

Attachment 3: Draft Recommended Conditions of Development Consent

Prescribed Conditions

- a) The work must be carried out in accordance with the requirements of the *Building Code of Australia (National Construction Code)*.
- b) A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
 - i) showing the name, address and telephone number of the Principal Certifier for the work, and
 - ii) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
 - iii) stating that unauthorised entry to the work site is prohibited

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

Inspections

The person having the benefit of the consent shall ensure that critical stage inspections are carried out and notify the Principal Certifier giving adequate notice of the time that each stage of the building/development is ready for inspection.

General Conditions

1. Approved Plans and Documentation

The development consent incorporates this schedule of conditions and the plans referenced and stamped as follows:

Plans prepared by: Jackson Environment and Planning, Project Number: Nil			
Name of Plan	Drawing Number	Issue	Date
Office Ground Floor Plan	101	A	12/05/2019
Office First Floor Plan	102	A	12/05/2019
Basement Plan	105	A	14/04/2019
Elevation – (south & west)	109	A	13/04/2019
Elevation – (north & east)	109	A	14/04/2019

Plans prepared by: Moir Landscape Architecture Project Number:			
Name of Plan	Drawing Number	Issue	Date
Landscape Concept Plan	LP03	D	1/05/2019
Planting Schedule	LP04	D	1/05/2019

Details of the development shown in the approved plans and documents referenced are altered in the manner indicated by:

- i) Any amendments made by Council on the approved plans or documents;
- ii) Any notes, markings, or stamps on approved plans or documents, and
- iii) Any conditions contained in this consent.

2. Approved Activity and Waste Types

- Activity: Resource Recovery, Waste Storage
- Waste type permitted to be accepted for recovery or storage: General solid waste, special waste, liquid waste, hazardous waste, with limits. (See proposed waste table)

Waste	Description	Activity	Tonnes
General solid waste (non-putrescible)	Building & demolition waste	Resource Recovery	TBD
General solid waste (non-putrescible)	Wood waste	Resource Recovery	TBD
General solid waste (non-putrescible)	Packaging, paper & cardboard	Resource Recovery	TBD
General solid waste (non-putrescible)	Soils	Resource Recovery	TBD
General solid waste (non-putrescible)	Commercial & industrial waste	Resource Recovery	TBD
General solid waste (non-putrescible)	Household (bulky) waste	Resource Recovery	TBD
General solid waste (non-putrescible)	Street sweepings	Resource Recovery	TBD
Special waste	Waste tyres	Waste storage	TBD
Hazardous waste	Batteries, gas bottles, fire extinguishers, smoke detectors	Waste storage	TBD
Liquid waste	Used motor oil, paint	Waste storage	TBD

- Note: Waste received at the premises that meets the chemical and other material requirements of “*The excavated natural material order 2014*” is classified as general solid waste and can no longer taken to be, described as, or supplied as “*excavated natural material*”.
- Note: Waste received at the premises that is described as virgin excavated natural material is classified as general solid waste and can no longer taken to be, described as, or supplied as virgin excavated natural material.
- Maximum amount of waste permitted to be received at the premises per year: 95,000 tonnes.

3. Construction Certificate, Principal Certifier & Notice Required

In accordance with the provisions of Section 6.6 of the *Environmental Planning and Assessment Act 1979* construction or civil works approved by this consent must not commence until:

- a) A Construction Certificate has been issued by the consent authority, Council or an accredited certifier; and
- b) A Principal Certifier 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) If Council is not the Principal Certifier, notify Council no later than two (2) days before building work commences as to who is the appointed Principal Certifier; and
- d) At least two (2) days before commencement of building work, the person having benefit of the development consent is to notify Council as to the intention to commence building work.

4. Energy Efficiency - Class 3, 5, 6, 7, 8 and 9 Buildings

The proposed building(s) must be constructed in accordance with the current requirements for efficient energy use. The Principal Certifier is to be satisfied that the proposed building(s) will comply with Section J and NSW Subsection J(B) of the Building Code of Australia.

5. Accessible Facilities

Accessible toilets must be provided in accordance with the Building Code of Australia, relevant Australian Standards and have regard to the *Disability Discrimination Act 1992* (DDA).

Plans and specifications must demonstrate compliance with the relevant legislation and Standards.

The plans must be approved by the Principal Certifier prior to the issue of the Construction Certificate.

