

RECOMMENDED CONDITIONS:

Prior to Work Commencing

1. The approved development which is the subject of this development consent must not be commenced until:
 - a) A construction certificate for the building work has been issued by the consent authority, the council (if the council is not the consent authority) or an accredited Certifier, and
 - b) The person having the benefit of the development consent has;
 - i) Appointed a Principal Certifying Authority for the building work, and
 - ii) Notified the Principal Certifying that the person will carry out the building work as an owner-builder, if that is the case, and;
 - c) The principal certifying authority has, no later than 2 days before the building work commences;
 - i) Notified the consent authority and the council (if the council is not the consent authority) of his or her appointment, and
 - ii) Notified the person having the benefit of the development consent of any critical stage inspections and other inspections that are to be carried out in respect of the building work, and
 - d) The person having the benefit of the development consent, if not carrying out the work as an owner-builder, has
 - i) Appointed a principal contractor for the building work who must be the holder of a contractor license if any residential building work is involved, and
 - ii) Notified the Principal Certifying Authority of any such appointment, and
 - iii) Unless that person is the principal contractor, notified the principal contractor of any critical stage inspections and other inspections that are to be carried out in respect of the building work, and
 - iv) Give at least 2 days notice to the council of the persons intention to commence the erection of the building.
2. The applicant must ensure that a sign containing the following information is erected in a prominent position and maintained on the site at all times:
 - a) The name, address and telephone number of the principal certifying authority for the work, and
 - b) The name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
 - c) A statement that unauthorised entry to the work site is prohibited.

The sign is to be removed when the work has been completed.
3. Toilet facilities are to be provided, at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site. Each toilet provided:
 - a) Must be a standard flushing toilet, and

- b) Must be connected to a public sewer, or
- c) If connection to a public sewer is not practicable, to an accredited sewage management facility approved by the council, or

The provision of toilet facilities in accordance with this condition must be completed before any other work is commenced.

4. The contractors engaged to undertake development on public land or infrastructure must maintain public liability insurance cover to the minimum value of \$20 million. The policy shall specifically indemnify Council from all claims arising from the execution of the works. Documentary evidence of the currency of the policy shall be provided to Council prior to the commencement of work and upon request, during the progress of the work.
5. Erosion and sediment control measures that will minimise damage to and avoid pollution of the environment are required for this development. An erosion and sediment control plan (ESCP) is to be prepared in accordance with the "Blue Book" Managing Urban Stormwater –Soils and Construction (Landcom 2004). The ESCP is to be implemented prior to the commencement of any construction works.
6. Traffic Control Plans (TCP) are to be prepared by a person with the applicable certification from Roads and Maritime Services (RMS) in accordance with AS1742.3-1996 and the RMS current version of the "Traffic Control at Worksites" manual. All TCP are to be implemented prior to the commencement of any works undertaken within the road reserve.

Advisory Note: The TCP must consider the impact at key intersections, especially the Oxley Highway and Appleby Lane and how these will be managed.

7. Pursuant to section 68 of the Local government Act 1993, the following approvals must be obtained;
 - a) Carry out water supply work;
 - b) Carry out sewer work;
 - c) Carry out stormwater work; and
 - d) Installation of an Onsite Sewage Management System.

Prior to issue of a Construction Certificate

8. In accordance with Section 4.17 of the *Environmental Planning and Assessment Act 1979* and the Tamworth Regional Council Section 7.12 Development Contributions Plan 2013, \$159,969.66 shall be paid to Council to cater for the increased demand for community infrastructure resulting from the development:

If the contributions are not paid within the financial year that this consent is granted, the contributions payable will be adjusted in accordance with the provisions of the Development Contributions Plan and the amount payable will be calculated on the basis of the contribution rates applicable at the time of payment in the following manner:

$$\$C_{PY} = \frac{\$C_{DC} \times CPI_{PY}}{CPI_{DC}}$$

Where:

- $\$C_{PY}$ Is the amount of the contribution at the date of Payment
- $\$C_{DC}$ Is the amount of the contribution as set out in this development consent

- CPI_{py}** Is the latest release of the Consumer Price Index (Sydney - All Groups) for the financial year at the date of Payment as published by the ABS
- CPI_{dc}** Is the Consumer Price Index (Sydney - All Groups) for the financial year at the date of this development consent

The monetary contributions shall be paid to Council prior to the issue of the first Construction Certificate.

