

Attachment A – Draft Recommended Conditions of Consent:

General Conditions

(1) Approved Plans and Supporting Documents

Development must be carried out in accordance with the following approved plans and supporting documentation (stamped by Council), except where the conditions of this consent expressly require otherwise.

Plan. No.	Rev. No.	Plan Title.	Drawn by.	Dated.
DA000	5	Cover Sheet and Location	CCG Architects	11/03/2025
DA101	5	Existing Site/Demolition	CCG Architects	11/03/2025
DA102	5	Site Plan	CCG Architects	11/03/2025
DA103	5	Site Plan West End	CCG Architects	11/03/2025
DA104	5	Site Plan East End	CCG Architects	11/03/2025
DA201	5	Site Elevations	CCG Architects	11/03/2025
DA202	5	Site Elevations	CCG Architects	11/03/2025
DA203	5	Site Cross Section S1	CCG Architects	11/03/2025
DA204	5	Site Cross Section S2	CCG Architects	11/03/2025
DA301	5	Proposed Upper Floor Plan	CCG Architects	11/03/2025
DA302	5	Proposed Lower Level Floor Plan	CCG Architects	11/03/2025
DA303	5	Proposed Roof Plan	CCG Architects	11/03/2025
DA304	5	Proposed Elevations S1	CCG Architects	11/03/2025
DA305	5	Proposed Elevations S2	CCG Architects	11/03/2025
DA401	5	Miscellaneous Buildings and Signage	CCG Architects	11/03/2025
DA501	5	Schedule of Finishes	CCG Architects	11/03/2025
DA601	5	Perspective S1	CCG Architects	11/03/2025
DA602	5	Perspective S2	CCG Architects	11/03/2025
DA603	5	Perspective S3	CCG Architects	11/03/2025
DA604	5	Perspective S4	CCG Architects	11/03/2025
23098-DA01	D	Cover Sheet	DIVERSI Consulting	7/03/2025
23098-DA02	C	General Notes	DIVERSI Consulting	7/03/2025
23098-DA03	C	General Arrangement	DIVERSI Consulting	7/03/2025
23098-DA04	C	Erosion and Sediment	DIVERSI Consulting	7/03/2025
23098-DA04	C	Erosion and Sediment Control Details	DIVERSI Consulting	7/03/2025
23098-DA05	C	Site Regrading Plan	DIVERSI Consulting	7/03/2025
23098-DA07	C	Site Regrading Plan 1 of 2	DIVERSI Consulting	7/03/2025
23098-	C	Site Regrading Plan 2 of 2	DIVERSI Consulting	7/03/2025

DA 26/2025

Muswellbrook Shire Council

DA08				
23098-DA09	D	Civil and Stormwater 1 of 2	DIVERSI Consulting	7/03/2025
23098-DA010	D	Civil and Stormwater 2 of 2	DIVERSI Consulting	7/03/2025
23098-DA001	C	Ramp and Longitudinal Sections	DIVERSI Consulting	7/03/2025
23098-DA012	C	Stormwater Catchment Plan	DIVERSI Consulting	7/03/2025
23098-DA013	C	Vehicle Turning Path 1 of 5	DIVERSI Consulting	7/03/2025
23098-DA014	C	Vehicle Turning Path 2 of 5	DIVERSI Consulting	7/03/2025
23098-DA015	C	Vehicle Turning Path 3 of 5	DIVERSI Consulting	7/03/2025
23098-DA016	C	Vehicle Turning Path 4 of 5	DIVERSI Consulting	7/03/2025
23098-DA016	C	Vehicle Turning Path 5 of 5	DIVERSI Consulting	7/03/2025
4874b L-01		Landscape Plan	RFA Landscape Architects	13/12/2024
NA		Plan of Subdivision	Applicant (no reference)	Not dated

Document Title.	Ver. No.	Prepared By.	Dated.
Statement of Environmental Effects		Blueprint Planning Consultant	12 March 2025
Landfill Gas Risk Assessment		En Risks	24 Jan 2025
Landfill Gas Risk Assessment		Presna	27 March 2026
Avoid and Minimise Impact Supplementary Correspondence		Hunter Ecology	3 November 2025
Biodiversity Development Assessment Report		Hunter Ecology	17 December 2024
Contamination Report		Qualtest	12 July 2022
Geotechnical Assessment		Qualtest	29 June 2022
Air Quality Impact Assessment		Todoroski Air Sciences	19 December 2024
Muswellbrook Depot Traffic Report		TAR Technologies	11 November 2025
Site Waste Minimisation and Management Plan		Rapid Geo	12 Feb 2025
Site Servicing Strategy		erbas	23/02/2024
Environmental Sustainable Development (ESD) Report		Erbas Sutstain	07/03/2025
Bushfire Protection Assessment		ABPP	29/01/2025
BCA Report		BCA and DDA Capability Statement	12/02/2025

Acoustic Report		Northrop	28 September 2024
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In the event of any inconsistency between the approved plans and the supporting documentation, the approved plans prevail. In the event of any inconsistency between the approved plans and a condition of this consent, the condition prevails.

