans and specifications submitted with a construction certificate must not be inconsistent with this consent.
27. In accordance with Division 8A of the Environmental Planning and Assessment Regulation 2000 compliance with the following prescribed conditions are required:
- Clause 98 Compliance with Building Code of Australia
 - Clause 98A Erection of signs
 - Clause 98E Condition relating to shoring and adequacy of adjoining property
28. Any fill not utilised within the site shall be conveyed to a location that can lawfully accept such material.

PART 2. PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

29. A Construction Certificate pursuant to Section 6.3 of the Environmental Planning and Assessment Act 1979, as amended from either Council or an accredited certifying authority certifying that the proposed works are in accordance with the Building Code of Australia is required prior to any works commencing.
30. A Construction Certificate will not be issued over any part of the site requiring a Controlled Activity Approval until a copy of the approval has been provided to Council.
31. A liquid Trade waste application must be submitted to Council and approval to the liquid trade waste application issued prior to the issue of a Construction Certificate.
32. Any excavation to a depth exceeding 2 metres and within 25 metres of the location of the railway corridor requires consultation and any recommendations followed, from the Australian Rail Track Corporation as the responsible authority for the rail corridor. This condition is required to be satisfied prior to the issue of the Construction Certificate.
33. Prior to the issue of the Construction Certificate, a geotechnical assessment is required to be submitted to Council if there is filling or retaining on the site, and if the distance between the toe of the fill or retaining structure, and the rail corridor boundary is less than twice the height of the fill/retaining structure. The Geotechnical Report shall be prepared in accordance with section 6 of the NSW Department of Planning Guideline *Development Near Rail Corridors and Busy Roads- Interim Guideline (2008)*.
34. Hydraulic Engineers details of any proposed sewer/trade waste and water services including backflow prevention, which have been approved by Council as the Water and Sewer Authority shall be submitted with the application for a Construction Certificate.
35. Hydraulic Engineers details of any proposed stormwater drainage which shows compliance with conditions of consent and Goulburn Mulwaree Councils Development Control Plan 2009, Stormwater Drainage & Rain water Collection Systems Policy are to be submitted to and approved by the Principal Certifying Authority prior to issue of a Construction Certificate.
36. An application under section 305 of the Water Management Act 2000 is required and a section 306 Notice of Requirements received prior to the issue of a Construction Certificate. Note the section 306 notice of requirements may require works to be undertaken, fees to be paid or plans submitted, prior to a construction certificate being issued.
37. A Construction Environmental Management Plan (CEMP) for the site, including the foreshore works, shall be prepared in consultation with Water NSW by a person with knowledge and experience in the preparation of such plans prior to the issuance of a Construction Certificate. The CEMP shall be implemented and shall include but not be limited to:
- details on the location, description and nature of water management structures and facilities

- details on the location, description and nature of processes and facilities used to remediate the soils excavated from the site
 - an identification of the responsibilities and detailed requirements for the inspection, monitoring and maintenance of all water treatment, processing and management structures, including the frequency of such activities
 - the identification of the individuals or positions responsible for inspection and maintenance activities including a reporting protocol and hierarchy, and procedures for managing and notification of water quality emergencies, and
 - checklists for recording inspections and maintenance activities.
38. All contaminated water treatment and management structures shall be monitored, maintained and managed as per the Construction Environmental Management Plan referred in the condition above.
39. A Waste Management Plan (WMP) shall be prepared in consultation with Water NSW by a person with knowledge and experience in the preparation of such plans prior to the issuance of a Construction Certificate. The WMP shall be implemented and shall as a minimum include:
- details on the location, description and nature of waste management structures and facilities
 - an identification of the responsibilities and detailed requirements for the inspection, monitoring and maintenance of all waste management structures, including the frequency of such activities
 - the identification of the individuals or positions responsible for inspection and maintenance activities including a reporting protocol and hierarchy, and
 - checklists for recording inspections and maintenance activities.
40. In accordance with the provision of section 4.17 and section 7.11 of the Environmental Planning and Assessment Act 1979 contributions are required toward the provision of community facilities and infrastructure in accordance with the Section 94A Levy Development Contributions Plan 2009. The contributions are to be paid prior to the release of the Construction Certificate.

