

Amended Recommended Conditions of Consent

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
	14311	E	Overall Site Plan	EJE Architecture	28/11/2024
	DA-A03				
	14311	E	Development Site Plan	EJE Architecture	28/11/2024
	DA-A04				
	14311	E	Ground Floor Plan	EJE Architecture	28/11/2024
	DA-A05				
	14311	E	First Floor Plan	EJE Architecture	28/11/2024
	DA-A06				
	14311	E	Proposed Pylon Signage Plan	EJE Architecture	28/11/2024
	DA-A07				
	14311	E	Site Elevations	EJE Architecture	28/11/2024
	DA-A08				
	14311	E	Site Sections	EJE Architecture	28/11/2024
	DA-A09				
	14311	E	Building Materials and Finishes	EJE Architecture	28/11/2024
	DA-A20				
	14311	E	Demolition Site Plan	EJE Architecture	28/11/2024
	DA-A23				
	DA-C01.21	F	General Arrangement Plan	Northrop Consulting Engineers	29/11/2024
	DA-C02.01	G	Erosion and Sediment Control Plan	Northrop Consulting Engineers	29/11/2024

DA-C02.11	C	Erosion and Sediment Control Details	Northrop Consulting Engineers	20/03/2024
DA-C03.01	F	Cut and Fill Plan	Northrop Consulting Engineers	29/11/2024
DA-C03.21	E	Cut and Fill Sections	Northrop Consulting Engineers	29/11/2024
DA-C04.01	F	Civil Works Plan – Sheet 1	Northrop Consulting Engineers	29/11/2024
DA-C04.02	G	Civil Works Plan – Sheet 2	Northrop Consulting Engineers	21/06/2024
DA-C04.21	D	Typical Sections	Northrop Consulting Engineers	29/11/2024
CA-C09.01	C	Civil Details	Northrop Consulting Engineers	20/03/2024
CSK-01.01	3	External Works	Northrop Consulting Engineers	20/03/2024
CSK01.01	C	Proposed Private Sewer Rising Main Alignment	Northrop Consulting Engineers	03/10/2024
14311.5 DA L100	M	Site Plan	Terras Landscape Architects	26/11/2024
14311.5 DA L101	M	Landscape Plan	Terras Landscape Architects	26/11/2024
14311.5 DA L102	M	Landscape Calculations	Terras Landscape Architects	26/11/2024
14311.5 DA L103	M	Landscape Plan Main Road	Terras Landscape Architects	26/11/2024
14311.5 DA L104 – L106	M	Sections	Terras Landscape Architects	26/11/2024
14311.5 DA L107	M	Public Art and connection to country	Terras Landscape Architects	26/11/2024
14311.5 DA L108	M	Planting Palette	Terras Landscape Architects	26/11/2024

	Approved Documents			
	Document title	Version No.	Prepared by	Dated
	Addendum Aboriginal Cultural Heritage Assessment	Final Version 02	Biosis Pty Ltd	13/11/2023
	Aboriginal Due Diligence Assessment: Sewer Rising Main Works	N/A	Biosis Pty Ltd	14/11/2023
	Acid Sulfate Soils Management Plan	0	Qualtest	31/05/2024
	Acoustic Assessment	0	RAPT Consulting	21/02/2024
	Bushfire Assessment Report	5	Bushfire Planning Australia	04/07/2024
	Contamination Summary Report and Expected Remediation Strategy	N/A	Qualtest	05/12/2024
	Crime Prevention Through Environmental Design	1	Monteath and Powys	05/07/2024
	Section 2.2.2 – 2.2.6 of Biodiversity Development Assessment Report' Tables 22 – 24 of the Biodiversity Development Assessment Report	01	Anderson Environment and Planning	24/10/2023
	Figure 4 and Section 7.0 of the Arborist Impact Assessment	02	Anderson Environment and Planning	21/06/2024
	Flood Emergency Response Plan	A	Northrop Consulting Engineers	09/12/2024
	Figure 2 – Avoid (BMP Lands)Of Further RFI to DA 16-2023-685-1 at 42 Fullerton Cove Road Fullerton Cove, NSW (Lot 14 DP2588480) as requested by Port Stephens Council / Hunter & Central Coast Regional Planning Panel	N/A	Anderson Environment and Planning	December 2024
	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	Approved Report Recommendations - Biodiversity Development Assessment Report			
	Construction of the development must comply with the recommendations of the 'Biodiversity Development Assessment Report - Proposed Commercial Retail Development at 42 Fullerton			

