**Schedule of conditions – PPSHCC-307 - MAITLAND - DA/2024/524 - 9 Burlington Place Rutherford**

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| 1. | All Weather Access | Before the commencement of any site or building works, 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. | *To ensure safe and unobstructed access for construction vehicles and personnel during the building process.* |
| 2. | Construction Certificate Required | **Prior to commencement of construction works**, a Construction Certificate is to be issued by the Registered Certifier. | *To ensure a Construction Certificate is issued prior to works commencing.* |
| 3. | Council to be notified if any damage to kerb, gutter, footpath etc prior to commencement | The applicant is required to notify Council in writing **prior to commencing building operations,** of any existing damage to kerbing and guttering, road pavement and general infrastructure associated with the subject Lot. The absence of such notification signifies that no damage exists and the applicant shall therefore be liable for the cost of the repair of any damage to kerbing and guttering, road pavement and general infrastructure which may be necessary after completion of the building works. | *To ensure Council is notified of any existing damage to Council assets.* |
| 4. | Driveway Crossing | **Prior to the commencement of construction** for any new driveway crossing on the public footway verge, Council approval must be obtained. An 'Application to Construct Private Works on Footway' form must be submitted to Council, accompanied by the applicable fee for each driveway. | *To ensure appropriate approval is obtained prior to works on the public road.* |
| 5. | Erosion and sediment controls in place | Before any site work commences, **the principal 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 restabilised in accordance with 'Managing Urban Stormwater: Soils and Construction’ prepared by Landcom (the Blue Book) (as amended from time to time). | *To ensure sediment laden runoff and site debris do not impact local stormwater systems and waterways.* |
| 6. | Hazardous Building Materials Assessment | Prior to demolition, a Hazardous Building Material Assessment (HBMA) must be undertaken on all buildings and structures to be demolished, identifying all hazardous components on-site. A copy of the HBMA report must be provided to the Principal Certifying Authority and Council.  All demolition works involving the removal of hazardous materials must ensure that site personnel are protected from exposure in accordance with SafeWork NSW and NSW Demolition Guidelines, and that premises and adjoining properties are also protected from potential exposure.  Any chemicals stored onsite that will not be used prior to the change of use must be assessed and classified in accordance with the NSW EPA (2014) Waste Classification Guidelines: Part 1, and properly disposed of at a waste facility licensed to accept such waste. Exposed paint-related chemicals should either be disposed of or properly contained. The chemical storage area must be bunded to contain any potential spills or releases of chemicals. | *To ensure a hazardous building material assessment (HBMA) is undertaken and materials managed and disposed of appropriately.* |
| 7. | Hoarding or fencing of work site where impacting a public place | If the work:  i) is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or  ii) involves the enclosure of a public place  The responsible person must gain a separate S138 approval from Council for the hoarding or fencing within the road reserve, fees apply.  If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place.   The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place. Any such hoarding, fence or awning is to be removed when the work has been completed. | *To ensure public assets and traffic are appropriate managed during construction.* |
| 8. | Notice of appointment of PCA to be provided prior to commencement | The applicant shall submit to Council a 'Notice of Appointment of the Principal Certifier' at least two (2) days prior to the commencement of construction works. | *To ensure a Principal Certifier is appointed prior to works commencing.* |
| 9. | Notice of commencement to be provided to Council | The applicant shall submit to Council a “Notice of Commencement” form at least two (2) days **prior to the commencement of construction works**. | *To ensure Council is notified prior to works commencing.* |
| 10. | Sign on Building | Except in the case of work only carried out to the interior of a building or Crown building work, a sign must be erected in a prominent position on the site showing   i. the name, address and telephone number of the Principal Certifier for the work, and  ii. the name of any principal contractor and their after-hours contact number, and  iii. must contain a statement that unauthorised entry to the site is prohibited.  The sign must be maintained while the work is being carried out and is to be removed when the work is completed. | *Prescribed conditions of development consent pursuant to Section 4.16(11) of the Environmental Planning and Assessment Act 1979 and Section 70 of the Environmental Planning and Assessment Regulation 2021.* |
| 11. | Site is to be Secured | Before the commencement of any site or building works, the site must be secured, so far as is reasonably practicable, from unauthorised access to the satisfaction of the Principal Certifier. All hoarding, fencing or awnings (associated with securing the site during construction) is to be removed upon the completion of works. | *Ensuring safety, preventing unauthorised access, and minimising the risk of injuries, theft, and vandalism.* |
