

DETERMINATION AND STATEMENT OF REASONS

HUNTER AND CENTRAL COAST REGIONAL PLANNING PANEL

DATE OF DETERMINATION	4 April 2025
DATE OF PANEL DECISION	4 April 2025
DATE OF PANEL BRIEFING	1 April 2025
PANEL MEMBERS	Alison McCabe (Chair), Roberta Ryan, Amanda Wetzel
APOLOGIES	Tony McNamara
DECLARATIONS OF INTEREST	Giacomo Arnott and Leah Anderson – Council interest development application.

Papers circulated electronically on 25 March 2025.

MATTER DETERMINED

PPSHCC-276 – Port Stephens – DA 16 – 2024-28-1 at 38 Cabbage Tree Road, Williamtown 2318 - High technology industrial development comprising office and workshop areas, car parking, site works and associated development (as described in Schedule 1)

PANEL CONSIDERATION AND DECISION

The Panel considered: the matters listed at item 6, the material listed at item 7 and the material presented at briefings and the matters observed at site inspections listed at item 8 in Schedule 1.

The Panel has had the benefit of a number of briefings from Council and the applicant.

The site is within the Astra Aerolab Business Park, being developed under Development Application (DA 16-2009-324-4), and is located within Stage 2A of this subdivision.

The application relies on works under a Subdivision Works Certificate for Stage 2A to be finalised before any development is commenced. The Council report has recommended a deferred commencement consent.

There are no floor space ratio (FSR) or height controls applying to the land under the Port Stephens Local Environmental Plan (PSLEP) 2013. The proposed development is consistent with the broad-based controls under Chapters B and C3 and the site-specific controls under Chapter D15 of the Port Stephens Development Control Plan (PSDCP) 2014.

The Panel is satisfied that contamination issues have been appropriately addressed.

The hours of operation proposed at Condition 78 will ensure that impacts to sensitive receivers are managed. The Panel noted that the acoustic report recommended further acoustic assessment at design development stage.

The Panel, in their deliberation, sought confirmation of RLs for buildings and the retaining wall on the western boundary, and have imposed specific conditions regarding maximum heights at conditions 22 and 48. The Panel understands these RLs are the same as those provided to the Department of Defence and underpinning their support for the development.

The proposed development is consistent with the form of development anticipated in the broader Astra Aerolab Business Park. The Panel is satisfied that the site is suitable for the development, will not result in unreasonable impacts on surrounding development, and is consistent with the existing policy framework.

Development application

The Panel determined to approve the development application pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979* subject to the conditions at Schedule 2.

The decision was unanimous.

REASONS FOR THE DECISION

The Panel determined to approve the application for the following reasons:

- i. The proposed development is consistent with the policy framework applicable to the site.
- ii. The site is suitable for the development, and the proposed use will provide employment opportunities and economic benefits to the broader community.
- iii. Potential acoustic impacts have been managed through restrictions on hours of operation.



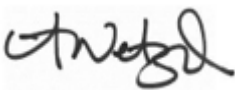
CONDITIONS

The development application was approved subject to the conditions at Schedule 2. The conditions differed from those in the Council assessment report by:

- Conditions 22 and 48 specifying RLs for top of retaining wall and building.
- Condition 78 specifying hours of operation.

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel notes that no written submissions were made during public exhibition and therefore no issues of concern were raised.

PANEL MEMBERS	
 Alison McCabe (Chair)	 Roberta Ryan
 Amanda Wetzel	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSHCC-276 – Port Stephens – DA 16 – 2024-28-1
2	PROPOSED DEVELOPMENT	High technology industrial development comprising office and workshop areas, car parking, site works and associated development
3	STREET ADDRESS	38 Cabbage Tree Road, Williamtown 2318 -
4	APPLICANT/OWNER	Barr Property and Planning Pty Ltd Greater Newcastle Aerotropolis Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	Council related development over \$5 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> Environmental planning instruments: <ul style="list-style-type: none"> State Environmental Planning Policy (Biodiversity and Conservation) 2021 State Environmental Planning Policy (Resilience and Hazards) 2021 State Environmental Planning Policy (Planning Systems) 2021 State Environmental Planning Policy (Sustainable Buildings) 2022 State Environmental Planning Policy (Transport and Infrastructure) 2021 State Environmental Planning Policy (Industry and Employment) 2021 Port Stephens Local Environmental Plan 2014 Draft environmental planning instruments Development control plans: <ul style="list-style-type: none"> Port Stephens Development Control Plan 2014 Planning agreements: Nil Provisions of the <i>Environmental Planning and Assessment Regulation 2021</i>: Section 62 (Fire Safety), Section 66A Council related development) Coastal zone management plan: Nil The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality The suitability of the site for the development Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations The public interest, including the principles of ecologically sustainable development
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> Council assessment report: 24 March 2025 Written submissions during public exhibition: Nil Total number of unique submissions received by way of objection: Nil
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> Preliminary Briefing: 5 March 2024 <ul style="list-style-type: none"> <u>Panel members</u>: Alison McCabe (Chair), Roberta Ryan, Tony McNamara <u>Council assessment staff</u>: Courtney Sargent, Ryan Falkenmire <u>Applicant Representatives</u>: Tracey Groves, Jamie Nowland, Rob Green, Shane Murray, Rebecca Johnston, Samuel Liu, Amie McMullen <u>Department</u>: Leanne Harris, Holly McCann Site inspection: <ul style="list-style-type: none"> <u>Panel members</u>: <ul style="list-style-type: none"> Alison McCabe (Chair): 31 July 2023 Roberta Ryan: 27 October 2024