It is the professional responsibility of the Principal Certifying Authority to ensure that the monetary contributions have been paid to Council in accordance with the above timeframes.

The Tamworth Regional Council Section 7.12 Development Contributions Plan may be viewed at www.tamworth.nsw.gov.au or a copy may be inspected at Council's Administration Centre during normal business hours.

9. A stormwater servicing strategy for the development site shall be prepared and submitted to the Roads Authority for approval in accordance with the requirements of Part 3 of Council's current version of the Engineering Design Guidelines for Subdivisions and Developments.

The stormwater servicing strategy for this development must also include calculations, design drawings and associated commentary for the following at a minimum:-

- a) Stormwater detention for the range of 1:1 To 1:100 year ARI event(s) to reduce the developed flow rate to the pre-developed flow rate;
- b) Minor stormwater network;
- c) Any other Q100 overland flow paths; and
- d) Details of the interface between the site drainage and the existing water course at the outlet from the site.

The stormwater servicing strategy to be approved by the Roads Authority shall be used to address the required stormwater drainage design for the development site.

10. Design calculations, detailed engineering drawings and construction specifications, specific to the works, are required for the following, as a minimum, to ensure all works are designed and constructed in accordance with recognised and accepted standards and guidelines:-

- a) Leachate dam sizing and design.

The engineering drawings shall be submitted to Council for approval prior to the issue of a Construction Certificate.

All engineering drawings and the associated specifications are to be certified by a Chartered Professional Engineer or a Registered Surveyor.

11. Section 138 approval from Council under the Roads Act 1998 is required to construct vehicle crossings for this development. Detailed construction plans shall be provided to Council for approval.
12. A Construction Management Plan must be prepared by a suitably qualified person and submitted to Councils Senior Environmental Health Officer for approval prior to the release of a construction certificate.

13. Retaining walls greater than 0.6m above finished ground level or other approved methods necessary to prevent movement of excavated or filled ground, together with associated stormwater drainage measures, shall be designed by a qualified, practising Structural Engineer. Details are to be included with any Construction Certificate application.
14. A Wildlife Monitoring and Management Plan is to be prepared and submitted for approval by the Tamworth Regional Airport Manager prior to the release of a construction certificate. The plan must address the recommendations and further studies outlined within Section 3 of the Desktop Bird Strike Assessment Report prepared by Avisure, dated 29 August 2018.
15. A Landscaping Plan including the location and details of all vegetative screening and fencing (vermin proof or otherwise) is to be provided for the site prior to the release of a construction certificate.

General

16. The development shall take place in accordance with the attached endorsed plans and supporting documents:
 - a) The Environmental Impact Statement , prepared by Pitt & Sherry, dated 23 September 2019
 - b) Site Plans, prepared by Edwards + Simpson, Project No. 19013, Drawing Number DA001,002, Revision P2, dated 16 September 2019;
 - c) Landscape Plan, prepared by Edwards + Simpson, Project No. 19013, Drawing Number DA008, Revision P2, dated 16 September 2019;
 - d) Office Building, prepared by Edwards + Simpson, Project No. 19013, Drawing Number DA101,102,103, Revision P2, dated 16 September 2019;
 - e) Weighbridge Plan , prepared by Edwards + Simpson, Project No. 19013, Drawing Number DA105, Revision P2, dated 16 September 2019;
 - f) Process Building , prepared by Edwards + Simpson, Project No. 19013, Drawing Number DA201,202,203,204, Revision P2, dated 16 September 2019;
 - g) Fire Pump Shed, prepared by Edwards + Simpson, Project No. 19013, Drawing Number DA701,702,703, Revision P1, dated 6 September 2019;
 - h) Equipment Shed, prepared by Edwards + Simpson, Project No. 19013, Drawing Number DA801,802,803 and 804, Revision P2, dated 16 September 2019;
 - i) Drainage & Stormwater Management Plan, prepared by Pitt & Sherry, Drawing No. SY19093-C03, Revision B, dated 23 September 2019.