Note: an inconsistency occurs between an approved plan and supporting documentation or between an approved plan and a condition when it is not possible to comply with both at the relevant time.

Condition reason: To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.

(2) **Building Code of Australia**

All building work must be carried out in accordance with the provisions of the Building Code of Australia.

Condition reason: Prescribed condition under section 69 of the *Environmental Planning and Assessment Regulation 2021*.

(3) **General Terms of Approval**

The development is to be carried out in accordance with the General Terms of Approval issued by the following approval bodies and referenced below:

- NSW Subsidence Advisory General Terms of Approval dated 11 June 2025 (ref: TSUB25-00149 – 1 lot into 2 subdivision)
- NSW Subsidence Advisory General Terms of Approval dated 11 June 2025 (ref: TSUB25-01559 – Operations administration building and depot)
- NSW Rural Fire Service General Terms of Approval dated 13 July 2025 (Reference DA20250514001870-Original-1)

These General Terms of Approval have been stamped with Council's Approval Stamp and form part of this Notice of Determination

Condition reason: Requirement under Section 4.46 of the *Environmental Planning and Assessment Act 1979*.

(4) **AUSGRID Concurrence Requirements**

The development is to be carried out in accordance with the conditions set out in the NSW AUSGRID Concurrence referral referenced below

Terms of Approval issued by the following approval bodies and referenced below:

- AUSGRID Concurrence referral letter dated 28/05/2025 reference TRIM 2017/28/28.

This correspondence has been stamped with Council's Approval Stamp and form part of this Notice of Determination

Condition reason: Ensure compliance with SEPP Transport and Infrastructure S 45.

(5) NSW Environmental Protection Authority Requirements

The development is to be carried out in accordance with the following conditions of consent put forward by the NSW Environmental Protection Agency in their correspondence dated 2 June 2025. The person acting with this consent shall ensure that each requirement is complied with at relevant stages of the carrying out of works, completion of work and operation thereafter.

General

- A proponent must apply for a variation to the Environment Protection Licence 5980 under section 58 of the *Protection of the Environment Operations Act 1997* to modify the premises boundary.

Construction Noise

- The proponent must implement reasonable and feasible noise management measures, to minimise off-site impacts.
- Construction activities must be carried out in accordance with the requirements of the Interim Construction Noise Guidelines (DECCW,2009) and specifically the Management Levels referred to within those guidelines.

Water Quality

- Erosion and sediment controls must be installed and maintain throughout the construction period to prevent water pollution.

Waste

- Any waste materials exposed or created in association with the constructions works and proposed to be disposed of to an offsite location, must be classified in accordance with the EPA's waste classification guidelines.

Air Quality

- Construction activities must be carried out in a manner that prevents the emission of dust from the premises.
- The construction site must be maintained in a manner that minimises the generation of wind-blown dust.

Chemicals

- All chemicals, fuels and oils must be kept in appropriately bunded areas in accordance with the requirements of all relevant Australian Standards, and EPA's Storing and Handling Liquids: Environmental Protection – Participant's Manual

Contamination

- Any site contamination identified during construction must be assessed and managed in accordance with the *Contaminated Lands Management Act (1997)*.

Condition reason: ensure the carrying out of the development has regard to appropriate environmental controls as recommended by NSW Environmental Protection Authority.

(6) Access to Premises Standard

The building shall comply with the requirements of the *Commonwealth Disability (Access to Premise Standard) 2010*.

Condition reason: To ensure the development complies with the requirements of *Commonwealth Disability (Access to Premise Standard) 2010*.

Before issue of a Construction Certificate

(7) Construction Certificate Requirement

No works shall commence on-site until a Construction Certificate has been issued for either part or all of the works to be undertaken. If a Construction Certificate is issued for part of the approved works, it must relate to all works being undertaken.

Note: a construction certificate issued by an Accredited Certifying Authority must be provided to Council at least 48 hours prior to the commencement of any earthworks, engineering or building work on the site.

Condition reason: Prescribed condition under Clause 6.7 of the *Environmental Planning and Assessment Act 1979*.

(8) Waste Facility Environmental Protection License update

Prior to the issue of a Construction Certificate the person acting with this consent shall have either applied for and obtained approval of the variation of the Environmental Protection License 5980 (concerning the Muswellbrook Waste Facility) under the Protection of the Environment Operations Act 1997 to modify the premises boundary or have received written confirmation from the NSW Environmental Protection Authority that they are satisfied that a Construction Certificate can be issued with respect to the project ahead of the finalisation of the Environmental Protection License modification.