		<ul style="list-style-type: none"> • Final briefing to discuss Council's recommendation: 1 April 2025 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Alison McCabe (Chair), Roberta Ryan, Amanda Wetzel ○ <u>Council assessment staff</u>: Courtney Sargent, Matthew Eagan ○ <u>Applicant representatives</u>: Rebecca Johnston, Mark Purdy, Peter Wych, Kathy Gresham, Guy Page and Robert Burrows ○ <u>Department</u>: Leanne Harris, Holly McCann
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the Council assessment report

Conditions of Consent

Relevant Matters

Deferred Commencement - This consent does not operate and may not be acted on until the consent authority is satisfied of the following matter(s):

- A subdivision certificate be issued for Stage 2A of DA 16-2009-324-4 and Lots 200 and 201 (the subject site) as approved under DA 16-2009-324-4 are registered with NSW Land and Registry Services.

Evidence of the above relevant matter(s) must be produced to the consent authority, within 24 months from the date of the determination, otherwise the consent will lapse.

Under section 88(3) of the EP&A Regulation, the consent authority will notify you in writing if the matters above have been satisfied and the date from which this consent operates.

Note: Section 76(3) of the EP&A Regulation enables a consent authority to specify the period within which the applicant must produce evidence to the consent authority sufficient enough to enable it to be satisfied as to the relevant matter(s) that it requires before a deferred commencement consent can operate. Where a period is specified under section 76(3), a deferred commencement consent will lapse if the applicant has not produced sufficient evidence for the consent authority to be satisfied of the relevant matters on the expiration of the specified period.

Where the applicant produces evidence of the relevant matters in accordance with section 76(4) of the EP&A Regulation, the consent authority must notify the applicant whether or not it is satisfied as to the relevant matter(s). If the consent authority has not notified the applicant within 28 days after receiving the applicant's evidence, the consent authority is taken to have notified the applicant that it is not satisfied about the relevant matter(s) on the date on which that period expires, for the purposes of section 8.7 of the EP&A Act (see sections 76(4), (5) and (6) of the EP&A Regulation).

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
	15111 DA-A-003	S	Site Plan	EJE Architecture	20/09/2024
	15111 DA-A-100	N	Ground Floor Plan	EJE Architecture	20/09/2024
	15111 DA-A-101	N	Level 1 Plan	EJE Architecture	20/09/2024
	15111 DA-A-102	M	Roof Plan	EJE Architecture	20/09/2024

15111 DA-A-200	M	Elevations – Sheet 1	EJE Architecture	20/09/2024
15111 DA-A-201	M	Elevations – Sheet 2	EJE Architecture	20/09/2024
15111 DA-A-300	M	Sections	EJE Architecture	20/09/2024
15111 DA-A-201	J	Site Perimeter Fencing Plan	EJE Architecture	20/09/2024
15111 DA-A-404	J	Material Palette	EJE Architecture	20/09/2024
15118.5 L010	J	Site Plan	Terras Landscape Architects	16/08/2024
15118.5 L011	J	Site Analysis	Terras Landscape Architects	16/08/2024
15118.5 L012	I	Material Palette	Terras Landscape Architects	12/08/2024
NA231561 C02-0001	F	Overall Site Plan	Acor Consultants	14/08/2024
NA231561 C02-0101	F	Site Grading Plan – Sheet 1	Acor Consultants	14/08/2024
NA231561 C02-0102	F	Site Grading Plan – Sheet 2	Acor Consultants	14/08/2024
NA231561 C03-0001	F	Soil Erosion and Sediment Control Plan – Sheet 1	Acor Consultants	14/08/2024
NA231561 C03-0101	F	Soil Erosion and Sediment Control Plan – Sheet 1	Acor Consultants	14/08/2024
NA231561 C08-0001	F	Stormwater Management Plan	Acor Consultants	14/08/2024