	<p>Cove Road, Fullerton Cove (Lot 14 DP 258848) NSW', AEP Ref: 3063, Rev 01, prepared by Anderson Environment and Planning, dated 24 October 2023, detailed as follows:</p> <ul style="list-style-type: none"> a) Suitable fencing to be installed and maintained between the development and surrounding natural areas to deter access and degradation of retained lands. b) The preparation of a Biodiversity Management Plan (refer to Condition 24). c) Permanent lighting shall be designed to minimise light spill into surrounding vegetation. d) Compensatory planting of 8 Koala food trees (<i>E. robusta</i>). Replacement plantings should be focused within retained habitat within the Study Area, i.e. PCT 1717 - Broad-leaved Paperbark – Swamp Mahogany – Swamp Oak - Saw Sedge swamp forest of the Central Coast and Lower North Coast.
	<p>Condition reason: To ensure that development is carried out in accordance with specific recommendations of a report are required to be complied with, but not the full report.</p>
3	<p>Approved Report Recommendations - Crime Prevention Through Environmental Design Report</p> <p>Construction of the development must comply with the recommendations of the the Crime Prevention through Environmental Design (Prepared by Monteath and Powys, Revision 1, dated 5/7/24) including the requirement for wayfinding signage.</p> <p>Condition reason: To ensure that development is carried out in accordance with specific recommendations of a report are required to be complied with, but not the full report.</p>
4	<p>Approved Report Recommendations - Aboriginal Cultural Heritage</p> <p>The development must comply with the recommendations listed in Section 7 of the Addendum Aboriginal Cultural Heritage Assessment (dated 14 November 2023, Project No. 38294) and the recommendations on Page 22 of the Aboriginal Due Diligence Assessment: Sewer Rising Main Works (dated 14 November 2023, Reference No. 39802).</p> <p>Condition reason: To ensure the development is carried out in accordance with the recommendations of the Aboriginal Heritage Assessments.</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"> 1. Hunter Water Corporation, Reference: HW2017-1215/18/54, Dated 17 January 2024. 2. Department of Defence, Reference: ID-EP-DLP&R/OUT/2024/BS52737362, Dated 18 March 2024. <p>A copy of the Requirements is attached to this determination notice.</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.)
6	<p>General Terms of Approval</p> <p>The General Terms of Approval from state authorities must be complied with prior to, during, and at the completion of the development.</p> <p>The General Terms of Approval are:</p> <ol style="list-style-type: none"> 1. Heritage NSW, Reference: DOC23/1093123-21, Dated 8 May 2024. 2. Department of Planning and Environment – Water, Reference: IDAS-2023-10768, Dated 9 April 2024. <p>A copy of the General Terms of Approval is attached to this determination notice.</p> <p>Condition reason: To ensure that the development is carried out in accordance with the General Terms of Approval issues by Integrated Development / Concurrence Agencies</p>
7	<p>Tree/Vegetation Removal</p> <p>The trees/vegetation within the E1 (Local Centre) zoned land, with the exception of trees to be retained as identified on the 'Landscape Plan' (L101), Revision M, prepared by Terras Landscape Architects, dated 26 November 2024, are approved for removal.</p> <p>Condition reason: To identify vegetation approved for removal.</p>
8	<p>Protection of existing vegetation and natural landscape features</p> <p>Approval to remove existing vegetation for removal is not to occur until the issue of the Construction Certificate.</p> <p>The trees identified for retention on the 'Landscape Plan' (L101), Revision M, prepared by Tetras Landscape Architects, dated 26 November 2024 must be retained. Vegetation within the location of the sewer extension must also be retained.</p> <p>No vegetation or natural landscape features other than that authorised for removal, pruning by this Consent must be disturbed, damaged or removed. No additional works or access/parking routes transecting the protected vegetation must be undertaken without Council Approval.</p> <p>Condition reason: To ensure that vegetation is protected during works</p>
9	<p>Building Code of Australia</p> <p>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.</p>

	Condition reason: To ensure that all building works are completed in accordance with the Building Code of Australia.
10	Sign on Building
	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. The sign must be maintained while the work is being carried out and is to be removed when the work is completed.
	Condition reason: To require signage that details the relevant contacts of a development during construction
11	Separate Approval for signs
	A separate development application for any proposed signs additional to those signs approved as part of this development consent, must be provided to, and approved by, the Consent Authority or under the provisions of the <i>State Environmental Planning Policy (Exempt and Complying Codes) 2008</i> if applicable prior to the erection or display of any such signs.
	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 <i>State Environmental Planning Policy (Exempt and Complying Codes) 2008</i> .
12	Outdoor lighting
	All lighting must comply with AS 1158 'Lighting for Roads and Public Spaces', AS 4282 'Control of Obtrusive Effects of Outdoor Lighting' and the requirements of Condition 2.
	Condition reason: To ensure lighting complies with relevant standards and conditions.

Building Work

Before issue of a construction certificate

13	Erosion and sediment controls plan
	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: <ul style="list-style-type: none"> 1. 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>2. 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>								
14	<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 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>	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%
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%								
15	<p>Housing and Productivity Contribution</p> <p>A housing and productivity contribution is to be made, subject to:</p>								

- a) Any exclusion of the application of Subdivision 4 of Division 7.1 of the Act to the development by a planning agreement; and
- b) Any exemption or reduction provided by the Environmental Planning and Assessment (Housing and Productivity Contribution) Order 2023 (the Order).

In this respect -

- a) The housing and productivity contribution (HPC) set out in the table below, but as adjusted in accordance with this condition, is required to be made:

Housing and Productivity Contribution	Amount
Housing and Productivity Contribution – Lower Hunter Region	\$199,268.56

- b) The time by which the housing and productivity contribution must be made is before the issue of a Construction Certificate.
- c) The payment of the contributions must be made using the NSW Planning Portal.
- d) If an agreement is entered into as referred to in Clause 19 of the Order, the housing and productivity contribution may be made wholly or partly as a non-monetary contribution.

The amount payable at the time of payment is the amount shown in the table above as the total housing and productivity contribution, adjusted by multiplying it by the following fraction:

highest PPI number

consent PPI number

Where –

highest PPI number is the highest PPI number for a quarter following the June quarter 2023 and up to and including the 2nd last quarter before the quarter in which the payment is made; and

Consent PPI is the PPI number last used to adjust the base component amount, SBC amount or TPC amount when consent was granted.

June quarter 2023 is the quarter commencing on and including 1 April 2023 and ending on and including 30 June 2023; and

PPI is the Producer Price Index (Road and Bridge Construction (NSW)) published by the Australian Bureau of Statistics).

If the amount adjusted in accordance with this condition is less than the amount at the time consent is granted, the higher amount must be paid instead.

Condition reason: To achieve compliance with the Environmental Planning and Assessment (Housing and Productivity Contribution) Order 2023, as made by the NSW Minister for Planning and Public Spaces.

16	Long Service Levy
	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
	Condition reason: To ensure the Long Service Levy is paid.
17	Civil engineering plans
	Before the issue of a Construction Certificate, 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 and Council's Infrastructure Specifications.
	Details demonstrating compliance must be provided to the Certifying Authority.
	Note: Under the <i>Roads Act 1993</i> , only the Roads Authority can approve commencement of works within an existing road reserve.
	Condition reason: To ensure that civil engineering plans have been prepared by a qualified engineers prior to the issue of the Construction Certificate.
18	Roads Act Approval
	Before the issue of a Construction Certificate, 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 138 of the <i>Roads Act 1993</i> . The Roads Act Approval must include detail for the following:
	<ul style="list-style-type: none"> a) A footpath and pedestrian refuge along Fullerton Cove Road b) Details of upgrades to Fullerton Cove Road in accordance with Council specifications
	Condition reason: To ensure that works within the road reserve are approved by a Section 138 Approval of the <i>Roads Act 1993</i> .
19	Stormwater/Drainage Plans
	Before the issue of a Construction Certificate, detailed stormwater drainage plans must be prepared by a qualified Engineer in accordance with the approved plans, Council's Infrastructure Specifications and the current Australian Rainfall and Runoff guidelines using the Hydrologic Soil Mapping data for Port Stephens (available from Council).
	Details demonstrating compliance must be provided to the Certifying Authority.
	Note: Under the <i>Roads Act 1993</i> , only the Roads Authority can approve commencement of works within an existing road reserve.