Condition Reason: ensure that requirements related to any EPL license update are suitably progressed prior to the commencement of work.

(9) Sewerage Main Extension

Prior to the issue of a Construction Certificate the Certifying Authority is to be provided with documentary evidence confirming that a Part 5 approval has been obtained for the extension of sewerage mains infrastructure to the site, to provide sewerage utility generally in accordance with the sewerage extension works design documents accompanying the application and prepared by MM Hyndes Bailey Pty Ltd.

Condition reason: ensure suitable utility services to the development.

(10) Ecosystem Credit Retirement Condition

- Prior to the commencement of work and the issuing of a Construction Certificate, the class and number of ecosystem credits in Table below must be retired to offset the residual biodiversity impacts of the development.
- The requirement to retire credits in this condition may be satisfied by payment to the Biodiversity Conservation Fund of an amount equivalent to the class and number of ecosystem credits, as calculated by the Biodiversity Offsets Payment Calculator.
- Evidence of the retirement of credits or payment to the Biodiversity Conservation Fund in satisfaction of this condition must be provided to the consent authority prior to issue of the Construction Certificate. In the event of the commencement of any works determined

to not require a Construction Certificate that documentary evidence is to be provided to Council prior to the commencement of work.

- For further details related to the Credit Retirement calculation and detail refer back to the approved Biodiversity Development Assessment Report. Where there is a discrepancy between the table in this condition and the report calculations the calculations outlined in the Biodiversity Development Assessment Report prevail.

PCT	Offset Trading Group	Vegetation zone	Area (ha)	No. of Ecosystem Credits Required
PCT 3431 - Central Hunter Ironbark Grassy Woodland	Central Hunter Grey Box-Ironbark Woodland in the New South Wales North Coast and Sydney Basin Bioregions	3431_1	0.5ha	8

Condition reason: Prescribed statutory.

(11) Construction Environmental Plan – Unexpected finds protocol

Prior to the issue of a Construction Certificate a suitably qualified contamination management expert is to prepare Construction Environmental Management Plan which includes an unexpected finds protocol.

The procedure is to be prepared in accordance with recommendations set out in the Qualtest Contamination Report and NSW Environmental Protection Authority Guidelines.

The Plan is to be submitted to and approved by Council in writing prior to issue of a Construction Certificate and adhered to during the carrying out of works including vegetation clearing and earthworks.

Condition reason: ensure site safety and management of unexpected finds during carrying out of work.

(12) Building Structural Detailed Design Gas Mitigation Measures

The Detailed Design Plans submitted to the Certifying Authority as part of any Construction Certificate shall be prepared to incorporate gas mitigation design measures outlined in the Landfill Gas Risk Assessment (EnRisks, 24 January 2025) and Landfill Gas Risk Assessment (PRESNA, 27 March 2026).

As stated in the summary of the PRESNA Report the following mitigation systems are recommended for the proposed building to meet required level of protection:

- Reinforced concrete ground-bearing slab or waffle pod slab (protection value of 0.5) or reinforced concrete ground-bearing raft slab with limited service penetrations **AND** installation of a passive sub-slab ventilation system (protection value of 1.5 to 2.5 depending on the performance of the ventilation system). The passive sub-slab ventilation system would act as a break, venting any methane gas prior to methane reaching the building slab; **OR**

- Installation of a suitable gas-resistant membrane (protection value of 2). Such a membrane needs to be suitable for the management of methane gas and be installed by a specialist with documented quality control and testing that the membrane does not leak (including around service penetrations). The membrane would need to be placed beneath all slabs and walls of the lower ground level in direct contact with the ground. A gas membrane acts as a barrier to minimise the migration of gas into the building.

Condition reason: manage potential impact of landfill gas on the development design having regard to NSW EPA recommendations.

(13) Updated Landscape Plan and Air Quality Report

Prior to the issue of a Construction Certificate an updated Landscape Plan is to be prepared which incorporates recommendations provided by the Air Quality Impact Assessment related to the establishment of tall vegetation along the proposed development site, landfill and composting area.

The updated Landscaping Plan along with the Air Quality Impact Assessment Report and recommendations is to be provided to a suitably qualified Air Quality and Odour expert to sign off on the updated landscaping design as suitably addressing the Air Quality Assessment Recommendations.

The Report and Air Quality Expert Opinion is to be submitted to Council Planning and Environment Section for final approval and evidence of its approval provided to the Certifying Authority with any Construction Certificate.

The approved updated Landscaping Plan is to be implemented in the carrying out of the development.