Approved Documents

Document title	Version No.	Prepared by	Dated
Civil Engineering Report Development Application	G	Acor Consultants Pty Ltd	16/08/2024

	Reference: NA231561_ R01_Civil Engineering DA Report.docx			
	Acoustic Assessment for DA	4	Renzo Tonin & Associates	27/02/2024
	Reference: TN679-01F02			
	Operational Waste Management Plan	D	Elephants Foot Consulting	28/02/2024
	Construction Waste Management Plan	C	Elephants Foot Consulting	28/02/2024
	Remediation Action Plan	1	Qualtest Laboratory (NSW) Pty Ltd	21/05/2024
	Reference: NEW24P-0090-AG			
	Access Report	3	Lindsay Perry Access Pty Ltd	26/02/2024
	Reference: PAA_23489			
	Sustainable Building SEPP Net Zero Statement	3	Marline Newcastle Pty Ltd	24/01/2024
	Project No. MN14719			
	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	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:			
	<ol style="list-style-type: none"> 1. Hunter Water Corporation, Reference: HW2022-167/14, dated 16 April 2024. 2. Transport for NSW, Reference: NTH24/00160/001, dated 28 February 2024. 3. Department of Defence, Reference: ID-EP-DLP&R/OUT/2025/ BS64583972, dated 26 February 2025. 4. Ausgrid, Reference:1900126830, dated 19 February 2024. 			
	Condition reason: To ensure agency advice is complied with.			
3	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.			
4	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.			

	<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>
5	<p>Signage Approvals</p> <p>A separate development application for any proposed signs in addition 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>No consent is given or implied for any form of illumination or floodlighting to any sign.</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>
6	<p>Building Materials</p> <p>Building materials used for construction are to be non-reflective. If it is later found that glare endangers the safety of aircraft operations, the Department of Defence may require material and design modifications at full cost to the proponent.</p> <p>Condition reason: To ensure building materials do not affect the RAAF Base and airport operations.</p>
7	<p>Sustainable Buildings – Large Commercial Development</p> <p>The development must be undertaken in accordance with the NABERS commitment agreement (Agreement No. AR00016, Dated 17 June 2024).</p> <p>Condition Reason: To ensure that the proposal is consistent with the requirements of the State Environmental Planning Policy (Sustainable Buildings) 2022</p>

Building Work

Before issue of a construction certificate

8	<p>Validation Report</p> <p>Prior to issue of a Construction Certificate, a Validation Report prepared by a suitability qualified person must be provided to the Certifying Authority and Council within 30 days following completion of the remediation works, which demonstrates:</p> <ul style="list-style-type: none"> a) Compliance with the approved Remediation Action Plan (RAP); b) that the remediation acceptance criteria (in the approved RAP) has been fully complied with; c) that all remediation works undertaken comply with the Contaminated Lands Planning Guidelines, Contaminated Lands Management Act 1997, Chapter 4 of State Environmental Planning Policy (Resilience and Hazards) 2021 and Council's Management of Contaminated Lands Policy; <p>and includes:</p> <ul style="list-style-type: none"> a) Works As Executed Plan(s) that identify the extent of the remediation works undertaken (that includes any encapsulation work) prepared by a Registered Surveyor;
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	<p>b) a “notice of completion of remediation work” as required under Clause 4.15 of the Resilience and Hazards SEPP; and</p> <p>c) a statement confirming that the site following remediation of contamination is suitable for the intended use</p> <p>Condition reason: To ensure remediation work is undertaken as per the approved RAP and appropriately validated.</p>
9	<p>Erosion and sediment controls plan</p> <p>Before the issue of a Construction Certificate, an erosion and sediment control plan must be prepared by a suitably qualified person in accordance with the following documents and provided to the certifier:</p> <ol style="list-style-type: none"> 1. Council’s relevant development control plan, 2. the guidelines set out in 'Managing Urban Stormwater: Soils and Construction' prepared by Landcom (the Blue Book) (as amended from time to time), and 3. The 'Do it Right On-Site, Soil and Water Management for the Construction Industry' (Southern Sydney Regional Organisation of Councils and the Natural Heritage Trust) (as amended from time to time). <p>Condition reason: To ensure no substance other than rainwater enters the stormwater system and waterways.</p>
10	<p>Waste Management Plan requirements</p> <p>Before the issue of a Construction Certificate, a waste management plan for the development must be prepared and provided to the certifier. The plan must be prepared:</p> <ol style="list-style-type: none"> a. in accordance with <ol style="list-style-type: none"> i. the Environment Protection Authority’s Waste Classification Guidelines as in force from time to time; and ii. a development control plan that provides for waste management that applies to the land on which the work or the clearing of vegetation is carried out; and b. include the following information— <ol style="list-style-type: none"> i. the contact details of the person removing waste; ii. an estimate of the type and quantity of waste; iii. whether waste is expected to be reused, recycled or sent to landfill; iv. the address of the disposal location for waste. <p>A copy of the waste management plan must be kept on-site at all times while work approved under the development consent is being carried out.</p> <p>Condition reason: To ensure resource recovery is promoted and local amenity protected during construction.</p>
11	<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</p>

