

Attachment A

GENERAL CONDITIONS

Condition

1. Approved plans and documentation

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

Approved plans				
Plan number	Revision No	Plan Title	Drawn by	Date of plan
DA 101	A	Proposed Ground Floor Plan	The Ellis Group Architects	October 21
DA 110	A	Proposed Office & Amenities	The Ellis Group Architects	October 21
DA 300	A	Proposed Elevations - Sheet 1	The Ellis Group Architects	October 21
DA 301	A	Proposed Elevations - Sheet 2	The Ellis Group Architects	October 21
DA 310	A	Materials Schedule	The Ellis Group Architects	October 21
5402.005- DA03	B	Site Plan	COVA	07.03.23
5402.005- DA04	B	Site Plan Future	COVA	07.03.23
5402.005- DA05	B	Overall Site Plan	COVA	07.03.23
5402.005- DA10	A	Floor Plan	COVA	07.03.23
5402.005- DA11	A	Floor Plan Future	COVA	07.03.23
5402.005- DA12	A	Roof Plan	COVA	07.03.23
5402.005- DA13	A	Roof Plan Future	COVA	07.03.23
5402.005- DA14	A	Elevation - Sheet 1	COVA	07.03.23
5402.005- DA15	A	Elevations - Sheet 2	COVA	07.03.23
5402.005- DA16	A	Sections - Sheet 1	COVA	07.03.23
5402.005- DA17	A	Sections - Sheet 2	COVA	07.03.23
5402.005- DA18	A	Sections - Sheet 3	COVA	07.03.23
5402.005- DA 20	B	Sediment & Erosion Control Plan	COVA	07.03.23

Approved documents			
Document Title	Version number	Prepared by	Date of Document
Bushfire Hazard Assessment	1.0	Blackash Bushfire Consulting	29 March 2023
Draft Long Term Environmental Management Plan	-	-	August 2023

Stormwater Management Plan	05	Flussing Engineers	29 November 2023
Waste Management Plan	1	City of Newcastle	14 July 2023

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

Condition reason: to ensure all parties are aware of the approved plans and supporting documentation that applies to the development.

2. **General Terms of Approval**

The General Terms of Approval from the following State authorities must be complied with prior to, during, and at the completion of the development. The General Terms of Approval are:

- NSW Environment Protection Authority dated 27 June 2023
- NSW Subsidence Advisory dated 25 May 2023

Condition reason: to ensure the requirements of State authorities are complied with under relevant legislation.

BUILDING WORK

BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE

Condition

3. **Erosion and sediment control measures**

Before the issue of the first construction certificate for the development (i.e., whether for part or whole of a building), details are to be provided demonstrating the erosion and sediment control measures that are to be implemented prior to the commencement of works and be maintained during the period of construction in accordance with the details set out on an Erosion and Sediment Control Plan that is to be submitted with the construction certificate application. Controls are not to be removed until the site is stable with all bare areas supporting an established vegetative cover.

Condition reason: to require details of erosion and sediment control measures.

4. **Car parking requirements**

Before the issue of the first construction certificate for the development (i.e., whether for part or whole of a building), details of on-site parking accommodation are to be provided for a minimum of 11 vehicles meeting the minimum parking layout standards indicated in Section 7.03 '*Traffic, Parking and Access*' of Newcastle Development Control Plan 2012, with full details included in the construction certificate documentation.

Condition reason: to meet on-site car parking numbers and design standards.

5. **Car park design**

Before the issue of the first construction certificate for the development (i.e., whether for part or whole of a building), full details of the design of the car parking and vehicular access complying with the relevant provisions of *AS/NZS 2890 Parking facilities* are to be documented, with full details included in the construction certificate documentation.

Condition reason: to satisfy car parking and vehicular access standards for vehicles.

6. **Driveways basecourse**

Before the issue of the first construction certificate for the development (i.e., whether for part or whole of a building), all proposed driveways, parking bays, loading bays and vehicular turning areas are to be designed and constructed with a basecourse of a depth to suit design traffic and be sealed with either bitumen seal, asphaltic concrete, concrete or interlocking pavers, with full details included in the construction certificate documentation.

Condition reason: to set appropriate design standards for vehicle use on-site.

7. **Landscape protection - driveways and parking bays**

Before the issue of the first construction certificate for the development (i.e., whether for part or whole of a building), kerbing or a dwarf wall having a minimum height of 100mm are to be designed along the edge of all garden or lawn areas adjacent to driveways and parking bays, sufficient to discourage the encroachment of vehicles thereon, with full details included in the construction certificate documentation.

Condition reason: to protect landscaping from vehicle damage.

8. **Electric vehicle circuitry and electric vehicle charging point requirements - non-residential**

Before the issue of the first construction certificate for the development (i.e., whether for part or whole of a building), details are to be provided of electrical plan and specifications for all off-street car parking, prepared by a suitably qualified and experienced person and demonstrating the following;

- a) That each off-street car parking space will be provided with electrical circuitry to support the installation of a 'level 2' fast - three-phase 11-22kW power electric vehicle charger point. The construction certificate plans are to:
 - i) Identify the power capacity to each car parking space.
 - ii) Identify the conduit system to allow each car space to install an electric vehicle charger point - such as cable trays and/or buried cables underground. This system should allow future installation of cabling to power electric vehicle charger points and allow internet access (run Ethernet cable or install 4G modem).

Note: The installation of a charging point is not required by this clause (a).

- b) A minimum of one 'Level 2' electric charger must be provided and 'Level 2' electric chargers must be provided to not less than 5% of all car parking spaces. The

location of all electric vehicle chargers must be shown on the construction certificate plans.

- c) The certifier must be satisfied that the electrical plans and specifications are consistent with (a) and (b) before the issue of the construction certificate.

Full details are to be included in documentation for the construction certificate application.

Condition reason: to ensure that an acceptable standard of development is provided in relation to electric vehicle parking and charging.