Condition reason: ensure compliance with Air Quality Assessment Recommendations

(14) Odour Quality Expert Design Plan Sign Off and Air Quality Report

Detailed design plans for the development shall comply with the recommendations of the approved Air Quality Impact Assessment. These relevant recommendations have been referenced below for clarity:

- Ensure the building design provides adequate air flow and encourages flow in a particular direction away from doorways and intakes. Avoid dead-ends or long narrow spaces perpendicular to the wind where air can lay dormant and stagnate.
- Consider positioning of air conditioning and ventilation intakes away from odorous sources. Have non-opening windows on the odorous side of the building and duct cleaner air into the building from along the south and west of the building and out to the odorous side. If necessary, consider the use of filtration to assist with odour removal.

Prior to the issue of any Construction Certificate detailed design plans are to be submitted to a suitably qualified Air Quality Expert along with the approved Air Quality Impact Assessment for review and sign off so far as the plans relate to appropriately achieving the Recommendations of the Air Quality Assessment. Documentary evidence confirming the sign off of the Construction Plans is to be provided to the Certifying Authority. All

recommendations related to the management of air quality are to implemented in the carrying out of the development.

Condition reason: ensure compliance with Air Quality Assessment Recommendations

(15) **Acoustic Report Detailed Design Requirements**

Detailed design plans for the development shall comply with the recommendations of the approved Acoustic Report related to external façade design and mechanical ventilation

To demonstrate compliance with this report Plans submitted to the Certifying Authority with any Construction Certificate shall be accompanied by documentary evidence from a suitably qualified acoustic engineer confirming:

- **Mechanical plant** – an assessment of noise emissions from the mechanical and building services equipment should be undertaken at the detailed design stage to ensure cumulative noise does not exceed the project specific criteria at the nearest affected receivers. Indicative recommendations that can be incorporated in the design is detailed in Section 5.2.1.2 and Section 6.1 of the Acoustic assessment
- **External façade** – to minimise noise break in from the existing waste facility the façade should be designed in accordance with the recommendations provided in Section 4.3, 4.4 and 6.1 of the approved Acoustic Assessment.

Condition reason: ensure compliance with Acoustic Assessment Recommendations

(16) **Outdoor Lighting Installations**

All outdoor lighting is to be designed and positioned to minimise any adverse impact on the amenity of the occupants of adjoining and nearby residential premises, or traffic, or the adjoining National Park.

Prior to the issue of a Construction Certificate for the development, a lighting plan is to be provided to the Certifying Authority demonstrating compliance with the above, that the outdoor lighting installations will comply with the relevant Australian Standards AS/NZ 1158.3.1:2005 Lighting for Roads and Public Spaces Pedestrian Area Lighting and Public Spaces Pedestrian Area (Category P) Lighting – Performance and Design Requirements AS 4282.1997 Control of the Obstructive Effects of Outdoor Lighting.

All lighting installations are to proceed in accordance with the approved lighting plan and the requirements of this consent.

Reason: *Minimise light pollution and ensure lighting is installed in accordance with Australian Standards.*

(17) **Section 7.11 Contributions**

Pursuant to section 4.17(1) of the *Environmental Planning and Assessment Act 1979*, and the *Muswellbrook Shire Council Section 94A Development Contributions Plan 2010*, a contribution of \$146,660.00 shall be paid to Muswellbrook Shire Council.

The amount to be paid is to be adjusted at the time of the actual payment, in accordance with the provisions of the Muswellbrook Shire Council Section 94A Development Contributions Plan 2010. The contribution is to be paid prior to the issue of the Construction Certificate.

Condition reason: Fixed development consent levy in accordance with Section 7.12 of the *Environmental Planning and Assessment Act 1979*.

(18) **Headworks Contribution - Notice of Requirements Water utility**

Prior to the carrying out of any works associated with the provision of reticulated water to the development, a 'Notice of Requirements' pursuant to the provisions of the Water Management Act 2000, is to be obtained from Council.

It will be a requirement of any Notice of Requirement for a Fire hydrant system is required in accordance with NCC 2021 E1D2 and AS2419.1:2021 to be provided to service the development and this should be detailed in the construction plans.

Any Notice of Requirements will require the payment of water headworks contributions in accordance with Council's fees and charges based on the water demands of the facility. The contributions payable are subject to annual adjustments in accordance with Council's Fees and Charges and the Consumer Price Index. The contributions paid in relation to this approval shall be the contributions applicable under Council's Fees and Charges at the time of any application for a Compliance Certificate.

To inform the process of obtaining a 'Notice of Requirements' it is recommended that early contact is made with Council's Water & Waste Division on (02) 6549 3700. It is recommended that early contact in relation to the required water connections as the construction of water/sewer extensions can be time consuming and may impact on other services, building, driveway, or landscape design.

Condition reason: Requirement under the *Water Management Act 2000*.

(19) **Section 138 Approval Requirement**

Prior to the issue of any Construction Certificate, the applicant is to submit a Section 138 Application in order to obtain a permit with conditions prior to starting any works on the Council Road Reserve.

