

ATTACHMENT 3 – RECOMMENDED CONDITIONS OF CONSENT

Details of Conditions:

1.0 - General Conditions of Consent

The following conditions of consent are general conditions applying to the development.

- (1) **General terms of approval** – The General Terms of Approval from state authorities must be complied with prior to, during, and at the completion of the development. The General Terms of Approval are:

1. NSW Rural Fire Service, reference D18/8570 dated 13 August 2019.

A copy of the General Terms of Approval is attached to this determination notice.

- (2) **External agency approvals** – The requirements from the following agencies must be complied with prior to, during, and at the completion of the development. The Requirements are:

1. Hunter Water Corporation, reference HW2018-1555 dated 18 December 2018.

A copy of the Requirements is attached to this determination notice.

- (3) **Approved plans and documentation** – Development must be carried out in accordance with the following plans and documentation, and all recommendations made therein, except where amended by the conditions of this development consent:

Plan reference/ drawing no.	Name of plan	Prepared by	Date
1916 – Rev. A Sheet 1	Existing Site & Design Statement	Mara Consulting	10.4.2019
1916 – Rev. A Sheet 2	Key Plan & Schedules	Mara Consulting	10.4.2019
1916 – Rev. A Sheet 3 - 8	Landscape Plans	Mara Consulting	10.4.2019
1916 – Rev. A Sheet 9	Sections	Mara Consulting	10.4.2019
1916 – Rev. A Sheet 10	Materials Palette	Mara Consulting	10.4.2019
DD239 – A001 - Rev. F	Site Plan	Derive Architecture	08.8.2018
DD239 – A002 - Rev. B	Detailed Site Plan (Part A)	Derive Architecture	13.6.2019
DD239 – A003 - Rev. B	Detailed Site Plan (Part B)	Derive Architecture	13.6.2019

DD239 – A004 - Rev. B	Site Sections	Derive Architecture	08.8.2018
DD239 – A005 - Rev. B	Site Sections	Derive Architecture	08.8.2018
DD239 – A006 - Rev. B	Site Sections	Derive Architecture	08.8.2018
DD239 – A007 - Rev. B	External Works Plan - Carpark	Derive Architecture	08.8.2018
DD239 – A008 - Rev. A	Entry Car Park Sections	Derive Architecture	20.7.2018
DD239 – A010 - Rev. A	External Works Plan – Storage Facility	Derive Architecture	08.8.2018
DD239 – A021 - Rev. B	Part Site Plan – Accommodation West	Derive Architecture	08.8.2018
DD239 – A022 - Rev. A	Part Site Plan – Accommodation East	Derive Architecture	08.8.2018
DD239 – A023 - Rev. A	Part Site Plan – Accommodation North	Derive Architecture	08.8.2018
DD239 – A030 - Rev. A	Part Site Plan – Commons External Works	Derive Architecture	08.8.2018
DD239 – A040 - Rev. A	Part Site Plan – Amenities Block A + B	Derive Architecture	08.8.2018
DD239 – A041 - Rev. A	Part Site Plan – Amenities Block C + D	Derive Architecture	08.8.2018
DD239 – A042 - Rev. A	Part Site Plan – Amenities Block E + F	Derive Architecture	08.8.2018
DD239 – A050 - Rev. B	Part Site Plan – Managers Residence	Derive Architecture	08.8.2018
DD239 – A11009 - Rev. A	Basement Floor Plan – SDA Facility	Derive Architecture	21.10.2019
DD239 – A110 - Rev. E	Lower Floor Plan – SDA Facility	Derive Architecture	21.10.2019
DD239 – A111 - Rev. C	Upper Floor & Roof Plan – SDA Facility	Derive Architecture	21.10.2019
DD239 – A115 - Rev. A	SDA Facility – Wash Bay	Derive Architecture	24.10.2019
DD239 – A120 - Rev. B	Floor and Roof Plan - Accommodation	Derive Architecture	21.10.2019
DD239 – A121 - Rev. B	Floor and Roof Plan - Accessible	Derive Architecture	21.10.2019
DD239 – A130 - Rev. D	Floor Plan - Commons	Derive Architecture	21.10.2019
DD239 – A131 - Rev. B	Roof Plan - Commons	Derive Architecture	08.8.2018
DD239 – A140 - Rev. B	Floor + Roof Plan – Amenities	Derive Architecture	21.10.2019
DD239 – A150 - Rev. B	Floor Plan – Managers Residence	Derive Architecture	21.10.2019

