

## RECOMMENDED CONDITIONS OF CONSENT

### 1.0 - General Conditions

- (1) **Approved plans and supporting documentation** –Development must be carried out in accordance with the following approved plans and documents, except where the conditions of this consent expressly require otherwise.

Approved Plans				
Plan No.	Rev No.	Plan Title.	Drawn By.	Dated.
12514693-G5002	H	Key Plan	GHD	18/09/2023
12514693-G5005	H	General Layout Plan	GHD	18/09/2023
12514693-G5010	H	Geotechnical Investigations Location Plan	GHD	18/09/2023
12514693-C5021	H	Demolition Plan – Sheet 1	GHD	18/09/2023
12514693-C5061	H	Final Surface Contours	GHD	18/09/2023
12514693-C5031	H	General Construction Plan	GHD	18/09/2023
12514693-C5032	G	General Construction Plan – Sheet 1	GHD	18/09/2023
12514693-C5033	G	General Construction Plan – Sheet 2	GHD	18/09/2023
12514693-C5034	G	General Construction Plan – Sheet 3	GHD	18/09/2023
12514693-E5002	H	Aeronautical Ground Lighting Legend and Notes	GHD	18/09/2023
12514693-E5004	H	Aeronautical Ground Lighting Standard Setout Details	GHD	18/09/2023
12514693-E5011	H	Aeronautical Ground Lighting Setout Details – Sheet 1	GHD	18/09/2023
12514693-E5021	H	Aeronautical Ground Lighting Circuit Details – Sheet 1	GHD	18/09/2023
12514693-C5050	H	Pavement Plan	GHD	06/10/2023
Sk001	3	NTL Apron Layout – Stage 1 Overall Layout (Mark-up)	ARUP	29/08/2023

Approved documents			
Document title	Version number	Prepared by	Date of document
NAPL Apron and Taxiway J – Contamination Investigation	EST01980 – P0008	GHD	13/05/2022

In the event of any inconsistency between the approved plans and the supporting documentation, the approved plans prevail. In the event of any inconsistency between the approved plans and a condition of this consent, the condition prevails.

Note: an inconsistency occurs between an approved plan and supporting documentation or between an approved plan and a condition when it is not possible to comply with both at the relevant time.

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

- (2) **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.

**Condition Reason:** To ensure that all building works are completed in accordance with the Building Code of Australia.

- (3) **Demolition Plan** – All demolition works are to be carried out in accordance with Australian Standard AS 2601 'The demolition of Structures'. All waste materials are to be either recycled or disposed of to a licensed waste facility. Any asbestos containing material encountered during demolition or works, is to be removed in accordance with the requirements of Safe Work NSW and disposed of to an appropriately licenced waste facility. Evidence is to be provided to the Certifying Authority demonstrating that asbestos waste has been disposed of in accordance with this condition.

**Condition Reason:** To ensure a development is carried out in accordance with the Australian Standard AS 2601 'The demolition of Structures', and all waste materials are appropriately removed.

## 2.0 - Prior to Commencement of Works

- (1) **Clear public access ways** – Prior to the commencement of works, construction plans must demonstrate that access doors to enclosures for building services and facilities, such as hydrant and sprinkler booster assemblies or the like, except fire stair doors, will not open over the footway or roadway.

**Condition Reason:** To ensure doors used to house building services and facilities do not obstruct pedestrians and vehicles.

(2) **Construction site management plan** – Prior to the commencement of works, the applicant must ensure a construction site management plan is prepared. The plan must include the following matters:

- a) The location and materials for protective fencing and hoardings on the perimeter of the site;
- b) Provisions for public safety;
- c) Pedestrian and vehicular site access points and construction activity zones;
- d) Details of construction traffic management including:
  - i) Proposed truck movements to and from the site;
  - ii) Estimated frequency of truck movements; and
- e) Details of bulk earthworks to be carried out;
- f) The location of site storage areas and sheds;
- g) The equipment used to carry out works;
- h) The location of a garbage container with a tight-fitting lid;
- i) Dust, noise and vibration control measures;
- j) The location of temporary toilets;
- k) The protective measures for the preservation of trees on-site and in adjoining public areas including measures in accordance with:
  - i) S 4970 – Protection of trees on development sites;
  - ii) An applicable Development Control Plan;
  - iii) An arborist's report approved as part of this consent

A copy of the construction site management plan must be kept on-site at all times while work is being carried out.