9. **Water tanks and plumbing direction**

Before the issue of the first construction certificate for the development (i.e., whether for part or whole of a building), details are to be provided demonstrating all roof water from the proposed new work will be directed to the proposed water tank with a minimum capacity of 440,000-litres and being reticulated to any new toilet cisterns and facility processes as applicable, with a mains water top up being installed to maintain between 10% and 15% of the tank capacity. Alternatively, an electronically activated mechanical valve device is to be installed to switch any new toilet cisterns and laundry taps to mains water when the tank falls below 10% capacity. The water tank and plumbing is to be designed in accordance with the Plumbing Code of Australia (National Construction Code Volume 3). Full details are to be provided with the construction certificate documentation.

Condition reason: to ensure appropriate design standards for water tanks and plumbing applicable to the new work are included at the detailed design stage.

10. **On-site retention**

Before the issue of the first construction certificate for the development (i.e., whether for part or whole of a building), details are to be provided demonstrating runoff from unroofed paved surfaces and carpark areas are directed to an aboveground detention basin with a minimum capacity of 275m³. The retention tank is to be designed in accordance with Section 7.06 '*Stormwater*' of Newcastle Development Control Plan 2012, the associated Technical Manual and AS/NZS 3500.3 *Plumbing and drainage Part 3 Stormwater drainage*. Full details are to be included in documentation for the Construction Certificate application.

Condition reason: to ensure that detailed designs provide for stormwater runoff relating to the new work to be directed to a retention tank.

11. **Rainwater tank screening**

Before the issue of the first construction certificate for the development (i.e., whether for part or whole of a building), details are to be provided demonstrating that all downpipes discharging to the rainwater tanks will have pre-storage insect, debris and vermin control (e.g. a rainwater head being leaf screened and vermin and insect proof) to minimise the contamination of captured roof water. A first flush device is to be provided for the inlet to the tank and a backflow prevention device is to be installed in the tank overflow outlet before connecting to the stormwater drainage system. If the roof downpipes are charged to the rainwater tank, all pipes are to be chemically welded and the stormwater system is to be designed such that the system is capable of being flushed in the event of pipe

blockage (e.g. capped relief access points at the lowest level of stormwater drainage). Full details are to be included in documentation for the construction certificate application.

Condition reason: to require screening of rainwater tanks.

12. Stormwater management details

Before the issue of the first construction certificate for the development (i.e., whether for part or whole of a building), details are to be provided demonstrating how stormwater runoff from the proposed development is to be managed in accordance with the requirements of Section 7.06 '*Stormwater*' of Newcastle Development Control Plan 2012, the associated Technical Manual and *AS/NZS 3500.3 Plumbing and drainage Part 3 Stormwater drainage*, as indicated on the stormwater management concept plan and report prepared by Flüssig Engineers (Doc No: FE_23006, Revision 05, dated 29/11/2023), except as amended by this consent. Full details are to be included in documentation for a construction certificate application.

Condition reason: to control storm water runoff.

13. On-site drainage requirement

Before the issue of the first construction certificate for the development (i.e., whether for part or whole of a building), details are to be provided demonstrating that all new impervious surfaces, including driveways and paved areas will be drained to the nominated discharge controls, with full details included in documentation with the construction certificate application.

Condition reason: to ensure that details relating to impervious surface drainage applicable to the new work are included at the detailed design stage.

14. Landscape plans and specifications

Before the issue of the first construction certificate for the development (i.e., whether for part or whole of a building), a comprehensive landscape plan and specification is to be prepared addressing the required planting of 75 compensatory trees with canopy species present on the site of *eucalyptus fibrosa*, *eucalyptus punctate* and *Corymbia maculate* elsewhere within the site in accordance with the amended Environmental Impact Statement by COVA dated 30/3/23. The plan and specification are to be prepared in accordance with the provisions of Newcastle Development Control Plan 2012 Section 7.02 - Landscape, Open Space and Visual Amenity and associated Landscape Technical Manual, and is to include details of the following:

- a) cross sections through the site
- b) proposed contours or spot levels
- c) botanical names
- d) quantities and container size of all proposed trees
- e) shrubs and ground cover
- f) details of proposed soil preparation
- g) mulching and staking
- h) treatment of external surfaces and retaining walls where proposed
- i) drainage, location of taps and
- j) maintenance periods.

The plan and specification are to be prepared by a qualified landscape designer and be included in documentation for the construction certificate application.

Condition reason: to require a detailed landscape plan and specifications.

15. Hunter Water Requirements - compliance certificate

Before the issue of the first construction certificate for the development (i.e., whether for part or whole of a building), a copy of a Hunter Water compliance certificate (*Water Act 1991 - Section 50*) must be obtained and included in the construction certificate documentation.

Note: Compliance is required with all of Hunter Water's requirements to provide the development with water supply and sewerage service.

Condition reason: to require a Hunter Water compliance certificate.

16. Septic tank application

Before the issue of the first construction certificate for the development (i.e., whether for part or whole of a building), an application shall be made to and approved by Newcastle City Council under Section 68 of the *Local Government Act 1993*, being an application to install, construct or alter a human waste storage facility (a system of sewage management).

Condition reason: to require an application for a septic tank.

17. Biodiversity Management Plan

Before the issue of a Construction Certificate, the proponent preparing and submitting to the Principal Certifying Authority and Newcastle City Council a Biodiversity Management Plan (BMP). The BMP must specify environmental safeguards to be implemented to avoid or minimise biodiversity impacts from the proposed development and is to include, but need not be limited to, all measures described in Sections 14 of the Ecological Assessment prepared by AEP 8 March 2023 (those measures described in the reports for inclusion in a Construction Management Plan/CEMP). All provisions of the BMP are to be implemented.

Condition reason: To ensure biodiversity on the site is appropriately managed during the construction and operational phase of the development.

