

Recommended Conditions of Consent

General Conditions

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|---|---|------------------------|----------------------------|-----------------|---------------------|
| 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 |
| | 13954 A-11 | I | Site Plan | EJE | 16/04/2025 |
| | 13954 A-12 | B | Site Analysis Plan | EJE | 15/04/2025 |
| | 13954 A-13 | F | Demolition - Ground | EJE | 15/04/2025 |
| | 13954 A-14 | D | Demolition - First | EJE | 15/04/2025 |
| | 13954 A-15 | F | Demolition - Roof | EJE | 16/04/2025 |
| | 13954 A-16 | J | Ground Floor | EJE | 15/04/2025 |
| | 13954 A-17 | I | Ground Floor – Club | EJE | 15/04/2025 |
| | 13954 A-18 | H | First Floor | EJE | 15/04/2025 |
| | 13954 A-19 | F | First Floor – Greens | EJE | 15/04/2025 |
| | 13954 A-20 | G | First Floor – Hotel | EJE | 15/04/2025 |
| | 13954 A-21 | E | Second Floor – Club Roof | EJE | 16/04/2025 |
| | 13954 | E | Second Floor – Greens Roof | EJE | 16/04/2025 |

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|-------|---|----------------------------|-----|------------|
| A-22 | | | | |
| 13954 | G | Second Floor – Hotel | EJE | 15/04/2025 |
| A-23 | | | | |
| 13954 | F | Third Floor | EJE | 15/04/2025 |
| A-24 | | | | |
| 13954 | E | Fourth Floor | EJE | 15/04/2025 |
| A-25 | | | | |
| 13954 | F | Fifth Floor | EJE | 15/04/2025 |
| A-26 | | | | |
| 13954 | D | Roof (Hotel) | EJE | 15/04/2025 |
| A-27 | | | | |
| 13954 | F | North-West Elevation | EJE | 15/04/2025 |
| A-28 | | | | |
| 13954 | E | South-West Elevation | EJE | 15/04/2025 |
| A-29 | | | | |
| 13954 | E | East Elevation | EJE | 15/04/2025 |
| A-30 | | | | |
| 13954 | B | Sections Sheet 01 | EJE | 15/04/2025 |
| A-31 | | | | |
| 13954 | E | Swept Paths - Waste | EJE | 15/04/2025 |
| A-32 | | | | |
| 13954 | E | Swept Paths – Deliveries | EJE | 15/04/2025 |
| A-33 | | | | |
| 13954 | B | Staging – Ground Floor | EJE | 15/04/2025 |
| A-39 | | | | |
| 13954 | C | Staging – Ground Floor (2) | EJE | 15/04/2025 |
| A-40 | | | | |
| 13954 | C | Staging – First Floor | EJE | 15/04/2025 |
| A-41 | | | | |

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|---|---|--|----------|------------|
| 13954 A-42 | B | Staging – First Floor (2) | EJE | 15/04/2025 |
| 13954 A-43 | D | Staging – Second / Roof | EJE | 16/04/2025 |
| 13954 A-44 | B | Staging – Second / Roof (2) | EJE | 15/04/2025 |
| 13954 A-45 | B | Demolition Interim – Stage 1 | EJE | 15/04/2025 |
| 13954 A-46 | D | Proposed Interim – Stage 1 | EJE | 15/04/2025 |
| 13954 A-50 | C | Signage Plan | EJE | 15/04/2025 |
| 13954 A-54 | C | Pedestrian Circulation | EJE | 15/04/2025 |
| 13956 A-56, A-57, A-58, A-59, A-60, A-61, A-62 and A-63 | A | Sections Sheet 02, 03, 04, 05, 06, 07, 08 and 09 | EJE | 15/04/2025 |
| NL231087 DA-C02.11 | 1 | Concept Erosion and Sediment Control Plan | Northrop | 27/11/2023 |
| NL231087 DA-C02.12 | 1 | Concept Erosion and Sediment Control Details | Northrop | 27/11/2023 |
| NL231087 DA-C04.11 | 1 | Concept Civil Works Plan – Stage 1 and 2 | Northrop | 27/11/2023 |
| NL231087 DA-C04.12 | 1 | Concept Civil Works Plan – Stage 3 | Northrop | 27/11/2023 |
| 13954.5 L010 | G | Site Plan | Terras | 14/04/2025 |
| 13954.5 L101 | G | Carpark | Terras | 14/04/2025 |
| 13954.5 L102 | G | Carpark | Terras | 14/04/2025 |