	<p>Condition reason: To ensure that the development is carried out in accordance with the Port Stephens Development Control Plan 2014.</p>
20	<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. Waste management procedures; c. Provisions for public safety; d. Pedestrian and vehicular site access points and construction activity zones; e. Protective measures for on-site tree preservation in accordance with the approved Arborist recommendations; f. Measures for managing biodiversity impacts on site in accordance with the approved BDAR mitigation measures; g. 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; h. Details of bulk earthworks to be carried out; i. The location of site storage areas and sheds; j. The equipment used to carry out works; k. The location of a garbage container with a tight-fitting lid; l. Construction Noise Management Plan in accordance with the Acoustic Assessment prepared by Rapt Consulting, dated February 2024. m. Dust and vibration control measures; n. The location of temporary toilets; o. 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 <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>
21	<p>Stormwater system Operation and Maintenance Procedure Plan</p> <p>Before the issue of a Construction Certificate, an Operation and Maintenance Plan for the stormwater system must be prepared by a qualified engineer detailing a regular maintenance programme for pollution control devices, covering inspection, cleaning and waste disposal.</p> <p>Details demonstrating compliance must be provided to the Certifying Authority.</p>

	<p>Condition reason: To ensure that large stormwater systems have an appropriate operation and maintenance plan prepared by a qualified Engineer.</p>
22	<p>Retaining Walls</p> <p>Before the issue of a Construction Certificate, all retaining walls within 1m of a boundary and exceeding 600mm in height must be designed and certified by a suitably qualified Structural Engineer or a system with a design certificate complying with the relevant Australian Standards.</p> <p>Details demonstrating compliance must be provided to the Certifying Authority.</p> <p>Condition reason: To ensure that retaining walls in proximity to the boundary and over a height are designed and certified by a suitably qualified engineer.</p>
23	<p>Contamination</p> <p>Following demolition of structures and prior to the issue of a Construction Certificate, a Detailed Site Investigation (DSI) is to be completed in accordance with the Contamination Summary Report, Reference NEW20P-0178-Acv2 42 Fullerton Cove Road, Fullerton Cove prepared by Qualtest Laboratory NSW Pty Ltd dated 4 June 2024 and the Contamination Summary Report and Expected Remediation Strategy dated 5 December 2024; and NSW EPA Guidelines for the assessment and management of contaminated land and must consider any requirement for a Remedial Action Plan (RAP). The DSI (and RAP where deemed necessary) is to be provided to Council for endorsement prior to the release of a Construction Certificate.</p> <p>Where a Detailed Site Investigation (DSI) has identified requirement for a Remedial Action Plan (RAP), , a Validation Report prepared by a suitability qualified person must be provided to the Certifying Authority and Council prior to the issue of a Construction Certificate, demonstrating:</p> <ul style="list-style-type: none"> a) Compliance with the approved RAP (if required); b) That the remediation acceptance criteria has been fully complied with; c) That all remediation works undertaken comply with the Contaminated Land Planning Guidelines, Contaminated Lands Management Act 1997, State Environmental Planning Policy (Resilience and Hazards) 2021. <p>Condition reason: To ensure remediation works are undertaken as required.</p>
24	<p>Biodiversity Management Plan</p> <p>A Biodiversity Management Plan (BMP) must be prepared for site to:</p> <ul style="list-style-type: none"> • Enhance flora and fauna habitat within the C2 zoned lands and the retained vegetation mapped as 'BMP Lands (avoid)' in Figure 2 of the Further RFI letter prepared by AEP dated 6 December 2024, improving the condition and ensuring an improved future vegetation integrity score. • The BMP is required to consider any ongoing vegetation management for the pylon sign located in the C2 zoned area of the site.

25	<p>The BMP must be prepared and commenced by a qualified Environmental Consultant.</p> <p>The plan should include clear management objectives, a schedule of works and maps.</p> <p>This plan must be submitted to and approved by Council prior to the issue of a construction certificate.</p>			
	Condition reason: To ensure a BMP is prepared for the site.			
25	Biodiversity Offset Scheme – Ecosystem Credit Retirement			
	<p>The class and number of ecosystem credits in the following table must be retired to offset the residual biodiversity impacts of the development prior to the issue of a construction certificate.</p> <p>The requirement to retire credits may be satisfied by payment to the Biodiversity Conservation Fund of an amount equivalent to the class and number of ecosystem credits, as calculated by the Biodiversity Offsets Payment Calculator.</p>			
	Impact plant community type	No. of ecosystem credits	IBRA sub-region	Plant community type(s) that can be used to offset impacts of development
	1646-Smooth-barked Apple - Blackbutt - Old Man Banksia woodland on coastal sands of the Central and Lower North Coast	1	Karuah Manning , Hunter, Macleay Hastings, Mummel Escarpment and Upper Hunter. or Any IBRA subregion that is within 100 kilometers of the outer edge of the impacted site.	Coastal Dune Dry Sclerophyll Forests This includes PCT's: 685, 776, 1074, 1135, 1184, 1618, 1637, 1646, 1647, 1648, 1775, 3544, 3545, 3546, 3547, 3548, 3549, 3550, 3551, 3552, 3553, 3554, 3555, 3556
	1717-Broad-leaved Paperbark - Swamp Mahogany - Swamp Oak - Saw Sedge swamp forest of the Central Coast and Lower North Coast	10	Karuah Manning , Hunter, Macleay Hastings, Mummel Escarpment and Upper Hunter. or Any IBRA subregion that is within 100 kilometers of the outer edge of the impacted site.	Swamp Sclerophyll Forest on Coastal Floodplains of the New South Wales North Coast, Sydney Basin and South East Corner Bioregions This includes PCT's: 837, 839, 926, 971, 1064, 1092, 1227, 1230, 1231, 1232, 1235, 1649, 1715, 1716, 1717, 1718, 1719, 1721, 1722, 1723, 1724, 1725, 1730, 1795, 1798, 3272, 3906, 3983, 3985, 3986, 3988, 3989, 3990, 3995, 3997, 3998, 4000, 4001, 4004, 4006, 4009, 4013, 4019, 4020, 4021, 4044, 4047, 4057