The current contributions (2018/2019) under the Section 94A Levy Development Contributions Plan 2009 are based on the cost of construction of the development as follows:

Cost of construction	Rate of levy
\$0 - \$100,000	0%
\$100,001 - \$200,000	0.5%
In excess of \$200,000	1%

Details of the cost of the construction of the development shall be submitted with the application for a Construction Certificate. A cost summary report must be completed for works with a value no greater than \$200, 000. Where the value of the work is greater than \$200,000 the cost shall be certified by a Quantity Surveyor or an equivalent or acceptable alternative agreed to by Council. Refer to Appendix A of the Goulburn Mulwaree Section 94A Levy Development Contributions Plan 2009 for further details.

The levy is to be adjusted in accordance with clause 25J(4) of the Environmental Planning and Assessment Regulation 2000 and clause 1.10 of the Goulburn Mulwaree Section 94A Levy Development Contributions Plan 2009 between the date of this consent and the date of payment of the contribution.

PART 3. PRIOR TO COMMENCEMENT OF WORK

41. Sediment and erosion control measures shall be implemented within the site prior to the commencement of construction activities and are to be maintained, monitored and adapted throughout construction to prevent sediment moving off-site.
42. Before commencing any proposed controlled activity on waterfront land, an application must be submitted to DPI Water, and obtained, for a controlled activity approval under the Water Management Act 2000.
43. Prior to the commencement of any work, the development proponent shall consult with the electricity supply authority and follow any required procedures and obtain any necessary approvals relating to the proposed development and the interruption to existing electricity infrastructure.
44. Prior to the commencement of works within the Council owned foreshore area, an application under section 138 of the *Roads Act 1993* shall be made to Council, and an approval obtained, to address all required works within the foreshore area, including the closure of the area to undertake the remediation work.