| 13954.5 L103 | G | First Storey Carpark | Terras | 14/04/2025 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|--|-------------|------------------------------|------------------|------------|--------------------|--|--|--|--|----------------|-------------|-------------|-------|--|------------------|---|----------|---------------|--|------------------|---|------|------------|--|--------------------------|---|-------------------|------------------|--|---|---|------------------------------|------------|--|----------------------------|---|------------------------------|--|--|
| 13954.5 L104 | G | Jacaranda Avenue Driveway | Terras | 14/04/2025 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 13954.5 L105 | G | Bowling Club Entry | Terras | 14/04/2025 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 13954.5 L106 | G | Hotel Entry | Terras | 14/04/2025 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 13954.5 L107 | G | Section – Swan Street | Terras | 14/04/2025 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 13954.5 L108 | G | Façade Planters | Terras | 14/04/2025 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 13954.5 L109 | G | Hotel Entry Concept | Terras | 14/04/2025 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 13954.5 L110 | G | Pool Terrace | Terras | 14/04/2025 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 13954.5 L111 | G | Section – Pool Terrace | Terras | 14/04/2025 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 13954.5 L112 | G | Deep Soil Diagram | Terras | 14/04/2025 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 13954.5 L201 | G | Planting & Finishes | Terras | 14/04/2025 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| <table border="1"> <thead> <tr> <th colspan="5">Approved Documents</th></tr> <tr> <th>Document title</th><th>Version No.</th><th>Prepared by</th><th colspan="2">Dated</th></tr> </thead> <tbody> <tr> <td>Flood Assessment</td><td>E</td><td>Northrop</td><td colspan="2">6 August 2024</td></tr> <tr> <td>Noise Assessment</td><td>1</td><td>RAPT</td><td colspan="2">3 May 2024</td></tr> <tr> <td>Social Impact Assessment</td><td>3</td><td>The Social Aspect</td><td colspan="2">17 December 2024</td></tr> <tr> <td>Plan of Management – Raymond Terrace Bowling Club</td><td>-</td><td>Raymond Terrace Bowling Club</td><td colspan="2">April 2025</td></tr> <tr> <td>Plan of Management – Hotel</td><td>-</td><td>Raymond Terrace Bowling Club</td><td colspan="2"></td></tr> </tbody> </table> | | | | | Approved Documents | | | | | Document title | Version No. | Prepared by | Dated | | Flood Assessment | E | Northrop | 6 August 2024 | | Noise Assessment | 1 | RAPT | 3 May 2024 | | Social Impact Assessment | 3 | The Social Aspect | 17 December 2024 | | Plan of Management – Raymond Terrace Bowling Club | - | Raymond Terrace Bowling Club | April 2025 | | Plan of Management – Hotel | - | Raymond Terrace Bowling Club | | |
| Approved Documents | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Document title | Version No. | Prepared by | Dated | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Flood Assessment | E | Northrop | 6 August 2024 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Noise Assessment | 1 | RAPT | 3 May 2024 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Social Impact Assessment | 3 | The Social Aspect | 17 December 2024 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Plan of Management – Raymond Terrace Bowling Club | - | Raymond Terrace Bowling Club | April 2025 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Plan of Management – Hotel | - | Raymond Terrace Bowling Club | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |

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| | Crime Prevention Through Environmental Design | 3 | Monteath and Powys | 22 December 2024 |
| | Bushfire Assessment Report | 2 | Newcastle Bushfire Consulting | 12 October 2023 |
| | BCA Report | 3 | Credwell | 5 December 2023 |
| | Access Report | 3 | Accessed | 17 November 2023 |
| | Waste Management Plan | 0 | Monteath and Powys | 18 December 2023 |
| 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 | | | |
| Construction of the development must comply with the recommendations of the following reports: | | | | |
| <div>a) Crime Prevention Through Environmental Design Report prepared by Monteath and Powys dated: 22 December 2024, reference 22/0380;</div> <div>b) Noise Assessment prepared by RAPT dated: 3 May 2024, reference: 2223480_240503;</div> <div>c) DA Access Report prepared by Accessed, reference CA230071-DA, dated 17 November 2023; and</div> <div>d) Waste Management Plan prepared by Monteath and Powys, dated 18 December 2023.</div> | | | | |
| Details must be provided to the certifier demonstrating compliance. | | | | |
| Condition reason: To ensure that development is carried out in accordance with the recommendations of the report. | | | | |
| 3 | External Agency Approvals | | | |
| The requirements from the following agencies must be complied with prior to, during, and at the completion of the development. | | | | |
| The Requirements are: | | | | |
| <div>1. Ausgrid, Reference: 1900126389, Dated 29 January 2024.</div> <div>2. Department of Defence, Reference: ID-EP-DLP&R/OUT/2024/BS51970447, Dated 18 March 2024.</div> | | | | |
| A copy of the Requirements is attached to this determination notice. | | | | |
| Condition reason: To ensure that development is carried out in accordance with conditions are required by other external agencies (i.e. Department of Defence and Ausgrid) | | | | |