Condition reason: Requirement under section 138 of the Roads Act 1993.

(20) **Construction Management Plan**

Prior to the issue of a Construction Certificate, a Construction Site Management Plan must be prepared, and provided to the principal certifying authority. The plan must include the following matters:

- 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:

- 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 CEMP is to incorporate the unexpected finds protocol prepared in accordance with contamination Assessment requirements
- l) The CEMP is to provide detail on the implementation of the recommendations of the BDAR related to the carrying out of work
- m) The CEMP is to implement the recommendations of the approved Noise Impact Assessment
- n) The protective measures for the preservation of trees on-site and in adjoining public areas including measures in accordance with:
 - 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

A copy of the construction site management plan must be kept on-site at all times while work is being carried out.

Condition reason: To require details of measures that will protect the public, and the surrounding environment, during site works and construction.

(21) **Stormwater Management – Design Details**

Prior to the issue of a Construction Certificate the person acting with this consent is to obtain a Section 68 permit for all stormwater works related to the development. Any Section 68 permit application is to be accompanied by an updated stormwater management plan for consideration and approval by Council Roads and Drainage Division.

The updated detailed stormwater management plan shall:

- a) Be prepared by an appropriately qualified hydraulic engineer.
- b) Demonstrate through stormwater model and calculations that the dams are appropriately sized to receive stormwater from the development in accordance with Council Development Control Plan requirements.
- c) Detail the stormwater flow path between the outflow point of the submitted stormwater drainage design and the dam location. Where scour protection, upgrades or volumetric increases to these existing swale drains are required to manage water discharge based on the water volumes attributed to the development those works are to be incorporated into the stormwater plan.

The stormwater management plan approved in accordance with this requirement is to be implemented during the carrying out of this development.

Documentary evidence confirming the Section 68 approval is to be provided to the Certifying

Authority.

Condition reason: To ensure stormwater overflows due to the development is managed appropriately to protect the amenity of the locality.

(22) **Earthworks - Erosion and Sediment Control Plan**

Before the issue of a Construction Certificate, an erosion and sediment control plan must be prepared by a suitably qualified person in accordance with the following documents and provided to the principal certifying authority:

- a) Council's development control plan,
- b) The guidelines set out in the NSW Department of Housing manual '*Managing Urban Stormwater: Soils and Construction Certificate*' (the Blue Book) (as amended from time to time).

Condition reason: To ensure no substance other than rainwater enters the stormwater system and waterways

Before building work commences

(23) **Site Sign**

A sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:

- a) stating that unauthorised entry to the work site is prohibited,
- b) showing the name of the principal contractor (or person in charge of the work site), and a telephone number at which that person may be contacted at any time for business purposes and outside working hours, and
- c) showing the name, address and telephone number of the Principal Certifying Authority for the work.

Any such sign must be maintained while building work or demolition work is being carried out but must be removed when the work has been completed.

This condition does not apply to building works being carried out inside an existing building.

Condition reason: Requirement under Section 70 under the *Environmental Planning and Assessment Regulation 2021*.

(24) **Site Facilities**

- a) If the development involves building work or demolition work, the work site must be fully enclosed by a temporary security fence (or hoarding) before work commences.
- b) A minimum width of 1.2m must be provided between the work site and the edge of the roadway to facilitate the safe movement of pedestrians.
- c) Any such hoarding or fence is to be removed when the work has been completed.
- d) A garbage receptacle fitted with a tight-fitting lid is to be provided for disposal of all food scraps and papers from the work site prior to building work commencing, and

must be maintained and serviced for the duration of the work.

- e) Toilet facilities must be provided on the work site at the rate of one toilet for every 20 persons or part of 20 persons employed at the work site.
- f) Each toilet provided must:
 - be a standard flushing toilet, connected to a public sewer, or
 - i. if connection to a public sewer is not available, to an on-site effluent disposal system approved by the council, or
 - ii. an approved temporary chemical closet.
- g) The provision of toilet facilities must be completed before any other work is commenced.
- h) A person having the benefit of this certificate who causes an excavation that extends below the level of the base of the footings of a building on an adjoining allotment of land must at their own expense and where necessary:
 - i. protect and support the building from damage, and
 - ii. If necessary, underpin and support the building in accordance with the details prepared by a professional engineer.
- i) A person having the benefit of this certificate who causes the excavation must, at least 7 days before commencing this work, give notice of intention to do so to the owner of the adjoining allotment of land and provide particulars of the proposed work.

Erosion and sediment controls must be provided in accordance with the details shown on the approved plans, prior to the disturbance of any soil on the work site

Condition reason: To ensure that measures that will protect the public, and the surrounding environment are in place during site works and construction.

(25) **Stabilised Access**

Unless a suitable existing site access is utilised, stabilised site access consisting of at least 200mm of aggregate at 30–60mm in size and a minimum of 3m in width must be provided from the road edge to the front of the building being constructed prior to the commencement of work.