18. Construction Environmental Management Plan

Before the issue of a Construction Certificate, a Construction Environmental Management Plan (CEMP) is to be prepared for works on the site and submitted to the Principal Certifying Authority and Newcastle City Council. The CEMP must be kept on site and made available to authorised Council Officers upon request. The CEMP is to describe the management of environmental risks associated with the activity, address all measures identified in Sections 8.2 of the Environmental impact Statement prepared

by COVA date 30 March 2023, and must include but need not be limited to:

- Biodiversity management, including a vegetation management plan incorporating all measures described in Section 14 of the Ecological Assessment;
- Construction noise and vibration management plan incorporating all measures identified in Section 7 of the Noise and Vibration Impact Assessment;
- A dust management plan, detailing procedures to minimise dust generation, with particular reference to control techniques and operational limits under adverse meteorological conditions;
- Site waste minimisation and management plan;
- Soil and water management plan;
- Construction traffic management plan;
- Contaminated soils management plan.

All provisions of the CEMP are to be implemented during the building works on site.

19. **Bushfire Management Plan**

Before the issue of a construction certificate, a Bushfire Emergency Management and Evacuation Plan (BEM&EP) is to be prepared consistent with the NSW RFS document: *'A Guide to Develop a Bush Fire Emergency Management and Evacuation Plan.'*

The plan must also include:

- safe practice for refuelling of plant and equipment;
- safe refuge areas for staff, contractors, and visitors in the event of a bushfire;
- safe practice during operations to minimise chance of ignition of bushfire hazard vegetation;
- safe practice for initial firefighting response in the event of a bushfire starting from site operations or by other means on the Summerhill property;
- triggers for evacuation procedures, staff procedures to make the site as safe as possible prior to evacuation, use of onsite Safer Place if required, site inductions for all staff, contractors and transport operators;
- regular scheduled operation and maintenance of firefighting equipment; and
- development of a Pre-incident Plan with local emergency services.

Note: A copy of the BEM&EP) is to be provided to the Local Emergency Management Committee for its information prior to the occupation of the development.

20. **Hazard measures**

Before the issue of a Construction Certificate, appropriate hazard, bunding and storage measures are to be incorporated in accordance with the recommendations set out in the Hazard Analysis, HAZID report prepared by COVA, dated 20/2/23 and AS3780 - *The storage and handling of corrosive substances*. Full details are to be included within the required Construction Certificate.

BEFORE BUILDING WORK COMMENCES

Condition

21. Toilets on site

Before building work commences, toilet facilities are to be available or provided at the work site and maintained until the works are completed, at a ratio of one toilet plus one additional toilet for every 20 persons employed at the site. Each toilet is to:

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

Condition reason: to require provision of toilet facilities on site.

22. Traffic management - RMS accredited

Before site work and/or building work commences, a Construction Traffic Management Plan is to be prepared by a Transport for NSW accredited person with a *Design and Audit Traffic Control Plans Certificate* in accordance with *Australian Standard 1742.3:2009 - Manual of uniform traffic devices - traffic control for works on roads*. The plan is to ensure the provision for safe, continuous movement of traffic and pedestrians within the road reserve. Written acceptance of the Plan must be obtained from the relevant roads authority and Newcastle City Council.

Condition reason: to require a traffic management plan.

23. Asset Protection Zones

From the commencement of building works and in perpetuity, the area surrounding the proposed building, as illustrated within Figure 7 of the Bushfire Report prepared Black Ash Bushfire Consulting [re:J3083 dated: 29 March 2023], must be managed as an inner protection area in accordance with the following requirements of Appendix 4 of the NSW Rural Fire Service document *Planning for Bush Fire Protection 2019*:

- tree canopy cover should be less than 15% at maturity;
- trees at maturity should not touch or overhang the building;
- lower limbs should be removed up to a height of two metres above the ground;
- tree canopies should be separated by two to five metres;
- preference should be given to smooth-barked and evergreen trees;
- create large discontinuities or gaps in the vegetation to slow down or break the progress of fire towards buildings should be provided;
- shrubs should not be located under trees;
- shrubs should not form more than 10% ground cover;
- clumps of shrubs should be separated from exposed windows and doors by a distance of at least twice the height of the vegetation;
- grass should be kept mown (as a guide, grass should be kept to no more than 100millimetres in height); and
- leaves and vegetation debris should be removed.

Condition reason: To manage asset protection zones in perpetuity.

DURING BUILDING WORK

Condition

24. Compliance with BCA

Building work must be carried out in accordance with the requirements of the Building Code of Australia.

Condition reason: prescribed condition - *Environmental Planning and Assessment Regulation 2021* (Section 69).

25. Site signage - site and building work

During site work and/or building work, a rigid and durable sign is to be erected in a prominent position on any site on which building work, is being carried out, before the commencement of the work:

- a) showing the name, address and telephone number of the Principal Certifier for building work, and
- b) showing the name, address and telephone number of the Principal Contractor, if any, for any building work and a telephone number on which the Principal Contractor may be contacted at any time for business purposes, and
- c) stating that unauthorised entry to the work site is prohibited, and
- d) Any such sign is to be maintained while the building work, is being carried out, and must be removed when the work has been completed.

Note: This does not apply in relation to building work, carried out inside an existing building, if the work does not affect the external walls of the building, or Crown building work certified to comply with the *Building Code of Australia* under the Act, Part 6.

Condition reason: prescribed condition.

26. Excavation and backfilling safety

During site work and/or building work, all excavations and backfilling are to be executed safely, and excavations are to be properly guarded and protected to prevent them from being dangerous to life and property.

Condition reason: to protect the public near worksites.