	1728-Swamp Oak - Prickly Paperbark - Tall Sedge swamp forest on coastal lowlands of the Central Coast and Lower North Coast	1	Karuah Manning , Hunter, Macleay Hastings, Mummel Escarpment and Upper Hunter. or Any IBRA subregion that is within 100 kilometers of the outer edge of the impacted site.	Swamp Oak Floodplain Forest of the New South Wales North Coast, Sydney Basin and South East Corner Bioregions This includes PCT's: 915, 916, 917, 918, 919, 1125, 1230, 1232, 1234, 1235, 1236, 1726, 1727, 1728, 1729, 1731, 1800, 1808, 3962, 3963, 3985, 3987, 3993, 4016, 4023, 4026, 4027, 4028, 4030, 4035, 4038, 4040, 4048, 4049, 4050, 4056									
	1737-Typha rushland	8	Karuah Manning , Hunter, Macleay Hastings, Mummel Escarpment and Upper Hunter. or Any IBRA subregion that is within 100 kilometers of the outer edge of the impacted site.	Freshwater Wetlands on Coastal Floodplains of the New South Wales North Coast, Sydney Basin and South East Corner Bioregions This includes PCT's: 780, 781, 782, 828, 1071, 1735, 1736, 1737, 1738, 1739, 1740, 1741, 1742, 1911, 3958, 3959, 3962, 3964, 3965, 3967, 3971, 3973, 3975, 3976									
Evidence of the retirement of credits or payment to the Biodiversity Conservation Fund detailed in the above table must be provided to the consent authority prior to the issue of a construction certificate.													
Condition reason: To ensure the required ecosystem credits are retired prior to the issue of a construction certificate.													
26	Biodiversity Offset Scheme – Species credit retirement												
The class and number of species credits in the following table must be retired to offset the residual biodiversity impacts of the development prior to the issue of a construction certificate.													
The requirement to retire credits may be satisfied by payment to the Biodiversity Conservation Fund of an amount equivalent to the class and number of species credits, as calculated by the Biodiversity Offsets Payment Calculator.													
<table><tr><th>Impacted species credit species</th><th>Number of species credits</th><th>IBRA sub-region</th></tr><tr><td>Myotis macropus / Southern Myotis</td><td>24</td><td>Any in NSW</td></tr><tr><td>Planigale maculata / Common Planigale</td><td>18</td><td>Any in NSW</td></tr></table>					Impacted species credit species	Number of species credits	IBRA sub-region	Myotis macropus / Southern Myotis	24	Any in NSW	Planigale maculata / Common Planigale	18	Any in NSW
Impacted species credit species	Number of species credits	IBRA sub-region											
Myotis macropus / Southern Myotis	24	Any in NSW											
Planigale maculata / Common Planigale	18	Any in NSW											

	<p>Evidence of the retirement of credits or payment to the Biodiversity Conservation Fund detailed in the above table must be provided to the consent authority prior to the issue of a construction certificate.</p> <p>Condition reason: To ensure the required species credits are retired prior to the issue of a construction certificate.</p>
27	<p>Car parking details</p> <p>Before the issue of the relevant construction certificate, a suitably qualified engineer must review the plans which relate to parking facilities and provide written evidence, to the certifier's satisfaction, that it complies with the relevant parts of AS 2890 Parking Facilities- Off- Street Carparking and Council's development control plan.</p> <p>Condition reason: To ensure construction plans for the car park comply with relevant standards.</p>
28	<p>Acid Sulfate Soils</p> <p>The Acid Sulfate Soil Management Plan (ASSMP) (Reference NEW20P-0178-AD) prepared Qualtest Laboratory NSW Pty Ltd dated 31 May 2024 must be updated as detailed in the report.</p> <p>A copy of the final ASSMP is to be provided to the Certifying Authority and Council for endorsement prior to the release of a Construction Certificate.</p> <p>Condition Reason: To ensure additional assessment of Acid Sulfate Sulfate Soils is undertaken as per the ASSMP.</p>
29	<p>Flood Risk Management Plan</p> <p>Before the issue of a Construction Certificate, a Flood Risk Management Plan prepared a suitably qualified 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) Structural Certification that the proposed development/ building flood refuge is capable of withstanding the force of any flood waters experienced up to the Probable Maximum Flood Event (PMF). c) Structural 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 d) Structural 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 a flood risk management plan is prepared by a suitably qualified engineer on flood prone land.</p>
30	<p>Bushfire Safety</p> <p>The site is located within a bushfire prone area and must comply with NSW Rural Fire Service document "Planning for Bushfire Protection 2019" (PBP2019). In this regard the following is required:</p> <ul style="list-style-type: none"> c) The development site (E1 zoned area) must be managed as an 'Inner Protection Area' as outlined within PBP2019. d) The development is to be constructed in accordance with the recommendations of the Bushfire Assessment Report prepared by Bushfire Planning Australia, Version 5. Dated 4 July 2024. <p>Condition reason: To ensure compliance with relevant bushfire standards.</p>
31	<p>Flood Design Measures</p> <p>Before the issue of a Construction Certificate, evidence that the following flood related design precautions have been adhered to in the detailed design must be submitted to the Principal Certifying Authority:</p> <ul style="list-style-type: none"> a) In sewerage areas some plumbing fixtures may be located below the Flood Planning Level (FPL). Where this occurs sanitary drainage is to be fitted with a reflux valve to protect against internal sewage surcharge; b) 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; c) All building materials, equipment, ducting, etc., below the FPL must be flood compatible and ducting must be provided with openings for drainage and cleaning; d) 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; e) 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; f) 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>
32	<p>Solar panels</p> <p>Before the issue of a Construction Certificate, the construction plans are to include provision for solar panels on the roof of the building or shade structures.</p>

	Condition reason: To provide opportunity for renewable energy.
33	Public Art
	Prior to the issue of a Construction Certificate, the applicant must obtain approval from Council's Vibrant Places team for the final design of the public art.
	Condition reason: To ensure Council approval is granted for the final public art design.
34	Approval of OSMS under LG Act
	Before the issue of a Construction Certificate, a separate wastewater application for the installation of a waste treatment device/human waste storage facility shall be approved by Council. The wastewater management system proposed for the development shall be in accordance with Councils On-site Sewage Management Policy and the Local Government Act, 1993.
	Condition reason: To ensure that a s68 approval is obtained for the private sewer pump station on the site.

