

Recommended conditions of consent – DA 16-2023-470-1 – PPSHCC-233

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 number	Revision number	Plan title	Drawn by	Date of plan
	23003(CD)-2	H	Site Plan	Hunter Development Brokerage Pty Ltd	08/04/2024
	23003(CD)-3	H	Compound Pad with Existing Features	Hunter Development Brokerage Pty Ltd	08/04/2024
	23003(CD)-4	H	Compound Pad with Pro Structures	Hunter Development Brokerage Pty Ltd	08/04/2024
	23003(CD)-4	H	Compound Pad with Pro Structures	Hunter Development Brokerage Pty Ltd	08/04/2024
	23003(CD)-6	H	Compound Pad Layout	Hunter Development Brokerage Pty Ltd	08/04/2024
	23003(CD) 7 - 10	H	Compound – Section 1 – 2 Driveway – Section 2	Hunter Development Brokerage Pty Ltd	08/04/2024
	23003(CD)-11	H	Fence and Driveway Details	Hunter Development Brokerage Pty Ltd	08/04/2024
	23003(SD)	D	Elevations	Hunter Development Brokerage Pty Ltd	25/10/2023
	23003(SD)	D	Elevations including wall	Hunter Development Brokerage Pty Ltd	25/10/2023
	LDA01	C	Landscape Plan	Conus Landscape Architect	06/12/2023
	LDA04	C	Plant Schedule, Images, Details and Elevation	Conus Landscape Architecture	06/12/2023

	LDA13	C	Maintenance Specification	Conus Landscape Architecture	06/12/2023																												
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	In the event of any inconsistency with the approved plans and a condition of this consent, the condition prevails.																																
	Condition reason: To ensure all parties are aware of the approved plans and supporting documentation that applies to the development																																
2	Ausgrid Approval Prior to the commence of any work on site, approval for the grid connections works must be obtained from Ausgrid pursuant to Part of the Environmental Planning and Assessment Act 1979. Condition reason: To ensure that approval is issued from Ausgrid for grid connection works prior to the commencement of any works on the site.																																
3	Approved Report Recommendations – Acoustic Report Construction of the development must comply with the recommendations of Acoustic Report prepared by Mott MacDonald, dated 4/12/2023. The development must undergo acoustic attenuation accordance with the recommendations to ensure the noise level does not exceed the adopted amenity noise levels as specified in the acoustic report. Acoustic treatment solutions must include, but not limited to: <ul style="list-style-type: none">Providing acoustically treated ventilation paths e.g. acoustic attenuators, acoustic louvres, lined ductwork																																

	<ul style="list-style-type: none"> Replacement or modification of noise emitting equipment e.g. alternative fans, compressors, transformers etc. Providing additional acoustic barriers/fencing, including additional localised barriers around the equipment Providing acoustic enclosures such as localised hoods to place over the equipment or providing an arrangement with acoustically rated air paths <p>An approved acoustic consultant is required to verify that the adopted amenity criteria is being achieved within the first three months of operation.</p>
	<p>Condition reason: To ensure that development is carried out in accordance with specific recommendations of a report.</p>
4	<p>Approved Report Recommendations – Fire Incident Management</p>
	<p>Construction and ongoing use of the development must comply with the recommendations of Fire Incident Management Plan (FIMP) was prepared by Riskcon Engineering Pty Ltd, dated 14/06/2024.</p>
	<p>Condition reason: To ensure that development is carried out in accordance with specific recommendations of a report.</p>
5	<p>External Agency Approvals</p>
	<p>The requirements from the following agencies must be complied with prior to, during, and at the completion of the development.</p> <p>The Requirements are:</p> <ol style="list-style-type: none"> NSW Rural Fire Service, Reference: DA20240129000355-Original-1, dated 6 February 2024. Department of Defence. Reference: ID-EP-DLP&R/OUT/2023/BS46269711, dated 3 October 2023. Ausgrid, Reference: 1900124003, dated 20 September 2023. <p>A copy of the Requirements is attached to this determination notice.</p>
	<p>Condition reason: To ensure that development is carried out in accordance with conditions are required by other external agencies (i.e. DOD, CASA etc.)</p>
6	<p>Vegetation/Tree Removal</p>
	<p>No consent is given for vegetation/tree removal.</p>
	<p>Condition reason: To ensure vegetation/tree removal is not removed without prior consent.</p>
7	<p>Separate Approval for Signs</p>
	<p>A separate development application for any proposed signs, must be provided to, and approved by, the Consent Authority or under the provisions of the State Environmental Planning Policy (Exempt and Complying Codes) 2008 if applicable prior to the erection or display of any such signs.</p>