17. The mitigation and management measures recommended in the endorsed supporting documents, must be implemented throughout the construction phase and operation of the facility;
 - a) Section 7 of the Environmental Impact Statement , prepared by Pitt & Sherry, dated 23 September 2019
 - b) Section 12.0 of the Biosecurity Risk Assessment, prepared by Scolexia, dated January 2020
 - c) Section 8 of the Air Quality Impact Assessment , prepared by Todoroski Air Science, dated 19 September 2019;
 - d) Section 6 of the Noise & Vibration Impact Assessment , prepared by Muller Acoustic Consulting, dated September 2019;
 - e) Section 5 of the Fauna & Flora Assessment , prepared by Eco Logical, dated 17 September 2019;
 - f) Section 4 of the Archaeological Due Diligence Assessment , prepared by Eco Logical, dated 18 September 2019;
 - g) Section 5.4 and 7 of the Geotechnical Assessment, prepared by Regional Geotechnical Solutions, dated 14 August 2019;
 - h) Section 3.3 of the Risk Hazard Assessment, prepared by Pitt & sherry, dated 10 October 2019;
 - i) Section 3 of the Desktop Wildlife Hazard Assessment, prepared by Avisure, dated 29 August 2018.
18. The following management plans shall be implemented throughout the construction phase and operation of the facility;
 - a) Construction Environmental Management Plan;
 - b) Operational Environmental Management Plan;
 - c) Noise Management Plan;
 - d) Waste Management Plan;
 - e) Pest & Weed Management Plan;
 - f) Bushfire Management Plan.
 - g) Soil & Water Management Plan
19. The development must be carried out in accordance with the Development Application and accompanying plans, drawings and other documents unless otherwise as amended by conditions of this consent. Any amendment to the development or to these conditions will require the consent of the Council.
20. All proposed building, site works or property improvement indicated on the submitted plans or otherwise required under the terms of this consent shall be completed prior to occupation of the premises to ensure compliance with the provisions of the Environmental Planning and Assessment Act, 1979.

21. All building work must be carried out in accordance with the provisions of the National Construction Code (NCC).
22. All building work must be carried out in accordance with the provisions of the disability (Access to Premises - Buildings) Standards 2010.
23. Any existing State Survey Mark or Cadastral Survey Mark shall be preserved during construction and not disturbed unless authority has been obtained from the Surveyor-General in accordance with the Surveyor-General's Directions published by the NSW Land and Property Information Service. In this regard, the Principal Contractor is responsible for the protection of the mark.
24. To protect the amenity of the surrounding neighbourhood from the emission of light, any lighting on the site shall be designed so as not to cause nuisance to residences in the area or to motorists on nearby roads and to ensure no adverse impact on the amenity of the surrounding area by light overspill. All lighting shall comply with Australian Standard AS4282.
25. Prior to carrying out any works, a "Dial Before You Dig" enquiry should be undertaken in accordance with the requirements of *Part 5E (Protection of Underground Electricity Power Lines)* of the *Electricity Supply Act 1995* (NSW).
26. The facility operator shall comply with the *Biosecurity Act 2015*.
27. A Code of Conduct must be prepared for haulage operations and should include, but is not limited to the following:
 - a) a map of the primary haulage route highlighting critical locations;
 - b) safety initiatives for haulage through residential/village areas and/or school zones;
 - c) an induction process for vehicles operators and regular toolbox meetings;
 - d) Outbound traffic is restricted to right turns onto Gidley Appleby Road;
 - e) a complaint resolution and disciplinary procedure and register;
 - f) any community consultation measures for peak haulage periods.
28. The Applicant shall consult with, as required:
 - a) Essential Energy;
 - b) Natural gas company; and
 - c) A telecommunications carrierregarding their requirements for the provision of services to the development and the location of existing services that may be affected by the proposed works, either on site or on the adjacent public road(s).

General Terms of Approval

29. The development shall be carried out in accordance with the General Terms of Approval issued by the NSW Environment Protection Authority dated 13 November 2019 (including amendment letters dated 22 November 2019, 23 January 2020 and 24 January 2020), attached in **ATTACHMENT A**.