**Condition Reason:** To require details of measures that will protect the public, and the surrounding environment, during site works and construction.

(3) **Erosion and sediment control plan** – Prior to the commencement of works, an erosion and sediment control plan must be prepared by a suitably qualified person in accordance with the following documents and provided to the certifying authority:

- Council's development control plan,
- the guidelines set out in the NSW Department of Housing manual 'Managing Urban Stormwater: Soils and Construction Certificate' (the BlueBook), and
- the 'Do it Right On-Site, Soil and Water Management for the Construction Industry' (Southern Sydney Regional Organisation of Councils and the Natural Heritage Trust).

The applicant must ensure the erosion and sediment control plan is kept on-site at all times during site works and construction.

**Condition Reason:** To ensure no substance other than rainwater enters the stormwater system and waterways.

- (4) **Dewatering and contamination** – The following information must be prepared prior to the commencement of works and adhered to during construction of the development:
- a) Dewatering management plan to be prepared that demonstrates no potentially contaminated groundwater will be discharged to the catchment.
  - b) Details are to be provided to demonstrate the location for contaminated soil and asphalt reuse are to only be within lots deemed 'Primary Management Zone' within the 'Williamstown Management Area' indicated by the NSW EPA.

**Condition Reason:** To ensure constructed works have been certified for adequate stormwater and contamination management.

- (5) **Storm Water Design** – The following information is to be prepared prior to the commencement of works:
- a) A drainage design prepared by a suitably qualified and experienced Chartered Professional Civil or Environmental Engineer as well as all construction details which are to strictly reflect the principles and strategies contained within the report "Potential Impacts of WAP and DAREZ/NAL Development of Fullerton Cove Drainage System" prepared by Umwelt Australia PTY LTD on behalf of Port Stephens Council, in particular calculation of an apportioned outflow rate for this development which demonstrates proportional alignment of council's adopted maximum outflow rate of 0.8m<sup>3</sup>/s (as referenced for the entire developed site) for events up to a 10% ARI and pre and post detention up to 1% ARI.
  - b) Water quality is to achieve Neutral or Beneficial Effect:
    - i. has no identifiable potential impact on water quality, or
    - ii. will contain any water quality impact on the development site and prevent it from reaching any watercourse, waterbody or drainage depression on the site, or
    - iii. will transfer any water quality impact outside the site where it is treated and disposed of in accordance with the requirements of the Port Stephens Development Control Plan 2014.

**Condition Reason:** To ensure adequate management of site stormwater drainage.

- (6) **Civil Design** – Civil engineering plans indicating drainage, roads, accessways, earthworks, pavement design, lighting, details of line-marking, traffic management, water quality and quantity facilities including stormwater detention and disposal, must be prepared in accordance with Council's Development Control Plan and Infrastructure Specifications.

**Condition Reason:** To ensure civil infrastructure complies with Council standards.

- (7) **PFAS Contamination** – Where the potential for Per- and Poly-Fluoroalkyl Substances (PFAS) contamination exists in soil, groundwater or surface water at the development site, the applicant must identify whether any construction activities could disturb or interact with any PFAS contaminated soil, groundwater or surface water.

**Condition Reason:** To ensure contamination is dealt with in a responsible manner.

- (8) **Section 7.12 development contributions** - A monetary contribution is to be paid to Council, pursuant to Section 7.12 of the Environmental Planning & Assessment Act 1979 and the Port Stephens Local Infrastructure Contribution Plan 2020. The total amount payable will be adjusted at the time the payment is made, in accordance with the provisions of that Plan.