	Condition reason: To ensure that the development is restricted to the approved signage within the development consent or that signage is permitted in accordance with State Environmental Planning Policy (Exempt and Complying Codes) 2008.
8	<p>Sign on Building</p> <p>Except in the case of work only carried out to the interior of a building or Crown building work, a sign must be erected in a prominent position on the site showing the name, address and telephone number of the Principal Certifying Authority for the work, the name of any principal contractor and their after-hours contact number, and must contain a statement that unauthorised entry to the site is prohibited.</p> <p>The sign must be maintained while the work is being carried out and is to be removed when the work is completed.</p> <p>Condition reason: To require signage that details the relevant contacts of a development during construction</p>
9	<p>Decommissioning</p> <p>Within 12 months of the development ceasing operation it must be decommissioned as per the decommissioning strategy prepared by Hive Battery Developments Pty Ltd.</p> <p>Condition Reason: To ensure decommissioning is undertaken as per the approved strategy.</p>
10	<p>Megwatts</p> <p>The battery energy storage system must have a delivery capacity under 30 megawatts of electrical power.</p> <p>Condition Reason: To ensure the proposal remains under the designated development threshold.</p>

Building Work

Before issue of a construction certificate

11	Erosion and sediment controls plan
	<p>Before the issue of a Construction Certificate, an erosion and sediment control plan must be prepared by a suitably qualified person in accordance with the following documents and provided to the certifier:</p> <ol style="list-style-type: none"> 1. Council's relevant development control plan, 2. the guidelines set out in 'Managing Urban Stormwater: Soils and Construction' prepared by Landcom (the Blue Book) (as amended from time to time), and

	<p>3. 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) (as amended from time to time).</p> <p>Condition reason: To ensure no substance other than rainwater enters the stormwater system and waterways.</p>								
12	<p>Waste Management Plan requirements</p> <p>Before the issue of a Construction Certificate, a waste management plan for the development must be prepared and provided to the certifier. The plan must be prepared:</p> <ul style="list-style-type: none"> a. in accordance with <ul style="list-style-type: none"> i. the Environment Protection Authority's Waste Classification Guidelines as in force from time to time; and ii. a development control plan that provides for waste management that applies to the land on which the work or the clearing of vegetation is carried out; and b. include the following information— <ul style="list-style-type: none"> i. the contact details of the person removing waste; ii. an estimate of the type and quantity of waste; iii. whether waste is expected to be reused, recycled or sent to landfill; iv. the address of the disposal location for waste. <p>A copy of the waste management plan must be kept on-site at all times while work approved under the development consent is being carried out.</p> <p>Condition reason: To ensure resource recovery is promoted and local amenity protected during construction.</p>								
13	<p>Section 7.12 development contributions</p> <p>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 payment is made, in accordance with the provisions of that Plan.</p> <p>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 2020as outlined below:</p> <table border="1"> <thead> <tr> <th>Capital Investment Value</th><th>Levy Rate (% of CIV)</th></tr> </thead> <tbody> <tr> <td>Up to and including \$100,000</td><td>Nil</td></tr> <tr> <td>More than \$100,000 and up to and including \$200,000</td><td>0.5%</td></tr> <tr> <td>More than \$200,000</td><td>1%</td></tr> </tbody> </table> <p>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</p>	Capital Investment Value	Levy Rate (% of CIV)	Up to and including \$100,000	Nil	More than \$100,000 and up to and including \$200,000	0.5%	More than \$200,000	1%
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	<p>Summary Report Forms are available Council's website at https://www.portstephens.nsw.gov.au/, alternatively contact Council on 02 9228 055.</p> <p>Where the estimated cost of carrying out on 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 Australia Institute of Quantity Surveyors.</p> <p>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.</p> <p>Payment of the above amount must apply to Development Applications as follows:</p> <p>a) Building work only – prior to issue of the Construction Certificate.</p> <p>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.</p>
14	<p>Long Service Levy</p> <p>Before the issue of a Construction Certificate, the long service levy must be paid to the Long Service Corporation under the <i>Building and Construction industry Long Service Payments Act 1986</i>, section 34, and evidence of the payment is to be provided to the principal certifier</p> <p>Condition reason: To ensure the Long Service Levy is paid.</p>
15	<p>Civil engineering plans</p> <p>Civil engineering plans prepared by a qualified Engineer, indicating drainage, roads, accessways, earthworks, pavement design, street lighting, details of line-marking, traffic management, water quality and quantity facilities including stormwater detention and disposal, must be prepared in accordance with the approved plans, Council's Infrastructure Specifications. The civil plans must also provide for the following:</p> <p>a) The access driveway for the compound area must be designed and constructed to allow for a NSW Fire and Rescue Truck to enter the site in the event of a battery fire.</p> <p>Details demonstrating compliance must be provided to the Certifying Authority.</p> <p>Note: Under the <i>Roads Act 1993</i>, only the Roads Authority can approve commencement of works within an existing road reserve.</p> <p>Condition reason: To ensure that civil engineering plans have been prepared by a qualified engineers prior to the issue of the Construction Certificate.</p>
16	<p>Roads Act Approval</p>