The stabilised access must be fully maintained and removed from the site when a permanent driveway has been constructed.

Condition reason: To minimise/prevent impacts on waterways by minimising soil erosion and sediment leaving the site.

(26) **Works within Council Road Reserve**

Prior to commencing construction of the driveway/vehicle crossing/layback, within the road reserve, a permit for the work must be obtained from Council, under Section 138 of the Roads Act 1993.

Condition reason: To ensure compliance with Council's Road Design requirement.

(27) **Sediment and Erosion Control Measures in Place**

All required erosion and sedimentation techniques are to be properly installed prior to the commencement of any site works and maintained in a functional and effective condition throughout the construction activities until the site is stabilised.

Condition reason: To minimise/prevent impacts on waterways by minimising soil erosion and sediment leaving the site.

(28) **Temporary Fences and Tree Protection**

All protected trees on-site shall be tagged with luminous tape or the like for purposes of identification prior to excavation or construction, and no materials or builder's waste are to be stored in the vicinity of the tree / trees.

Appropriate fencing or barricades, not less than the distance shown in the schedule hereunder, shall be installed to the satisfaction of the Principal Certifying Authority prior to demolition or commencement of any building works and maintained for the duration of the works.

Condition reason: Ensure development does not impact vegetation outside approved footprint.

(29) **Heritage - Discovery of relics and Aboriginal objects**

While site work is being carried out, if a person reasonably suspects a relic of 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.

Condition reason: To ensure that development does not inadvertently damage items of heritage significance.

(30) **Protection of Public Places**

- a) If the work involved in the erection or demolition of a building:
 - i. is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient; or
 - ii. building involves the enclosure of a public place,
 - a hoarding and site fencing must be erected between the work site and the public place and be contained within the site boundary unless prior permission has been obtained in writing from Council.
- b) 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.
- c) The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to

persons in the public place.

- d) Any such hoarding, fence or awning is to be removed when the work has been completed.
- e) No access across public reserves or parks is permitted.

Condition reason: To minimise safety impacts due to the approved development

During building work

(31) **Construction Hours**

Subject to this clause, building construction is to be carried out during the following hours:

- i. between Monday to Friday (inclusive)—7.00am to 6.00pm
- ii. on a Saturday—8.00am to 1.00pm

Building construction must not be carried out on a Sunday or a public holiday.

Demolition works and excavation works must only be carried out between Monday to Friday (inclusive) between 8.00am and 5.00pm.

The builder and excavator must display, on-site, their 24-hour contact telephone numbers, which are to be clearly visible and legible from any public place adjoining the site

Condition reason: To protect the amenity of the surrounding area.

(32) **Erosion and Sediment Controls**

The approved Sediment & Erosion controls shall be reinstated daily prior to workers leaving the site where modified at any time. Any sediment that escapes from the allotment shall be cleaned, collected and disposed of to Council's waste management facility or the sediment shall be returned to the subject allotment on a daily basis.

Condition reason: To ensure sediment laden runoff and site debris do not impact local stormwater systems and waterways.

(33) **Amenity - Dust Emission and Air Quality**

The following measures must be taken to control the emission of dust:

- a) Materials must not be burnt on the site.
- b) Vehicles entering and leaving the site with soil or fill material must be covered.
- c) Dust screens must be erected around the perimeter of the site and be kept in good repair for the duration of the work.
- d) All dusty surfaces and stockpiles of materials must be wet down and any dust created must be suppressed by means of a fine water spray. Water used for dust suppression must not be allowed to enter the stormwater system.
- e) Dust suppression measures must be carried out to minimise wind-borne emissions in addition odour suppression measures must also be carried out where appropriate so as to prevent nuisance occurring at adjoining properties.

Condition reason: To protect the amenity of the locality.

(34) **Amenity - No Removal of Trees on Public Property**

No trees on public property (footpaths, roads, reserves, etc.) unless specifically approved in this consent shall be removed or damaged during construction including for the erection of any fences, hoardings or other temporary works.

Condition reason: To protect the amenity of the locality.

(35) **Contamination - Waste**

Any removal of contaminated solids from the site must comply with applicable laws for the transportation, treatment and disposal of waste materials.

Any material including soil excavated from the site and which requires off-site disposal will require waste classification in accordance with NSW EPA waste classification guideline.

No soil is to be deposited on a site outside of the subject site other than at an appropriately licensed landfill without undergoing testing to confirm the soil meets relevant EPA guidelines to be classed as virgin excavated material.

Condition reason: To ensure that waste from contaminated land is disposed of appropriately.