| 12. | Car parking details | **Prior to the issue of a Construction Certificate**, written evidence from a suitably qualified engineer must be provided to the certifier, demonstrating that the plans for parking facilities comply with the relevant provisions of AS 2890.1 *Parking Facilities – Off-Street Car Parking*, AS 2890.2 *Off-Street Commercial Vehicle Facilities*, and Council’s Development Control Plan. The evidence must address compliance with requirements for sight triangles, minimum driveway width, passing bay details, turning arrangements, design, clearances to obstructions, space size, and aisle widths, based on the relevant vehicle class. | *To ensure parking facilities are designed in accordance with the Australian Standard and Council’s DCP.* |
| 13. | Amendments to Documents and Plans | The approved 'Fire Impact Management Plan' (FIMP), prepared by Riskon Engineering Pty Ltd, dated 3 June 2024, must be submitted to Fire and Rescue NSW for endorsement. Any further changes or recommendations from Fire and Rescue NSW must be incorporated into the final FIMP and reflected in the construction design details.  The endorsed plan and document must then be adopted, with evidence of Fire and Rescue NSW's endorsement submitted to the Principal Certifying Authority and Council prior to the issue of a Construction Certificate. | *To ensure the development complies with Council's controls and guidelines.* |
| 14. | Commercial / industrial stormwater drainage requirements | **Prior to the issue of the Construction Certificate,**construction details compliant with Council's *Manual of Engineering Standards* must be provided to address the following stormwater requirements:  a) A minimum on-site detention (OSD) storage volume of 31.45m³, with a maximum permissible site discharge limited to 14.89 litres per second for the 1% AEP event, generally in accordance with the drainage plan prepared by Eclipse Consulting Engineers (Project No. 10775, DWG Nos. C01, C02, C03, C04, C05, and C06, Revision D, dated 2 October 2024).  b) Detailed pavement finished surface levels demonstrating 1% conveyance paths to, and 1% inlet capacity into, the OSD tank/structure.  c) An emergency overland flow path for major storm events directed to the existing easement.  d) Application of a minimum blockage factor of 50% when calculating the size of the new downstream overflow grated pit at the northeast corner.  e) Installation of measures for the entrapment of gross pollutants, nutrients, and hydrocarbons (e.g., soil absorbent socks) generated from contributing ground-surface catchment areas.  f) Conveyance of stormwater through the site from upstream catchments, including roads and adjoining properties, where necessary.  g) Preparation of a Safe Work Method Statement (SWMS) detailing health and safety measures, appropriate PPE, and an unexpected finds protocol for potential intrusive works associated with stormwater infrastructure upgrades | *To ensure appropriate stormwater management.* |
| 15. | Construction requirements for driveways | All driveways, parking areas and vehicles turning areas shall be designed as reinforced concrete or a granular pavement base with asphalt or segmental paver surface. | *To ensure the driveways, parking areas and vehicles turning areas meets the current standards.* |
| 16. | Erosion Controls (less than 2500m2) | An Erosion and Sediment Control Plan (ESCP) in accordance with Managing Urban Stormwater Soils and Construction, also known as the Blue Book, prepared by a a suitably qualified and experienced professional shall be submitted to and approved by Principal Certifier for sites with the disturbed area less than 2,500m2. | *To prevent soil erosion and the discharge of sediment over the land.* |
| 17. | Hunter Water Corporation Notice of Formal Requirements prior to Construction Certificate | **Prior to issue of the Construction Certificate**a requirements letter for this development shall be obtained from Hunter Water Corporation and shall be submitted to the Accredited Certifier. | *To ensure HWC requirements are met.* |
| 18. | Works-as-executed plans and any other documentary evidence | **Prior to the issue of an Occupation Certificate,** the applicant must submit to the satisfaction of the Principal Certifying Authority, works-as-executed plans, compliance certificates, and any other evidence or details confirming the completion of the following works:  a) All stormwater drainage and storage systems; b) On-site detention storage; c) Permissible site discharge; and d) Pits and pipe invert levels, along with details of gross pollution entrapment | *To confirm the location of works once constructed that will become Council assets.* |
| 19. | Alteration to utility service | If the work requires alteration to, or the relocation of, utility services on, or adjacent to, the lot on which the work is carried out, the work is not complete until all such works are carried out. | *To ensure essential services.* |
| 20. | Approved Report Recommendations | The construction of the development must comply with the recommendations and requirements of the endorsed 'Fire Impact Management Plan' (FIMP) (as amended). **Prior to the issue of any Occupation Certificate**, certification from a qualified fire safety engineer must be provided to the Principal Certifying Authority, confirming that all recommendations and requirements from the endorsed FIMP have been implemented. | *To ensure the development complies with specific recommendations of a report.* |
| 21. | Car Parking Requirements | **Prior to the issue of an Occupation Certificate**, a minimum of five (5) car parking spaces are to be provided in accordance with AS2890 and the approved plans. Parking must be permanently marked on the pavement surface. | *To ensure parking is provided per the approved plans.* |