27. Erosion and sediment control measures

During site work and/or building work, erosion and sediment control measures are to be implemented, and be maintained during the period of construction in accordance with the details set out on the Erosion and Sediment Control Plan submitted with the application, and with the below requirements:

- a) Control over discharge of stormwater and containment of run-off and pollutants

leaving the site is to be undertaken through the installation of erosion control devices such as catch drains, energy dissipaters, level spreaders and sediment control devices such as hay bale barriers, filter fences, filter dams and sediment basins and controls are not to be removed until the site is stable with all bare areas supporting an established vegetative cover; and

- b) Erosion and sediment control measures are to be designed in accordance with the requirements of the *Managing Urban Stormwater: Soils and Construction 4th Edition - Vol. 1* (the 'Blue Book') published by Landcom, 2004.

Condition reason: to prevent erosion and control sediment.

28. Controlling surface water

During site work and/or building work any alteration to natural surface levels on the site is to be undertaken in such a manner as to ensure that there is no increase in surface water runoff to adjoining properties or that runoff is impounded on adjoining properties, as a result of the development.

Condition reason: to protect adjacent properties from additional surface water runoff.

29. Checking floor levels - surveyor

During building work, certification is to be prepared by a Registered Surveyor and submitted to the principal certifier on completion of ground floor construction, confirming that the floor levels are in accordance with the approved levels.

Condition reason: to ensure finished floor levels equal approved plans.

30. Safework NSW requirements

During site work and/or building work, operations are to comply with all requirements of SafeWork NSW.

Condition reason: to require compliance with SafeWork NSW.

31. Limits on noise

During building/demolition work, generation of noise that is audible at residential premises is to be restricted to the following times:

- ☐ Monday to Friday, 7:00 am to 6:00 pm and
- ☐ Saturday, 8:00 am to 1:00 pm.

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

Condition reason: to protect the residential amenity of neighbours.

32. Handling excavated waste

During site work and/or building work, any excavated material to be removed from the site is to be assessed, classified, transported and disposed of in accordance with the Department of Environment and Climate Change's (DECC) document '*Waste Classification Guidelines Part 1: Classifying Waste*'.

Condition reason: to ensure compliance with State guidelines.

33. Imported fill material

During site work and/or building work, any fill material imported into the site is to be Virgin Excavated Natural Material or material subject to a Resource Recovery Order that is permitted to be used as a fill material under the conditions of the associated Resource Recovery Exemption, in accordance with the provisions of the *Protection of the Environment Operations Act 1997* and the *Protection of the Environment (Waste) Regulation 2014*.

Condition reason: to ensure compliance with State guidelines.

34. Resource recovery Orders

During site work and/or building work, documentation demonstrating compliance with the conditions of the appropriate Resource Recovery Order and Resource Recovery Exemption must be maintained for any material received at the site and subsequently applied to land under the conditions of the Resource Recovery Order and Exemption. This documentation must be provided to Newcastle City Council officers or the principal certifier on request.

Condition reason: to provide evidence of compliance.

35. Controlling dust

During site work and/or building work, all necessary measures are to be undertaken to control dust pollution from the site. These measures are to include, but are not limited to:

- a) Restricting topsoil removal.
- b) Regularly and lightly watering dust prone areas (note: prevent excess watering as it can cause damage and erosion)
- c) Alter or cease construction work during periods of high wind; and
- d) Erect green or black shade cloth mesh or similar products 1.8m high around the perimeter of the site and around every level of the building under construction.

Condition reason: to control dust during works.

36. Amenities Building

Construction of the proposed amenities building must comply with Section 3 and Section 5 (BAL12.5) Australian Standard AS3959-2018 Construction of buildings in bushfire prone areas or the relevant requirements of the NASH Standard - Steel Framed Construction in Bushfire Areas (incorporating amendment A-2015). Construction of the proposed amenities building must also comply with the construction requirements Section 7.5 of the NSW Rural Fire Service document *Planning for Bush Fire Protection 2019*.

Condition reason: To ensure compliance with statutory requirements.

BEFORE ISSUE OF AN OCCUPATION CERTIFICATE

Condition

37. Remediation Validation Report

Before the issue of the first occupation certificate for the development (i.e., whether for part or whole of a building), the following documentation is to be submitted to the principal certifier and Newcastle City Council: a remediation validation report prepared by a duly qualified consultant prepared in accordance with the requirements of the Remedial Action Report, prepared by SMEC dated 17 August 2023 and State government legislation and endorsed contaminated land guidelines.

Condition reason: remediation report.

38. Remediation completion documentation

Before the issue of the first occupation certificate for the development (i.e., whether for part or whole of a building), the following documentation is to be submitted to the principal certifier and Newcastle City Council.

- a) a validation report, prepared in accordance with the requirements of the Remedial Action Plan as approved by the site auditor.
- b) an Environmental Management Plan for the long-term management of contamination as approved by the NSW accredited Site Auditor.
- c) a 'part A' Site Audit Statement with the purpose of reviewing the completed remedial works, validation report and long-term Environmental Management Plan to confirm the suitability of the land for the proposed land use.

Condition reason: remediation documents.

39. Septic tank approval

Before the issue of the first occupation certificate for the development (i.e., whether for part or whole of a building), an approval must be gained from Newcastle City Council for the operation of the installed system of sewage management.

Note: To obtain the approval to operate a system of sewage management, final inspection must be undertaken by Newcastle City Council verifying the associated on-site wastewater management system has been supplied and installed in accordance with the approval to install, construct or alter a system of sewage management.

Condition reason: to require on-site sewerage treatment.

40. Relocation of survey monuments

Before the issue of the first occupation certificate for the development (i.e., whether for part or whole of a building), where the proposed development involves the destruction or disturbance of any survey monuments, those monuments affected are to be relocated at no cost to Newcastle City Council, by a surveyor registered under the *Surveying and Spatial Information Act 2002*.

Condition reason: to ensure relocation of survey marks.