PART 4. DURING CONSTRUCTION AND DEMOLITION

45. All building work must be carried out in accordance with the provisions of the Building Code of Australia.
46. In accordance with Section 6.5 of the Environmental Planning and Assessment Act and Clause 162A of the Regulations the following Mandatory, Critical Stage Inspections need to be carried out by the Principal Certifying Authority. (PCA)
- Forty-eight (48) hours notice is required prior to these inspections.
- After excavation for, and prior to the placement of any footings; and
 - Prior to pouring any in-situ reinforced concrete building element; and
 - Prior to covering of the framework for any floor, wall, roof or other building element (truss and bracing details required prior to inspection); and
 - Prior to covering waterproofing in any wet areas; and
 - Prior to covering any stormwater drainage connections; and
 - After the building work has been completed and prior to any Occupation Certificate being issued in relation to the building.
47. The proposal is to be set out by a Registered Surveyor and a Survey Report is to be submitted to the Principal Certifying Authority to ensure compliance with the Development Application. No part of the proposed structures including any proposed retaining walls are to encroach over the boundaries or easements. If the Principal Certifying Authority has concerns with the set out of the building a Survey Report may be requested prior to pouring of the slab or once the outer wall location is determined.
48. All construction and demolition work shall be carried out in accordance with the 'Noise Guide for Local Government' published by the NSW EPA as amended from time to time. That all construction and demolition work shall be carried out only between the hours of 7.00am and 6.00pm Mondays to Fridays inclusive and on Saturdays between 7.00am and 1.00pm if inaudible on residential premises, otherwise 8.00am to 1.00pm. No construction or demolition work shall take place on Sundays or Public Holidays.
49. Demolition work must also be carried out in accordance with SafeWork NSW requirements and AS2601.
50. Any person demolishing the building must upon identifying or suspecting that asbestos is present in the building, immediately notify the SafeWork NSW the controlling body for the safe removal, handling and disposal of asbestos. The Authority supervises and monitors contractors engaged in asbestos removal.
51. Any asbestos removal to be carried out in accordance with the current SafeWork NSW requirements and in accordance with the NSW Government guidelines which can be found on their webpage at <http://www.safework.nsw.gov.au/health-and-safety/safety-topics-a-z/asbestos>
52. Documentation verifying the lawful disposal of all waste and asbestos is to be kept by the applicant and provided to Council on request.
53. In accordance with the Plumbing and Drainage Act 2011, a plumbing and drainage Notice of Work (NoW) must be completed and returned to Council for its records, no later than 2 business days before the work concerned is carried out. The Notice of Work is to identify what plumbing and drainage work is carried out by a particular plumber/drainage. On completion of the plumbing and drainage work and prior to Council's Final Inspection of the plumbing and drainage work, the plumber/drainage is to submit to Council a Certificate of Compliance (CoC) and a Sewer Service Diagram.
54. All sanitary drainage, plumbing and backflow prevention is to be carried out in accordance with AS 3500 and the Plumbing and Drainage Act 2011 and the following stages of construction are to be inspected by Council as the Water and Sewer Authority.
- Forty Eight (48) hours notice is required prior to these inspections.
- Plumbing and Drainage before backfilling.
 - Pressure testing or waterpipes within the building prior to fixing of linings.
 - Final inspection of water plumbing and sewer drainage.
- Inspection fees for plumbing and sanitary are to be paid to Council prior to commencing plumbing and drainage work.
55. Prior to any remediation works commencing on Council land within the foreshore shore area, detailed landscape plan(s) shall be submitted to Council's Landscape Architect detailing the location of a broad spectrum of low, medium and high vegetation utilising species identified in Appendix B of the Goulburn Mulwaree Development Control Plan. The landscape plan(s) shall include all land immediately adjacent to

the gas works site within the foreshore area. The landscaping plan(s) shall demonstrate all required maintenance necessary to maintain and fully establish all new vegetation for a period of 12 months following planting out. All vegetation that dies or is subject to vandalism during the maintenance period shall be replaced by the developer within one month. Landscaping maintenance and ownership will revert to Council at the successful completion of the 12 month maintenance period. The landscape plans are to be prepared by a Landscape Architect and shall be approved by Council's Landscape Architect prior to any remediation works commencing on Council land.

PART 5. PRIOR TO OCCUPATION

56. The applicant must obtain an Occupation Certificate, pursuant to Section 6.3 of the Environmental Planning and Assessment Act 1979, from either Council or an accredited certifying authority, prior to occupation of the building/commencement of the use.
57. A works as executed drawing of all stormwater drainage work shall be submitted to Council as the Water and Sewer Authority at final inspection stage.
58. A final inspection of water plumbing and sewer drainage must be conducted by Council as the Water and Sewer Authority. Only after advice that the final water and sewer inspection has been completed in a satisfactory manner may an Occupation Certificate be issued.
59. A Certificate of Compliance (CoC) and a Sewer Service Diagram prepared by the plumber(s) who submitted the Notice of Work must be issued to Council prior to issue of the Occupation Certificate.
60. A compliance certificate under section 307 of the Water Management Act 2000 shall be obtained from Council prior to the issue of the Occupation Certificate.
61. Prior to the issue of an Occupation Certificate all required landscaping works to the foreshore are to be fully planted out in accordance with the agreed landscaping plans and are being maintained in accordance with the 12 month plan.

REASONS FOR CONDITIONS

Conditions have been imposed in accordance with the requirements of section 4.17 of the *Environmental Planning and Assessment Act, 1979*, in particular having regard to the relevant provisions of Section 4.15.