	Assessment Regulation 2021, and the levies specified in the Port Stephens Local Infrastructure Contributions Plan 2020as outlined below:								
	<table><tr><th>Capital Investment Value</th><th>Levy Rate (% of CIV)</th></tr><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></table>	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%								
	<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>								
12	<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>								
13	<p>Roads Act Approval</p> <p>Prior to 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 138B of the <i>Roads Act 1993</i>.</p> <p>Condition reason: To ensure that works within the road reserve are approved by a Section 138B Approval of the <i>Roads Act 1993</i>.</p>								
14	<p>Stormwater/Drainage Plans</p> <p>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 prior to issue of a Construction Certificate.</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 the development is carried out in accordance with the Port Stephens Development Control Plan 2014.</p>
15	<p>Civil engineering plans</p> <p>Civil engineering plans prepared by a qualified Engineer, indicating drainage, roads, access ways, 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 prior to issue of a Construction Certificate.</p> <p>Note. Under the Roads Act 1993, only the Roads Authority can approve commencement of works within an existing road reserve.</p> <p>Condition reason: To ensure detailed civil engineering plans are prepared for construction.</p>
16	<p>Construction Site Management Plan</p> <p>Before the issue of a Construction Certificate, a construction site management plan must be prepared, and provided to the principal certifier. The plan must include the following matters:</p> <ul style="list-style-type: none"> a. The location and materials for protective fencing and hoardings on the perimeter of the site; b. Provisions for public safety; c. Pedestrian and vehicular site access points and construction activity zones; d. Details of construction traffic management including: <ul style="list-style-type: none"> i. Proposed truck movements to and from the site; ii. Estimated frequency of truck movements; and iii. Measures to ensure pedestrian safety near the site; e. Details of bulk earthworks to be carried out; f. The location of site storage areas and sheds; g. The equipment used to carry out works; h. The location of a garbage container with a tight-fitting lid; i. Dust, noise and vibration control measures; j. The location of temporary toilets; k. The protective measures for the preservation of trees on-site and in adjoining public areas including measures in accordance with: <ul style="list-style-type: none"> i. AS 4970 – Protection of trees on development sites; ii. An applicable Development Control Plan; iii. An arborist's report approved as part of this consent <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>
17	<p>Car parking details</p> <p>Before the issue of the relevant construction certificate, written evidence prepared by a suitably qualified engineer must be obtained that demonstrates, to the certifier's satisfaction, the plans for parking facilities comply with the relevant parts of AS 2890.1 Parking Facilities –Off-Street Carparking</p>

	and Chapter B8 of council's relevant development control plan (in force as at the date of determination of this consent).				
	Condition reason: To ensure parking facilities are designed in accordance with the Australian Standard and council's DCP.				
18	<p>Retaining walls</p> <p>All retaining walls within 1m of a boundary and exceeding 600mm in height must be designed and certified by a suitably qualified Structural Engineer.</p> <p>Details demonstrating compliance must be provided to the Certifying Authority prior to issue of a Construction Certificate.</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>				
19	<p>Equal access to the premises</p> <p>Before the issue of a construction certificate, plans which demonstrate that adequate access to the premises will be provided for persons with disabilities in accordance with the Commonwealth Disability (Access to Premises – Buildings) Standards 2010. These plans must be submitted to the certifier.</p> <p>Condition reason: To ensure safe and easy access to the premises for people with a disability</p>				
20	<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 housing and productivity contribution (HPC) set out in the table below, but as adjusted in accordance with this condition, is required to be made: <table border="1"> <thead> <tr> <th>Housing and Productivity Contribution</th><th>Amount</th></tr> </thead> <tbody> <tr> <td>Housing and Productivity Contribution – Lower Hunter Region</td><td>\$94,434.46</td></tr> </tbody> </table> <ul style="list-style-type: none"> 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. <p>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:</p> <p><i>highest PPI number</i></p>	Housing and Productivity Contribution	Amount	Housing and Productivity Contribution – Lower Hunter Region	\$94,434.46
Housing and Productivity Contribution	Amount				
Housing and Productivity Contribution – Lower Hunter Region	\$94,434.46				