41. Compliance with Hunter Water

Before the issue of the first occupation certificate for the development (i.e., whether for part or whole of a building), all requirements of the Hunter Water Corporation regarding the connection of water supply and sewerage services must be complied with, including the payment of any required cash contribution towards necessary amplification of service mains in the locality as a result of the increased intensity of land use proposed.

Condition reason: to satisfy Hunter Water requirements.

42. Works as executed - stormwater

Before the issue of the first occupation certificate for the development (i.e., whether for part or whole of a building), a copy of the stormwater drainage design plans approved with the construction certificate with 'work as executed' levels indicated, shall be submitted to the principal certifier and to Newcastle City Council. The plans shall be prepared by a Practising Professional Engineer or Registered Surveyor experienced in the design of stormwater drainage systems.

Condition reason: to ensure works as executed levels are as approved.

43. Water management measures complete

Before the issue of the first occupation certificate for the development (i.e., whether for part or whole of a building), the water management measures as indicated on the submitted plans and Statement of Environmental Effects and/or as modified under the terms of this consent are to be implemented and the nominated fixtures and appliances are to be installed and operational.

Condition reason: to ensure water management measures are as approved.

44. Acoustic treatment complete

Before the issue of each occupation certificate for the development (i.e., whether for part or whole of a building), appropriate acoustic treatment is to be implemented in accordance with the recommendations set out in the report prepared by ERM, dated 18/8/2023 (Ver 4). Written final certification confirming the recommended acoustic treatment has been implemented in accordance with the requirements of the above report is to be submitted to the principal certifier and Newcastle City Council.

Note: The acoustic consultant may need to be involved during the construction process in order to ensure final certification is achieved.

Condition reason: to ensure acoustic treatment is as approved.

45. Certification of acoustic measures

Before the issue of each occupation certificate for the development (i.e., whether for part or whole of a building), a suitably qualified person must provide details demonstrating compliance to the principal certifier that the acoustic measures have been installed in

accordance with the acoustic report approved under this consent.

Condition reason: to protect the amenity of the local area.

46. Car park provision

Before the issue of the first occupation certificate for the development (i.e., whether for part or whole of a building), on-site car parking accommodation is to be provided for a minimum of 11 vehicles and be set out generally in accordance with the details indicated on the approved DA plans except as otherwise provided by the conditions of consent.

Condition reason: to require minimum car spaces.

47. Car park marking - customer/staff

Before the issue of the first occupation certificate for the development (i.e., whether for part or whole of a building), the proposed customer/staff parking bays are to be permanently marked out on the pavement surface and being clearly indicated by means of signs and/or pavement markings.

Condition reason: to require signage and line-marking for visitor car spaces.

48. Directional signage on site

Before the issue of the first occupation certificate for the development (i.e., whether for part or whole of a building), the vehicular entrance and exit driveways and the direction of traffic movement within the site are to be clearly indicated by means of reflectorised signs and pavement markings.

Condition reason: to require directional signage.

49. Evidence of correct installation of EV charging

Before the issue of each occupation certificate for the development (i.e., whether for part or whole of a building), the principal contractor or owner-builder must submit to the satisfaction of the principal certifier, certification by a suitably qualified and experienced person that the electric vehicle charger points and/or electric vehicle circuitry, has been installed in accordance with the construction certificate plans and specifications as required by the appropriate conditions of consent that have been included in the determination.

Condition reason: to ensure proposed electric vehicle parking and charging facilities are completed.

50. Verification of biodiversity management commitments

Before the issue of the first occupation certificate for the development (i.e., whether for part or whole of a building) or subdivision certificate, provide a report prepared by a suitably qualified person verifying that all commitments and harm minimisation measures required by the approved Biodiversity Management Plan (or biodiversity management measures in the Construction Site Management Plan) have been satisfied.

Condition reason: to ensure that the required biodiversity management measures to

avoid and minimise biodiversity impacts were implemented prior to the issue of any occupation certificate.

51. Access - Property Access

Property access roads must comply with the following requirements of Table 7.4a of the Rural Fire Service NSW document *Planning for Bush Fire Protection 2019*:

- property access roads are two wheel drive, all-weather roads;
- the capacity of road surfaces and any bridges/causeways is sufficient to carry fully loaded firefighting vehicles (up to 23 tonnes): bridges and causeways clearly indicate load rating;
- there is suitable access for a Category 1 fire appliance to within four metres of the static water supply where no reticulated water supply is available;
- minimum 4m carriageway width;
- in a forest, woodland and heath situations, rural property roads have passing bays every 200 metres that are 20 meters long by two metres wide, making a minimum trafficable width of 6 metres, at the passing bay;
- a minimum vertical clearance of four metres to any overhanging obstructions, including tree branches;
- property access must provide a suitable turning area in accordance with Appendix 3;
- curves have a minimum inner radius of six metres and are minimal in number to allow for rapid access and egress;
- the minimum distance between inner and outer curves is six metres;
- the cross fall is not more than 10 degrees;
- maximum grades for sealed roads do not exceed 15 degrees and not more than 10 degrees for unsealed roads; and

Condition reason: To minimise the risk of bush fire attack and provide protection for emergency services personnel and others assisting firefighting activities.