DD239 – A151 - Rev. A	Roof Plan – Manager's Residence	Derive Architecture	08.8.2018
DD239 – A310 - Rev. C	Elevations – Storage & Workshop	Derive Architecture	21.10.2019
DD239 – A311 - Rev. B	Elevations – Storage & Workshop	Derive Architecture	21.10.2019
DD239 – A320 - Rev. B	Elevations - Lodge	Derive Architecture	21.10.2019
DD239 – A330 - Rev. A	Elevations - Commons	Derive Architecture	08.8.2018
DD239 – A340 - Rev. C	Elevations – Amenities	Derive Architecture	21.10.2019
DD239 – A350 - Rev. B	Elevations – Accommodation	Derive Architecture	21.10.2019
DD239 – A410 - Rev. C	Sections – Storage & Workshop	Derive Architecture	21.10.2019
DD239 – A420 - Rev. B	Section – Accommodation West	Derive Architecture	21.10.2019
DD239 – A421 - Rev. B	Section – Accommodation East	Derive Architecture	21.10.2019
DD239 – A422 - Rev. B	Section – Accommodation North	Derive Architecture	21.10.2019
DD239 – A423 - Rev. B	Section – Lodge Typical	Derive Architecture	21.10.2019
DD239 – A430 - Rev. A	Sections – Common	Derive Architecture	08.8.2018
DD239 – A440 - Rev. B	Sections – Amenities Block A + B	Derive Architecture	21.10.2019
DD239 – A441 - Rev. B	Sections – Amenities Block C + D	Derive Architecture	21.10.2019
DD239 – A442 - Rev. B	Sections – Amenities Block E + F	Derive Architecture	21.10.2019
DD239 – A443 - Rev. B	Sections – Amenities	Derive Architecture	21.10.2019
DD239 – A450 - Rev. B	Sections – Managers Residence	Derive Architecture	21.10.2019
DD239 - Rev. A Sheet 1 - 6	Materials and Finishes	Derive Architecture	08.8.2018
190415 No. 2 – Rev. F	Site Plan	ADW Johnson	23.5.19
190415 No. 101 – Rev. F	Detailed Plan Sheet 1	ADW Johnson	23.5.19
190415 No. 102 – Rev. F	Detailed Plan Sheet 2	ADW Johnson	23.5.19
190415 No. 103 – Rev. F	Access Track Plan	ADW Johnson	23.5.19
190415 No. 201 – Rev. F	Access Track Long Section Sheet 1	ADW Johnson	23.5.19

190415 No. 202 – Rev. F	Access Track Long Section Sheet 2	ADW Johnson	23.5.19
190415 No. 203 – Rev. F	Access Track Long Section Sheet 3	ADW Johnson	23.5.19
190415 No. 204 – Rev. F	Sections	ADW Johnson	23.5.19
190415 No. 331 – Rev. F	Northern Coach Turning Paths	ADW Johnson	23.5.19
190415 No. 332 – Rev. F	Southern Coach Turning Paths	ADW Johnson	23.5.19
190415 No. 501 – Rev. F	Site Grading Plan	ADW Johnson	23.5.19
190415 No. 601 – Rev. F	Erosion Sediment Control Plan Sheet 1	ADW Johnson	23.5.19
190415 No. 602 – Rev. F	Erosion Sediment Control Plan Sheet 2	ADW Johnson	23.5.19
190415 No. 603 – Rev. F	Erosion Sediment Control Plan Sheet 3	ADW Johnson	23.5.19

Document title	Prepared by	Date
Water Cycle Management Plan	ADW Johnson	06.2019

In the event of any inconsistency between the approved plans and the conditions, the conditions will prevail.

- (4) **Signage** – No consent is given or implied for any form of illumination or floodlighting to any sign.
- (5) **Building Code of Australia** – All building work must be carried out in accordance with the BCA. In this clause, a reference to the BCA is a reference to that Code as in force on the date the application for the relevant Construction Certificate is made.
- (6) **Tree removal/pruning** – The trees identified below are approved for removal:
 - a) Five Swamp Mahoganies (*Eucalyptus robusta*) as detailed in the ‘ADDENDUM ECOLOGICAL ASSESSMENT FOR THE PROPOSED HIGH VOLTAGE TRANSMISSION LINE FOR THE WORIMI ECOTOURISM PROJECT’ prepared by EPS, dated 27 June 2019.