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| 4 | General Terms of Approval |
| | <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. Rural Fire Service, Reference: DA20240104000052-Original-1, Dated 21 February 2024. <p>A copy of the General Terms of Approval is attached to this determination notice.</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 |
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| 5 | Tree/Vegetation Removal |
| | The trees/vegetation identified for removal on the 'Site Plan' (L010), Revision G, prepared by Terras Landscape Architects, dated 14 April 2025, are approved for removal. |
| | Condition reason: To identify vegetation approved for removal. |
| 6 | Protection of existing vegetation and natural landscape features |
| | The trees identified for retention on the 'Site Plan' (L010), Revision G, prepared by Terras Landscape Architects, dated 14 April 2025, must be retained. |
| | 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. |
| | Condition reason: To ensure that vegetation is protected during works |
| 7 | Building Code of Australia |
| | All building work must be carried out in accordance with the BCA. In this clause, a reference to the BCA is a reference to that Code as in force on the date the application for the relevant Construction Certificate is made. |
| | Condition reason: To ensure that all building works are completed in accordance with the Building Code of Australia. |
| 8 | 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. |

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| | <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>Separate Approval for signs</p> <p>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.</p> <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 <i>State Environmental Planning Policy (Exempt and Complying Codes) 2008</i>.</p> |
| 10 | <p>Outdoor lighting</p> <p>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.</p> <p>Condition reason: To ensure lighting complies with relevant standards and conditions.</p> |
| 11 | <p>Staging of Development</p> <p>The development is to be completed generally in accordance with the approved Staging Plans [1395, A-40 – A-44], prepared by EJE Architecture and dated 15/04/2025. Stage 1 to be commenced prior to Stage 3. Stage 2 and Stage 3 need not proceed in numerical order. Stages may be completed concurrently.</p> <p>Condition reason: To allow stages to be completed concurrently and allow for market opportunities to ensure the best outcome for the overall development.</p> |
| 12 | <p>Roof mounted equipment</p> <p>All roof mounted equipment such as air conditioning units, service pipes and vents etc., required to be installed must be concealed within the external walls of the development or adequately screened so as not to be visible from a public place.</p> <p>Condition reason: To ensure roof mounted equipment is appropriately concealed/screened.</p> |

Building Work

Before issue of a construction certificate

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| 13 | Erosion and sediment controls plan |
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| | <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. the guidelines set out in 'Managing Urban Stormwater: Soils and Construction' prepared by Landcom (the Blue Book) (as amended from time to time), and 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>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" data-bbox="264 1070 1161 1254"> <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 the Development Application and be paid for each stage as follows:</p> <ol style="list-style-type: none"> a) Stage 1 – prior to issue of the Construction Certificate b) Stage 2 – prior to issue of the Construction Certificate | 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% | | | | | | | | |

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| | <p>c) Stage 3 - prior to the 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> |
| 15 | <p>Housing and Productivity Contribution</p> <p>A housing and productivity contribution is to be made, subject to:</p> <ul style="list-style-type: none"> 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). <p>In this respect -</p> <ul style="list-style-type: none"> a) The total amount of the housing and productivity contribution, as at the date that this development consent is granted, is \$116,809.92. Payment of the contribution shall be staged in accordance with this development consent. b) The time by which the housing and productivity contribution must be made is before the issue of the first Construction Certificate for each stage. 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. <p>The contribution amount, as specified above, is to be adjusted at the time of payment by multiplying it by the following fraction</p> $\frac{\text{highest PPI number}}{\text{consent PPI number}}$ <p>Where –</p> <p>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</p> <p>Consent PPI is the PPI number last used to adjust the base component amount, SBC amount or TPC amount when consent was granted.</p> <p>June quarter 2023 is the quarter commencing on and including 1 April 2023 and ending on and including 30 June 2023; and</p> <p>PPI is the Producer Price Index (Road and Bridge Construction (NSW)) published by the Australian Bureau of Statistics).</p> |

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| | <p>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.</p> <p>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.</p> |
| 16 | <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> |
| 17 | <p>Civil engineering plans</p> <p>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.</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> |
| 18 | <p>Roads Act Approval</p> <p>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>.</p> <p>Condition reason: To ensure that works within the road reserve are approved by a Section 138 Approval of the <i>Roads Act 1993</i>.</p> |
| 19 | <p>Stormwater/Drainage Plans</p> <p>Before the issue of the first Construction Certificate for each stage, 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).</p> <p>Details demonstrating compliance must be provided to the Certifying Authority.</p> |