During Construction

General

30. The approved Traffic Management Plan shall be maintained at all times.
31. The approved Traffic Control Plans (TCP) shall be maintained at all times when work is undertaken within a dedicated road reserve.
32. A copy of the approved and certified plans, specifications and documents incorporating conditions of approval shall be kept on the site at all times and shall be readily available for perusal.
33. An identification survey prepared by a Registered Surveyor is to be prepared at set out stage of the construction works to ensure that the facility is sited in accordance with the approved site plan
34. If an item suspected to be a relic, as defined by the Heritage Act 1977 is discovered on the site, all work must cease immediately and the Heritage Council notified as to the location of the relic. Work cannot proceed until the requirements of the Heritage Council have been fulfilled.
35. A representative from Tamworth Local Aboriginal Land Council shall be present onsite during initial vegetation clearing and topsoil stripping.
36. Erosion and sediment control measures in accordance with the approved ESCP are to be maintained by the developer at all times.
37. The footpath and/or road reserve are not to be used for construction purposes or placing of building materials (without Councils prior consent) to ensure safe and unobstructed access for pedestrians. Where necessary, application may be made by contacting Council's Transport and Assets Division.
38. If the work involved in the construction of the development is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or involves the closure of a public place, approval from Council's Transport and Assets Division is required.
39. Any damage caused to Council infrastructure as a result of works undertaken for the development site shall be rectified by the Developer to the satisfaction of the Council so as to ensure the integrity of Council's infrastructure.
40. Any spillage of materials onto Council infrastructure, as a result of delivery or handling for this development, must be removed as soon as practicable by the developer and placed into suitable receptacles for reclamation or disposal in a manner that does not cause pollution of the environment.
41. The Developer shall ensure that dust suppression is undertaken to ensure there is no visible dust emitted due to any works associated with the development. This can be in the form of constant water spraying or other natural based proprietary dust suppressant, to ensure that dust caused by any vehicles moving in, out or within the development site does not cause a nuisance to surrounding properties.

42. Work for this development shall be limited to the following hours to prevent unreasonable disturbance to the amenity of the area:-

Monday to Friday: 7.00am to 5.00pm;

Saturday: 8.00am to 1.00pm if audible on other residential premises, otherwise 7.00am to 5.00pm;

No work to be carried out on Sunday or Public Holidays if it is audible on other residential premises.

The Developer shall be responsible to instruct and control his contractors regarding the hours of work.

43. In the event that any contamination (a concentration of substances above that naturally present that poses, or is likely to pose an immediate or long term risk to human health or environment) is discovered work must immediately cease and the Councils Senior Environmental Health Officer must be contacted to arrange an inspection.

Stormwater

44. An on-site stormwater detention system shall be provided to ensure that the post developed flow rate does not exceed the pre-developed flow rate discharging from the site. Flows shall be controlled across the range of 1:1 year ARI to 1:100 year ARI events for the entire site prior to release to the approved point of discharge.
45. All hardstand runoff discharging from the proposed development site, buildings and works shall be conveyed to the approved point of discharge by an approved conveyance system complying with AS3500.3 (as amended) and in accordance with the current version of the Engineering Minimum Standards for Subdivisions and Developments. No effluent or polluted water of any type shall be allowed to enter the downstream water course.
46. Additionally, the stormwater discharge drainage system must be constructed to comply with the following requirements as a minimum:-
- a) All plumbing within the site must be carried out in accordance with relevant provisions of Australian Standard AS/NZS 3500.3 (as amended) Plumbing and Drainage – Stormwater Drainage;
 - b) Temporary down pipes shall be connected as soon as the roof has been covered so as to not cause a nuisance to adjoining properties;
 - c) All overland surface flow paths must have a practical and satisfactory destination with due consideration to erosion and sediment control during all stages of development. A system to prevent overland flows discharging onto adjoining properties shall be implemented.
 - d) Any interruption to the natural overland flow of stormwater drainage which could result in the disruption of amenity, or drainage or deterioration to any other property is not permitted; and
 - e) All overflow from rainwater tanks shall be collected and piped to the approved point of discharge. The approved point of discharge for the development site is defined as the existing unnamed watercourse crossing the eastern boundary of the development site (following detention of developed flows).

Internal Roads, Access and Parking

47. All internal driveways and parking areas to be constructed with a base course of adequate depth to accommodate heavy vehicle loading.
48. The new vehicle crossover for access/egress on Gidley Appleby Road shall have a width designed such that two B-doubles trucks can pass each other to allow the entering / exiting concurrently. The new crossover shall be sealed from the edge of Gidley Appleby Road to the property boundary as a minimum.
49. All internal driveways, parking areas and vehicle turning areas are to be designed in accordance with the requirements of AS2890.1-2004 "Parking Facilities - Off Street Parking".
50. All parking bays shall be permanently marked out on the pavement surface and being clearly indicated by means of appropriate signs to facilitate the orderly and efficient use of onsite parking and loading/unloading facilities.
51. The direction of traffic movement within the site shall be clearly indicated by means of suitable signs and pavement markings to ensure that clear direction is provided to the drivers of vehicles entering and leaving the premises in order to facilitate the orderly and efficient use of on-site parking and driveway access and in the interest of traffic safety and convenience. In this regard all vehicles entering and exiting the site shall do so in a forward direction only.