Compensatory Koala feed trees must be planted at no cost to Council and in accordance with the Port Stephens Council Comprehensive Koala Plan of Management and Council’s Tree Technical Specification. The planting must be installed in consultation with Council’s Vegetation Management Officer prior to the issue of the Occupation Certificate.

- (7) **Outdoor lighting** - All lighting must comply with AS 1158 ‘Lighting for Roads and Public Spaces’, AS 4282 ‘Control of Obtrusive Effects of Outdoor Lighting’ and the

extraneous lighting controls detailed in the CASA Manual of Standards (MOS-139) Aerodromes.

2.0 – Prior to Issue of a Construction Certificate

The following conditions of consent shall be complied with prior to the issue of a Construction Certificate.

- (1) **Construction Certificate** - The following information must be provided to the Certifying Authority with the Construction Certificate application:
 - a) Certification from a suitably qualified consultant that that all buildings are designed and constructed to be compliant with indoor design sound levels for determination of aircraft noise reduction as outlined in AS2021-2015 Acoustics – Aircraft noise intrusion – Building siting and construction.
 - b) Detailed design drawings provided with the Construction Certificate application will provide specifications of adequate bunding and details of appropriate storage facilities for fuels and chemicals in accordance with the *Work Health Safety Regulation 2017*.
- (2) **Potential acid sulfate soils** - A geotechnical assessment of the site is to be undertaken to determine whether the development works will disturb Potential Acid Sulfate Soils (ASS). Should ASS be encountered within the zone of works, an ASS Management Plan is to be prepared by a suitably qualified Geotechnical Engineer and submitted to the Certifying Authority.

The recommendations and/or mitigation measures contained within the ASS Management Plan must be complied with during works.

- (3) **Civil engineering plans** – Civil engineering plans prepared by a qualified Engineer, indicating drainage, roads, access ways, earthworks, pavement design, street lighting, details of line-marking, traffic management, water quality and quantity facilities including stormwater detention and disposal, must be prepared in accordance with the approved plans and Council's Infrastructure Specifications.

Details demonstrating compliance must be provided to the Certifying Authority.

Note. Under the *Roads Act 1993*, only the Roads Authority can approve commencement of works within an existing road reserve.

- (4) **Stormwater/drainage plans** – Detailed stormwater drainage plans must be prepared by a qualified Engineer in accordance with the approved plans, Council's Infrastructure Specifications and the current Australian Rainfall and Runoff guidelines using the Hydrologic Soil Mapping data for Port Stephens (available from Council).

Details demonstrating compliance must be provided to the Certifying Authority.

Note. Under the *Roads Act 1993*, only the Roads Authority can approve commencement of works within an existing road reserve.

- (5) **Stormwater system Operation and Maintenance Procedure Plan** – An Operation and Maintenance Plan for the stormwater system must be prepared by a qualified engineer detailing a regular maintenance programme for pollution control devices, covering inspection, cleaning and waste disposal.

Details demonstrating compliance must be provided to the Certifying Authority.

- (6) **Retaining walls** – All retaining walls must be designed and certified by a suitably qualified Structural Engineer in accordance with Council's Infrastructure Specifications.

Details demonstrating compliance must be provided to the Certifying Authority.

- (7) **Soil, erosion, sediment and water management** – An Erosion and Sediment Control Plan (ESCP) must be prepared in accordance with Council's Infrastructure Specifications. Details demonstrating compliance must be provided to the Certifying Authority.

- (8) **Roads Act Approval** – For construction/reconstruction of Council infrastructure, including vehicular crossings, footpath, kerb and gutter, stormwater drainage, an application must be made for a Roads Act Approval Certificate under Section 138B of the *Roads Act 1993*.

- (9) **Approval of OSMS under LG Act** - An approval under Section 68 of the *Local Government Act 1993* is to be obtained from Council for the installation of an on-site sewage management system (OSMS) prior to the issue of a Construction Certificate.

Details demonstrating compliance must be provided to the Certifying Authority.

- (10) **Garbage room** – Rooms or areas used for the storage of garbage, and rooms used for the washing and storage of garbage receptacles, must be constructed in accordance with the approved plans and the following:
- a) The room must be constructed of solid material, cement rendered and trowelled to a smooth even surface;
 - b) The floor must be impervious material coved at the intersection with the walls, graded and drained to an approved floor waste within the room; and
 - c) Garbage rooms must be vented to the external air by natural or mechanical ventilation.

Details demonstrating compliance must be provided to the Certifying Authority.