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| | <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 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 tree preservation on-site and within Jacaranda Avenue and Swan Street; f. 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; g. Details of bulk earthworks to be carried out; h. The location of site storage areas and sheds; i. The equipment used to carry out works; j. The location of a garbage container with a tight-fitting lid; k. Construction Noise Management Plan in accordance with the Acoustic Assessment prepared by Rapt Consulting, dated 3 May 2024. l. Dust and vibration control measures; m. The location of temporary toilets; n. The protective measures for the preservation of trees on-site and in adjoining public areas including Jacaranda Avenue and Swan Street in accordance with: <ul style="list-style-type: none"> i. AS 4970 – Protection of trees on development sites; ii. An applicable Development Control Plan; <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> |

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| 22 | Retaining Walls |
| | <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> |
| | 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. |
| 23 | Car parking details |
| | <p>Before the issue of the first construction certificate for Stages 1 and 3, 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> |
| | Condition reason: To ensure construction plans for the car park comply with relevant standards. |
| 24 | Potential acid sulfate soils |
| | <p>A geotechnical assessment of the site is to be undertaken to determine whether the development works will disturb Potential Acid Sulfate Soils (ASS) prior to release of any Construction Certificate for Stage 3. Should ASS be encountered within the zone of works, an ASS Management Plan is to be prepared by a suitably qualified Geotechnical Engineer and submitted to the Certifying Authority.</p> <p>The recommendations and/or mitigation measures contained within the ASS Management Plan must be complied with during works.</p> |
| | Condition reason: To ensure an ASSMP is prepared if required. |
| 25 | Flood Risk Management Plan |
| | <p>Before the issue of the first 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 |

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| | <p>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> |
| | <p>Condition reason: To ensure a flood risk management plan is prepared by a suitably qualified engineer on flood prone land.</p> |
| 26 | <p>Flood Design Measures</p> |
| | <p>Before the issue of the first 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 sewered 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> |
| 27 | <p>Garbage Rooms</p> |
| | <p>Rooms used for the storage of garbage, and rooms used for the washing and storage of garbage receptacles, must be constructed in accordance with the approved plans and the following:</p> <ul style="list-style-type: none"> a) The room must be constructed of solid material, cement rendered and trowelled to a smooth even surface; b) The floor must be impervious material coved at the intersection with the walls, graded and drained to an approved floor waste within the room; and |

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| | <p>c) Garbage rooms must be vented to the external air by natural or mechanical ventilation.</p> <p>Details demonstrating compliance must be provided to the Certifying Authority.</p> <p>Condition reason: To ensure that garbage rooms are appropriately designed.</p> |
| 28 | <p>Solar panels</p> <p>Before the issue of a Construction Certificate, the constructions plans are to include provision for solar panels on the roof of the building or shade structures.</p> <p>Condition reason: To provide opportunity for renewable energy.</p> |
| 29 | <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.</p> <p>Condition reason: To ensure mechanical exhaust systems are appropriately designed.</p> |
| 30 | <p>Public Art</p> <p>Prior to the issue of any Construction Certificate for Stage 3, the applicant must obtain approval from Council's Vibrant Places team for the final design of the public art.</p> <p>Condition reason: To ensure Council approval is granted for the final public art design.</p> |
| 31 | <p>Lot Consolidation</p> <p>Lot Consolidation - Before the issue of the first construction certificate Lot: 1 SEC: 23 DP: 758871 and Lot: 23 DP: 1088281 are to be consolidated.</p> <p>A copy of the Registered Plan of consolidation must be provided to the Principal Certifying Authority.</p> <p>Condition reason: To ensure lots are consolidated prior to issue of a Construction Certificate.</p> |
| 32 | <p>Swimming pools and spas</p> <p>The swimming pool/spa must comply with:</p> <ul style="list-style-type: none"> a) the Swimming Pools Act 1992; b) the Swimming Pools Regulation 2018; c) AS1926.1 'Swimming Pool Safety' Part 1: Safety barriers for swimming pools; d) AS3500.2 'Plumbing and Drainage' – Sanitary plumbing and drainage; e) AS1926.3 'Water Recirculation Systems'; and f) The BCA |

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| | Details of compliance must be provided to the certifying authority prior to issue of any construction certificate for Stage 3. |
| | Condition reason: To ensure that a development including a swimming pool or spa is compliant with the relevant legislation. |

Before building work commences

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| 33 | 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. |
| 34 | 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. |
| 35 | 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. |
| 36 | Construction Certificate Required |
| | 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: <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 |

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| | <p>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> |
| | <p>Condition reason: To ensure that a Construction Certificate has been issued for the building works prior to the commencement of work.</p> |
| 37 | <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> |
| 38 | <p>Notice of Principal Certifying Authority Appointment</p> <p>The Principal Certifier for this development must give notice 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 |

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| | <p>ii) A statement signed by the registered certifier to the effect that the certifier consents to be appointed as principal certifier, and</p> <p>iii) A telephone number on which the certifier may be contacted for business purposes.</p> <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> |
| 39 | <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> |
| 40 | <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> |
| 41 | <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> |
| 42 | <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.</p> |