| 22. | Clause 62 & 64 upgrade with the BCA | For the purposes of section 64 of the *Environmental Planning and Assessment Regulation 2021*, **prior to issue of an Occupation Certificate** the following items for general fire safety measures shall be upgraded, and details shall be included in the application for any Construction Certificate:  a. Firefighting equipment must be installed on-site in accordance with the recommendations of the approved 'Fire Impact Management Plan' (FIMP) prepared by Riskon Engineering Pty Ltd, dated 3 June 2024. Any additional requirements identified through Fire and Rescue NSW's review of the approved FIMP must also be implemented and certified as installed or operational.  b. Hose Reels: hose reels shall be installed to service the building (if existing hose reels do not provide adequate coverage) in accordance with E1D1 of the BCA and Australian Standard 2441-2005.  c. Emergency Lighting/Exit Signs: emergency lighting, exit signs and direction signs shall be installed to service the entire building in accordance with Clauses E4D2, E4D4, E4D5, E4D6and E4D8 of the BCA.  d. Exits shall be provided to service the existing building so as to satisfy the requirements of D1P4, D1P5, D1P6 of the Building Code of Australia.  e. All doors in, or forming a part of a required exit shall be brought into compliance with Part D3 of the Building Code of Australia.  f.  Removal of Non-Compliant Door Locks: all secondary door hardware such as barrel bolts, chains, padlocks, etc. must be removed from all doors in a required exit, forming part of a required exit or in a path of travel to a required exit. | *To ensure compliance with regulations and safety standards for building upgrades and changes in building use.* |
| 23. | Construction of stormwater control system | **Prior to issue of the Occupation Certificate**, the stormwater-control system shall be constructed in accordance with the approved stormwater drainage plan. A qualified engineer shall supply written certification to the Principal Certifier and Council that the constructed system including detention volume and discharge rates achieve the consent requirements for detention. | *To ensure stormwater management is constructed in accordance with the design plan.* |
| 24. | Driveway layout and profile constructed | **Prior to issue of the Occupation Certificate** the driveway layout and profile shall be constructed in concrete (industrial type), in accordance with Council's Manual of Engineering Standards, which include the retention of (or if damaged reconstruction as plain concrete of) any existing footpath, and with reference to Council's information document 'Footway Crossings (Driveways)'. | *To ensure appropriate approval is obtained prior to works on the public road.* |
| 25. | Fire safety certificate to be submitted to Council | At completion of the building BUT before to its occupation, a Final Fire Safety Certificate with respect to each critical and essential fire safety measure installed in the building shall be submitted to Principal Certifier and Council. Certificates shall be prepared in accordance with Part 11 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation, 2021. | *To ensure fire safety measures are implemented.* |
| 26. | Landscape works to be undertaken in accordance with landscape plan | All landscape works are to be undertaken in accordance with the approved landscape plan and conditions of this Development Consent, **prior to the issue of an Occupation Certificate.** | *To ensure landscape works are undertaken per the approved plans.* |
| 27. | Loading / unloading facilities | **Prior to the issue of an Occupation Certificate**, the 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. | *To ensure adequate provision is made for the delivery and/or collection of materials or goods.* |
| 28. | Occupation certificate required | A relevant Occupation Certificate must be obtained prior to any use or occupation of the development.  The Principal Certifier must be satisfied that the development has been constructed in accordance with approved plans, specifications and conditions of this consent. | *To ensure development is suitable for occupation and / or use.* |
| 29. | Removal of waste upon completion | Before the issue of an Occupation Certificate:   1. all refuse, spoil and material unsuitable for use on-site must be removed from the site and disposed of in accordance with the approved waste management plan; and 2. written evidence of the waste removal must be provided to the satisfaction of the **the principal certifier.** | *To ensure waste material is appropriately disposed or satisfactorily stored.* |
| 30. | Repair of infrastructure | Before the issue of an Occupation Certificate:   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. | *To ensure any damage to public infrastructure is rectified.* |
| 31. | Section 50 - Prior to Occupation Certificate | **Prior to issue of the Occupation Certificate**, a Compliance Certificate under Section 50 of the Hunter Water Act 1991, for this development, shall be submitted to the Accredited Certifier. | *To ensure HWC requirements are met.* |
| 32. | Smoke Alarms | **Before the issue of an occupation certificate**, in accordance with Clause 95 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021, where not existing, smoke detectors complying with AS 3786 'Smoke Alarms' and section H3D6 of the BCA must be installed. Details demonstrating compliance must be provided to the Principal certifier. | *To ensure compliance with legislation for smoke alarms in buildings.* |
| 33. | Stormwater System Maintenance Procedure Plan | **Prior to the occupation or operation of the development**, a restriction or covenant (generally Section 88B) shall be created on the title of the affected lots under the Conveyancing Act, to require:   * The maintenance of the water quality/quantity system in accordance with the Stormwater System and Maintenance Procedure Plan. * The Stormwater System and Maintenance Procedure Plan, prepared by a qualified engineer, shall detail a regular maintenance program for pollution control devices, including inspection, cleaning, and waste disposal. A copy of the plan must be provided to the owner/operator and Maitland City Council for distribution to future owners as required | *To ensure quality stormwater entering the public drainage system.* |