	<p>For construction/reconstruction of Council infrastructure, including vehicular crossings, footpath, kerb and gutter, stormwater drainage, an application must be made for a Roadworks Permit under Section 138B of the <i>Roads Act 1993</i>.</p>
	<p>Condition reason: To ensure that works within the road reserve are approved by a Section 138B Approval of the <i>Roads Act 1993</i>.</p>
17	<p>Construction Site Management Plan</p> <p>Before the issue of a Construction Certificate, a construction site management plan must be prepared, and provided to the principal certifier. The plan must include the following matters:</p> <ul style="list-style-type: none"> 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: <ul style="list-style-type: none"> i. Proposed truck movements to and from the site; ii. Estimated frequency of truck movements; and iii. Measures to ensure pedestrian safety near the site; 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: <ul style="list-style-type: none"> i. AS 4970 – Protection of trees on development sites; ii. An applicable Development Control Plan; iii. An arborist’s report approved as part of this consent. l. Details regarding management procedures to limit exposure to PFAS as per the recommendations of the Detailed Site Investigation prepared by Douglas Partners, dated 17 May 2024; m. Unexpected finds protocol. <p>A copy of the construction site management plan must be kept on site at all times while work is being carried out.</p> <p>Condition reason: To require details of measures to be undertaken that will protect the public, and the surrounding environment, during site works and construction.</p>
18	<p>External Lighting</p> <p>Before the issue of a construction certificate, plans and a report detailing external lighting must be prepared by a suitably qualified person.</p> <p>The lighting plan must be consistent with the approved plans and the following requirements:</p> <ul style="list-style-type: none"> a. The lighting is to be designed and installed in accordance with the Civil Aviation Safety Authority’s Civil Aviation Regulations “Manual of Standards Part 139”.

	<ul style="list-style-type: none"> b. comply with AS 4282: Control of Obtrusive Effects of Outdoor Lighting c. lighting must be placed at all entrances to, and exits from the premises d. lighting must not interfere with traffic safety; e. lighting must not give rise to obtrusive light or have adverse impacts on the amenity of surrounding properties; and f. external lighting must not flash or intermittently illuminate unless required for safe ingress/egress of vehicles crossing a pedestrian footway or approved vehicle entrance. <p>The lighting plan must be submitted to the certifier.</p> <p>Condition Reason: To ensure external lighting is provided for safety reasons and to protect the amenity of the local area.</p>
19	<p>Flood Risk Management Plan</p> <p>A Flood Risk Management Plan prepared by a qualified Flood Engineer must be provided to the Certifying Authority demonstrating compliance with the following:</p> <ul style="list-style-type: none"> a. The design must show that the proposed development is capable of withstanding the effects of flood waters, including immersion, structural stability, buoyancy and impact and loading from debris up to and including the 1% Annual Exceedance Probability (AEP) event. b. Certification demonstrating that any damage to the proposed development sustained in a flood will not generate debris capable of causing damage to downstream buildings or property c. Certification demonstrating that the rainwater tank, finishes, plant fittings and equipment and any other buoyant fixtures will be of materials and functional capacity to withstand the forces of floodwater in events up to and including the 1% AEP event including hydrostatic pressure, hydrodynamic pressure and buoyancy forces. <p>Condition Reason: To ensure that the required Flood Risk Management Plan adequately addresses risk to life and property.</p>
20	<p>PFAS Testing</p> <p>Per- and Poly-Fluoroalkyl Substances (PFAS) contamination may exist in soil, groundwater or surface water at the development site. In the event of any excavation, subsurface testing must be undertaken to identify whether any construction activities could disturb or interact with any PFAS contaminated soil, groundwater or surface water.</p> <p>If activities at the development site could disturb or interact with any PFAS contaminated soil, groundwater or surface water, the beneficiary of this consent must:</p> <ul style="list-style-type: none"> 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

	<p>e. ensure that any PFAS contaminated material transported from the site to a site that is lawfully able to receive it.</p> <p>Condition Reason: To ensure that contamination is appropriately assessed, identified, and mitigated within a potentially PFAS affected area</p>
21	<p>Waste Management Plan</p> <p>Before the issue of a construction certificate, a waste management plan for the development must be provided to the certifier.</p> <p>Condition Reason: To ensure resource recovery is promoted and local amenity protected during construction</p>
22	<p>Liquid Cooling/Regulated System</p> <p>If the liquid cooling system meets the criteria to be considered a regulated system, it must be designed and installed in accordance with the relevant provisions of:</p> <ul style="list-style-type: none"> a) Public Health Act 2010. b) Public Health Regulation 2012. <p>Plans and Specifications for the design, installation, operation and maintenance of the Regulated system(s), including details on the locations of all plant and equipment, must be provided to the Certifying Authority</p> <p>Condition Reason: To ensure that the proposal is designed in accordance with the Public Health Act and Regulation.</p>
23	<p>Glare Impacts</p> <p>The development is to be designed to comprise of non-reflective building materials.</p> <p>Condition Reason: To limit potential glare from the proposal that may impact the operations of the nearby RAAF Base and the airport.</p>