(36) **Ecological Offset and Mitigation Measures**

During the carrying out of the development all offset and mitigation measures setout in the Hunter Ecology 3 November 2025 supplementary correspondence concerning offset and mitigation measures and the approved BDAR are to be fully implemented. The related measures are to be in place at the time the Occupation Certificate is obtained.

(37) **Acoustic Report Construction Requirements**

All recommendation of the approved Acoustic Report related to the carrying out of construction work are to be complied with during construction phase of the development.

Condition reason: ensure compliance with Acoustic Assessment Recommendations

Before issue of an Occupation Certificate

(38) **Occupation Certificate Requirement**

The building / structure is not to be used or occupied until a final inspection has been carried out and an Occupation Certificate has been issued by the Certifying Authority.

Condition reason: Prescribed condition under Clause 6.9 of the Environmental Planning and Assessment Act 1979.

(39) **Waste Facility Environmental Protection License update**

Prior to the issue of an Occupation Certificate the Certifying Authority is to be provided with

suitable evidence to confirm that all matters related to obtaining approval for and implementing changes the variation of the Environmental Protection License 5980 (concerning the Muswellbrook Waste Facility) have been suitably completed.

Condition Reason: ensure that requirements related to any EPL license update are suitably completed.

(40) **Emergency Evacuation Planning Assessment**

Prior to the issue of an Occupation Certificate a Bushfire Emergency Evacuation Plan is to be prepared by a suitably qualified Bushfire and Emergency Planning Consultant. A copy of the Plan is to be submitted to and approved by Muswellbrook Shire Council, provided to the Local Emergency Management Committee and evidence confirming its approval provided to the Certifying Authority. The Emergency Plan is to provide
The intent of measures is to provide suitable emergency and evacuation arrangements for occupants of Special Fire Protection Purpose developments and is to be prepared generally in accordance with the following:

- A Bush Fire Emergency Management and Evacuation Plan must comply with the following requirements;
 - Bush Fire Emergency Management and Evacuation Plan is prepared consistent with the applicable document(s) as follows:
 - The NSW RFS document: A Guide to Developing a Bush Fire Emergency Management and Evacuation Plan; and
 - Australian Standard AS 3745:2010 Planning for emergencies in facilities.
 - the Bush Fire Emergency Management and Evacuation Plan should include planning for the early relocation of occupants;
 - an Emergency Planning Committee is established to consult with residents (and their families in the case of aged care accommodation and schools) and staff in developing and implementing an Emergency Procedures Manual; and
 - detailed plans of all emergency assembly areas including on-site and off-site arrangements as stated in AS 3745:2010 are clearly displayed, and an annual emergency evacuation is conducted.

Note: A copy of the Bush Fire Emergency Management and Evacuation Plan should be provided to the Local Emergency Management Committee for its information prior to the occupation of the development.

Condition Reason: Comply with NSW Rural Fire Service requirements.

(41) **Implementation of Odour Management Requirements**

Prior to the issue of any Occupation Certificate a suitably qualified Air Quality Expert is to review and sign off on the completion of building and landscaping work required to implement the air quality mitigation recommendations of the approved Air Quality Impact Assessment dated 14 December 2024 and requirements of this consent.

Documentary evidence confirming that the installation of required measures has been achieved is to be provided to the Certifying Authority.

Condition reason: ensure compliance with Air Quality Assessment Recommendations

(42) **Notice of Completion**

Prior to the issue of an Occupation Certificate, a Notice of Completion or a final compliance certificate from Council's Water and Waste Division is to be obtained in relation to works carried out to provide a reticulated water service to the development.

Details demonstrating compliance with this requirement must be provided to the Certifying Authority demonstrating that this requirement has been complied with and a connection to the reticulated water and sewer service provided to each lot in the subdivision.

Condition reason: To ensure that contributions and works required by the Notice of Requirements have been complied with.

(43) **House Numbering**

Prior to the issue of any Occupation Certificate, the person acting upon this consent must apply to Muswellbrook Shire Council and receive written confirmation of the allocated street address(es) or house number(s) for the development. These are the numbers that will be recorded in Council records and must be displayed at the property in accordance with the provisions of *AS/NZS 4819:2003 – Geographic information – Rural and urban addressing*.

Condition reason: To ensure that all properties are addressed in accordance with the NSW Address Policy and Manual for emergency services, transport and goods, service delivery and community consultation.

(44) **Connection to Sewer**

The premises shall be connected to the sewer system in accordance with the *Australian Standard 3500*.

A works as executed plan on Council's approved form is to be submitted to Council within seven (7) days following the final drainage inspection and prior to any Occupation Certificate being issued.

Condition reason: To ensure the development complies with Muswellbrook Shire Council Sewer requirements.

(45) **Trade Waste Agreement**

Prior to the issue of an Occupation Certificate for a development involving wash bays the person acting with this consent is to have entered into a Trade Waste Agreement with the Water Authority and installed any pre-treatment devices required in accordance with that agreement.