| 34 | 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 | | 102 | - | Site Plan, Floor Plan | Jackson Environment and Planning Pty Ltd | 26/09/2024 | | 103 | - | Elevations, Sections | Jackson Environment and Planning Pty Ltd | 26/09/2024 | | L010 | C | Site Plan | Terras Landscape Architects | 08/3/2024 | | L011 | C | Landscape Concept | Terras Landscape Architects | 08/3/2024 | | C02 – D | D | Sediment & Erosion Plan | Eclipse Consulting Engineers Pty Ltd | 02/10/2024 | | C03 – D | D | Stormwater Catchment Area Plan | Eclipse Consulting Engineers Pty Ltd | 02/10/2024 | | C04 – D | D | Stormwater Drainage Plan | Eclipse Consulting Engineers Pty Ltd | 02/10/2024 | | C05 – D | D | External Pavement Layout Plan | Eclipse Consulting Engineers Pty Ltd | 02/10/2024 | | C06 - D | D | Stormwater Details | Eclipse Consulting Engineers Pty Ltd | 02/10/2024 |  |  |  |  |  | | --- | --- | --- | --- | | Approved documents | | | | | Document title | Version number | Prepared by | Date of document | | Revised Air Quality Impact Assessment Report | 2505905 | RWDI Australia Pty Ltd | 04/09/2024 | | Bushfire Assessment | LOT 3005 DP 1040568 - 9 Burlington Place, Rutherford | Newcastle Bushfire Consulting | 06/06/2024 | | Fire Impact Management Plan | RCE-24022\_RutherfordTyreRecyclers\_  FIMP\_Final\_3June24\_Rev(1) | Riskcon Engineering | 03/03/2024 | | Noise and Vibration Impact Assessment | 20240182.1/1208A/R0/JW | Acoustic Logic | 12/08/2024 | | Preliminary Site Investigation | AU124164 R01 | Geosyntec Consultants | 14/10/2024 | | Soil and Water Impact Assessment | 10775-001-swia | Eclipse Consulting Engineers Pty Ltd | 31/05/2024 | | Traffic Impact Assessment and Traffic Management Plan | P2822 | SECA Solution Pty Ltd | 25/09/2024 | | Waste Minimisation and Management Plan | - | Jackson Environment and Planning Pty Ltd | 05/06/2024 |   In the event of any inconsistency between the approved plans and documents, the approved **documents** prevail.  In the event of any inconsistency with the approved plans and a condition of this consent, the **condition** prevails. | *To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.* |
| 35. | Erection of Signs | 1. This section applies to a development consent for development involving building work, subdivision work or demolition work. 2. It is a condition of the development consent that a sign must be erected in a prominent position on a site on which building work, subdivision work or demolition work is being carried out—    1. showing the name, address and telephone number of the principal certifier for the work, and    2. showing the name of the principal contractor, if any, for the building work and a telephone number on which the principal contractor may be contacted outside working hours, and    3. stating that unauthorised entry to the work site is prohibited. 3. The sign must be—    1. maintained while the building work, subdivision work or demolition work is being carried out, and    2. removed when the work has been completed. 4. This section does not apply in relation to—    1. building work, subdivision work or demolition work carried out inside an existing building, if the work does not affect the external walls of the building, or    2. Crown building work certified to comply with the Building Code of Australia under the Act, Part 6. | *Prescribed condition under section 70 of the Environmental Planning and Assessment Regulation 2021.* |
| 36. | Procedure for critical stage inspections | While building work is being carried out, the work must not continue after each critical stage inspection unless the principal certifier is satisfied the work may proceed in accordance with this consent and the relevant construction certificate. | *To require approval to proceed with building work following each critical stage inspection.* |
| 37. | Tree protection during work | All reasonable measures shall be undertaken to protect trees and native vegetation on, and adjoining the site, that shall be retained from damage during construction. Such measures shall include, but not be limited to:   1. Maintaining exclusion fencing around trees and vegetation that adjoins the construction area to minimise damage to vegetation that shall be retained 2. the relevant requirements of AS 4970 Protection of trees on development sites 3. Notifying all contractors, sub-contractors, and personnel of vegetation protection requirements of this condition. | *To protect trees during the carrying out of site work.* |
| 38. | Build Over Hunter Water Asset | The requirements of the Hunter Water Corporation with regards to construction works over or adjacent to a sewer main are to be adhered to (Hunter Water reference: 135039). | *To ensure that new building works do not impact Hunter Water Assets.* |
| 39. | Building materials on Council's footpath | While work is being carried out, no building materials, refuse or spoil is to be deposited on or be allowed to remain on Council's footpath. | *To ensure no building materials, refuse or spoil restricts use of Council's footpath.* |
| 40. | Control of dust | The site shall be managed at all times during construction phase so as to prevent the generation of dust from the land disturbance activities (e.g., by water spray, dust suppression, surface sealants, soil binders, wind barriers and/or dust retardants). Those are required in addition to the use of water cart during operation hours. | *To ensure adequate controls with respect to dust pollution during works.* |
| 41. | Cut and Fill | While work is being carried out, the principal certiﬁer must be satisﬁed all soil removed from or imported to the site is managed in accordance with the following requirements:  (a) All excavated material removed from the site must be classiﬁed in accordance with the EPA’s Waste Classiﬁcation Guidelines before it is disposed of at an approved waste management facility and the classiﬁcation and the volume of material removed must be reported to the principal certiﬁer. | *To ensure soil removed from the site is appropriately disposed of and soil imported to the site is safe for future occupants.* |