	<p><i>consent PPI number</i></p> <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> <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>
21	<p>Detailed Design in accordance with Acoustic Report</p> <p>Detailed design of the development is to be in accordance with the recommendations of Acoustic Assessment Report No. TN679-01F02, Version 4, prepared by Renzo Tonin and Associates dated 27 February 2024. Certification the design accords with the Acoustic Assessment Report No. TN679-01F02 by a suitably qualified acoustic engineer is to be provided to the Certifying Authority.</p> <p>Condition reason: To ensure the development is constructed in accordance with the Acoustic Assessment Report.</p>
22	<p>Retaining Walls</p> <p>Retaining walls proposed along the western boundary of the site must not exceed 1m (RL 5.2m) in height from the finished ground level (RL 4.2m).</p> <p>All retaining walls within 1m of a boundary and exceeding 600mm in height must be designed and certified by a suitably qualified Structural Engineer. Details demonstrating compliance must be provided to the Certifying Authority.</p> <p>Condition reason: To limit the height of retaining walls and ensure that retaining walls in proximity to the boundary and over a height are designed and certified by a suitably qualified engineer</p>

Before building work commences

23	<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>
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	Condition reason: To ensure Public liability insurance is obtained prior to commencement of works.
24	<p>Erosion and sediment controls in place</p> <p>Before any site work commences, the certifier must be satisfied the erosion and sediment controls in the erosion and sediment control plan are in place. These controls must remain in place until any bare earth has been re-stabilized in accordance with 'Managing Urban Stormwater: Soils and Construction' prepared by Landcom (the Blue Book) (as amended from time to time).</p> <p>Condition reason: To ensure sediment laden runoff and site debris do not impact local stormwater systems and waterways.</p>
25	<p>All Weather Access</p> <p>A 3m wide all-weather vehicle access is to be provided from the kerb and gutter to the building under construction for the delivery of materials and use by trades people.</p> <p>No materials, waste or the like are to be stored on the all-weather access at any time.</p> <p>Condition reason: To ensure that adequate vehicular access is provided to and from the site, prior to the commencement of works.</p>
26	<p>Construction Certificate Required</p> <p>In accordance with the provisions of Section 6.7 of the Environmental Planning & Assessment Act 1979 (EP&A Act 1979), construction or subdivision works approved by this consent must not commence until the following has been satisfied:</p> <ul style="list-style-type: none"> a) A Construction Certificate has been issued by a Consent Authority; b) A Principal Certifying Authority (PCA) has been appointed by the person having benefit of the development consent in accordance with Section 6.5 of the EP&A Act 1979; and c) The PCA is notified in writing of the name and contractor license number of the owner/building intending to carry out the approved work. <p>Condition reason: To ensure that a Construction Certificate has been issued for the building works prior to the commencement of work.</p>
27	<p>Notice Commencement of Work</p> <p>Notice must be given to Council and the Principal Certifier, if not the Council, of the person's intention to commence the erection of the building or undertake subdivision work at least two days prior to subdivision and/or building works commencing in accordance with Sections 6.6 (2) and 6.12 (2) (c) of the Environmental Planning and Assessment Act 1979 and Section 59 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021. The notice must include:</p> <ul style="list-style-type: none"> a) The name and address of the person; b) A description of the work to be carried out; c) The address of the land on which the work is to be carried out; d) The Registered numbers and date of issue of the development consent and construction certificate; e) A statement signed by or on behalf of the principal certifier that all conditions of the consent that must be satisfied before work commences have been satisfied; and f) The date on which the work is intended to commence. <p>The notice must be lodged on the NSW Planning Portal.</p>

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

	<p>A sign must be erected in a prominent position on any site on which building work or demolition work is being carried out:</p> <ul style="list-style-type: none"> a) showing the name, address and telephone number of the principal certifier for the work, and b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and c) stating that unauthorised entry to the work site is prohibited. <p>Any such sign is to be maintained while the building work or demolition work is being carried out, but must be removed when the work has been completed.</p> <p>Note: This does not apply in relation to building work or demolition work that is carried out inside an existing building that does not affect the external walls of the building.</p> <p>Condition reason: To require signage that details the relevant contacts of a development during construction.</p>
32	<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>
33	<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. 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 compliance with the requirements of the NSW Biosecurity Act 2015, associated Regulations and NSW Weed Control Handbook.</p>

During building work

34	<p>Construction Management Plan implementation -</p> <p>All construction management procedures and systems identified in the approved Construction Site Management Plan must be introduced and maintained during construction of the development.</p> <p>Condition reason: To ensure construction management plan is implemented during works.</p>
35	<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> <ul style="list-style-type: none"> a. The work in the area of the discovery must cease immediately; b. The following must be notified – <ul style="list-style-type: none"> i. For a relic – the Heritage Council; or