52. Water and Utility Services

The provision of water (including the two proposed 550kL SWS tanks) must comply with the following in accordance with Table 7.4a of the NSW Rural Fire Service document *Planning for Bush Fire Protection 2019*:

- an outlet for firefighting purposes is located within the *Inner Protection Area* or non-hazard side and away from the structure (5-20 metres);
- 65 millimetre Storz connection with a ball valve is fitted to the outlet;
- the ball valve, pipes and tank penetration are adequate for the full 50 millimetre inner diameters inner diameter water flow through the Storz fitting and are constructed of a metal material;
- underground tanks have an access hole of 200 millimetres to allow tankers to refill, direct from the tank;
- a hardened ground surface for truck access is supplied within 4 metres of the water outlet or access hole;
- above-ground tanks are manufactured from concrete or metal;
- raised tanks have their stands constructed from non-combustible material or bush fire-resisting timber. The bush fire-resistant timbers are Silvertop Ash, Blackbutt, Red or River Gum, Spotted Gum, Red Ironbark, Kwila (Merbau) or Turpentine.
- unobstructed access can be provided at all times;
- underground tanks are clearly marked; tanks on the hazard side of a building are

- provided with adequate shielding for the protection of firefighters;
- all exposed water pipes external to the building are metal, including any fittings;
- where pumps are provided, they are a minimum 5hp or 3kW petrol or diesel-powered pump, and are shielded against bush fire attack;
- any hose and reel for firefighting connected to the pump shall be 19 millimetres internal diameter;
- fire hose reels are constructed in accordance with AS&NZS 1221:1997, and installed in accordance with the relevant clauses of AS 2441:2005;
- a Static Water Supply (SWS) sign shall be obtained from the local NSW Rural Fire Services (RFS) and positioned for ease of identification by RFS personnel and other users of the SWS. In this regard:
 - markers must be fixed in a suitable location to be highly visible, and
 - markers should be positioned adjacent to the most appropriate access for water supply.

Condition reason: To minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting fire fighting activities.

53. **Electricity**

The provision of electricity must comply with the following in accordance with Table 7a of the NSW Rural Fire Service document *Planning for Bush Fire Protection 2019*:

- where practicable, electrical transmission lines are underground;
- where overhead, electrical transmission lines are proposed as follows:
 - ❖ lines are installed with short pole spacing (30 metres), unless crossing gullies, gorges or riparian areas; and
 - ❖ no part of a tree is closer to a power line than the distance set out in accordance with the specifications in ISSC3 Guideline for Managing Vegetation Near Power Lines.

Condition reason: To minimise the risk of bush fire attack and provide protection for emergency services personnel, and others assisting fire fighting activities.

54. **Gas**

The provision of gas must comply with the following in accordance with Table 7.4a of the NSW Rural Fire Service document *Planning for Bush Fire Protection 2019*:

- reticulated or bottled gas is installed and maintained in accordance with AS/NZS 1596:2014 and the requirements of relevant authorities, and metal piping is used;
- all fixed gas cylinders are kept clear of all flammable materials to a distance of 10 metres and shielded on the hazard side;
- connections to and from gas cylinders are metal;
- polymer-sheathed flexible gas supply lines are not used; and
- above ground gas services are metal, including and up to any outlets.

Condition reason: To minimise the risk of bush fire attack and provide protection for emergency services personnel, and others assisting fire fighting activities.

55. **Hazard measures complete**

Before the issue of an occupation certificate, appropriate hazard, bunding and storage measures are to be implemented in accordance with the recommendations set out in the Hazard Analysis, HAZID report prepared by COVA, dated 20/2/23 and AS3780 - *The storage and handling of corrosive substances*. Written final certification confirming the

recommended hazard measures have been implemented in accordance with the requirements of the above report is to be submitted to the principal certifier and Newcastle City Council.

Note: The hazard consultant may need to be involved during the construction process in order to ensure final certification is achieved.

OCCUPATION AND ONGOING USE

Condition

56. Hours of Operation

During occupation and ongoing use, the hours of vehicle movements to the site are to be consistent with the overall operation of the Summerhill Waste Management Centre and not more than:

DAY	START	FINISH
Monday to Friday	7:00am	6:00pm
Saturday & Sunday	8:00am	4:00pm
Public Holidays	8:00am	4:00pm

unless a separate application to vary the hours of operation or trading has been submitted to and approved by Newcastle City Council.

57. Managing noise with ongoing acoustic treatment

During ongoing use of the premises, the premises must be operated in accordance with any approved acoustic report.

Where the approved acoustic report recommends ongoing acoustic treatments, an acoustic implementation report from a suitably qualified person must be submitted to council within six months of the date of the issue of the occupation certificate.

The report must confirm the implementation of acoustic treatment and demonstrate the external and internal noise levels satisfy the criteria nominated in accordance with the approved acoustic report.

Condition reason: to protect the amenity of the local area.

58. Noise control

During occupation and ongoing use of the premises, all plant and equipment installed thereon, is not to give rise to any offensive noise, as defined under the *Protection of the Environment Operations Act 1997*.

Should Newcastle City Council consider that offensive noise has emanated from the premises, the owner/occupier of the premises will be required to submit an acoustic

assessment prepared by a suitably qualified acoustical consultant recommending acoustic measures necessary to ensure future compliance with this condition and will be required to implement such measures within a nominated period. Furthermore, written certification from the said consultant, verifying that the recommended acoustic measures have been satisfactorily implemented, will be required to be submitted to Newcastle City Council prior to the expiration of the nominated period.

Condition reason: to limit offensive noise.

59. Site maintenance

During occupation and ongoing use, the driveway crossing, parking areas and stormwater management system are to be properly maintained for the life of the development.

Condition reason: to require maintenance of driveways, parking areas and stormwater systems.

60. Car parking

During occupation and ongoing use, any vehicle or plant owned or operated by the occupants of the premises in connection with the conduct of their business is to be parked within the confines of the site in spaces designated on the submitted plans, or otherwise provided in accordance with the conditions of this consent.

Condition reason: to limit car parking to approved plans.

61. Parking and access maintenance

During occupation and ongoing use, proposed parking areas, vehicle bays, driveways and turning areas are to be maintained clear of obstruction and be used exclusively for purposes of car parking, loading and unloading, and vehicle access, respectively. Under no circumstances are such areas to be used for the storage of goods or waste materials.

Condition reason: to enforce approved parking, loading and traffic measures.

62. Hazardous and dangerous goods

During occupation and ongoing use, any hazardous substances or dangerous goods stored on or within the premises are to be stored, labelled and handled, with relevant Material Safety Data Sheets maintained on site for each dangerous good or hazardous substance, in accordance with the requirements of SafeWork NSW.