| 42. | Discovery of relics and Aboriginal objects | While site work is being carried out, if a person reasonably suspects a relic or Aboriginal object is discovered:  a. the work in the area of the discovery must cease immediately; b. the following must be notified  i. for a relic – the Heritage Council; or ii. for an Aboriginal object – the person who is the authority for the protection of Aboriginal objects and Aboriginal places in New South Wales under the National Parks and Wildlife Act 1974, section 85.  Site work may recommence at a time confirmed in writing by:  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. | *To ensure the protection of objects of potential significance during works.* |
| 43. | Excavations and backfilling to be executed safely | All excavations and backfilling must be executed safely, in accordance with appropriate professional standards and be properly guarded and protected to prevent them from being dangerous to life or property. | *To ensure excavations and backfilling is executed safely.* |
| 44. | Fill material not to obstruct stormwater path(s) | Fill material shall not obstruct any local watercourse, flow path or drain, that is within or that enters the site, without provision for conveyance, within the site, of stormwater flows through or around the proposed fill area, including adequate protection against erosion. | *Protection of the downstream drainage and environment.* |
| 45. | Implementation of construction management plan | All construction traffic management procedures and systems identified in the approved Construction Traffic Management Plan must be introduced during construction of the development to ensure safety and to minimise the effect on adjoining pedestrian and traffic systems. | *To ensure safety and to minimise the effect to pedestrians, other road users.* |
| 46. | Offensive Noise, Dust, Odour and Vibration | All work must not give rise to offensive noise, dust, odour or vibration as defined in the Protection of the Environment Operations Act 1997 when measured at the nearest property boundary. | *To ensure the works are undertaken per the provisions of the POEO Act 1997.* |
| 47. | Property to be protected against soil erosion (minor) | The environment surrounding the work shall be protected against soil erosion, such that sediment is not carried from the construction site by the action of stormwater, wind and "vehicle tracking". | *To ensure compliance of erosion and sediment control measures throughout the course of construction.* |
| 48. | Public access to the site to be restricted | Suitable and adequate measures are to be applied to restrict public access to the site and building works, materials and equipment. | *To ensure public access to the building site is restricted.* |
| 49. | Restriction on working hours for building activity | Unless otherwise approved by Council in writing, all general building work shall be carried out between the hours of:  a. 7:00am to 6:00pm Monday to Friday  b. 8.00am to 1:00pm Saturday  Any work performed on Sundays or Public Holidays that may cause offensive noise, as defined under the Protection of the Environment Operations Act, is prohibited. Minor works (such as hand sanding, painting, digging and the like) is permitted between the hours of 9.00am to 5.00pm. Power operated tools are not permitted to be used. | *To ensure approved building activity does not disrupt the amenity of the surrounding area.* |
| 50. | Run off and erosion control | Run oﬀ and erosion controls must be implemented to prevent soil erosion, water pollution or the discharge of loose sediment on the surrounding land by:  (a) diverting uncontaminated run off around cleared or disturbed areas, and  (b) erecting a silt fence and providing any other necessary sediment control measures that will prevent debris escaping into drainage systems, waterways or adjoining properties, and  (c) preventing the tracking of sediment by vehicles onto roads, and  (d) stockpiling top soil, excavated materials, construction and landscaping supplies and debris within the lot.  Run off and erosion control measures must be maintained within their operating capacity until the completion of the works to prevent debris escaping from the site into drainage systems, waterways, adjoining properties, and roads. | *To ensure appropriate run off and erosion controls.* |
| 51. | Soil management | While site work is being carried out, the**principal certifier or Council** must be satisfied all soil removed from or imported to the site is managed in accordance with the following requirements:   1. 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**. 2. Any fill material imported to the site must be:    1. Virgin Excavated Natural Material as defined in Schedule 1 of the *Protection of the Environment Operations Act 1997*; or    2. A combination of Virgin Excavated Natural Material as defined in Schedule 1 of the *Protection of the Environment Operations Act 1997* and a material identified as being subject to a resource recovery exemption by the NSW EPA. | *To ensure soil removed from the site is appropriately disposed of and soil imported to the site is not contaminated and is safe for future occupants.* |
| 52. | Stormwater drainage disposal | Following the installation of any roof or hardstand area, final discharge of collected stormwater runoff shall be piped, in accordance with Council's Manual of Engineering Standards to:  a) The interallotment drainage system (drainage easement) / the existing site drainage system.  b) During potential intrusive works associated with stormwater infrastructure upgrades, a Safe Work Method Statement (SWMS) documenting health and safety measures, appropriate PPE, and an unexpected finds protocol shall be implemented. | *To ensure stormwater connection is in accordance with Council's Manual of Engineering Standards and the approved plan(s).* |