Condition reason: To ensure the development complies with Muswellbrook Shire Council Sewer requirements.

(46) **Construction of Parking Areas**

Prior to the issue of any Occupation Certificate all required parking areas, loading bays, driveways, internal access ways used for visitor and staff parking shall fully constructed, sealed, line marked, sign posted in accordance with the approved car parking plans and AS.2890.1 2004 Parking Facilities and the relevant provisions of AS1428.1 and AS1428.4.

Condition reason: to ensure appropriate off-street parking in accordance with Development Control Plan and approved plans.

(47) **Certification of Works**

Upon completion of construction, the person acting with this consent submit certification from a qualified engineer builder or certifier that confirms construction is in accordance with the plans approved by Subsidence Advisory.

Condition reason: ensure compliance with NSW Subsidence General Terms of Approval

Occupation and ongoing use

(48) **Stormwater Disposal**

All stormwater from the development including all hardstand areas and overflows from rainwater tanks is to be collected and disposed of in accordance with the proposed stormwater management plan and the requirements of any Section 68 application approved by Council.

The person operating with this consent shall maintain all stormwater infrastructure in an operational condition at all times and shall replace any defective drainage and removal silt from any open swale drains as required.

Condition reason: To ensure that stormwater created by the development is managed appropriately.

(49) **Hours of Operation**

The typical operating business hours of the premises approved are to be only within the following hours:

- Weekdays 6:00am – 6:00pm; and
- Weekends: 6:00am – 4:30pm

The premises may be occupied outside these hours and operated in limited circumstances by on call staff, during local emergency situations or circumstances where outside hours emergency works are required.

When occupied outside hours staff are to be limited to staff required for the particular undertaking only, the use of heavy equipment or vehicles that would reasonably be anticipated to cause offsite noise impacts is restricted.

Condition reason: Ensure business operates between approved hours

(50) **Heavy Vehicles**

In accordance with the recommendations of the approved Acoustic Assessment heavy vehicles utilising the site on an operational basis shall utilise broadband reverse beepers where possible.

Locate heavy vehicles in parking spaces that allow for forward movement to minimise reverse beeping

Condition reasons: comply with acoustic report mitigation recommendations

(51) **Vehicles to Leave Site in a Forward Direction**

At all times vehicles leaving the site shall do so in a forward direction.

Condition reasons: comply with Roads Authority requirements

(52) **Fences**

Access gates must be hung so that they do not encroach on a footpath or roadway.

Condition reasons: comply with Roads Authority requirements

(53) **Trade Waste Requirement**

At no time is any trade waste related to the commercial processes carried out at the premises to be discharged into Council's sewerage system without the prior approval from Council through a Liquid Trade Waste Agreement.

Condition reasons: ensure compliance with Water Authority requirements

(54) **Chemical Spill Kit Requirement**

At all times the person acting with this consent shall ensure that spill kits are made available at the premises. These Spill kits should be kept in a readily available location in close proximity to all chemical stores and all staff should be trained in their use.

Condition reasons: ensure safe operation of premises and limit potential for chemical spills to impact environment

(55) **Landscaping**

At all times landscaping at the site is to be maintained in accordance with the approved Landscape Plan or as otherwise agreed by Council in writing.

Condition reasons: ensure compliance with consent landscaping requirement

Before issue of a Subdivision Certificate

(56) **Restriction on the issue of a Subdivision Certificate**

Prior to the issue of a Subdivision Certificate a Construction Certificate is to have been obtained for works associated with the construction of the public administration building and depot and detailed construction plans approved to enable the identification of all associated service utility connections for the development.

Any Survey carried out in association with the Subdivision Certificate is to ensure that

any service connection (whether constructed or under construction) that is located on a lot other than the lot being serviced is accommodated within an easement suitable to accommodate the related service.

Evidence is to be provided to the Certifying Authority with any Subdivision Certificate that the location of each service relative to subdivision boundaries has been accounted for with any Subdivision Certificate application.

Condition reason: ensure development in accordance with approval.

(57) **Location of Services**

Prior to the issue of a Subdivision Certificate the applicant shall provide Council with documentation from a registered surveyor certifying that all services required to support each lot in the subdivision or an appropriate easement to be registered on the title in favour of the benefited lot.

Condition reason: ensure appropriate management of land

(58) **Easement for Stormwater Drainage**

The plan of subdivision accompanying any Subdivision Certificate is to include provisions for the registration of an easement related to the discharge of stormwater from the public administration building and depot (proposed Lot 12) into the dam infrastructure located on proposed Lot 11.

The drainage easement is to nominate the location of related drainage easement and include terms enabling the owner of proposed Lot 12 to access the relevant part of Lot 11 to carry out works related to the maintenance and upkeep of the related infrastructure.

Condition reason: ensure appropriate management of land