- (11) **Parking areas and loading bays** - Loading bays are to be provided in accordance with AS2890 Part 2 'Parking Facilities'.

Details demonstrating compliance must be provided to the Certifying Authority.

- (12) **Construction Environmental Management Plan** - A Construction Environmental Management Plan (CEMP) is to be submitted to and approved by the Certifying

Authority and Council. 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, noise and dust management, traffic management and environmental management.

- (13) **Mechanical exhaust system** – Mechanical exhaust system(s) must comply with AS 1668 'The use and Ventilation and Air Conditioning in Buildings' Parts 1 and 2 (including exhaust air quantities and discharge location points).

Details demonstrating compliance must be provided to the Certifying Authority.

- (14) **Long service levy** – In accordance with Section 34 of the *Building and Construction Industry Long Service Payments Act 1986*, the applicant must pay a long service levy at the prescribed rate to either the Long Service Payments Corporation or Council for any works that cost \$25,000 or more.
- (15) **Contributions** - Monetary contribution is to be paid to Council, pursuant to section 7.12 of the *Environmental Planning and Assessment Act 1979* and the Port Stephens Council Fixed Development Contributions Plan, related to the Capital Investment Value (CIV) of the development as determined in accordance with clause 25j of the *Environmental Planning and Assessment Regulation 2000* and 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%

The payment of the fixed development consent levy is to be accompanied by a Cost Summary Report Form setting out an estimate of the CIV in accordance with Schedule 1 of the Port Stephens Council Fixed Development Contributions Plan. Where the estimated cost of carrying out the whole of the development is more than \$1,000,000, 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. This condition cannot be taken to be satisfied until a payment has been made in accordance with the CIV stated on a cost summary report submitted to Council in accordance with this condition.

3.0 - Prior to Commencement of Works

The following conditions of consent shall be complied with prior to any works commencing on the development site.

- (1) **Public liability insurance** – The owner or contractor must take out a Public Liability Insurance Policy with a minimum cover of \$20 million in relation to the occupation of, and works within, public property (i.e. kerbs, gutters, footpaths, walkways, reserves, etc.) for the full duration of the proposed works.

Evidence of this Policy must be provided to Council and the Certifying Authority.

- (2) **Notice of Principal Certifying Authority appointment** – Notice must be given to Council at least two days prior to subdivision and/or building works commencing in accordance with Clause 103 of the *Environmental Planning & Assessment Regulation 2000*. The notice must include:
 - a) a description of the work to be carried out;
 - b) the address of the land on which the work is to be carried out;
 - c) the Registered number and date of issue of the relevant development consent;
 - d) the name and address of the Principal Certifying Authority (PCA), and of the person by whom the PCA was appointed;
 - e) if the PCA is an accredited certifier, their accreditation number, and a statement signed by the accredited certifier consenting to being appointed as PCA; and
 - f) a telephone number on which the PCA may be contacted for business purposes.
- (3) **Notice commencement of work** – Notice must be given to Council at least two days prior to subdivision and/or building works commencing in accordance with Clause 104 of the *Environmental Planning & Assessment Regulation 2000*. The notice must include:
 - a) the name and address of the person by whom the notice is being given;
 - b) a description of the work to be carried out;
 - c) the address of the land on which the work is to be carried out;
 - d) the Registered number and date of issue of the relevant development consent and construction certificate;
 - e) a statement signed by or on behalf of the Principal Certifying Authority to the effect that all conditions of the consent that are required to be satisfied prior to the work commencing have been satisfied; and
 - f) the date on which the work is intended to commence.
- (4) **Sign of PCA and contact details** – A sign must be erected in a prominent position on the site stating the following:
 - a) that unauthorised entry to the work site is prohibited;
 - b) the name of the principal contractor (or person in charge of the site) and a telephone number on which that person can be contacted at any time for business purposes and outside working hours;

- c) the name, address and telephone number of the Principal Certifying Authority.

The sign must be maintained while the work is being carried out and must be removed upon the completion of works.

- (5) **Construction Certificate Required** – In accordance with the provisions of Section 6.7 of the *Environmental Planning & Assessment Act 1979 (EP&A Act 1979)*, construction or subdivision works approved by this consent must not commence until the following has been satisfied:
 - a) a Construction Certificate has been issued by a Consent Authority;
 - b) a Principal Certifying Authority (PCA) has been appointed by the person having benefit of the development consent in accordance with Section 6.5 of the *EP&A Act 1979*; and
 - c) the PCA is notified in writing of the name and contractor licence number of the owner/builder intending to carry out the approved works.
- (6) **Site is to be secured** – The site must be secured and fenced to the satisfaction of the Principal Certifying Authority. All hoarding, fencing or awnings (associated with securing the site during construction) is to be removed upon the completion of works.
- (7) **Soil erosion and sediment control** – Soil erosion and sediment controls must be implemented prior to works commencing on the site in accordance with 'Managing Urban Stormwater – Soils and Construction ('the blue book') and any Sediment and Erosion plans approved with this Development Consent.