| 53. | Temporary Site Structures | The installation of temporary site structures must comply with the following requirements:  a) Temporary site structures are to be installed in accordance with the; Work Health and Safety Act 2011; Work Health and Safety Regulation 2017; relevant Australian Standards; requirements of SafeWork NSW, and any other applicable Legislation;  b) No third party advertising is permitted to be displayed on temporary site structures at any time;  c) Temporary site structures must be maintained in a clean, tidy and safe condition at all times;  d) Removal of all graffiti from temporary site structures must occur within 2 business days of its application;  e) The person having the benefit of this consent must submit a 'Works on Public Infra-structure (Roads, Drainage, Driveways)' application to Council and obtain approval prior to the installation of any temporary site structures over Council footways or road reserves, and  f) Temporary site structures must be removed as soon as practicable after they are no longer required for public safety and/or work purposes. | *To ensure appropriate installation, use and removal of temporary structures.* |
| 54. | Toilet facilities | While work is being carried out, 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. | *To ensure adequate sanitary facilities during construction.* |
| 55. | Unexpected Finds Contingency (General) | Should any suspect materials (identified by unusual staining, odour, discolouration or inclusions such as building rubble, asbestos, ash material, etc.) be encountered during any stage of works (including earthworks, site preparation or construction works, etc.), such works must cease immediately until a qualified environmental specialist has be contacted and conducted a thorough assessment.  In the event that contamination is identified as a result of this assessment and if remediation is required, all works must cease in the vicinity of the contamination and Council must be notified immediately.  Where remediation work is required, the applicant will be required to obtain consent for the remediation works. | *To ensure unexpected finds are appropriately managed.* |
| 56. | Upgrades to public utility services | Any necessary alterations to public utility installations being at the developer’s expense and to the requirements of both Council and the relevant authority. | *To ensure essential services are provided to each allotment.* |
| 57. | Managing noise | Construction works and operation of the premises must comply with the recommended mitigation measures outlined in the approved Noise and Vibration Impact Assessment, prepared by Acoustic Logic Pty Ltd, dated 5/08/2024. | *To protect the amenity of the local area* |
| 58. | Storage and disposal of waste materials during ongoing use | During ongoing use of the premises:   1. All tyres delivered to site and materials produced on-site must be stored within the approved storage areas (nominated as the Whole Tyre Storage Area & The Crumb Rubber Storage Area on the approved plans). 2. all garbage and recyclable materials generated from the premises must be stored wholly within any approved storage area and must not be stored outside the premises (including any public place) at any time 3. arrangements must be implemented for the separation of recyclable materials from garbage 4. any approved waste storage area must be appropriately maintained to prevent litter and the entry of pests 5. where council does not provide commercial garbage and recyclable materials collection services:    1. a contract must be entered into with a licensed contractor to provide these services for the premises; and    2. a copy of the contract must be kept on premises and provided to relevant authorities including council officers on request. 6. all liquid trade waste discharged to sewerage system must comply with the trade waste approval issued by the relevant water authority 7. any liquid trade waste pre-treatment devices must be regularly maintained to remain effective in accordance with the conditions of the liquid trade waste approval issued by the relevant water authority. | *To ensure proper handling of waste, garbage and recyclable materials generated during operation of the premises* |
| 59. | Copy of Fire Safety Schedule and Certificate to be displayed | At all times, a copy of the Fire Safety Schedule and Fire Safety Certificate must be prominently displayed in the building and a copy forwarded to the Fire Commissioner of Fire and Rescue NSW in accordance with Part 11 and 12 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021. | *To ensure fire safety measures are implemented.* |
| 60. | Driveways to be Maintained | All access crossings and driveways must be maintained in good order for the life of the development. | *To maintain approved vehicle access.* |
| 61. | Fire Hydrant | Three dual fire hydrants must be installed on-site in accordance with the approved 'Fire Impact Management Plan' (FIMP). Any additional requirements arising from Fire and Rescue NSW's review of the FIMP must also be implemented. | *To ensure fire safety measures are implemented.* |
| 62. | Fire safety statement to be prepared annually | A Fire Safety Statement in respect of each required essential and/or critical fire safety measure installed within the building shall be submitted to Council and the NSW Fire Commissioner annually (or at a more frequent interval for supplementary statements).  Statements shall be prepared and issued in accordance with Part 12 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation, 2021. Note that monetary penalties may apply for failure to lodge a fire safety statement within the prescribed timeframe.  Statements to the NSW Fire Commissioner are to be submitted electronically to afss@fire.nsw.gov.au.  Standard to Transport for New South Wales and further information for lodging Fire Safety Statements may be downloaded from Councils website. | *To ensure fire safety measures are implemented.* |