6. Appointment of Principal Certifier and issue of Construction Certificate

Work shall not commence in connection with this Development Consent until:

- a) A Construction Certificate for the building work has been issued by:
 - i) the Consent Authority (Singleton Council); or
 - ii) a Principal Certifier (PC); and
- b) The person having the benefit of the development consent has:
 - i) appointed a Principal Certifier (PC) for the building work, and
 - ii) notified the Principal Certifier that the person will carry out the work as an owner-builder, if that is the case; and
- c) The PC has, no later than 2 days before the building work commences:
 - i) notified the Council of their appointment, and
 - ii) notified the person having the benefit of the development consent of any critical stage inspections and other inspections that are to be carried out in respect of the building work; and
- d) The person having the benefit of the development consent, if not carrying out the work as an owner-builder, has
 - i) appointed a Principal Contractor for the building work who must be the holder of a contractor license if any residential building work is involved, and
 - ii) notified the Principal Certifier of such an appointment, and
 - iii) unless that person is the Principal Contractor, notified the principal contractor of any critical stage inspections and other inspections that are to be carried out in respect of the building work, and

7. Section 138 Approval

Any work within a public road must be inspected and approved by Council under the *Roads Act 1993* as the Roads Authority. The applicant is to submit an application in order to obtain a permit with conditions prior to starting any works on the Council Road Reserve.

PRIOR TO THE ISSUE OF CONSTRUCTION CERTIFICATE

8. Approval of On-Site Sewage Management Application

Prior to the issue of a Construction Certificate, an application under Section 68 of the *Local Government Act 1993* must be lodged and approved by Singleton Council for the proposed on-site sewage management system.

The application must be consistent with the on-site sewage management details approved under the development consent.

Any significant variations to these details may impact on the viability of this development proposal and may require a Section 4.55, modification, under the *Environmental Planning and Assessment Act, 1979* to be lodged with Council for further consideration.

9. Fire Safety Systems in class 2-9 buildings.

Prior to the issue of a Construction Certificate for building work involving the installation, extension or modification of any hydraulic fire safety system within the meaning of clause 165 of the *Environmental Planning and Assessment Regulation 2000*, fire detection and alarm system or mechanical ducted smoke control system in a Class 2, 3, 4, 5, 6, 7, 8, or 9 building the plans and specifications for the system must be submitted to the Principal Certifier together with a Certificate of Compliance referred to in Section 6.16 of the *Environmental Planning and Assessment Act 1979* unless they are subject to an exemption under Clause 164B of the Regulations.

10. Sediment and Erosion Control Plan

Prior to the issue of a Construction Certificate, a sediment and erosion control plan is to be submitted and approved by the nominated Principal Certifier. The sediment and erosions control plan shall be prepared in accordance with Council's Development Engineering Specifications and Landcom's 'Soil and Construction – Managing Urban Stormwater – Current edition.

11. Earthworks – Construction Drawings

Prior to the issue of a Construction Certificate, earthwork construction drawings are to be submitted to the PCA for approval. All earthworks are to be constructed in accordance with Australian Standard 3798-2007, "Guidelines on Earthworks for Commercial and Residential Developments".

Any alterations to existing surface levels on the site shall be undertaken in such a manner as to ensure that no additional surface water is drained onto or impounded on adjoining properties. If engineered fill is to be placed on the site, it shall be placed in accordance with Council's Development Engineering Specifications and *Australian Standard AS 3798 'Guidelines on Earthworks for Commercial and Residential Developments'*.

The finished level of any building area shall be designed to ensure a minimum surface grading of 1.5% oriented in the direction of the drainage system designed to cater for its catchment.

(Note: Refer to Singleton Development Engineering Design specification-documentation section for detailed drawing requirements).

12. Retaining Structures

Prior to issue of the Construction Certificate, the applicant shall supply design details of a retaining structure where the excavation/fill is to be retained by a retaining wall above 1 metre in height. The design shall be carried out by a qualified practicing structural engineer. The structural engineer's design and structural certification shall be submitted to the Principal Certifier for approval.

13. Drainage Design

Prior to the issue of a construction certificate the applicant shall submit details of stormwater disposal with supporting calculations for the development to the Principal Certifier for approval.

The stormwater design is to be designed in accordance with Singleton Development Engineering design specifications and the applicant shall demonstrate that the development will not increase the limits of upstream and downstream flooding for floods over the range of 1 in 1 year to the 1 in 100 year Average Recurrence Interval (ARI) storm events by the inclusion of on-site stormwater detention controls.

Additionally, the provision of a water quality control system to treat stormwater runoff from the development as outlined in Council's DCP water quality performance guidelines and Stormwater Management strategy shall be included.

14. Parking and Vehicle Movements

Prior to the issue of a Construction Certificate, the applicant is to supply scaled drawings of parking and vehicle movements for the development to the Principle Certifying Authority for approval.