	<p>ii. For an Aboriginal object – the person who is the authority for the protection of Aboriginal objects and Aboriginal places in New South Wales under the National Parks and Wildlife Act 1974, Section 85.</p> <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>
36	<p>PFAS Contamination Management</p> <p>During earthworks and construction works the Northrop (2024) PFAS Management Plan for Astra Aerolab Stages 2A, 2C, 4 & 5 must be implemented. The following is also required to be complied with:</p> <ol style="list-style-type: none"> Where the potential for Per- and Poly-Fluoroalkyl Substances (PFAS) contamination exists in soil, groundwater or surface water at the development site, the applicant must identify whether any construction activities could disturb or interact with any PFAS contaminated soil, groundwater or surface water. If construction activities could disturb or interact with any PFAS contaminated soil, groundwater or surface water, the applicant must: <ol style="list-style-type: none"> prevent, or limit as far as possible, offsite migration of PFAS contamination; prevent, or limit as far as possible, contact and exposure to PFAS; manage potentially PFAS impacted groundwater that may accumulate in any footings or excavations to ensure this does not run-off the site; manage any PFAS-impacted soils, by controlling erosion and covering stockpiles of PFAS impacted soils to protect from rainfall egress and runoff; and e. ensure that any PFAS contaminated material transported from the site to a site that is lawfully able to receive it. Where PFAS contaminated material is to be removed from the site, the applicant must sample the soil for PFAS and classify the soil in accordance with the EPA's Addendum to the Waste Classification Guidelines (2014) – Part 1: classifying waste to identify lawful management and disposal options.
	<p>Condition reason: To ensure PFAS contaminated soil is managed appropriately.</p>
37	<p>Construction Noise</p> <p>While building work is being carried out, the applicant must ensure that any noise generated from the site is controlled in accordance with Acoustic Assessment (reference: TN679-01F02 Acoustic Assessment for DA (r4)).</p>
	<p>Condition reason: To ensure construction complies with the Acoustic Assessment.</p>
38	<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>
39	<p>Waste management</p>

	<p>While site work is being carried out:</p> <ol style="list-style-type: none"> 1. all waste management must be undertaken in accordance with the waste management plan; and 2. upon disposal of waste, records of the disposal must be compiled and provided to the certifying authority, detailing the following: <ol style="list-style-type: none"> a. The contact details of the person(s) who removed the waste; b. The waste carrier vehicle registration; c. The date and time of waste collection; d. A description of the waste (type of waste and estimated quantity) and whether the waste is to be reused, recycled or go to landfill; e. The address of the disposal location(s) where the waste was taken; f. The corresponding tip docket/receipt from the site(s) to which the waste is transferred, noting date and time of delivery, description (type and quantity) of waste. <p>If waste has been removed from the site under an EPA Resource Recovery Order or Exemption, records in relation to that Order or Exemption must be maintained and provided to the principal certifier and Council.</p> <p>Condition reason: To require records to be provided, during site work, documenting the lawful disposal of waste</p>
40	<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>
41	<p>Weed management</p> <p>All machinery that has operated in affected areas shall be cleaned thoroughly prior to leaving the site. A wash down area shall be established, and monitored for priority weeds as defined by the NSW Biosecurity Act 2015. Cleaning must include the removal of all mud and plant matter, followed by washing with high pressure water. An area for storage of contaminated spoil that is separate from clean material shall be provided during construction.</p> <p>Condition reason: To ensure compliance with the NSW Biosecurity Act 2015.</p>
42	<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>

	Where remediation work is required, the applicant will be required to obtain consent for the remediation works.
	Condition reason: To ensure that works relating to a development are to cease if any suspect materials and remediated in accordance with Council requirements
43	<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 that all excavations and backfilling associated with this development consent are executed safely.</p>
44	<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>
45	<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 toilet facilities are provided on site during construction.</p>
46	<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>

	Condition reason: To ensure works are undertaken in accordance with the BCA.
47	Cut and fill (if applicable) 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 Protection of the Environment Operations Act 1997 or a material identified as being subject to a resource recovery exemption by the NSW EPA. Condition reason: To ensure fill is managed in accordance with the application requirements.
48	Building Height A survey report prepared by a Registered Surveyor confirming that the building height complies with the approved plans (Top of Roof Parapet 19.23m/RL 23.73) must be provided to the Principal Certifying Authority prior to the development proceeding beyond frame stage. Condition reason: To ensure that the maximum building height of the structures on site are compliant with the consent and in accordance with the approved plans.