Before building work commences

24	<p>Erosion and sediment controls in place</p> <p>Before any site work commences, the certifier must be satisfied the erosion and sediment controls in the erosion and sediment control plan are in place. These controls must remain in place until any bare earth has been re-stabilized in accordance with 'Managing Urban Stormwater: Soils and Construction' prepared by Landcom (the Blue Book) (as amended from time to time).</p> <p>Condition reason: To ensure sediment laden runoff and site debris do not impact local stormwater systems and waterways.</p>
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25	<p>All Weather Access</p> <p>A 3m wide all-weather vehicle access is to be provided from the kerb and gutter to the building under construction for the delivery of materials and use by trades people.</p> <p>No materials, waste or the like are to be stored on the all-weather access at any time.</p> <p>Condition reason: To ensure that adequate vehicular access is provided to and from the site, prior to the commencement of works.</p>
26	<p>Construction Certificate Required</p> <p>In accordance with the provisions of Section 6.7 of the Environmental Planning & Assessment Act 1979 (EP&A Act 1979), construction or subdivision works approved by this consent must not commence until the following has been satisfied:</p> <ul style="list-style-type: none"> a) A Construction Certificate has been issued by a Consent Authority; b) A Principal Certifying Authority (PCA) has been appointed by the person having benefit of the development consent in accordance with Section 6.5 of the EP&A Act 1979; and c) The PCA is notified in writing of the name and contractor license number of the owner/building intending to carry out the approved work. <p>Condition reason: To ensure that a Construction Certificate has been issued for the building works prior to the commencement of work.</p>
27	<p>Notice Commencement of Work</p> <p>Notice must be given to Council and the Principal Certifier, if not the Council, of the person's intention to commence the erection of the building or undertake subdivision work at least two days prior to subdivision and/or building works commencing in accordance with Sections 6.6 (2) and 6.12 (2) (c) of the Environmental Planning and Assessment Act 1979 and Section 59 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021. The notice must include:</p> <ul style="list-style-type: none"> a) The name and address of the person; b) A description of the work to be carried out; c) The address of the land on which the work is to be carried out; d) The Registered numbers and date of issue of the development consent and construction certificate; e) A statement signed by or on behalf of the principal certifier that all conditions of the consent that must be satisfied before work commences have been satisfied; and f) The date on which the work is intended to commence. <p>The notice must be lodged on the NSW Planning Portal.</p> <p>Condition reason: To ensure that the Principal Certifier has given notice to the Consent Authority and Council at least two days prior to subdivision and/or building works commencing in accordance with S6.6(2)(a) of the Environmental Planning and Assessment Act</p>

	1979 and Section 59 of the Environmental Planning and Assessment (Development Certificate and Fire Safety) Regulation 2021.
28	<p>Notice of Principal Certifying Authority Appointment</p> <p>The Principal Certifier for this development must give notice must be given to the consent authority and Council, where the Council is not the consent authority, at least two days prior to subdivision and/or building works commencing in accordance with Section 6.6 (2) (a) of the Environmental Planning and Assessment Act 1979 and Section 57 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021. The notice must include:</p> <ul style="list-style-type: none"> a) A description of the work to be carried out; b) The address of the land on which the work is to be carried out; c) The Registered number and date of issue of the relevant development consent; d) The name and address of the Principal Certifier and the person who appointed the principal certifier; e) If the principal certifier is a registered certifier <ul style="list-style-type: none"> i) The certifier's registration number, and ii) A statement signed by the registered certifier to the effect that the certifier consents to be appointed as principal certifier, and iii) A telephone number on which the certifier may be contacted for business purposes. <p>The notice must be lodged on the NSW Planning Portal.</p> <p>Condition reason: To ensure that the Principal Certifier has given notice that they will be the Principal Certifier to the Consent Authority and Council at least two days prior to subdivision and/or building works commencing in accordance with S6.6(2)(a) of the Environmental Planning and Assessment Act 1979</p>
29	<p>Rubbish Generated from the Development</p> <p>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.</p> <p>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.</p> <p>Condition reason: To ensure that construction waste is appropriately stockpiled and removed from the site.</p>
30	<p>Site is to be secured</p> <p>The site must be secured and fenced to the satisfaction of the Principal Certifying Authority. All hoarding, fencing, or awnings (associated with securing the site during construction is to be removed upon the completion of works.</p>

	<p>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.</p>
31	<p>Bushfire Asset Protection Zones</p> <p>Before any site work commences, the boundaries of the asset protection zone must be surveyed and marked on the ground by a registered surveyor.</p> <p>Condition Reason: To provide a buffer to protect life and property from bush fire attack.</p>
32	<p>Flood Design Measures</p> <p>Evidence of certification demonstrating that the following flood related design precautions have been adhered to in the design must be submitted to the Principal Certifying Authority:</p> <ul style="list-style-type: none"> a) All materials stored at the site and capable of causing harm to the environment must be stored at a level not less than the FPL or suitable bunding must be placed around such materials to a minimum of the FPL; b) All building materials, equipment, ducting, etc., below the FPL must be flood compatible and ducting must be provided with openings for drainage and cleaning; c) All main power supply, heating and air conditioning service installations, including meters must be located above the FPL. All electrical equipment installed below the FPL must be capable of disconnection by a single plug from the power supply; d) All electrical wiring below the FPL must be suitable for continuous submergence in water. All conduits below the FPL must be self-draining. Earth core leakage systems or safety switches are to be installed; e) Wherever possible, the premises must be designed to ensure that plant, equipment, storage tanks or other fixtures or fittings liable to damage by floods are located above the FPL or be moveable to levels above the FPL. Should this not have the ability to occur, they shall be suitable for submergence in water and securely anchored to overcome buoyancy and movement. All storage tanks must be vented to an elevation above the FPL. <p>Condition Reason: To mitigate the impacts of development within flood prone land and ensure the minimisation of risk to life and property.</p>
33	<p>Ground and Surface Water Management</p> <p>Controls for the management of groundwater during works is required should the development encounter and/or extract groundwater. This includes:</p> <ul style="list-style-type: none"> a) Controls to minimise worker, public and livestock exposure to extracted water; and b) Options for on-site disposal of extracted water by irrigation and/or seepage. <p>Condition Reason: To ensure that development within the Williamstown Investigation area is appropriately controlled and managed.</p>
34	<p>Weed Management</p> <p>Weed removal and suppression must be undertaken using approved bush regeneration techniques under the supervision of a suitably qualified and approved bush regenerator and in accordance with the requirements for the NSW Biosecurity Act 2015, associated Regulations and NSW Weed Control Handbook.</p>