Parking facilities are to be designed in accordance with *AS-NZS 2890.1:2004 – Off-Street Parking Facilities* and *AS-NZS 2890.6:2009 – Off-Street Parking for People with Disabilities*. The number of available car parking spaces is to be based on the Council's Development Control Plan.

Turning path templates are to be supplied in accordance with *Austroads- Design Vehicles and Turning Path Templates Guidelines*, (including turning radius, angle of visibility, and opposing simultaneously turns). The turning paths are to be illustrated on a scaled drawing and overlapped on top of the proposed carpark.

15. Unexpected Finds Protocol

A copy of the Unexpected Finds Protocol shall be submitted to Council for approval.

16. Construction Environmental Management Plan (CEMP)

Prior to the issue of a Construction Certificate, the applicant is to prepare a Construction Environment Management Plan (CEMP) which sets out the processes to meet all regulatory requirements and specific mitigation measures or controls to avoid or minimise negative environmental impacts associated with the construction of the development. At a minimum the CEMP is to address the following;

- Construction traffic management;
- Air quality management;
- Noise and vibration management,
- Soil and stormwater management;
- Waste management;
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PRIOR TO THE COMMENCEMENT OF WORKS

17. Notice of commencement

At least 48 hours prior to the commencement of any development (including demolition, excavation, shoring or underpinning works), a notice of commencement of building or subdivision work form and appointment of the Principal Certifier form shall be submitted to Council.

18. Principal Certifier Signage and Contact Details

Prior to the commencement of works, a sign must be erected in a prominent position on the site on which the proposal is being carried out. The sign must state:

- a) 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 may be contacted at any time for business purposes and including outside working hours; and
- c) The name, address and telephone number of the Principal Certifier for the work.

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

19. Critical stage inspections

Critical stage inspections must be called for by the Principal Contractor or Owner Builder as required by the Principal Certifier (PC), and PC Service Agreement, and the Act and Regulation.

Work must not proceed beyond each critical stage until the PC is satisfied that work is proceeding in accordance with this consent, the Construction Certificate(s) and the Act. Critical stage inspections, means the inspection prescribed by the Regulations for the purpose of section 6.5 of the Act or as by the PC and PC Service Agreement.

20. Temporary Closet Requirements

A temporary closet shall be provided on site from the commencement of building work. No inspections will be made until the closet is installed.

A temporary closet shall be:-

- a) A water closet connected to the sewerage system to Council approval; or
- b) A water closet connected to an approved septic tank; or
- c) A chemical closet supplied by a contractor approved by Council.

21. Service Relocations

The registered proprietor of the land shall be responsible for all costs incurred in the necessary relocation of any services affected by the required construction works. Council and other service authorities should be contacted for specific requirements prior to commencement of any works.

DURING WORKS

22. Waste Management

Rubbish generated from the development is to be suitably contained on site at all times. No rubbish shall be stockpiled in a manner which facilitates the rubbish to be blown off site.

23. Dust Suppression

During the extraction, removal, and transportation of material associated with the works, the person having the benefit of the consent shall ensure that airborne dust is contained within the work site or transport vehicles, and does not impact on the amenity of the surrounding environment.

Effective environmental controls and practices shall be implemented and maintained to the satisfaction of Council and/or the Principal Certifier.

24. Excavation Works

Excavated material shall be classified in situ as per the NSW Environment Protection Authority Waste Classification Guidelines.

Evidence of in situ waste classification and lawful disposal of excess excavated material shall be supplied to Council within twenty-four (24) hours of a request.

Any water collected within and requiring removal from excavated areas shall be disposed of in a lawful manner.

PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE

25. Prior to the issue of the Final Occupation Certificate

Prior to the issue of the Final Occupation Certificate, the earthworks, retaining walls and driveways shall be completed to the satisfaction of the Principal Certifier.

26. Fire Safety Certificate

A Final Fire Safety Certificate must be obtained in accordance with Part 9, Division 4 of the Environmental Planning and Assessment (Amendment) Regulation 2000, prior to the issue of an Occupation Certificate for the building.

A copy of the Fire Safety Certificate and Fire Safety Schedule must be:

- a) Forwarded to Singleton Council;
- b) Forwarded to the Commissioner of NSW Fire and Rescue; and
- c) Prominently displayed in the building

27. Occupation Certificate – Principal Certifier

The building shall not be occupied or used until an Occupation Certificate has been issued by the Principal Certifier.

Please be advised that Section 6.10 of the *Environmental Planning and Assessment Act, 1979* prevents the Principal Certifier from issuing an Occupation Certificate until all conditions of Development Consent have been completed.