Before building work commences

35	Erosion and sediment controls in place
	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).
	Condition reason: To ensure sediment laden runoff and site debris do not impact local stormwater systems and waterways.
36	Tree protection measures
	Before any site work commences, the principal certifier, or Council where a principal certifier is not required, must be satisfied the measures for tree protection detailed in the construction site management plan are in place.
	Condition reason: To protect and retain trees.
37	All Weather Access
	Before any site work commences, a 3m wide all-weather vehicle access is to be provided from the kerb and gutter to the building under construction for the delivery of materials and use by trades people.
	No materials, waste or the like are to be stored on the all-weather access at any time.

	Condition reason: To ensure that adequate vehicular access is provided to and from the site, prior to the commencement of works.
38	<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>
39	<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 1979 and Section 59 of the Environmental Planning and Assessment (Development Certificate and Fire Safety) Regulation 2021.</p>
40	<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</p>

	<p>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>
41	<p>Damage report – Public Infrastructure</p> <p>Before any site work commences, the applicant is required to notify Council in writing of any existing damage to public infrastructure (including landscaping) within the vicinity of the development, the absence of such notification signifies that no damage exists</p> <p>Condition reason: Small-scale development - Where the development is in close proximity to Council infrastructure.</p>
42	<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>
43	<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>
44	<p>Hazardous Building Material Assessment</p> <p>Before any site work commences, a Hazardous Building Material Assessment (HBMA) must be undertaken on all buildings and structures to be demolished that identifies all hazardous components on site. A HBMA report must be provided to the PCA and Council.</p> <p>Once hazardous components are identified, all demolition works that involve the demolition and removal of the hazardous materials must ensure that all site personnel are protected from risk of exposure in accordance with relevant SafeWork NSW and NSW Demolition Guidelines. Premises and occupants on adjoining land must also be protected from exposure to any hazardous materials.</p> <p>Condition reason: To ensure a HBMA is undertaken prior to commencement of demolition works.</p>
45	<p>Demolition Work</p> <p>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.</p> <p>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.</p> <p>Evidence is to be provided to the Certifying Authority demonstrating that asbestos waste has been disposed of in accordance with this condition.</p> <p>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.</p>
46	<p>Tree / Biodiversity Protection Measures</p> <p>Before the commencement of any site or building work, the principal certifier must ensure the measures for tree protection measures and biodiversity protection detailed in this consent are in place.</p> <p>Condition reason: To ensure tree protection measures are in place prior to the commencement of works.</p>
47	<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>

	<p>The site is to be inspected by a representative of Council's Invasive Species team one week prior to works commencing.</p> <p>Condition reason: To ensure that weeds are appropriately contained and removed from the site.</p>
48	<p>Public liability insurance</p> <p>The owner or contractor must take out a Public Liability Insurance Policy with a minimum cover of \$20 million in relation to the occupation of, and works within, public property (i.e. kerbs, gutters, footpaths, walkways, reserves, etc.) for the full duration of the proposed works. Evidence of this Policy must be provided to Council and the Certifying Authority.</p> <p>Condition reason: To verify that the owner or contractor has a Public Liability Insurance Policy where there are works over public property.</p>

During work

49	<p>Discovery of relics and Aboriginal objects</p> <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 <p>Condition reason: To ensure the protection of objects of potential significance during works.</p>
50	<p>Responsibility for changes to public infrastructure</p> <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> <p>Condition reason: To ensure payment of approved changes to public infrastructure</p>
51	<p>Tree protection during work</p>

	<p>While site work is being carried out, all required tree protection measures must be maintained in good condition in accordance with:</p> <ul style="list-style-type: none"> a) The construction site management plan approved under this consent, b) the relevant requirements of AS 4970 Protection of trees on development sites; c) Section B1 of Council's relevant development control plan (in force as at the date of determination of this consent); and d) Any arborist's report approved under this consent. <p>This includes maintaining adequate soil grades and ensuring all machinery, builders refuse, spoil and materials remain outside tree protection zones</p> <p>Condition reason: To protect trees during the carrying out of site work</p>
52	<p>Site Management Plan</p> <p>While vegetation removal, demolition and/or building work is being carried out, the applicant must ensure the measures required by the approved construction and site management plans and the erosion and sediment control plan are implemented at all times.</p> <p>The applicant must ensure a copy of these approved plans is kept on site at all times and made available to Council officers upon request.</p> <p>Condition reason: To require records to be provided, during site work, documenting the lawful disposal of waste</p>
53	<p>Construction Noise</p> <p>While building work is being carried out, the development is to be undertaken in accordance with the Construction Noise Management Plan required by Condition 20.</p> <p>Note. The CNMP is the prepared in accordance with the Acoustic Report prepared by Rapt Consulting, dated February 2024.</p> <p>Condition reason: To ensure that developments do not give rise to offensive noise impacts during works.</p>
54	<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>
55	<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</p>

	<p>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> <p>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</p>
56	<p>Excavations and Backfilling</p> <p>All excavations and backfilling associated with this development consent must be executed safely, and be properly guarded and protected to prevent them from being dangerous to life or property, and in accordance with the design of a suitably qualified Structural Engineer.</p> <p>If an excavation extends below the level of the base of the footings of a building on an adjoining allotment, the person causing the excavation must:</p> <ul style="list-style-type: none"> a) preserve and protect the building from damage; and b) if necessary, underpin and support the building in an approved manner; and c) give at least seven days' notice to the adjoining owners before excavating, or of the intention to excavate. <p>The principal contractor, owner builder or any person who needs to excavate and undertake building work, must contact "Dial Before You Dig" prior to works commencing, and allow a reasonable period of time for the utilities to provide locations of their underground assets.</p> <p>This condition does not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying.</p> <p>Condition reason: To ensure excavation and backfilling is executed safely.</p>
57	<p>Compliance with the Building Code of Australia</p> <p>Building work must be carried out in accordance with the requirements of the Building Code of Australia.</p> <p>Condition reason: To ensure that the development is undertaken in accordance with the Building Code of Australia.</p>
58	<p>Offensive noise, dust, odour, and vibration</p> <p>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.</p>