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| | <p>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> |
| 43 | <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> |
| 44 | <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.</p> <p>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

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| 45 | <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> |
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| | <ul style="list-style-type: none"> a. For a relic – the Heritage Council; or b. 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. |
| 46 | Responsibility for changes to public infrastructure |
| | 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. |
| | Condition reason: To ensure payment of approved changes to public infrastructure |
| 47 | Tree protection during work |
| | While site work is being carried out, all required tree protection measures must be maintained in good condition in accordance with: <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 <p>This includes maintaining adequate soil grades and ensuring all machinery, builders refuse, spoil and materials remain outside tree protection zones</p> |
| | Condition reason: To protect trees during the carrying out of site work |
| 48 | Construction Site Management Plan implementation |
| | During building works, all construction site management procedures and systems identified in the approved Construction Site 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: To ensure building works is undertaken in accordance with the approved Construction Site Management Plan. |
| 49 | Construction Noise |
| | 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. |
| | Note. The CNMP is the prepared in accordance with the Noise Assessment prepared by Rapt Consulting, dated 3 May 2024. |
| | Condition reason: To ensure that developments do not give rise to offensive noise impacts during works. |

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| 50 | Hours of work |
| | <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> |
| 51 | <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> <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> |
| 52 | <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> |

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| | Condition reason: To ensure excavation and backfilling is executed safely. |
| 53 | Compliance with the Building Code of Australia Building work must be carried out in accordance with the requirements of the Building Code of Australia. Condition reason: To ensure that the development is undertaken in accordance with the Building Code of Australia. |
| 54 | 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. |
| 55 | Toilet facilities 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. The temporary toilet is to be either connected to the sewerage system or an approved septic tank or otherwise may be a chemical toilet supplied by a licensed contractor. Condition reason: To ensure adequate amenity facilities are provided to the site during construction. |
| 56 | Placement of fill 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. 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. Condition reason: To ensure that fill required for a development is managed in accordance with Council requirements. |
| 57 | Location of stockpiles 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. Condition reason: To ensure that stock piles required for a development are managed in accordance with Council requirements. |

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| 58 | 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 |
| 59 | Hazardous Building Materials Assessment and Remediation Action Plan (if required) |
| | 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). |
| | Condition reason: To ensure works are undertaken in accordance with the HBMA and the RAP (as required). |
| 60 | Food Premises Fit-Out |
| | The design, construction and fit-out of the food premises and/or food storage area must comply with: <ul style="list-style-type: none"> a) Food Act 2003; b) Food Regulation 2015; c) Australia New Zealand Food Standards Code; and AS 1668 'The Use of Ventilation and Air Conditioning in Buildings' (as amended). |
| | Condition reason: To ensure that developments do not give rise to offensive noise, dust, odour, or vibration. |
| 61 | Stage 3 - Surface Water Collection from Swimming Pools and Spas |
| | Swimming pool surrounds and/or paving must be constructed so as to ensure water from the pool overflow or surge does not discharge onto neighbouring properties. Details demonstrating compliance must be provided to the Certifying Authority. |
| | Condition reason: To ensure that the development for a swimming pool and/or spa satisfies Council requirements. |
| 62 | Stage 3 - Swimming Pool Fence Design |
| | The swimming pool or spa must be fenced so that the pool is effectively isolated from the dwelling and adjoining lands. The swimming pool fence & gate must: <ul style="list-style-type: none"> a) Strictly adhere to the design and location approved with the development consent, and any conditions of the development consent. b) Strictly comply with AS1926 'Swimming Pool Safety' – Part 1: Safety barriers for swimming pools. |