Section 7.12 contributions will be calculated with reference to the capital investment value (CIV) of the development, determined in accordance with clause 25J of the Environmental Planning and Assessment Regulation 2021, and the levies specified in the Port Stephens Local Infrastructure Contributions Plan 2020 as outlined below:

Capital Investment Value	Capital Investment Value
Up to and including \$100,000	Up to and including \$100,000
More than \$100,000 and up to and including \$200,000	More than \$100,000 and up to and including \$200,000
More than \$200,000	More than \$200,000

The payment of the Fixed Local Infrastructure Contribution 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 Local Infrastructure Contributions Plan. A copy of the Plan and Cost Summary Report Forms are available on Council's website at <https://www.portstephens.nsw.gov.au/>, alternatively contact Council on 02 9228 055.

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.

Payment of the above amount must apply to Development Applications as follows:

- a) Prior to the commencement of works.

**Condition Reason:** To ensure that a monetary contribution as specified is paid to Council in accordance with Section 7.12 of the EP&A Act 1979, and the Port Stephens Council Local Infrastructure Contributions Plan 2020.

- (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.

**Condition Reason:** To ensure that construction waste is appropriately stockpiled and removed from site.

- (10) **Site is to be secured** – The site must be secured and fenced. All hoarding, fencing or awnings (associated with securing the site during construction) is to be removed upon the completion of works.

**Condition Reason:** To restrict access to the site by the public and ensure that the site is adequately secured prior to the commencement of works.

### 3.0 - During works

- (1) **Construction Management Plan** - All construction management procedures and systems identified in the approved Construction Traffic Management Plan must be introduced during construction of the development to ensure safety and to minimise the effect on adjoining pedestrian and traffic systems.

**Condition Reason:** Where a CMP is deemed required.

- (2) **Discovery of relics and Aboriginal objects** – While site work is being carried out, if a person reasonably suspects a relic of Aboriginal object is discovered:
- a) the work in the area of the discovery must cease immediately;
  - b) the following must be notified
    - (i) for a relic – the Heritage Council; or
    - (ii) for an Aboriginal object – the person who is the authority for the protection of Aboriginal objects and Aboriginal places in New South Wales under the National Parks and Wildlife Act 1974, section 85.

Site work may recommence at a time confirmed in writing by:

- for a relic – the Heritage Council; or
- for an Aboriginal object – the person who is the authority for the protection of Aboriginal objects and Aboriginal places in New South Wales under the National Parks and Wildlife Act 1974, section 85.

**Condition Reason:** To ensure the protection of objects of potential significance during works.



- (3) **Construction Management** – Implement a Construction Noise Management Plan (CNMP) to manage noisy construction activity. The CNMP should outline information on noise impacts, such as: how loud it will be, how long the works will go on for, whether there will be night work, and if so how loud it will be and how long it will last.

To ensure best practices are applied to minimise noise after hours, the CNMP should include a complaints management protocol. The CNMP and complaints register should be kept onsite and made available to Council on request.

**Condition Reason:** To require details of measures that will protect the public, and the surrounding environment, during site works and construction.

- (4) **Noise** – Works anticipated to make high noise levels or have potential to cause sleep disturbance are to be restricted to standard operational construction hours only.

**Condition Reason:** To require details of measures that will protect the public, and the surrounding environment, during site works and construction.

- (5) **Noise** – For construction activity outside recommended standard hours the proponent should apply all feasible and reasonable work practices to meet the noise affected level RBL + 5dbA. Where substantiated complaints are received for noise outside recommended standard hours Noise affected RBL + 5dBA strong justification would typically be required for works outside the recommended standard hours. The proponent should apply all feasible and reasonable work practices to meet the noise affected level. Where all feasible and reasonable practices have been applied and noise is considered to be more than 5 dB(A) above the noise affected level, or causing sleep disturbance the proponent should negotiate with the community.

**Condition Reason:** To require details of measures that will protect the public, and the surrounding environment, during site works and construction.