28. Driveway Access – Industrial/Commercial

Prior to issue of an Occupation Certificate, the driveway access to the car parking area of the development shall be designed and constructed in accordance with Council Development design and construction specifications.

Note: This work within the road reserve will require approval of a section 138 application.

29. Electronic Linking of Roller Doors to Waste Plant/Machinery

Prior to issue of an Occupation Certificate the operation of all roller doors within the premises are to be electronically linked to all stationary/fixed items of waste equipment such that the waste equipment is automatically shut down while the roller doors remain open. Appropriate written confirmation of compliance with the condition is to be provided by a suitably qualified electrical contractor to the PCA.

CONDITION TO BE SATISFIED AT ALL TIMES

30. Hours of Operation

The approved hours of operation of the proposed development are as follows;

Operational Activity	Approved Hours
Normal operating hours (staffed) including: Waste deliveries, waste processing and product sales	Monday – Friday; 7.00AM to 6.00PM Saturday: 8.00AM to 4.00PM Sunday: 10.00AM to 3.00PM
Evening access for return of vehicles only (no loading/unloading)	Monday to Sunday: 6.00PM to 10.00PM
Night time (10.00PM to 7.00AM)	No operational activities or truck movements

31. Driveways to be Maintained

All access crossings and driveways shall be maintained in good order for the life of the development.

32 Operational Environmental Management Plan (OEMP)

Prior to the issue of an Occupation Certificate, the applicant/proponent is to prepare an Operational Environmental Management Plan which sets out specific mitigation measures or controls to avoid or minimise negative environmental impacts associated with the operation of the development. At a minimum the OEMP is to address the following;

- Traffic management associated with the inward receipt of vehicles and avoidance of queuing or parking of such vehicles within the adjacent public road network.
- Air quality management;
- Noise and vibration management associated with the loading/unloading of waste materials, sorting and operation of waste processing/sorting equipment and/or machinery;
- Vermin and pest control;
- Stormwater management;
- Pollution incident response management;
- Fire management.

33. Restricted Access to Household (Non-Commercial) Vehicles with Trailers

The facility is to prohibit access to the facility for household vehicles with trailers during the first 12 months of operation of the facility with the condition to be reviewed upon submission to Council of a traffic report carried out over a minimum two week period under normal operating conditions that demonstrates that the facility can safely accommodate these types of vehicles with trailers without queuing on a public road.

34. Traffic Management & Monitoring Plan

The applicant shall prepare a traffic management and monitoring plan to ensure queuing does not occur on Enterprise Crescent prior to the issue of the Construction Certificate. No queuing of vehicles waiting to enter the development shall occur on Enterprise Crescent at any time.

35. Traffic Survey & Report

The applicant shall conduct a traffic management survey and report annually for council to confirm traffic levels are in accordance with the predictions in the EIS.

ADVICE

a) Disability Discrimination Act

This application has been assessed in accordance with the *Environmental Planning and Assessment Act 1979*. This Consent does not guarantee that the proposal complies with the *Disability Discrimination Act 1992*. The applicant/owner is responsible for ensuring compliance with this, and other, anti-discrimination legislation. The *Disability Discrimination Act 1992* covers disabilities not catered for in the minimum standards called up in the Building Code of Australia which references *AS 1428.1 - Design for Access and Mobility*. *AS1428 Parts 2, 3 & 4* provide the most comprehensive technical guidance under the *Disability Discrimination Act 1992* currently available in Australia.

b) Construction Certificate Plans

The applicant is advised that the Construction Certificate plans and specifications must comply with the provisions of the Building Code of Australia.

In this regard the development plans do not contain sufficient information to determine compliance with the Building Code of Australia.

Details showing full compliance with the Building Code of Australia are to be provided in the Construction Certificate plans and specifications.

c) Correct Survey Position

The correct survey position of the site boundary/boundaries shall be ascertained prior to commencement of work.

d) Plumbing and Drainage Works

All plumbing and drainage works affecting any Sewerage or On-Site Sewage Management System shall be carried out by a licensed plumber in accordance with the provisions of the *Plumbing and Drainage Act & Regulation 2011*, National Plumbing and Drainage Code AS/NZ 3500, and with the approval of Singleton Council being the Plumbing Regulator under delegation by NSW Fair Trading.

e) Site Contamination Issues During Construction

Should any new information come to light during demolition or construction works which has the potential to alter previous conclusions about site contamination, Council must be immediately notified by the applicant, and works must cease. Works must not recommence on site until approval is granted by Council.