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| | <ul style="list-style-type: none"> c) Have a minimum effective height of 1.2m d) Be self-closing and self-latching. All gates must open outwards from the swimming pool enclosure. e) The filtration equipment including any cover, housing or pipe work, must not be located within a distance of 900mm from the outside face of the swimming pool safety fencing enclosure, nor within 300mm from the inside of the swimming pool safety fencing enclosure (where footholds are possible) f) Boundary fencing forming part of the swimming pool safety fencing must maintain a minimum effective height of 1.8m and a 0.9m non-climbable zone (measured from the top of the inside of the barrier). <p>The swimming pool safety fencing must be installed prior to the swimming pool being filled with water. The Principal Certifying Authority, or an accredited certifier must inspect the swimming pool safety fencing.</p> |
| | <p>Condition reason: To ensure that the development for a swimming pool and/or spa satisfies the Australian Standard and Council requirements.</p> |
| 63 | <p>Stage 3 - Waste Water from Swimming Pools and Spas</p> <p>All swimming pool waste water must be disposed of as follows:</p> <ul style="list-style-type: none"> a) Where a Hunter Water sewer is available – waste water must be drained or pumped to the sewer. b) Where a Hunter Water sewer is not available (such as rural areas) – waste water must be disposed of as follows: <p>Chlorinated pool waste water:</p> <ul style="list-style-type: none"> i) Discharging to a rubble pit measured 600mm wide x 600mm deep x 3m long, located not less than 3m from any structure or property boundary; or ii) Discharging to a tail out drain to disperse the water over a large grassed area or paddock, provided that the land fall does not direct water to buildings on the subject or adjoining properties, or create a nuisance to an adjoining property owner. <p>Saltwater pool waste water:</p> <ul style="list-style-type: none"> iii) Discharging as per point ii) above. <p>All pool types:</p> <ul style="list-style-type: none"> i) Must not be discharged to a septic tank or an on-site sewage management installation or disposal area; <p>Must not be discharged into a reserve, watercourse, easement or stormwater drainage system.</p> <p>Condition reason: To ensure that the development for a swimming pool and/or spa satisfies Council requirements.</p> |

Before issue of an occupation certificate

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| 64 | <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> |
| 65 | <p>Fire Safety Upgrades</p> <p>Pursuant to Section 64 of the Environmental Planning and Assessment Regulation 2021 Port Stephens Council as the consent authority for this development application has determined that the existing building subject of the proposed works shall be upgraded so as to bring the building into partial conformity with the Building Code of Australia. The following works shall be completed prior to the issue of an occupation certificate for the works proposed by this application:</p> <ul style="list-style-type: none"> (i) Upgrade the existing hydrant system to achieve consistency with E1P3 of the National Construction Code (ii) Upgrade the existing fire hose reel system to achieve consistency with E1P1 of the National Construction Code (iii) Upgrade the existing automatic fire detection and alarm system to achieve consistency with E2P1, E2P2 of the National Construction Code (iv) Upgrade the early warning intercommunication system to achieve consistency with E4P3 of the National Construction Code (v) Upgrade the existing emergency lighting and exit sign system in the building to achieve consistency with E4P1 and E4P2 of the National Construction Code (vi) Upgrade the automatic fire detection and alarm system zone block plan to correlate with the revised floor layout/arrangements in the building. Where the development is to be occupied in a staged/sequential order, the zone block plan shall be updated in line with that sequence of occupation. (vii) Upgrade the fire hydrant block plan that accompanies the hydrant booster assembly to correlate with the revised hydrant layout. Where the development is to be occupied in a staged/sequential order, the hydrant block plan shall be updated in line with that sequence of occupation/hydrant installation. (viii) Upgrade the emergency procedures and operator's instruction to correlate with the revised floor layout/arrangements in the building. Where the development is to be occupied in a staged/sequential order, the emergency procedures and operators instructions shall be updated in line with that sequence of occupation where required. (ix) Remove any metal screen door fitted to commercial kitchen doors where applicable, to permit compliant use of required exit doors. (x) Ensure that occupants on the ground floor can reach a required exit to achieve consistency with D1P4 and D1P6 of the National Construction Code. |

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| | <p>(xi) When the works include updates to part of the building that include the entertainment venue, these parts shall be separated from those entertainment venue areas as per NSW I4D2 of the National Construction Code. Penetrations and openings within this fire separating construction shall be protected so as to achieve consistency with C1P8 of the National Construction Code.</p> <p>(xii) When the works include enclosing the bowling green, the artificial turf of the existing awning covered bowls green shall achieve consistency with C1P2 with respect to fire hazard properties. Where compliance cannot be achieved with this performance requirement, the artificial turf shall be replaced with a covering that achieves consistency with C1P2 and test reports shall be provided confirming compliance.</p> |
| | <p>Condition reason: To ensure all necessary fire safety upgrades are undertaken for the development prior to issue of an Occupation Certificate.</p> |
| 66 | <p>Entertainment Venues</p> <p>Pursuant to Section 72 of the Environmental Planning and Assessment Regulation 2021, the following condition is prescribed for premises used for the purposes of an entertainment venue:</p> <ul style="list-style-type: none"> (i) During a stage performance at an entertainment venue, there must be at least 1 suitably trained person in attendance in the stage area at all times for the purpose of operating, if necessary, a proscenium safety curtain, drencher system and smoke exhaust system. (ii) If a proscenium safety curtain is installed at an entertainment venue, there must be no obstruction to the opening or closing of the curtain and the curtain must be operable at all times. (iii) When a film is being screened at an entertainment venue, there must be at least 1 person in attendance at the entertainment venue who is trained in— <ul style="list-style-type: none"> a. the operation of the projectors being used, and b. the use of the fire fighting equipment in the room in which the projectors are installed (the projection room). (iv) If the projection room is not fitted with automatic fire suppression equipment and a smoke detection system, in accordance with the <i>Building Code of Australia</i>, the person required by subsection (4) to be in attendance must be in the projection suite in which the projection room is located during the screening of a film. (v) A member of the public must not be present in the projection suite during the screening of a film. (vi) An entertainment venue must not screen a nitrate film. (vii) An emergency evacuation plan must be prepared, maintained and implemented for a building, other than a temporary structure, used as an entertainment venue. (viii) The emergency evacuation plan must specify the following— <ul style="list-style-type: none"> a. the location of all exits, and fire protection and safety equipment, for the part of the building used as an entertainment venue, b. the number of fire safety officers that must be present during performances, c. how the audience will be evacuated from the building if there is a fire or other emergency. |