| 63. | Hours of Operation | The property is only to be open for business and used for the purpose approved within the following hours:  Crumb rubber production:   * 5:00am to 6:00pm Monday to Friday and; * 8:00am to 1:00pm Saturday and at no time on Sundays and Public Holidays.   Waste tyre deliveries:   * 7:00am to 6:00pm Monday to Friday and; * 8:00am to 1:00pm Saturday and at no time on Sundays and Public Holidays.   **Note:** This condition does not apply to the delivery of material outside the hours of operation permitted by this condition, if that delivery is required by police or other authorities for safety reasons; and/or the operation or personnel or equipment are endangered. In such circumstances, prior notification is provided to the EPA and affected residents as soon as possible, or within a reasonable period in the case of emergency. 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. | *Where the approved use has a restriction on the operational requirements.* |
| 64. | 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 approved use for retail activities is prohibited. | *To ensure the development is operated per the defined use under the Maitland Local Environmental Plan 2011.* |
| 65. | 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. | *To ensure approved landscaping is maintained and suitably replaced for the lifetime of the development.* |
| 66. | Manoeuvring of Vehicles | All vehicles must enter and exit the site in a forward direction. | *To ensure vehicles safety enter and exit the development.* |
| 67. | Offensive noise | The use and occupation of the premises including all plant and equipment must not give rise to any offensive noise within the meaning of the *Protection of the Environment Operation Act 1997*and must comply with the *NSW Noise Policy for Industry 2017* (as amended). | *To mitigate impacts of potential emissions or waste resulting from the development per the provisions of the POEO Act 1997.* |
| 68. | Paint and chemical storage | All paints, chemicals and other liquids must be stored in approved receptacles, which must be housed in a suitably constructed, covered, impervious bunded area.  The bunded area must be constructed of impervious material and being able to effectively store a minimum of 110% of the volume of the largest container stored or 25% of total volume of the stored product for facilities storing small containers. | *To mitigate impacts of potential emissions or waste resulting from the development per the provisions of the POEO Act 1997.* |
| 69. | Parking - Signage (Loading docks) | Proposed parking areas, service bays, truck docks, crossings, driveways, and turning areas must be kept clear of obstructions and used exclusively for car parking, loading/unloading, and vehicle access for the life of the development. Under no circumstances shall these areas be used for the storage of goods or waste materials. | *To ensure parking facilities are fit for purpose.* |
| 70. | Parking Areas to be Kept Clear | All access crossings and driveways must be maintained in good order for the life of the development. | *To ensure parking facilities are fit for purpose.* |
| 71. | Redundant Crossing and Layback | Any redundant driveways, crossings, kerb laybacks and damaged kerb and gutter shall be removed and reinstated as new kerb and gutter. | *To ensure compliance with Council’s Manual of Engineering Standards.* |
| 72. | Storage of Hazardous Material | 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. | *To mitigate impacts of potential emissions, waste or hazardous material exposure resulting from the development per the provisions of the POEO Act 1997.* |
| 73. | Use Limitations | The proponent must apply for and hold an in-force Environment Protection Licence issued by the EPA prior to the carrying out any scheduled development works and scheduled activities under the Protection of the Environment Operations Act 1997 as approved. | *To enforce use limitations.* |
| 74. | Waste disposal | Operational waste must be managed and disposed of in accordance with the approved Waste Management Plan (Reference: Waste Minimisation and Management Plan, dated 05/06/2024, prepared by Jackson Environment and Planning Pty Ltd). | *To ensure operational waste is managed appropriately.* |
| 75. | Demolition to be carried out in accordance with Australian Standards | 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. | *To ensure demolition works are undertaken per the Australian Standards.* |
| 76. | Recycling/disposal of demolition waste | Demolition material shall be recycled as far as is practicable and any demolition waste disposed of only at an authorised landfill facility. | *To ensure demolition material is recycled or disposed of appropriately.* |
| 77. | Removal of asbestos to be in accordance with NSW WorkCover requirements | While demolition or work is being carried out, any asbestos containing material encountered during demolition or works, is to be removed in accordance with the requirements of Safe Work NSW and disposed of to an appropriately licenced waste facility.  Evidence is to be provided to the Principal Certifier demonstrating that asbestos waste has been disposed of appropriately in accordance with this condition. | *To ensure asbestos is appropriate managed per the provisions of the NSW Work Cover Authority.* |
| 78. | Building Code of Australia | All building work shall be carried out in accordance with the provisions of the Building Code of Australia (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. | *Prescribed conditions of development consent pursuant to Section 4.16(11) of the Environmental Planning and Assessment Act 1979 and Section 69 of the Environmental Planning and Assessment Regulation 2021.* |