	The site is to be inspected by a representative of Council's Invasive Species team one week prior to works commencing.
	Condition Reason: To ensure that weeds are appropriately contained and removed from the site where a Flora and Fauna/ Vegetation/ Biodiversity Management Plan has not been provided.

During building work

35	Discovery of relics and Aboriginal objects
	<p>While site works is being carried out, if a person reasonably suspects a relic or Aboriginal object is discovered:</p> <ol style="list-style-type: none"> The work in the area of the discovery must cease immediately; The following must be notified – <ol style="list-style-type: none"> 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. <p>Site works may recommence at a time conformed in writing by:</p> <ol style="list-style-type: none"> 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.
36	Responsibility for changes to public infrastructure
	<p>While site work is being carried out, any costs incurred as a result of the approved removal, relocation or reconstruction of infrastructure (including ramps, footpaths, kerb and gutter, light poles, kerb inlet pits, service provider pits, street trees or any other infrastructure in the street footpath area) must be paid as directed by the consent authority.</p>
	Condition reason: To ensure payment of approved changes to public infrastructure
37	Waste management
	<p>While site work is being carried out:</p> <ol style="list-style-type: none"> all waste management must be undertaken in accordance with the waste management plan; and upon disposal of waste, records of the disposal must be compiled and provided to the certifying authority, detailing the following: <ol style="list-style-type: none"> The contact details of the person(s) who removed the waste; The waste carrier vehicle registration; The date and time of waste collection;

	<p>d. A description of the waste (type of waste and estimated quantity) and whether the waste is to be reused, recycled or go to landfill;</p> <p>e. The address of the disposal location(s) where the waste was taken;</p> <p>f. The corresponding tip docket/receipt from the site(s) to which the waste is transferred, noting date and time of delivery, description (type and quantity) of waste.</p> <p>If waste has been removed from the site under an EPA Resource Recovery Order or Exemption, records in relation to that Order or Exemption must be maintained and provided to the principal certifier and Council.</p> <p>Condition reason: To require records to be provided, during site work, documenting the lawful disposal of waste</p>
38	<p>Construction Noise</p> <p>While building work is being carried out and where no noise and vibration management plan is approved under this consent, the applicant is to ensure that any noise caused by demolition, vegetation removal or construction does not exceed an LAeq (15 min) of 5dB(A) above background noise, when measured at any lot boundary of the property where the construction is being carried out.</p> <p>Condition reason: To ensure that developments do not give rise to offensive noise impacts during works.</p>
39	<p>Hours of work</p> <p>Site work must only be carried out between the following times –</p> <p>7:00am to 5:00pm on Monday to Saturday</p> <p>Site work is not to be carried out outside of these times except where there is an emergency, or for urgent work directed by a police officer or a public authority.</p> <p>Condition reason: To protect the amenity of the surrounding area</p>
40	<p>Unexpected Finds Contingency (General)</p> <p>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.</p> <p>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.</p> <p>Where remediation work is required, the applicant will be required to obtain consent for the remediation works.</p>

	Condition reason: To ensure that works relating to a development are to cease if any suspect materials and remediated in accordance with Council requirements
41	Acid Sulfate Soils The recommendations and/or mitigation measures contained within the Acid Sulfate Soils Management Plan (ASSMP) prepared by Douglas Partners, Reference: 226269.00, dated 18 December 2023. Condition Reason: To protect the amenity of the local area.
42	Offensive noise, dust, odour, and vibration No work must not give rise to offensive noise, 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.
43	Establishment of asset protection zone (APZ) While site work is being carried out, modifying vegetation to establish the APZ must be confined within the marked APZ boundary in accordance with the supporting documentation approved under this consent, to the satisfaction of the principal certifier. Condition Reason: To ensure vegetation clearance or modification during construction is confined within the APZ
44	Construction Management Plan All construction management procedures and systems identified in the approved Construction 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
45	Cut and Fill While building work is being carried out, the principal certifier must be satisfied all soil removed from or imported to the site is managed in accordance with the following requirements: a) All excavated material removed from the site must be classified in accordance with the EPA's Waste Classification Guidelines before it is disposed of at an approved waste management facility and the classification and the volume of material removed must be reported to the principal certifier. All fill material imported to the site must be Virgin Excavated Natural Material as defined in Schedule 1 of the Protection of the Environment Operations Act 1997 or a material identified as being subject to a resource recovery exemption by the NSW EPA.