	<p>Condition reason: To ensure that developments do not give rise to offensive noise, dust, odour, or vibration.</p>
59	<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>
60	<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>
61	<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>
62	<p>Truck wash down</p> <p>Provision must be made for all trucks to be effectively washed down after loading and unloading, prior to leaving the site. This must be within a suitably contained and designated area.</p> <p>Condition reason: To ensure that where trucks are required to be washed down, it is done in a suitably contained and designated area.</p>
63	<p>Biodiversity Management Plan</p> <p>All biodiversity management works must be undertaken in accordance with the approved Biodiversity Management Plan. The plan must be commenced prior to, or at the commencement of works.</p>

	Condition reason: To ensure works are undertaken in accordance with the BMP.
64	Soil, erosion, sediment and water management All requirements of the Erosion and Sediment Control Plan or Soil and Water Management Plan must be maintained at all times during the works and any measures required by the plan must not be removed until the site has been stabilised. Condition reason: To ensure Erosion and Sediment Control Plan is in place until the site has been stabilised
65	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: <ul style="list-style-type: none"> (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. (b) All fill material imported to the site must be Virgin Excavated Natural Material as defined in Schedule 1 of the <i>Protection of the Environment Operations Act 1997</i> 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.
66	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.
67	Weed Management All machinery that has operated in affected areas shall be cleaned thoroughly prior to leaving the site. A wash down area shall be established, and 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. An area for storage of contaminated soil that is separate from clean material shall be provided during construction.

	<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>
68	<p>Uncovering relics or Aboriginal objects</p> <p>While demolition or building work is being carried out, all such works must cease immediately if a relic or Aboriginal object is unexpectedly discovered. The applicant must notify the Heritage Council of NSW in respect of a relic and notify the Secretary of the Department of Planning, Industry and Environment and the Heritage Council of NSW in respect of an Aboriginal object. Building work may recommence at a time confirmed by either the Heritage Council of NSW or the Secretary of the Department of Planning, Industry and Environment.</p> <p>In this condition:</p> <ul style="list-style-type: none"> • “relic” means any deposit, artefact, object or material evidence that: <ul style="list-style-type: none"> (a) relates to the settlement of the area that comprises New South Wales, not being Aboriginal settlement, and (b) is of State or local heritage significance; and • “Aboriginal object” means any deposit, object or material evidence (not being a handicraft made for sale) relating to the Aboriginal habitation of the area that comprises 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 <p>Condition reason: To ensure works cease immediately if a relic or Aboriginal object is unexpectedly discovered.</p>
69	<p>Hazardous Building Materials Assessment and Remediation Action Plan (if required)</p> <p>All works (including demolition, remediation (as required) and materials handling, storage, transport and disposal) must be undertaken in accordance with the requirements outlined in the Hazardous Building Material Assessment (HBMA) and the Remediation Action Plan (if required).</p> <p>Condition reason: To ensure works are undertaken in accordance with the HBMA and the RAP (as required).</p>

Before issue of an occupation certificate

70	<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>
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	<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>
71	<p>Repair of infrastructure</p> <p>Before the issue of an Occupation Certificate:</p> <ol style="list-style-type: none"> 1. any public infrastructure damaged as a result of the carrying out of work approved under this consent (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub-contractors, concreting vehicles) must be fully repaired to the written satisfaction of Council, and at no cost to Council; or 2. if the works in (a) are not carried out to Council's satisfaction, Council may carry out the works required and the costs of any such works must be paid as directed by Council and in the first instance will be paid using the security deposit required to be paid under this consent. <p>Condition reason: To ensure that approved works within the road reserve have been completed to the satisfaction of the Council.</p>
72	<p>Completion of landscape and tree works</p> <p>Before the issue of an occupation certificate, the principal certifier must be satisfied that all landscape and tree-works, including pruning in accordance with AS 4373-2007 Pruning of amenity trees and the removal of all noxious weed species, have been completed in accordance with the approved plans and any relevant conditions of this consent.</p> <p>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.</p>
73	<p>Removal of waste upon completion</p> <p>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.</p> <p>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.</p> <p>Condition reason: To ensure that all waste is appropriately removed from the subject site prior to the issue of an Occupation Certificate.</p>
74	<p>Stormwater/drainage works</p> <p>Before the issue of an occupation certificate, all stormwater and drainage works required to be undertaken in accordance with this consent must be completed.</p>

	<p>The certification/verification must be provided to the satisfaction of the Principal Certifying Authority.</p> <p>Condition reason: To ensure stormwater and drainage works have been undertaken in accordance with the approved plans.</p>
75	<p>Water authority certification</p> <p>Before the issue of an occupation certificate, a Section 50 Application under the Hunter Water Act 1991 must be lodged with the Hunter Water Corporation (HWC) and details of the Notice of Compliance from HWC must be provided to the Certifying Authority.</p> <p>Condition reason: To ensure compliance with the water supply authority's requirements</p>
76	<p>Car parking requirements</p> <p>Before the issue of an occupation certificate, a minimum of 280 car parking spaces including 12 accessible car parking spaces and 28 car parking spaces with access to electric charging facilities are to be provided in accordance with AS2890 and the approved plans. Parking must be permanently marked on the pavement surface.</p> <p>Condition reason: To ensure that a specified number of car parking spaces is provided in accordance with the approved plans and they are compliant with Council requirements.</p>
77	<p>Flood Risk Management and Design</p> <p>Before the issue of an occupation certificate, 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 and Flood Design measures have been completed and/or implemented in accordance with the approved Plan.</p> <p>Condition reason: To ensure that flood impacted development adequately mitigates risks to life and property.</p>
78	<p>Survey Certificate</p> <p>Before the issue of an occupation certificate, a Registered Surveyor must prepare a Survey Certificate to certify that the location of the building in relation to the allotment boundaries complies with the approved plans or as specified by this consent. The Survey Certificate must be provided to the satisfaction of the Principal Certifying Authority.</p> <p>Condition reason: To ensure that the building is located in accordance with the approved plans and evidence from a Registered Surveyor is provided to the Principal Certifying Authority.</p>
79	<p>Completion of Roads Act Approval Works</p>