Before issue of an occupation certificate

49	Flood Emergency Response Plan A Flood Emergency Response Plan (FERP) for the proposed development must be provided to the Principal Certifying Authority before the issue of an Occupation Certificate. The FERP must include the following as a minimum: <ul style="list-style-type: none"> a) A map of the proposed evacuation route to a suitable location above the Probable Maximum Flood (PMF) that provides adequate shelter from the storm, including the route direction and description and identification of the depth of floodwater along the evacuation route in the 1% Annual Exceedance Probability flood and PMF events; b) Specific trigger heights linked to the nearest river and tidal gauges used for flood warnings and the specific evacuation route cut-off times linked to the gauge height; c) Description of the specific flood inundation at the site and the relevant surrounding area, including flood depths, direction of flow, velocities, hazard and specific relevant vulnerabilities; d) Consideration of and strategies for, the needs of the elderly, disabled and vulnerable who may be on site; e) A realistic time period for evacuation preparations linked to the trigger heights and evacuation route cut-off times, which includes: <ul style="list-style-type: none"> ○ Locating important papers, valuables etc., that will be evacuated ○ Locating and stacking possessions that are to be left behind, well above the predicted flood level ○ Dealing with all utilities such as electricity, gas, water, fuel, toilets, showers, wastewater system (including removal fuses) and moving pumps and machinery above the predicted flood level
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	<ul style="list-style-type: none"> ○ Time to gather, identify and load animals (pets, livestock and other animals), including the possible need for additional assistance in handling your animals in an emergency. f) Determining the vehicular needs of the site to appropriately respond to the flood risk; g) A strategy for a night time flood emergency; and h) A strategy for effective flood risk management when the electricity, internet, telecommunications etc., are unavailable. <p>Note: Digital elevation data is available from Geosciences Australia, current flood studies are available on Council's website and river gauge/ tidal gauge data is available from the Bureau of Meteorology website.</p>
	<p>Condition reason: To ensure that Flood Emergency Response Plan is prepared for the proposed development.</p>
50	<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>
51	<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>
52	<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>
53	<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 approved works within the road reserve have been completed to the satisfaction of the Council.</p>
54	<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>
55	<p>Stormwater/drainage works</p> <p>All stormwater and drainage works required to be undertaken in accordance with this consent must be completed before the issue of an occupation certificate.</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>
56	<p>Car parking requirements</p> <p>Before the issue of an occupation certificate, a minimum of 183 car parking spaces including 8 accessible car parking spaces and 18 car parking spaces with capacity to provide electric charging facilities are to be provided in accordance with AS2890 and the approved plans.</p> <p>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>
57	<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>
58	<p>Services</p> <p>Evidence is to be provided to Council demonstrating that the following reticulated services are available to each lot:</p>

	<p>a) Electricity;</p> <p>b) Water;</p> <p>c) Sewer; and</p> <p>d) Gas (where available).</p> <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 verify that reticulated services are provided to the lot/s.</p>
59	<p>Water authority certification</p> <p>Before the issue of an occupation certificate, a certificate of compliance must be obtained in relation to the proposed use from Hunter Water Corporation.</p> <p>Condition reason: To ensure compliance with the water supply authority's requirements.</p>
60	<p>Construction to be in accordance with Acoustic Report</p> <p>Certification is to be submitted to the Principal Certifying Authority to certify that the construction of the development complies with the recommendations of the Acoustic Assessment Report No. TN679-01F02, prepared by Renzo Tonin and Associates dated 27 February 2024.</p> <p>Condition reason: To ensure the development is constructed in accordance with the approved acoustic report.</p>
61	<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"> • The site (approved lots 200 and 201) must be managed as an 'Inner Protection Area' as outlined within PBP2019. • The development is to be constructed in accordance with the access provisions of Chapter 8 of PBP 2019; • The development is to be connected to a reliable water supply network and suitable fire hydrants are to be clearly marked and provided for the purposes of bushfire protection. Fire hydrant spacing, fixing and pressure shall comply with AS2419.1 – 2005 and PBP 2019 (Table 7.4a); • The provision of electricity must comply the following in accordance with Table 7.4a of PBP 2019; • Any hazardous materials must be stored away from the bushfire hazard wherever possible. • An Emergency Evacuation Plan is to be prepared. <p>Before the issue of an occupation certificate, details demonstrating compliance must be provided to the Certifying Authority by an NSW suitably qualified BPAD Bushfire Consultant.</p> <p>Condition reason: To ensure compliance with relevant bushfire standards.</p>
62	<p>Outdoor Lighting</p> <p>Prior to the issue of an occupation certificate, details demonstrating that all lighting complies with AS 1158 'Lighting for Roads and Public Spaces' and AS 4282 'Control of Obtrusive Effects of Outdoor Lighting' and the lighting controls detailed in the Civil Aviation Safety Authority (CASA) Manual of Standards (MOS-139) Aerodromes must be provided to the Certifying Authority.</p>

	Condition reason: To ensure outdoor lighting complies with relevant standards and does not impact airport operations.
63	Completion of landscape and tree works Before the issue of an occupation certificate, the principal certifier must be satisfied that all landscape and tree-works, including pruning in accordance with <i>AS 4373-2007 Pruning of amenity trees</i> 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.