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| | <p>A fire safety officer appointed to be present during a performance must have appropriate training in evacuating persons from the building if there is a fire or other emergency</p> <p>Condition reason: To ensure all necessary requirements for use as an entertainment venue are undertaken prior to issue of an Occupation Certificate.</p> |
| 67 | <p>Maximum Signage Capacity</p> <p>Pursuant to Section 73 of the Environmental Planning and Assessment Regulation 2021, the following condition is prescribed for premises used for the purposes of an entertainment venue:</p> <p>A sign must be displayed in a prominent position stating the maximum number of persons that are permitted in the building.</p> <p>Condition reason: To ensure maximum patronage capacity for an entertainment venue is specified prior to issue of an Occupation Certificate.</p> |
| 68 | <p>Food premises</p> <p>Council must be notified that the business is being used for the handling of food intended for sale, or the sale of food. Prior to the sale of food, a satisfactory final inspection of the food premises fit-out is to be undertaken by Council.</p> <p>A 'Food Business Registration form can be found on Council's website.</p> <p>Condition reason: To ensure a food premises inspection is undertaken prior to issue of an Occupation Certificate.</p> |
| 69 | <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> |
| 70 | <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</p> |

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| | 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. |
| | 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. |
| 71 | Removal of waste upon completion |
| | <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> |
| | Condition reason: To ensure that all waste is appropriately removed from the subject site prior to the issue of an Occupation Certificate. |
| 72 | Stormwater/drainage works |
| | <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> |
| | Condition reason: To ensure stormwater and drainage works have been undertaken in accordance with the approved plans. |
| 73 | Water authority certification |
| | <p>Before the issue of an occupation certificate for Stages 1 and 3, 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> |
| | Condition reason: To ensure compliance with the water supply authority's requirements |
| 74 | Car parking requirements |
| | <p>Before the issue of an occupation certificate for Stage 1 - 94 car parking spaces including 4 accessible spaces are to be provided in accordance with AS2890 and the approved plans.</p> <p>Before the issue of an occupation certificate for Stage 3 - 155 car parking spaces including 12 accessible spaces and 3 motorbike spaces are to be provided in accordance with AS2890 and the approved plans.</p> <p>All parking spaces must be permanently marked on the pavement surface.</p> |

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| | <p>Condition reason: To ensure that the specified number of parking spaces is provided in accordance with the approved plans and compliant with Council's requirements.</p> |
| 75 | <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> |
| 76 | <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> |
| 77 | <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 for the relevant stage, 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> |
| 78 | <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> |

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| | Condition reason: To ensure that evidence of connection of services is provided to the PCA. |
| 79 | Bicycle Requirements Before the issue of an occupation certificate for Stage 3, bicycle parking racks to accommodate 3 bicycles must be installed in accordance with the approved plans. Condition reason: To ensure bicycle racks are provided as per the approved plans. |
| 80 | Loading/Unloading facilities 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. Condition reason: To ensure that all loading and unloading facilities are constructed in accordance with the approved plans and are compliant with Council requirements. |
| 81 | Flood Evacuation Plan A flood evacuation plan outlining permanent, fail-safe, measures to ensure that timely, orderly and safe evacuation of people and potential pollutant material from the buildings onsite should a flood occur. The plan must be provided to the Certifying Authority prior to the issue of an Occupation Certificate. Condition reason: To ensure that a flood evacuation plan is provided. |
| 82 | Stage 3 - Swimming Pool Register In accordance with Part 3A of the Swimming Pools Act 1992, all swimming pools (including spas) are required to be Registered on the NSW Swimming Pools Register. Prior to the issue of any Occupation Certificate, you are required to provide evidence in the form of the Certificate of Registration to the Principal Certifying Authority. Condition reason: To ensure that the development for a swimming pool and/or spa satisfies Council requirements prior to the issue of the Occupation Certificate. |
| 83 | Stage 3 - Warning Notice A warning notice complying with the provisions of the Swimming Pools Regulation 2018, must be displayed and maintained in a prominent position in the immediate vicinity of the swimming pool, in accordance with Section 17 of the Swimming Pools Act 1992. The Principal Certifying Authority must ensure that this warning notice is provided and displayed prior to the issue of the Occupation Certificate. Council also recommends that all owners and/or users of swimming pools obtain a copy of the |