Soil erosion and sediment control measures must be maintained during construction works and must only be removed upon completion of the project when all landscaping and disturbed surfaces have been stabilised (for example, with site turfing, paving or re-vegetation).

- (8) **All weather access** – A 3m wide all-weather vehicle access is to be provided from the kerb and gutter to the building under construction for the delivery of materials and use by trades people. No materials, waste or the like are to be stored on the all-weather access at any time.
- (9) **Rubbish generated from the development** – Where not already available, a waste containment facility is to be established on site. The facility is to be regularly emptied and maintained for the duration of works.

No rubbish must be stockpiled in a manner which facilitates the rubbish to be blown or washed off site. The site must be cleared of all building refuse and spoil immediately upon completion of the development.

- (10) **Protection of trees /existing street trees** – Protection of trees to be retained must be in accordance with AS490 'Protection of Trees on Development Sites' and the following.

- (11) **Preservation of undisturbed areas** - The boundary of undisturbed land within the project area is to be surveyed and marked before construction of the development commences. The boundary is to be based on the maximum extent of large pre mining specimens of dune forest species and the understory that is predominantly free of rehabilitation species and weeds. The outer edge of development disturbance is to be located within the mined land area, providing a buffer of approximately 10 metres from the undisturbed land.

Construction traffic and maintenance vehicles are prohibited within the undisturbed dune forest. Signage is to be provided that indicates this requirement.

- (12) **Water Management Plan** – A water management plan must be developed for construction works likely to encounter and/or extract groundwater prior to the commencement of construction. The water management plan should, at a minimum:
- a) Outline controls to minimise worker, public and livestock exposure to extracted water;
 - b) Describe the design and operation of on-site disposal extracted water by irrigation/seepage; and
 - c) Where off-site disposal is required, detail water storage, treatment, testing, transport, and/or disposal processes.

4.0 - During Works

The following conditions of consent shall be complied with during the construction phase of the development.

- (1) **Construction hours** – All work (including delivery of materials) must be restricted to the hours of 7.00am to 5.00pm Monday to Saturday inclusive. Work is not to be carried out on Sundays or Public Holidays.
- (2) **Toilet facilities** – Temporary toilet(s) must be provided and maintained on site from the time of commencement of building work to completion. The number of toilets provided must be one toilet per 20 persons or part thereof employed on the site at any one time. The temporary toilet is to be either connected to the sewerage system or an approved septic tank or otherwise may be a chemical toilet supplied by a licensed contractor.
- (3) **Compliance with BCA** – All building work must be carried out in accordance with the requirements of the Building Code of Australia.
- (4) **Excavations and backfilling** – All excavations and backfilling associated with this development consent must be executed safely, and be properly guarded and protected to prevent them from being dangerous to life or property, and in accordance with the design of a suitably qualified Structural Engineer.

If an excavation extends below the level of the base of the footings of a building on an adjoining allotment, the person causing the excavation must:

- a) preserve and protect the building from damage; and
- b) if necessary, underpin and support the building in an approved manner; and

- c) give at least seven days notice to the adjoining owner before excavating, of the intention to excavate.

The principal contractor, owner builder or any person who needs to excavate and undertake building work, must contact "Dial Before You Dig" prior to works commencing, and allow a reasonable period of time for the utilities to provide locations of their underground assets.

This condition does not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying.