	<p>Before the issue of an occupation certificate, 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.</p> <p>Condition reason: To ensure that the developer constructs a footpath crossing with the relevant S138 Approval.</p>
80	<p>Services</p> <p>Before the issue of an occupation certificate, evidence is to be provided to the Certifying Authority demonstrating that the following reticulated services are available to each lot:</p> <ul style="list-style-type: none"> a) Electricity; b) Water; c) Sewer; and d) Gas (where available). <p>Should any of the above reticulated services not be available to the development site, a detailed statement is to be provided explaining why connection of the relevant service is not possible or practical.</p> <p>Condition reason: To ensure that evidence of connection of services is provided to the PCA.</p>
81	<p>Stormwater/drainage works</p> <p>Before the issue of an occupation certificate, all stormwater and drainage works required to be undertaken in accordance with this consent must be completed.</p> <p>The certification/verification must be provided to the satisfaction of the Principal Certifying Authority.</p> <p>Condition reason: To ensure stormwater and drainage works have been undertaken in accordance with the approved plans.</p>
82	<p>Koala Feed Tree Replacement</p> <p>Before the issue of an occupation certificate, evidence that the replacement Koala Feed Trees required by Condition 2 have been planted must be provided to the Certifying Authority.</p> <p>Condition reason: To ensure that replacement koala feed trees are planted.</p>
83	<p>Bicycle Requirements</p> <p>Before the issue of an occupation certificate, bicycle parking racks to accommodate 10 bicycles must be installed in accordance with the approved plans.</p> <p>Condition reason: To ensure bicycle racks are provided as per the approved plans.</p>
84	<p>Loading/Unloading facilities</p>

	<p>Before the issue of an occupation certificate, loading /unloading facilities must be constructed in accordance with the approved plans. The extent of the loading bay must be permanently marked on the pavement surface.</p> <p>Condition reason: To ensure that all loading and unloading facilities are constructed in accordance with the approved plans and are compliant with Council requirements.</p>
85	<p>On-Site Sewerage Management Inspection</p> <p>Before the issue of an occupation certificate, an Approval to Operate shall be obtained by Council in accordance with the Local Government Act, 1993 (Section 68A) following the satisfactory installation of the waste treatment device/human waste storage facility.</p> <p>Condition reason: To ensure an appropriate to operate is obtained for the on-site waste water system prior.</p>
86	<p>Plan of Management</p> <p>Prior to the issue of an Occupation Certificate, a Plan of Management (PoM) must be prepared for the development and provided to the Principal Certifying Authority. The plan of management must include (but not be limited to) the following information:</p> <ul style="list-style-type: none"> • Waste management procedures • Accident handling procedures • Complaints handling procedure including a complaints register. The complaints register is to be made available to Council upon request • Details for loading and unloading • Hours of Operation (as approved) • Procedures to address crime prevention as per the Crime Prevention through Environmental Design (Prepared by Monteath and Powys, Revision 1, dated 5/7/24) • Maintenance of sewer connection. <p>Condition reason: To ensure a PoM is prepared for the proposed development.</p>
87	<p>Mechanical exhaust system</p> <p>Mechanical exhaust system(s) must comply with AS 1668 'The use and Ventilation and Air Conditioning in Buildings' Parts 1 and 2 (including exhaust air quantities and discharge location points).</p> <p>Details demonstrating compliance must be provided to the Certifying Authority prior to the issue of an Occupation Certificate.</p> <p>Condition reason: To ensure that details demonstrating compliance with the relevant requirements are provided to the Certifying Authority.</p>
88	<p>Section 88B Instrument</p>

	<p>Prior to the issue of an Occupation Certificate, the applicant must prepare a s88B instrument which incorporates the following easements, positive covenants and restrictions to the user where necessary:</p> <ul style="list-style-type: none"> The biodiversity management lands shall be maintained in accordance with the approved Biodiversity Management Plan. <p>The final s88B restriction must make reference to the approved BMP required under Condition 24 of this consent.</p>
	<p>Condition reason: To ensure that the lands to which the BMP applies continued to be maintained in accordance with the approved BMP.</p>

Occupation and ongoing use

89	<p>Driveways to be maintained</p> <p>All access crossings and driveways must be maintained in good order for the life of the development</p> <p>Condition reason: To ensure that access and driveways are maintained for the life of the development.</p>
90	<p>Hours of Operation</p> <p>The property is only to be open for business and used for the purposes approved within the following hours:</p> <ul style="list-style-type: none"> 7:00am – 10:00pm, 7 days a week. <p>Other internal operations such as cleaning, preparation, and office administration may be undertaken outside of the above hours provided no disturbance to the amenity of the neighbourhood occurs.</p> <p>Deliveries are only to occur within the following hours:</p> <ul style="list-style-type: none"> 5:00am – 10:00pm, 7 days a week. <p>Condition reason: To ensure business and industrial operational hours are appropriate to reduce potential amenity impacts.</p>
91	<p>Impact to adjoining properties</p> <p>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.</p> <p>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.</p>

92	Loading to occur on site
	All loading and unloading operations are to be carried out wholly within the building/site and in accordance with the approved plans.
	The loading dock (if provided) must be used for loading and unloading operations in connection with the approved use.
	Condition reason: To ensure that all loading and unloading operations are carried out wholly within the building or site in accordance with the approved plans
93	Maintenance of Landscaping
	Landscaping must be maintained in accordance with the approved landscape plan and conditions of this development consent. All landscape areas must be kept free of parked vehicles, stored goods, garbage or waste material at all times.
	If any of the vegetation dies or is removed, it is to be replaced with vegetation of the same species and similar maturity as the vegetation which has died or was removed.
	Condition reason: To ensure that landscaping is maintained in accordance with the approved landscape plan and the relevant development consent.
94	Manoeuvring 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.
95	Offensive Noise
	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).
	Condition reason: To control noise in order to ensure it is not offensive.
96	Parking areas to be kept clear
	At all times, the loading, car parking spaces, driveways and footpaths must be kept clear of goods and must not be used for storage purposes.
	Condition reason: To ensure that all associated areas with vehicle storage/parking are kept clear and solely for their intended purpose.
97	Parking – Signage (loading docks)
	Proposed parking areas, service bays, truck docks, driveways and turning areas must be maintained clear of obstructions and be used exclusively for purposes of car parking, loading/unloading, and vehicle access respectively for the life of the development. Under no circumstances are such areas to be used for the storage of goods or waste materials.