	Condition Reason: To ensure that all imported and/or exported fill is Virgin Excavated Natural Material.
46	Delivery Register The applicant must maintain a register of deliveries which includes date, time, truck registration number, quantity of fill, origin of fill and type of fill delivered. This register must be made available to Council officers on request and be provided to the Council at the completion of the development. Condition Reason: To ensure that all deliveries of fill are appropriately recorded.
47	Disposal of PFAS material Where PFAS contaminated material is to be removed from the development 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 that all works are undertaken in accordance with the EPA's Addendum to the Waste Classification Guidelines (2014) and the required soil testing has been completed.
48	Disposal of Stormwater Water seeping into any site excavations is not to be pumped into the stormwater system unless it complies with relevant Environmental Protection Agency and Australian and New Zealand Environment and Conservation Council standards for water quality discharge. Condition Reason: To ensure that stormwater disposal from a development is managed in accordance with Council requirements.
49	Finished Floor Level The finished floor level of the compound area must be a minimum level of Reduced Level 3 metres Australian Height Datum in accordance with the approved plans. A survey report prepared by a Registered Surveyor confirming that the finished floor level complies with the approved plans or floor levels specified by the development consent, must be provided to Principal Certifying Authority prior to the development proceeding beyond floor level stage. Condition Reason: To ensure that the finished floor level of the development is compliant with the relevant level and in accordance with the approved plans.
50	Ground and Surface Water Management All surface water and groundwater encountered during works should be considered PFAS-impacted unless other information to the contrary is available. Any groundwater that

	<p>accumulates in footings or other excavations must be pumped to a location on the property where it can seep into the ground. Extracted groundwater must not be permitted to run off the property.</p> <p>Soil disturbed or excavated as part of the development proposal can be managed on-site with the erosion and sediment controls implemented in accordance with the requirements of this consent.</p> <p>Soil to be disposed off-site must be classified in accordance with the Environment Protection Authority (EPA) Waste Classification Guidelines. The EPA has developed interim waste classification limits for PFAS in relation to leachate testing (TCLP) and total concentrations.</p> <p>Condition Reason: To ensure that all development within the Williamstown Investigation Area is undertaken in accordance with Environment Protection Authority (EPA) Waste Classification Guidelines.</p>
51	<p>Location of Stockpiles</p> <p>Stockpiles of soil must not be located on / near any drainage lines or easements, natural watercourses or water bodies, footpath or roadway without first providing suitable protective measures adequate to protect these water bodies. All stockpiles of contaminated materials must be suitably covered to prevent dust and odour nuisance.</p> <p>Condition Reason: To ensure that stock piles required for a development are managed in accordance with Council requirements.</p>
52	<p>Implementation of site management plans</p> <p>While site work is being carried out:</p> <ul style="list-style-type: none"> a. the measures required by the construction site management plan and the erosion and sediment control plan (plans) must be implemented at all times, and b. a copy of these plans must be kept on site at all times and made available to council officers upon request. <p>Condition Reason: To ensure site management measures are implemented during the carrying out of site work</p>
53	<p>Placement of Fill</p> <p>Filling must not be placed in such a manner that natural drainage from adjoining land will be obstructed or in such a manner that surface water will be diverted.</p> <p>Further, any alterations to the natural surface contours must not impede or divert natural surface water runoff so as to cause a nuisance to adjoining property owners.</p> <p>Condition Reason: To ensure that fill required for a development is managed in accordance with Council requirements.</p>
54	<p>Stormwater Disposal</p>

	<p>Following the installation of any roof, collected stormwater runoff from the structure must be:</p> <ul style="list-style-type: none"> Dispersed at ground level, so as not to be concentrated or create nuisance flows onto any buildings, or neighbouring properties. The discharge location must be at least 3m down slope of the building and 6m minimum clearance from receiving down slope property boundaries.
	<p>Condition Reason: To ensure stormwater is disposed of appropriately.</p>
55	<p>Toilet facilities</p> <p>Temporary toilet(s) must be provided and maintained on site from the time of commencement of building work to completion. The number of toilets provided must be one toilet per 20 persons or part thereof employed on the site at any one time.</p> <p>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.</p> <p>Condition Reason: To ensure adequate amenity facilities are provided to the site during construction.</p>
56	<p>Weed Management</p> <p>All machinery that has operated in affected areas shall be cleaned thoroughly prior to leaving the site. A wash down area shall be established, and monitored for priority weeds as defined by the NSW Biosecurity Act 2015. Cleaning must include the removal of all mud and plant matter, followed by washing with high pressure water.</p> <p>An area for storage of contaminated spoil that is separate from clean material shall be provided during construction.</p> <p>Condition Reason: To ensure that all machinery that has operated in affected areas shall be cleaned prior to leaving the site and wash down areas are maintained in accordance with the NSW Biosecurity Act 2015.</p>