- (5) **Survey report** – The building must be set out by a Registered land surveyor. A peg out survey detailing the siting of the building in accordance with the approved plans must be provided to the Principal Certifying Authority prior to the pouring of concrete.
- (6) **Traffic Management Plan implementation** - All construction traffic management procedures and systems identified in the approved Construction Environmental Management Plan (CEMP) must be introduced during construction of the development to ensure safety and to minimise the effect on adjoining pedestrian and traffic systems.
- (7) **Stormwater disposal** – Following the installation of any roof, collected stormwater runoff from the structure must be:
 - a) Dispersed at ground level, so as not to be concentrated or create nuisance flows onto any buildings, or neighbouring properties. The discharge location must be at least 3m down slope of the building and 6m minimum clearance from receiving down slope property boundaries.
- (8) **Placement of fill** - Filling must not be placed in such a manner that natural drainage from adjoining land will be obstructed or in such a manner that surface water will be diverted. Further, any alterations to the natural surface contours must not impede or divert natural surface water runoff so as to cause a nuisance to adjoining property owners.
- (9) **Location of stockpiles** – Stockpiles of soil must not be located on / near any drainage lines or easements, natural watercourses or water bodies, footpath or roadway without first providing suitable protective measures adequate to protect these water bodies. All stockpiles of contaminated materials must be suitably covered to prevent dust and odour nuisance.
- (10) **Tree protection measures** – All trees to be retained must be protected in accordance with AS4970 'Protection of Trees on Development Sites' for the duration of construction.
- (11) **Weed management** – All machinery that has operated in affected areas shall be cleaned thoroughly prior to leaving the site. A wash down area shall be established, and subsequently monitored for the presence of Biosecurity Matter. Cleaning must

include the removal of all mud and plant matter, followed by washing with high pressure water. An area for storage of contaminated soil that is separate from clean material shall be provided during construction.

- (12) **Unexpected finds contingency (general)** – Should any suspect materials (identified by unusual staining, odour, discolouration or inclusions such as building rubble, asbestos, ash material, etc.) be encountered during any stage of works (including earthworks, site preparation or construction works, etc.), such works must cease immediately until a qualified environmental specialist has been contacted and conducted a thorough assessment.

In the event that contamination is identified as a result of this assessment and if remediation is required, all works must cease in the vicinity of the contamination and Council must be notified immediately. Where remediation work is required, the applicant will be required to obtain consent for the remediation works.

- (13) **Soil, erosion, sediment and water management** – All requirements of the Erosion and Sediment Control Plan or Soil and Water Management Plan must be maintained at all times during the works and any measures required by the plan must not be removed until the site has been stabilised.
- (14) **Offensive noise, dust, odour and vibration** – All work must not give rise to offensive noise, dust, odour or vibration as defined in the *Protection of the Environment Operations Act 1997* when measured at the nearest property boundary.
- (15) **Construction Noise Management Plan** – All operations must be carried out in accordance with the recommendations contained in the Construction Environmental Management Plan (CEMP).
- (16) **Fill material** – The only fill material that may be received at the development site is: Virgin excavated natural material (VENM) within the meaning of the *Protection of the Environment Operations Act (POEO Act 1997)*; or

Excavated natural material (ENM) within the meaning of the *POEO Act 1997*; or
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.

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.

Any fill, soil, mulch and plant brought onto the site must be certified as free of weeds and weed seeds.

- (17) **Groundwater Management** – Any groundwater that accumulates in footings or other excavations and needs to be pumped out must be pumped to a location on the property where it can seep into the ground and not run off. This must be a close to

the point of origin and not in close proximity to drainage lines or property boundaries. Extracted ground water must not be permitted to run off the property.

- (18) **Excavated Material Disposal** – Soil to be disposed off-site must be classified in accordance with EPA's Waste Classification Guidelines.

5.0 - Prior to Issue of an Occupation Certificate

The following conditions of consent shall be complied with prior to the issue of an Occupation Certificate.

- (1) **Occupation Certificate required** - An Occupation Certificate must be obtained prior to any use or occupation of the development. The Principal Certifying Authority must be satisfied that the development has been constructed in accordance with approved plans, specifications and conditions of this consent.
- (2) **Fire Safety Certificates** - A Fire Safety Certificate must be provided to the PCA in accordance with the requirements of the *Environmental Planning & Assessment Regulation 2000*.
- (3) **Survey Certificate** – A Registered Surveyor must prepare a Survey Certificate to certify that the location of the building in relation to the allotment boundaries complies with the approved plans or as specified by this consent. The Survey Certificate must be provided to the satisfaction of the Principal Certifying Authority.
- (4) **Services** – Evidence is to be provided to Council demonstrating that the following services are available:
 - a) Electricity;
 - b) Water.

Should any of the above services not be available to the development site, a detailed statement is to be provided explaining why connection of the relevant service is not possible or practical.