Condition reason: to enforce compliance with safety sheets for hazardous and dangerous goods.

63. **Asset Protection Zone**

A detailed plan of areas to be maintained as Asset Protection Zones (APZs) on site, and a scheduled maintenance program for the fore mentioned APZ plan, must be developed and implemented for the life of the development.

Condition reason: To maintain the APZ for the life of the development.

64. **Landscaping within the Asset Protection Zone**

Landscaping within the required asset protection zone must comply with Appendix 4 of the NSW Rural Fire Service document *Planning for Bush Fire Protection 2019*. The following principles are to be incorporated:

- A minimum one meter wide area (or to the property boundary where the setbacks is less than a metre), suitable for pedestrian traffic, must be provided around the immediate curtilage of the building;
- Planting is limited in the immediate vicinity of the building;
- Planting does not provide a continuous canopy to the building (i.e. trees or shrubs are isolated or located in small clusters);
- Landscape species are chosen to ensure tree canopy cover is less than 15% (*Inner Protection Area*), and less than 30% (*Outer Protection Area*) at maturity and trees do not touch or overhang buildings;
- Avoid species with rough fibrous bark, or which retain/shed bark in long strips or retain dead material in their canopies;
- Use smooth bark species of trees species which generally do not carry a fire up the bark into the crown;
- Avoid planting of deciduous species that may increase fuel at surface/ground level (i.e. leaf litter);
- Avoid climbing species to walls and pergolas;
- Locate combustible materials such as woodchips/mulch, flammable fuel stores away from the building;
- Locate combustible structures such as garden sheds, pergolas and materials such as timber garden furniture away from the building; and low flammability vegetation species are used.

Condition reason: Ensure appropriate bushfire protection measures are implemented.

DEMOLITION WORK BEFORE DEMOLITION WORK COMMENCES

Condition

65. **Erosion and sediment control measures**

Before site work and/or demolition work commences, erosion and sediment control measures are to be implemented and be maintained during the period of construction in accordance with the details set out on the Erosion and Sediment Control Plan approved with the application, and with the below requirements:

- a) Control over discharge of stormwater and containment of run-off and pollutants leaving the site is to be undertaken through the installation of erosion control

devices such as catch drains, energy dissipaters, level spreaders and sediment control devices such as hay bale barriers, filter fences, filter dams and sediment basins and controls are not to be removed until the site is stable with all bare areas supporting an established vegetative cover; and

- b) Erosion and sediment control measures are to be designed in accordance with the requirements of the *Managing Urban Stormwater: Soils and Construction 4th Edition - Vol. 1* (the 'Blue Book') published by Landcom, 2004.

Condition reason: to prevent erosion and control sediment.

DURING DEMOLITION WORK

Condition

66. **Controlling surface water**

During site work and/or demolition work, any alteration to natural surface levels on the site is to be undertaken in such a manner as to ensure that there is no increase in surface water runoff to adjoining properties or that runoff is impounded on adjoining properties, as a result of the development.

Condition reason: to protect adjacent properties from additional surface water runoff.

67. **Handling excavated waste**

During site work and/or demolition work, any excavated material to be removed from the site is to be assessed, classified, transported and disposed of in accordance with the Department of Environment and Climate Change's (DECC) 'Waste Classification Guidelines Part 1: Classifying Waste'.

Condition reason: to ensure compliance with State Guidelines.

68. **Imported fill material**

During site work and/or demolition work, any fill material imported into the site is to be Virgin Excavated Natural Material or material subject to a Resource Recovery Order that is permitted to be used as a fill material under the conditions of the associated Resource Recovery Exemption, in accordance with the provisions of the *Protection of the Environment Operations Act 1997* and the *Protection of the Environment (Waste) Regulation 2014*.

Condition reason: to ensure compliance with State Guidelines.

69. **Controlling dust**

During site work and/or demolition work, all necessary measures are to be undertaken to control dust pollution from the site. These measures are to include, but are not limited to:

- a) Restricting topsoil removal.

- b) Regularly and lightly watering dust prone areas (note: prevent excess watering as it can cause damage and erosion)
- c) Alter or cease construction work during periods of high wind; and
- d) Erect green or black shade cloth mesh or similar products 1.8m high around the perimeter of the site and around every level of the building under construction.

Condition reason: to control dust during works.

ON COMPLETION OF DEMOLITION WORK

Condition

70. Waste disposal verification statement

On completion of demolition work:

- a) signed statement must be submitted to Principal Certifying Authority verifying that demolition work, and any recycling of materials, was undertaken in accordance with the waste management plan approved under this consent,
- and
- b) if the demolition work involved the removal of asbestos, an asbestos clearance certificate issued by a suitably qualified person, must be submitted to Principal Certifying Authority within 14 days of completion of the demolition work.

Condition reason: to provide for the submission of a statement verifying that demolition waste management and recycling has been undertaken in accordance with the approved waste management plan.

DURING REMEDIATION WORK

Condition

71. Remedial Action Plan Compliance

During remediation work, the work is to be carried out in accordance with the requirements set out in the submitted Remedial Action Plan prepared by SMEC dated 17 August 2023.

Condition reason: Remedial Action Plan compliance

ON COMPLETION OF REMEDIATION WORK

Condition

72. Remediation completion documentation

Before the issue of the first occupation certificate for the development (i.e., whether for part or whole of a building), the following documentation is to be submitted to the principal certifier and Newcastle City Council.

- a) a validation report, prepared in accordance with the requirements of the Remedial Action Plan as approved by the site auditor.
- b) an Environmental Management Plan for the long-term management of contamination as approved by the NSW accredited Site Auditor.
- c) a 'part A' Site Audit Statement with the purpose of reviewing the completed remedial works, validation report and long-term Environmental Management Plan to confirm the suitability of the land for the proposed land use.