| 79. | External Agency Approvals | The requirements from the following agencies must be complied with prior to, during, and at the completion of the development.  EPA NSW have issued General Terms of Approval (GTA). The requirements are:  **Pollution of waters**   * Except as may be expressly provided by a licence under the Protection of the Environment Operations Act 1997 in relation of the development, section 120 of the Protection of the Environment Operations Act 1997 must be complied with in and in connection with the carrying out of the development.   **Waste**   * The proponent must not cause, permit or allow any waste generated outside the premises to be received at the premises for storage, treatment, processing, reprocessing or disposal or any waste generated at the premises to be disposed of at the premises, except as expressly permitted by a licence under the Protection of the Environment Operations Act 1997.   Any waste received at the premises must only be used for activities referred to in relation to that waste in the column titled "Activity" in the table below.  Any waste received at the premises is subject to those limits or conditions, if any, referred to in relation to that waste contained in the column titled "Other Limits" in the table below.   |  |  |  |  |  | | --- | --- | --- | --- | --- | | **Code** | **Waste** | **Description** | **Activity** | **Other Limits** | | N/A | Special Waste | Waste Tyres | Waste Storage | Store no more than 90 tonnes at the premises at any one time | | N/A | Special Waste | Waste Tyres | Resource Recovery | Process a maximum 4,500 tonnes per annual return year |   **Noise**   * Noise from the premises must not exceed:   + 43 dB(A) LAeq(15min) during the day, evening and night at any residential receiver; and   + 52 dB(A) LAmax during the day, evening and night at any residential receiver.   Note: LAeq means the equivalent continuous noise level - the level of noise equivalent to the energy-average of noise levels occurring over a measurement period.   * To determine compliance with noise limits, noise must be measure at, or computed for, nearest affected noise sensitive locations. A modifying factor correction must be applied for tonal, impulsive or intermittent noise in accordance with the EPA Noise Policy for Industry (EPA, 2017). * The EPA may require the proponent to undertake compliance noise monitoring to be undertaken.   **Construction Noise**   * The proponent must comply with the Interim Construction Noise Guideline (DECC, 2009).   **Hours of Operation**   * All construction work at the premises must only be conducted between 7:00am to 6:00pm Monday to Friday and between 8:00am to 1:00pm Saturday and at no time on Sundays and Public Holidays. * Crumb rubber production may only be carried on between 5:00am to 6:00pm Monday to Friday and between 8:00am to 1:00pm Saturday and at no time on Sundays and Public Holidays. * Deliveries to the premises and load out of any products may only be carried on between 7:00am to 6:00pm Monday to Friday and between 8:00am to 1:00pm Saturday and at no time on Sundays and Public Holidays.   **Note:**This condition does not apply to the delivery of material outside the hours of operation permitted by condition 4.6, if that delivery is required by police or other authorities for safety reasons; and/or the operation or personnel or equipment are endangered. In such circumstances, prior notification is provided to the EPA and affected residents as soon as possible, or within a reasonable period in the case of emergency.  **Dust**   * Activities occurring at the premises must be carried out in a manner that will minimise emissions of dust from the premises. * Trucks entering and leaving the premises that are carrying loads must be covered at all times, except during loading and unloading.   **Odour**   * The facility must by designed and constructed so as not to preclude the retrofit of air pollution and odour controls at the premises. * Roller doors must remain closed at all times except during the entrance or exit of vehicles, plant or machinery to and from the inside of the building. * There must be no emission of offensive odour beyond the boundary of the premises.   **Air Quality Management Plan**   * An air quality and odour management plan must be developed and implemented prior to the commencement of operations at the premises. The air quality and odour management plan must include as a minimum:   + Risk assessment;   + Proactive and reactive mitigation measures of all significant, and potentially significant, emissions sources   + Key performance indicator(s);   + Monitoring method(s);   + Location, frequency and duration of monitoring;   + Record keeping;   + Response mechanisms and contingency measures;   + Responsibilities; and   + Compliance reporting.   **Waste Management**   * All waste tyres received at the premises must be loaded/unloaded, and processed in the warehouse building at all times. * All waste tyres (including processed tyre products) must be stored in clearly labelled storage areas. * All waste tyres (including processed tyre products) must be stored within the warehouse building. * All wastes tyres (included processed tyre products) must be stored on impermeable surfaces. * The maximum height of any stored processed or unprocessed tyres is 3.7m above ground level. * A minimum clearance of 3m must be provided between any stored processed or unprocessed tyre stacks. * All waste rubber/tyres stockpiled at the premises must be stored in accordance with the current version of the Fire and Rescue NSW Guidelines for Bulk Storage of Rubber Tyres. * Prior to the commencement of construction, a 'Fire Impact Management Plan' must be prepared to the satisfaction of Fire and Rescue NSW and evidence of such must be supplied to the Maitland City Council.   **Licensing**   * The Proponent must apply for and hold an in-force Environment Protection Licence issued by the EPA prior to the carrying out any scheduled development works and scheduled activities under the Protection of the Environment Operations Act 1997 as proposed.   A copy of the Requirements is attached to this determination notice. | *To ensure the development complies with conditions required by other external agencies.* |
| 80. | Work Health and Safety | The applicant is responsible for all legislative compliance including but not limited to Work Health and Safety and Environmental Legislation. | *To ensure the applicant is compliance with Work Health and Safety Requirements and Environmental Legislation.* |