- (5) **Stormwater/drainage works** – All stormwater and drainage works required to be undertaken in accordance with this consent must be completed. The certification/verification must be provided to the satisfaction of the Principal Certifying Authority.
- (6) **Rectification damage to public infrastructure** – The applicant must rectify any new damage to public infrastructure to the satisfaction of the Council as the Roads Authority.
- (7) **Completion of Roads Act Approval works** - All approved road, footpath and/or drainage works, including vehicle crossings, have been completed in the road reserve in accordance with the Roads Act Approval to the satisfaction of the Council as the Roads Authority.
- (8) **Works as Executed Plans and Report** - Works As Executed Plans must be prepared and provided to the Principal Certifying Authority in accordance with

Council's Infrastructure Specifications confirming all stormwater drainage systems are constructed in accordance with the approved plans/documentation.

- (9) **Geotechnical Compliance Certificate** – A Certificate of Compliance prepared by a qualified Geotechnical Engineer must be provided to the Principal Certifying Authority stating that the works detailed in the Geotechnical Report have been undertaken under the Engineer's supervision and to the Engineer's satisfaction, and that the assumptions relating to site conditions made in preparation of the report were validated during construction. This certificate must accompany the Works as Executed plans.
- (10) **Completion of landscape works** – All landscape works are to be undertaken in accordance with the approved landscape plan and conditions of this Development Consent.
- (11) **Loading/unloading facilities** – Loading /unloading facilities must be constructed in accordance with the approved plans. The extent of the loading bay must be permanently marked on the pavement surface.
- (12) **Waste disposal** – The building owner must ensure that there is a contract with a licensed contractor for the removal of all waste. No garbage is to be placed on public land (e.g. footpaths, roadways, plazas, reserves) at any time. Organic waste must be stored in covered/enclosed bins.
- (13) **Operational Management** – A Management Strategy is to be prepared and submitted to Council for approval. The Management Strategy must outline the operating details of the site including complaints handling, detail on tour operators, site maintenance, weed removal and vegetation re-generation works. The Plan of Management is also to include mitigation measures to ensure operation of the site is carried out with minimal environmental impact in relation to noise, waste management, noise and dust management, traffic management and environmental management. The strategy must be prepared by suitably qualified professionals in accordance with the relevant ISO14000 standards.
- (14) **Bushfire Safety** - The Principal Certifying Authority is to be provided with documentary evidence prepared by a suitably qualified consultant that all requirements set out under the NSW Rural Fire Service General Terms of Approval (D18/8570 dated 13 August 2019) have been complied with.
- (15) **Acoustic Treatment** - Certification is to be submitted to the Principal Certifying Authority by a suitably qualified consultant to certify that the construction of the development complies with the recommendations of the Acoustic Assessment Report No. MAC160334RP1, prepared by Muller Acoustic Consulting dated June 2018.
- (16) **Noise Management** – A Noise Management Plan is to be submitted for Council approval to demonstrate measures are in place to avoid use of the commons area during peak aircraft movements.

- (17) **Waste water treatment devices** – The Principal Certifying Authority is to be provided with documentary evidence that all wastewater treatment devices (including drainage systems, sumps, traps and pumps) have been installed.

6.0 – Ongoing Use

The following conditions of consent are operational conditions applying to the development.

- (1) **Maneuvering of vehicles** – All vehicles must enter and exit the site in a forward direction.
- (2) **Removal of graffiti** – The owner/manager of the site is responsible for the removal of all graffiti from the building and fences within 48 hours of its application.
- (3) **Hours of operation** – Quad bike tours and operations are only to occur between the hours of 7am and 6pm each day.
- (4) **Loading to occur on site** – All loading and unloading operations are to be carried out wholly within the building/site and in accordance with the approved plans.
- (5) **Parking – Signage (loading docks)** – Proposed parking areas, service bays, truck docks, driveways and turning areas must be maintained clear of obstructions and be used exclusively for purposes of car parking, loading/ unloading, and vehicle access respectively for the life of the development. Under no circumstances are such areas to be used for the storage of goods or waste materials.
- (6) **Approved signage maintenance** – The approved signs must be maintained in a presentable and satisfactory state of repair. The level of illumination and/or lighting intensity used to illuminate the sign/s must comply with AS 1158 'Lighting for Roads and Public Spaces' and AS 4282 'Control of Obtrusive Effects of Outdoor Lighting'.
- (7) **Parking areas to be kept clear** – At all times, the loading, car parking spaces, driveways and footpaths must be kept clear of goods and must not be used for storage purposes.
- (8) **Fire Safety Schedule** – At all times, a copy of the Fire Safety Schedule and Fire Safety Certificate must be prominently displayed in the building and a copy forwarded to the Commissioner of New South Wales Fire Brigades in accordance with the *Environmental Planning & Assessment Regulations 2000*.
- (9) **Maintenance of landscaping** – Landscaping must be maintained in accordance with the approved landscape plan and conditions of this development consent. All landscape areas must be kept free of parked vehicles, stored goods, garbage or waste material at all times.