Condition reason: remediation documents.

Advisory Matters

- ☐ It is recommended that, prior to commencement of work, the free national community service 'Dial before you Dig' be contacted on 1100 or by fax on 1200 652 077 regarding the location of underground services in order to prevent injury, personal liability and even death. Inquiries should provide the property details and the nearest cross street/road.
- ☐ Any necessary alterations to public utility installations are to be at the developer/demolisher's expense and to the requirements of Newcastle City Council and any other relevant authorities. Newcastle City Council and other service authorities should be contacted for specific requirements prior to the commencement of any works.
- ☐ Prior to commencing any building works, the following provisions of Division 6.2 of the *Environmental Planning and Assessment Act 1979* are to be complied with:
 - a) A Construction Certificate is to be obtained; and
 - b) A Principal Certifier is to be appointed for the building works and Newcastle City Council is to be notified of the appointment; and
 - c) Newcastle City Council is to be given at least two days notice of the date intended for commencement of building works.
- ☐ A Construction Certificate application for this project is to include a list of fire safety measures proposed to be installed in the building and/or on the land and include a separate list of any fire safety measures that already exist at the premises. The lists are to describe the extent, capability and basis of design of each of the measures.
- ☐ Development applications are not assessed against the provisions of the National Construction Code. An application to modify the application under the *Environmental Planning and Assessment Act 1979* will be required if design amendments that cause the proposal to be inconsistent with the development consent are necessary to comply with the provisions of the Building Code of Australia.
- ☐ Prior to the occupation or use of a new building, or occupation or use of an altered portion of, or an extension to an existing building, any Occupation Certificate is to be obtained from the Principal Certifier appointed for the proposed development. An application for any Occupation Certificate must contain the information set out in Section 37 of the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021* (NSW).
- ☐ A copy of the final Fire Safety Certificate (together with a copy of the current fire safety schedule) is to be given to the Commissioner of Fire and Rescue NSW and a further copy of the Certificate (together with a copy of the current fire safety schedule) is to be prominently displayed in the building.
- ☐ An annual Fire Safety Statement in the form described in Section 88 of the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021* (NSW) is to be submitted to Newcastle City Council and a copy (together with a copy of the current fire safety schedule) is to be given to the Commissioner of Fire and Rescue NSW. A further copy of the Statement (together with a copy of the current fire safety schedule) is to be prominently displayed in the building.

- It is an offence under the provisions of the *Protection of the Environment Operations Act 1997* to act in a manner causing, or likely to cause, harm to the environment. Anyone allowing material to enter a waterway or leaving material where it can be washed off-site may be subject to a penalty infringement notice (i.e. 'on-the-spot fine') or prosecution.
- Failure to comply with the conditions of consent constitutes a breach of the *Environmental Planning and Assessment Act 1979*, which may be subject to a penalty infringement notice (i.e. 'on-the-spot fine') or prosecution.
- To ensure that asbestos sheeting or asbestos waste is transported to and disposed of at a facility that can lawfully be used as waste facility for that waste, transporters of asbestos waste are to use 'WasteLocate' to provide information to the NSW Environmental Protection Authority regarding the movement of any load over 100kg of asbestos waste, or 10m² or more of asbestos sheeting within NSW. 'WasteLocate' is the means by which transporters comply with reporting obligations under the Waste Regulation and the *Asbestos and Waste Tyre Guidelines* by creating a consignment number, which can be used to track the location of the waste.

If you engage an asbestos removal service, a 'WasteLocate' consignment number is to be obtained from the transporter. The consignment number can be used to track the load at <https://wastelocate.epa.nsw.gov.au> to make sure it has reached its intended destination. If the load is not delivered, contact and advise the NSW Environmental Protection Authority.

- A person who is aware or believes that he or she has discovered or located a relic not identified and considered in the supporting documents for this approval, in any circumstances (including where works are carried out in reliance on an exception under section 139(4)), excavation or disturbance must cease in the affected area(s) and the Heritage Council must be notified in accordance with section 146 of the *Heritage Act 1977*. Depending on the nature of the discovery, additional assessment and approval under the *Heritage Act 1977* may be required prior to the recommencement of excavation in the affected area(s).

Note: Heritage NSW can be contacted on 02 9873 8500 or heritagemailbox@environment.nsw.gov.au. A 'relic' is any deposit, object or material evidence that relates to the settlement of New South Wales, not being Aboriginal settlement, and is of State or local significance. It is an offence under the provisions of the *Heritage Act 1977 (NSW)* for a person to disturb or excavate any land upon which the person has discovered a relic except in accordance with a gazetted exception or an excavation permit issued by the Heritage Council of NSW.

- If any Aboriginal objects are discovered which are not covered by a valid Aboriginal Heritage Impact Permit, excavation or disturbance of the area is to stop immediately and Heritage NSW is to be notified in accordance with section 89A of the *National Parks and Wildlife Act 1974* (NPW Act). Depending on the nature of the discovery, additional assessment and approval under the NPW Act may be required prior to works continuing in the affected area(s). Aboriginal objects in NSW are protected under the NPW Act. Unless the objects are subject to a valid Aboriginal Heritage Impact Permit, work must not recommence until approval to do so has been provided by Heritage NSW.

Note: Heritage NSW can be contacted on 02 9873 8500 or heritagemailbox@environment.nsw.gov.au. An 'Aboriginal object' is any deposit, object

or other material evidence (not being a handicraft made for sale) relating to the Aboriginal habitation of an area of New South Wales, being habitation before or concurrent with (or both) the occupation of that area by persons of non-Aboriginal extraction, and includes Aboriginal remains. It is an offence under the provisions of the *National Parks and Wildlife Act 1974* (NPW Act) for a person to harm or desecrate an Aboriginal object, with defence from prosecution and certain activities exempt as prescribed under the NPW Act.