- (6) **PFAS Contamination** – If construction activities could disturb or interact with any PFAS contaminated soil, groundwater or surface water, the applicant must:
- a) prevent, or limit as far as possible, offsite migration of PFAS contamination;
  - b) prevent, or limit as far as possible, contact and exposure to PFAS;
  - c) manage potentially PFAS impacted groundwater that may accumulate in any footings or excavations to ensure this does not run-off the site;
  - d) manage any PFAS-impacted soils, by controlling erosion and covering stockpiles of PFAS impacted soils to protect from rainfall egress and runoff; and
  - e) ensure that any PFAS contaminated material transported from the site to a site that is lawfully able to receive it.

**Condition Reason:** To ensure contamination is dealt with in a responsible manner.

- (7) **PFAS Contamination** – Where PFAS contaminated material is to be removed from the site, the applicant must sample the soil for PFAS and classify the soil in accordance with the EPA's Addendum to the Waste Classification Guidelines (2014) – Part 1: classifying waste to identify lawful management and disposal options.

**Condition Reason:** To ensure contamination is dealt with in a responsible manner.

- (8) **Contamination** – All recommendations contained within the GHD contamination investigation report should be adhered to, including:

- (a) Further characterisation of materials if it is identified that:
  - (i) The design options include disturbance or excavation of soil or asphalt beyond the extent that has been investigated in this report.
  - (ii) Reuse of soil or asphalt is proposed in the vicinity of a more sensitive land use (e.g., residential or recreational/parkland setting) or an ecologically sensitive area.
  - (iii) Off-site disposal of surface soil from the sample location identified as TH002 is required due to concentrations of benzo(a)pyrene and total PAHs that are classified as a Restricted Solid Waste.
  - (iv) Additional controls are required to reduce mobilisation of contaminants to receiving environments during any demolition/removal of existing infrastructure (e.g., drainage headwalls).
- (b) Consideration of key findings of this investigation in the P0008 contaminated soil management plan (CSMP).
- (c) Given the large volumes of material that will be generated by the project, it is recommended that where possible soils and asphalt millings are reused on Base.

**Condition Reason:** To ensure contamination is dealt with in a responsible manner.

- (9) **Contamination** – An unexpected finds protocol is to be implemented for earthworks for the site.

**Condition Reason:** To ensure contamination is dealt with in a responsible manner.

- (10) **Contamination** – Additional contamination testing is to be conducted within soils proposed for reuse and where potentially impacted soil or groundwater is identified in the unexpected finds protocol.

**Condition Reason:** To ensure contamination is dealt with in a responsible manner.

- (11) **Contamination** – All waste transported offsite is to be disposed of in a lawful and approved manner, Waste identified as restricted solid waste is to be disposed of to a waste facility licensed to receive that waste type.

**Condition Reason:** To ensure contamination is dealt with in a responsible manner.

- (12) **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.

**Condition Reason:** To ensure that developments do not give rise to offensive noise, dust, odour, or vibration.

- (13) **Toilet facilities** – Temporary toilet(s) must be provided and maintained on site from the time of commencement of 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.

**Condition Reason:** To ensure adequate amenity facilities are provided to the site during construction.

- (14) **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.

**Condition Reason:** To ensure that works relating to a development are to cease if any suspect materials are identified and remediated in accordance with Council requirements.

- (15) **Soil Importation** – All fill imported on to the site shall be validated as Virgin Excavated Natural Material (VENM). A VENM Certificate must be provided to the Principal Certifier for all fill imported to the site. A copy must also be retained on site and provided to Council on request.

**Condition Reason:** To ensure all imported fill is suitable for use.

#### **4.0 - Before the commencement of use of the development**

- (1) **Certification** – The following information must be prepared prior to the commencement of use of the development:

- Operational & Maintenance Plan for all components of the stormwater system in conjunction with the stormwater management strategy.

**Condition Reason:** To ensure constructed works have been certified for adequate stormwater and contamination management.

- (2) **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.

**Condition Reason:** To ensure required changes to public utility services are completed, in accordance with the relevant agency requirements, before occupation.

## **5.0 - Occupation and Ongoing Use**

- (1) **Maintenance of stormwater management system** - During occupation and ongoing use of the development, the applicant must ensure the stormwater management system is regularly maintained to remain effective.

**Condition Reason:** To ensure the stormwater system is maintained.