	Condition reason: To ensure that all associated areas with vehicle storage/parking are kept clear and solely for their intended purpose.
98	Storage of goods The storage of goods and materials must be confined within the building. At no time must goods, materials or advertising signs be displayed or placed within the designated car parking spaces, landscaped areas or road reserve. Condition reason: To ensure that the storage of goods and materials is confined within the building so as to not be a hazard or nuisance
99	Maintenance of wastewater and stormwater treatment device/s During occupation and ongoing use of the development, the applicant must ensure all wastewater and stormwater treatment devices (including drainage systems, sumps and traps, and on-site detention) are regularly maintained to remain effective and in accordance with any positive covenant (if applicable). Condition reason: to ensure wastewater and stormwater systems are maintained.
100	Removal of graffiti The owner/manager of the site is responsible for the removal of all graffiti from the building and fences within 48 hours of its application. Condition reason: To ensure that graffiti is removed from the building and fences within 48 hours.
101	Approved signage maintenance The approved signs must be maintained in a presentable and satisfactory state of repair. Condition reason: To ensure approved signage is maintained.
102	Signage Illumination The level of illumination and/or lighting intensity used to illuminate the sign/s must comply with AS 1158 'Lighting for Roads and Public Spaces' and AS 4282 'Control of Obtrusive Effects of Outdoor Lighting'. Signage must only be illuminated during the approved operational hours. Condition reason: To ensure signage illumination is in accordance with relevant policies and only during operational hours.
103	Waste water treatment devices All wastewater treatment devices (including drainage systems, sumps, traps and pumps) must be regularly maintained in good working order to ensure that they remain effective. A maintenance schedule must be developed and incorporated into a Plan of Management (PoM) and kept on-site at all times for staff to comply with. All liquid and solid wastes

	collected from the treatment device must be disposed of in accordance with relevant environmental protection and waste control Legislation
	Condition reason: To ensure that wastewater treatment devices are regularly maintained in good working order.
104	Maintenance of Biodiversity Management Lands
	The biodiversity management lands shall be maintained in accordance with the approved Biodiversity Management Plan.
	Commencing from the date of practical completion, a 4 year maintenance period applies.
	Annual monitoring reports must be made available on request by Council.
	Condition reason: To ensure the BMP continues to be maintained.
105	Medical Centre
	Tenancy 4 on the approved plans is approved for use as a medical centre.
	Any change of use will require approval from Council or be undertaken in accordance with the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.
	Condition reason: To ensure tenancy 4 is used as a medical centre as approved.
106	Operation Plans
	The development must be carried out in accordance with:
	<ul style="list-style-type: none"> • The Operational Management Plan required by Condition 86 of this consent. • The Flood Emergency Response Plan prepared by Northrop Consulting Engineers, Revision A, dated 9 December 2024.
	Condition Reason: To ensure the development is carried out in accordance with operational plans.
107	Mall Area
	The mall area must not be used for any commercial premises.
	Condition reason: To ensure that the mall is not used for commercial purposes.

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 B”, 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. **Weed Management** - The site has been identified as being affected by Biosecurity Matter – Alligator Weed. Please note that Chinese Violet occurs within the locality and may also occur on site. Any soil or waste being transported offsite must be disposed of at an appropriately licenced waste facility. Failure to do so may constitute an offence under Section 23 of the NSW Biosecurity Act 2015. A Biosecurity Permit issued by Council in accordance with Section 333 of the NSW Biosecurity Act 2015 is required prior to removal from the site.

Dictionary

The following terms have the following meanings for the purpose of this determination (except where the context clearly indicates otherwise):

Approved plans and documents means the plans and documents endorsed by the consent authority, a copy of which is included in this notice of determination.

AS means Australian Standard published by Standards Australia International Limited and means the current standard which applies at the time the consent is issued.

Building work means any physical activity involved in the erection of a building.

Certifier means a council or a person that is registered to carry out certification work under the *Building and Development Certifiers Act 2018*.

Construction certificate means a certificate to the effect that building work completed in accordance with specified plans and specifications or standards will comply with the requirements of the EP&A Regulation and *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*.

Council means Port Stephens Council.

Court means the Land and Environment Court of NSW.

EPA means the NSW Environment Protection Authority.

EP&A Act means the *Environmental Planning and Assessment Act 1979*.

EP&A Regulation means the *Environmental Planning and Assessment Regulation 2021*.

Independent Planning Commission means Independent Planning Commission of New South Wales constituted by section 2.7 of the EP&A Act.

Local planning panel means Hunter Central Coast Regional Planning Panel.

Occupation certificate means a certificate that authorises the occupation and use of a new building or a change of building use for an existing building in accordance with this consent.

Principal certifier means the certifier appointed as the principal certifier for building work or subdivision work under section 6.6(1) or 6.12(1) of the EP&A Act respectively.

Site work means any work that is physically carried out on the land to which the development the subject of this development consent is to be carried out, including but not limited to building work, subdivision work, demolition work, clearing of vegetation or remediation work.

Stormwater drainage system means all works and facilities relating to:
the collection of stormwater,
the reuse of stormwater,
the detention of stormwater,
the controlled release of stormwater, and
connections to easements and public stormwater systems.

Strata certificate means a certificate in the approved form issued under Part 4 of the *Strata Schemes Development Act 2015* that authorises the registration of a strata plan, strata plan of subdivision or notice of conversion.

Subdivision certificate means a certificate that authorises the registration of a plan of subdivision under Part 23 of the *Conveyancing Act 1919*.

Subdivision works certificate means a certificate to the effect that subdivision work completed in accordance with specified plans and specifications will comply with the requirements of the EP&A Regulation.