Occupation and ongoing use

64	Driveways to be maintained All access crossings and driveways must be maintained in good order for the life of the development Condition reason: To ensure that access and driveways are maintained for the life of the development.
65	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.
66	Industrial Uses All industrial activity in connection with the use of the subject property is to be wholly confined within the building. Any approved office space is to be used solely in conjunction with the industrial use of the premises to which it is attached. The separate use or occupation of the approved office space is not permitted by this consent. The use of the factory unit for retail activities is prohibited. Condition reason: To ensure that all industrial activity in connection with the use of a subject property is wholly confined within the building and appropriately operated.
67	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
68	Maintenance of Landscaping

	<p>Landscaping must be maintained in accordance with the approved landscape plan and conditions of this development consent. All landscape areas must be kept free of parked vehicles, stored goods, garbage or waste material at all times.</p> <p>If any of the vegetation dies or is removed, it is to be replaced with vegetation of the same species and similar maturity as the vegetation which has died or was removed.</p> <p>Condition reason: To ensure that landscaping is maintained in accordance with the approved landscape plan and the relevant development consent.</p>
69	<p>Manoeuvring of Vehicles</p> <p>All vehicles must enter and exit the site in a forward direction.</p> <p>Condition reason: To ensure that vehicles enter and leave the site in a forward direction.</p>
70	<p>Offensive Noise</p> <p>The use and occupation of the premises including all plant and equipment must not give rise to any offensive noise within the meaning of the <i>Protection of the Environment Operation Act 1997</i> and must comply with the <i>NSW Noise Policy for Industry 2017</i> (as amended).</p> <p>Condition reason: To control noise in order to ensure it is not offensive.</p>
71	<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>
72	<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>
73	<p>Amenity</p> <p>The business must be conducted, and customers controlled at all times so that no interference occurs to the amenity of the area, the footpath, adjoining occupations and residential or business premises.</p> <p>Condition reason: To ensure no inference occurs to the amenity of the area.</p>
74	<p>Maintenance of stormwater</p> <p>The stormwater system, including any water quality or quantity components, shall be maintained in perpetuity for the life of the development.</p> <p>Condition reason: To ensure the stormwater system is maintained.</p>
75	<p>Waste Management</p>

	Operational waste management must be managed in accordance with the approved operational waste management plan referenced in Condition 1.				
	Condition reason: To ensure operational waste is managed appropriately.				
76	Waste Storage As the subject site is located in an area mapped by the Department of Defence as “Birdstrike Group A”, organic waste and/or the storage of bins associated with any future development must be covered and/or enclosed and limited on-site. Condition reason: To ensure that waste storage does not impact bird strike.				
77	Hazardous material storage Dangerous and hazardous goods must be stored in accordance with SafeWork NSW requirements, dependent on the quantities stored. Any flammable or combustible liquids must be stored in accordance with AS 1940 'The Storage and Handling of Flammable and Combustible Liquids'. Hazardous and/or industrial waste arising from the use must be removed and/or transported in accordance with the requirements of the Environmental Protection Agency and the SafeWork NSW. Condition reason: To ensure hazardous materials are appropriately stored on site.				
78	Hours of operation The property is only to be open for business and used for the purpose approved within the following hours: <table border="1" data-bbox="336 1099 1155 1223"> <thead> <tr> <th>Day</th><th>Hours of Operation</th></tr> </thead> <tbody> <tr> <td>Monday – Sunday</td><td>7:00am – 6:00pm</td></tr> </tbody> </table> 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. Condition reason – To ensure the development operates within the approved operating hours.	Day	Hours of Operation	Monday – Sunday	7:00am – 6:00pm
Day	Hours of Operation				
Monday – Sunday	7:00am – 6:00pm				

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. **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.
3. **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.
4. **Flood information subject to change** – You are advised that flood information is subject to change if more accurate data becomes available to Council. It is the responsibility of the applicant to use the most up-to-date flood information. Prior to applying for a construction certificate, Council should be contacted to verify the currency of the flood information.
5. **Weed Management** – This property has had a priority weed as defined by the NSW Biosecurity Act 2015 identified growing on site. As the applicant dealing with this property you are advised that under the Biosecurity Act 2015 you have a legal obligation to prevent, eliminate and minimise the impact caused by weeds. As the applicant you also have an obligation to ensure you advise other persons dealing with this site of the Biosecurity risk. For more information on the identification, control and management of weeds on site please contact Port Stephens Councils' Invasive Species Team on (02) 4988 0392.