Before issue of an occupation certificate

57	<p>Occupation Certificate Required</p> <p>An Occupation Certificate must be obtained prior to any use or occupation of the development.</p> <p>The Principal Certifying Authority must be satisfied that the development has been constructed in accordance with approved plans, specifications and conditions of this consent.</p> <p>Condition reason: To ensure that an Occupation Certificate relating to the development is obtained from the Principal Certifying Authority prior to occupation or use</p>
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58	Completion of landscape and tree works
	Before the issue of an occupation certificate, the principal certifier must be satisfied that all landscape and the removal of all noxious weed species, have been completed in accordance with the approved plans and any relevant conditions of this consent.
	Condition reason: To ensure that landscape and tree works have been completed in accordance with the approved plans prior to the issue of an Occupation Certificate.
59	Completion of Roads Act Approval works
	All approved road, footpath and/or drainage works, including vehicle crossings, have been completed in the road reserve in accordance with the Roads Act Approval to the satisfaction of the Council as the Roads Authority.
	Condition reason: To ensure that approved works within the road reserve have been completed to the satisfaction of the Council.
60	Removal of waste upon completion
	Before the issue of an occupation certificate, the principal certifier must ensure all refuse, spoil and material unsuitable for use on-site is removed from the site and disposed of in accordance with the approved waste management plan. Written evidence of the removal must be supplied to the satisfaction of the principal certifier.
	Before the issue of a partial occupation certificate, the applicant must ensure the temporary storage of any waste is carried out in accordance with the approved waste management plan to the principal certifier's satisfaction.
	Condition reason: To ensure that all waste is appropriately removed from the subject site prior to the issue of an Occupation Certificate.
61	Construction to be in accordance with Acoustic Report
	Certification is to be submitted to the Principal Certifying Authority to certify that the construction of the development complies with the recommendations of the Acoustic Report prepared by Mott MacDonald, dated 4/12/2023 and any further recommendations given following compliance with condition 3.
	Condition Reason: To ensure that construction has been undertaken in accordance with an approved development application and Acoustic Report.
62	Flood Risk Management Plan
	A Certificate of Compliance prepared by a suitably qualified Flood engineer must be provided to the Principal Certifying Authority stating that all aspects of the Flood Risk Management Plan have been completed and/or implemented in accordance with the approved Plan.

	Condition Reason: To ensure that flood impacted development adequately mitigates risks to life and property.
63	Protection and Certification of Electrical Services All power points, fittings, electrical connections and the incoming meter box are to be located above the Flood Planning Level (FPL) which is 3m AHD. Switches, light fittings and power points may be located below the FPL provided they are capable of being isolated by a single Residual Current Device (RCD) protected switch that is located above the FPL. Certification of these works are to be provided to the Principal Certifying Authority. Condition Reason: To ensure that flood affected development adequately mitigates risks to life and property.
64	Earth mound Following completion of the earthworks and prior to the issue of an Occupation Certificate the final pad shape, levels and location are to be confirmed by a detailed survey plan prepared by a Registered Surveyor. Condition Reason: To ensure the earth mound is constructed as per the approval.

Occupation and ongoing use

65	Driveways to be maintained All access crossings and driveways must be maintained in good order for the life of the development Condition reason: To ensure that access and driveways are maintained for the life of the development.
66	Impact to adjoining properties The development must not undertake activities which may restrict, obstruct or inconvenience the use of the land by other users, outside of the approved development location. Condition reason: To ensure that the development does not undertake activities which may restrict, obstruct or inconvenience the use of the land by other users, outside of the approved development location.
67	Maintenance of Landscaping Landscaping must be maintained in accordance with the approved landscape plan and conditions of this development consent. All landscape areas must be kept free of parked vehicles, stored goods, garbage or waste material at all times.

	<p>If any of the vegetation dies or is removed, it is to be replaced with vegetation of the same species and similar maturity as the vegetation which has died or was removed.</p> <p>Condition reason: To ensure that landscaping is maintained in accordance with the approved landscape plan and the relevant development consent.</p>
68	<p>Manoeuvring of Vehicles</p> <p>All vehicles must enter and exit the site in a forward direction</p> <p>Condition reason: To ensure that vehicles enter and leave the site in a forward direction.</p>
69	<p>Offensive Noise</p> <p>The use and occupation of the premises including all plant and equipment must not give rise to any offensive noise within the meaning of the <i>Protection of the Environment Operation Act 1997</i> and must comply with the <i>NSW Noise Policy for Industry 2017</i> (as amended).</p> <p>Condition reason: To control noise in order to ensure it is not offensive.</p>
70	<p>Amenity</p> <p>The use must be conducted so that no interference occurs to the amenity of the area, the footpath, adjoining occupations and residential or business premises.</p> <p>Condition Reason: To ensure that no interference occurs to the amenity of the area.</p>
71	<p>External lighting during ongoing use</p> <p>Lighting associated with the development must remain switched off outside of maintenance periods and any emergencies.</p> <p>Condition Reason: To ensure the safe operation of the premises and protect the amenity of the local area</p>
72	<p>Landscaping Maintenance Establishment Period</p> <p>Commencing from the date of practical completion, a 12-month maintenance establishment period applies. This includes the establishment, care and repair of all landscaping elements.</p> <p>The date of Practical Completion is taken to mean completion of all civil works, soil preparation and treatment and initial weed control, and completion of all planting.</p> <p>Condition Reason: To ensure that the approved landscape works are completed within a 12 month period.</p>
73	<p>Managing Noise</p> <p>During ongoing use of the premises, the premises must be operated in accordance with the acoustic report approved under this consent.</p> <p>Any acoustic treatment must be maintained for the life of the development.</p>