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| | 'Cardiopulmonary Resuscitation Guideline' known as "Guideline 7: Cardiopulmonary Resuscitation" published by the Australian Resuscitation Council. |
| | Condition reason: To ensure that the development for a swimming pool and/or spa satisfies the Swimming Pools Act 1992, and Council requirements. |

Occupation and ongoing use

| 84 | Driveways to be maintained | | | | | | | | |
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| | 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. | | | | | | | | |
| 85 | Hours of Operation | | | | | | | | |
| | The property is only to be open for business and used for the purpose approved within the following hours: | | | | | | | | |
| | <div>Bowling Club<table><tr><th>Day</th><th>Hours of Operation</th></tr><tr><td>Sunday – Thursday</td><td>9am to 11.59pm</td></tr><tr><td>Friday & Saturday</td><td>9am to 12am (midnight)</td></tr><tr><td>Public Holidays</td><td>In accordance with liquor license.</td></tr></table></div> | Day | Hours of Operation | Sunday – Thursday | 9am to 11.59pm | Friday & Saturday | 9am to 12am (midnight) | Public Holidays | In accordance with liquor license. |
| | Day | Hours of Operation | | | | | | | |
| Sunday – Thursday | 9am to 11.59pm | | | | | | | | |
| Friday & Saturday | 9am to 12am (midnight) | | | | | | | | |
| Public Holidays | In accordance with liquor license. | | | | | | | | |
| <div>Hotel<table><tr><th>Day</th><th>Hours of Operation</th></tr><tr><td>Monday - Sunday</td><td>24hrs</td></tr><tr><td>Public Holidays</td><td>24hrs</td></tr></table></div> | Day | Hours of Operation | Monday - Sunday | 24hrs | Public Holidays | 24hrs | | | |
| Day | Hours of Operation | | | | | | | | |
| Monday - Sunday | 24hrs | | | | | | | | |
| Public Holidays | 24hrs | | | | | | | | |
| 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. | | | | | | | | | |
| Deliveries are only to occur within the following hours: | | | | | | | | | |

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| | <ul style="list-style-type: none"> 5:00am – 10:00pm, 7 days a week. |
| | Condition reason: To ensure operational hours are appropriate to reduce potential amenity impacts. |
| 86 | Operational Plan of Management |
| | The operation of the development shall be in accordance with the Operation Management Plan (Bowling Club and Hotel) endorsed under this consent. |
| | Condition reason: To ensure the development is managed in accordance with Plan of Management. |
| 87 | 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. |
| 88 | 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 |
| 89 | 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. |
| 90 | 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. |
| 91 | Offensive Noise |

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| | <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> |
| 92 | <p>Parking areas to be kept clear</p> <p>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.</p> <p>Condition reason: To ensure that all associated areas with vehicle storage/parking are kept clear and solely for their intended purpose.</p> |
| 93 | <p>Parking – Signage (loading docks)</p> <p>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.</p> <p>Condition reason: To ensure that all associated areas with vehicle storage/parking are kept clear and solely for their intended purpose.</p> |
| 94 | <p>Storage of goods</p> <p>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.</p> <p>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</p> |
| 95 | <p>Maintenance of wastewater and stormwater treatment device/s</p> <p>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).</p> <p>Condition reason: to ensure wastewater and stormwater systems are maintained.</p> |
| 96 | <p>Removal of graffiti</p> <p>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.</p> <p>Condition reason: To ensure that graffiti is removed from the building and fences within 48 hours.</p> |
| 97 | <p>Approved signage maintenance</p> <p>The approved signs must be maintained in a presentable and satisfactory state of repair.</p> |

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| 98 | Condition reason: To ensure approved signage is maintained. |
| | Prohibitions within Swimming Pool Enclosure |
| | The area contained within the swimming pool safety fencing enclosure must not be used for other non-related activities or equipment, such as the installation of children's play equipment or clothes drying lines. |
| 99 | Condition reason: To ensure that the area contained within a swimming pool safety fence enclosure must not be used for other non-related activities or equipment. |
| | Noise Nuisance Prevention |
| | The motor, filter, pump, and all sound producing equipment associated with or forming part of the swimming pool filtration system must be located so as not to cause a nuisance to adjoining property owners. |
| | The location of equipment that causes offensive noise may require the equipment to be located within a suitable acoustic enclosure, or the relocation of such equipment. |
| | Condition reason: To ensure that all sound producing equipment associated with or forming part of a swimming pool filtration system are located appropriately. |

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.