If any of the vegetation dies or is removed, it is to be replaced with vegetation of the same species and similar maturity as the vegetation which has died or was removed.

- (10) **Amenity** – The business must be conducted, and customers controlled at all times so that no interference occurs to the amenity of the area, the footpath, adjoining occupations and residential or business premises.
- (11) **Waste water treatment devices** – All wastewater treatment devices (including drainage systems, sumps, traps and pumps) must be regularly maintained in good working order to ensure that they remain effective.

A maintenance schedule must be developed and incorporated into a Plan of Management (PoM) and kept on-site at all times for staff to comply with. All liquid and solid wastes collected from the treatment device must be disposed of in accordance with relevant environmental protection and waste control Legislation.

- (12) **Noise Management** – The approved Noise Management Plan is to be complied with at all times.
- (13) **Effluent Management** - All effluent from the dry composting toilets must be fully contained and disposed of either off-site or after a specified time where it can be demonstrated that there is no pathogen risk from the material or leaching of nutrients.
- (14) **Fuel Management** - Fuel, chemicals, grease and oils at the quad-bike storage and maintenance facility must be stored in an appropriately bunded area such that any spills will be readily captured and not able to infiltrate to groundwater in accordance with *Work Health Safety Regulation 2017*.

Maintenance activity and refuelling should only be undertaken on a hardstand area.

Advice Note(s):

- (1) **'Dial Before you Dig'** – Before any excavation work starts, contractors and others should phone the “Dial Before You Dig” service to access plans/information for underground pipes and cables.
- (2) **Dividing fences** – The erection of dividing fences under this consent does not affect the provisions of the *Dividing Fences Act 1991*. Under this Act, all relevant parties must be in agreement prior to the erection of any approved dividing fence/s under this consent.

Council has no regulatory authority in this area and does not adjudicate civil disputes relating to the provision of, or payment for, the erection of dividing fences. If there is a neighbour dispute about the boundary fence and you are seeking mediation, you may contact the Community Justice Centre, or if legal advice or action is required, you may contact the Chamber Magistrate.

- (3) **Premise standard** – It is the Applicants responsibility to ensure compliance with the requirements of the *Disability Discrimination Act 1992* (DDA).

Note: Compliance with the Building Code of Australia does not necessarily meet the requirements of the DDA.

- (4) **Disability Discrimination Act** – The Commonwealth Disability Discrimination Act makes it an offence to discriminate against people on the grounds of disability, in the provision of access to premises, accommodation, or services. It is the owner/applicants responsibility to ensure compliance with the requirements of this Act.
- (5) **Regulated premises inspections** – The premises will be incorporated in Council's Surveillance Program and will be subject to ongoing annual inspections.
- (6) **Aboriginal archaeological deposit** – In the event of any aboriginal artefact, object or structure being unearthed, all work must cease immediately in the affected area, and the Biodiversity Conservation Division (BCD) shall be informed of the discovery. Work must not recommence until the material has been inspected and permission has been given by BCD to proceed.
- (7) **Works near/adjoining electricity network assets** – There are underground electricity network assets adjacent to the proposed development. Any works undertaken adjacent to Ausgrid underground assets must be undertaken with care in accordance with Ausgrid Network Standard Document NS 156 – Work Near or Around Underground Cables
- (8) **Signage** – You are advised that any proposed advertising signs that are not shown on the approved plans, or classified as exempt development, are subject to a separate Development Application to Council.
- (9) **Responsibility for damage for tree removal/pruning** – The applicant is responsible for any damage caused to existing public utilities, footpaths or public

roads during the cutting down, grinding, removal and disposal of the timber and roots. Care must also be taken by the applicant and the applicant's agents to prevent any damage to adjoining properties. The applicant or the applicants' agent may be liable to pay compensation to any adjoining owner if, due to tree works, damage is caused to such adjoining property.

- (10) **Department of Defence Approval** – For any construction activities, for example the use of cranes, or proposed landscaping/vegetation that exceed the maximum height of 7.5 metres above ground level, details are required to be provided to Defence for assessment and approval to ensure proposed structure heights will not pose a risk to safety of flying operations.