- To comply with the provisions of relevant Environmental Planning Instruments (including drafts) regulations and development control plans. (Section 4.15(1)(a)(i)-(iii)).
- To ensure appropriate stormwater treatment and quality control measures are designed, implemented and maintained so as to achieve a sustainable neutral or beneficial impact on water quality, particularly during wet weather, over the longer term.
- To manage adverse environmental and water quality impacts during the construction phase of the development and to minimise the risk of erosion, sedimentation and pollution within or from the site during this construction phase.
- To ensure that there is no adverse effect caused by the development. (Section 4.15(1)(b)).
- To ensure that the site is suitable for the development. (Section 4.15(1)(c)).
- To protect the public interest. (Section 4.15(1)(e)).

Regulation 2000 Clause 101 requirements for Section 7.11 condition/s:

The following Contribution Plans are application to this Consent –

Contribution Plan	
Goulburn City Wide Infrastructure Contribution Plan	<ul style="list-style-type: none">• Stormwater Drainage Infrastructure• Traffic Facilities• Waste Management Facility

All Contributions Plans are available for inspection free of charge at the Goulburn Mulwaree Council, Civic Centre, Bourke Street Goulburn during usual office hours.

NOTES:

Construction Certificate

Where construction work is proposed development consent is the first step. **Before construction commences, a Construction Certificate must be obtained** from Council or an accredited certifier.

Lapsing of Development Consent

Development consent does not lapse if the approved use has actually commenced or the proposed work is physically commenced before the consent lapse date, except where a condition specifies a limit to the duration of the consent.

Right of Appeal

If you are the applicant:

You can appeal against this decision in the Land and Environment Court within six (6) months after the date the applicant received this notice (section(s) 8.7 & 8.10 of the *Environmental Planning and Assessment Act, 1979*). You cannot appeal, however, in the case of designated development determined by the consent authority after a public hearing held by the Planning Assessment Commission.

Review

An applicant may request the Council to review this determination within six (6) months after the date the applicant received this notice. The prescribed fee must be paid with the request for a review. Once the review is completed the Council may confirm or change the determination.

If there is an appeal, the period of time within which Council may undertake a review is extended up to the time the Court hands down its decision.

Notes:

A Review cannot be requested for:

- *a determination to issue or refuse to issue a complying development certificate, or*
- *a determination in respect of designated development, or*
- *a determination in respect of integrated development, or*
- *a determination in respect of integrated development, or a determination made by Council under Division 4 in respect of an application by the Crown.*
- *a determination in which a regional panel exercises a Council's functions as the consent authority.*

Charges

DEVELOPMENT APPLICATION DETERMINATION NOTICE

Charges are reviewed each financial year. Any charges payable for this consent should be confirmed prior to payment. A copy of Council's fees and charges is available free of charge at the Council offices.

THIS FORM MUST BE PRESENTED WITH PAYMENT OF CHARGES**SUMMARY OF CHARGES**

DA Number: DA/0276/1718
Applicant: Jemena Gas Networks NSW Ltd
Owner: Jemena
Subject Land: Lot 1 DP 986690, Lot 1 DP 743211, Lot 2 DP 168412, Lots 1, 2, 4, 5 & 6 of Section 21A DP 7584681 Blackshaw Road Goulburn
No. Of Lots: N/A.

Description	Mnemonic	Unit	Rate	Amount	Comments
Goulburn Mulwaree Council Section 94A Levy Development Contributions Plan 2009					
Section 94A Levy	Gs94		0.5% OR 1% of the cost of construction		Subject to detailed costing
Goulburn Mulwaree Council Development Servicing Plan for Water Supply, Sewerage and Stormwater 2017					
Sewer	Gs64CW - Sewer	per ET			Subject to an application under section 305 of the Water Management Act and a Notice of Requirements under section 306.
Water	Gs64CW - Water	per ET			
Stormwater	Gs94CW - S/W	per Lot			

ADVISING

These contributions are reviewed annually (effectively 1 July each year) and the contribution rates are to be confirmed prior to payment.

OFFICE USE ONLY

Receipt No.
Date

Original Planning and Development Department
Copies to Goulburn Water Services Manager
 Finance Manager