	Condition Reason: To protect the amenity of the local area
74	Maneuvering of vehicles
	All vehicles must enter and exit the site in a forward direction.
	Condition Reason: To ensure that vehicles enter and leave the site in a forward direction.
75	Occupation of PFAS site
	Ongoing occupation of the site is to be in accordance with the latest Environment Protection Authority Precautionary Advice for the PFAS Primary and Secondary Management Zones available at the following link: https://www.epa.nsw.gov.au/working-together/community-engagement/updates-on-issues/raaf-williamtown-contamination/williamtown-precautionary-advice .
	Condition Reason: To ensure that the ongoing occupation of the site is undertaken in accordance with EPA's Precautionary Advice for the PFAS.
76	Waste Management
	Any waste generated during ongoing use and occupation is to be taken off site and disposed of appropriately at a waste or recycling facility.
	Condition Reason: To ensure proper handling of waste, garbage and recyclable materials generated during operation of the premises
77	Storage of Hazardous Materials
	Hazardous substances and/or dangerous goods are to be stored, labelled and handled in accordance with the requirements of SafeWork NSW and the NSW Environment Protection Authority.
	Condition Reason: To ensure hazardous materials and/or dangerous goods are appropriately stored.
78	Monitoring of water tanks
	During maintenance of the BESS, the water tanks on site must be monitored to ensure that they are full at all times.
	Condition Reason: To ensure water is available for bush fire fighting purposes.
79	Monitoring of BESS
	A management system must be put in place to ensure that the batteries on site are monitored 24 hours a day.
	Condition Reason: To ensure batteries are monitored 24-hours days to limit potential impacts occurring due to failure.
80	Asset Protection Zone/Defendable Space

	The Asset Protection Zone / Defendable Space must be maintained to the standard of an Inner Protection Area for the life of the development.
	Condition Reason: To ensure that the APZ is maintained as per Planning for Bushfire Protection 2019.

General advisory notes

This consent contains the conditions imposed by the consent authority which are to be complied with when carrying out the approved development. However, this consent is not an exhaustive list of all obligations which may relate to the carrying out of the development under the EP&A Act, EP&A Regulation and other legislation. Some of these additional obligations are set out in the [Conditions of development consent: advisory notes: https://www.planning.nsw.gov.au/sites/default/files/2023-07/condition-of-consent-advisory-note.pdf](https://www.planning.nsw.gov.au/sites/default/files/2023-07/condition-of-consent-advisory-note.pdf). The consent should be read together with the *Conditions of development consent: advisory notes* to ensure the development is carried out lawfully.

The approved development must be carried out in accordance with the conditions of this consent. It is an offence under the EP&A Act to carry out development that is not in accordance with this consent.

Building work or subdivision work must not be carried out until a construction certificate or subdivision works certificate, respectively, has been issued and a principal certifier has been appointed.

A document referred to in this consent is taken to be a reference to the version of that document which applies at the date the consent is issued, unless otherwise stated in the conditions of this consent.

Council advisory notes

1. **'Dial Before you Dig Australia'** – Before any excavation work starts, contractors and others should phone the “Dial Before You Dig Australia” service to access plans/information for underground pipes and cables.
2. **Responsibility for damage for tree removal/pruning** – The applicant is responsible for any damage caused to existing public utilities, footpaths or public roads during the cutting down, grinding, removal and disposal of the timber and roots. Care must also be taken by the applicant and the applicant’s agents to prevent any damage to adjoining properties. The applicant or applicant’s agent may be liable to pay compensation to any adjoining owner if, due to tree works, damage is caused to such adjoining property.
3. **Bird strike advice** – As the subject site is located in an area mapped by the Department of Defence as “Birdstrike Group C”, organic waste and/or the storage of bins associated with any future development must be covered and/or enclosed and limited on-site.
4. **Approved Plans to be on-site** – A copy of the approved and certified plans, specifications and documents incorporating conditions of approval and certification shall be kept on the Site at all times and shall be readily available for perusal by any officer of Council or the Principal Certifying Authority.
5. **Council as PCA, PCA sign** – It is the responsibility of the applicant to erect a PCA sign. Where Council is the PCA, the sign is available free of charge, from Council’s Administration Building at Raymond Terrace or the Tomaree Library at Salamander Bay. The applicant is to ensure the PCA sign remains in position for the duration of works.

6. **Regulated premises inspections** – The premises will be incorporated in Council's Surveillance Program and will be subject to ongoing annual inspections should it be considered a regulated systems.
7. **Flood information is subject to change** – You are advised that flood information is subject to change if more accurate data becomes available to Council. It is the responsibility of the applicant to use the most up-to-date flood information. Prior to applying for a construction certificate, Council should be contacted to verify the currency of the flood information.
8. **Signage** – You are advised that any proposed advertising signs that are not shown on the approved plans, or classified as exempt development, are subject to a separate Development Application to Council.