Allotment Filling

52. Any allotment filling shall meet the requirements of AS3798-2007 (as amended) – Guidelines on Earthworks for Commercial and Residential Developments.
53. The land fill material used must be able to be accounted for with regards to its origin and contaminants. The details of any contractor involved in the delivering of fill must be recorded. Documentation must be obtained from the contractor(s) delivering the fill and include the address of the origin of the material, the details of the company and the details of the driver.

Advisory Note: Fill must not be received without first obtaining approval from Council.

54. Certification of the allotment filling shall be provided by a geotechnical testing authority registered under NATA. The testing authority shall be required to certify whether the fill complies with the requirements of AS2870-2011 (as amended) – Residential Slabs and Footings – Construction, as “controlled fill

Inspections

55. It is required that a Principal Certifying Authority (PCA) be appointed to undertake all critical stage inspections as prescribed under the Environmental Planning and Assessment Regulations, 2000. The owner may appoint either the Council or an accredited certifier to be the PCA.

Prior to Occupation

56. The occupation or use of the whole or any part of a new building must not commence unless an occupation certificate has been issued in relation to the building or part.

Prior to issue of an Occupation Certificate

57. All works as required by these conditions of consent shall be complete.
58. The Operational Environmental Management Plan must be prepared by a suitably qualified person and submitted to Councils Senior Environmental Health Officer for approval prior to the release of an occupation certificate.
59. A “No Left Turn” sign must be erected at the exit of the facility onto Gidley Appleby Road prior to the release of an occupation certificate.
60. Approval from the Local Traffic Committee shall be obtained for any proposed regulatory signage and/or line marking. The signage and/or line marking shall be installed prior to issue of an occupation certificate.
61. The following intersections require give-way signage and line marking to be installed at the minor roads interface prior to issue of an occupation certificate:
- a) Gidley Siding Road/ Gidley Appleby Road, and
 - b) Gidley Appleby Road/ Appleby Lane/ Evans Lane
62. In lieu of completing the landscaping nominated on the approved plan, a cash bond or bank guarantee to the value of the landscaping works must be paid to Tamworth Regional Council prior to the issue of an Occupation Certificate. The cash bond or bank guarantee will be returned when the water conservation measures allow the landscaping to be completed.
63. Sediment and erosion control measures for the site shall be established as the landscaping is unable to be completed in accordance with the approved plan. The sediment and erosion control measures must be installed prior to the issue of an Occupation Certificate and shall remain in place until such time as water conservation measures allow the landscaping to be completed.

Sediment erosion controls can include hay bales, sand bags and sediment fences and should be appropriate to be able to manage runoff created onsite.

All erosion and sediment controls should be checked at least once each week and after each rainfall event to ensure they are working properly.

Maintenance should include:

- a) Removing sediment trapped in sediment fences, catch drains or other areas;
- b) Repairing any erosion of drainage channels; and
- c) Repairing damage to sediment fences.

Continued Operations

64. The hours of operation are restricted to between 7:45am and 5:00pm, Monday to Sunday.

Advisory Note: This does not preclude the operation of the fan/water sprays/aeration system which will operate on a continuous cycle if required.

65. The sealing of the driveway(s), vehicular parking, manoeuvring and loading areas is to be maintained at all times.

66. All vehicle movements into and out of the development site shall be in a forward direction.

67. To ensure that the required parking, loading/unloading facilities and associated driveways are able to function efficiently for their intended purpose, proposed parking area, service bays, truck docks, driveways, vehicular ramps and turning areas shall be maintained clear of obstruction and be used exclusively for their intended purpose. Under no circumstances are such areas to be used for the storage of goods or waste material.

68. All oils, fuels, solvents and fluids used on this premises are to be stored in a bunded area that is designed to hold 110% of the total volume of the largest container stored within the bund or 325% of the total volume of all containers stored within the bund. The bunded area is to be covered by a suitable roof to prevent the collection of rainwater within the bunded area

The construction of the bund is to comply with AS1940

A spill kit designed to handle all types of liquids used on the site must be stored adjacent to where the liquid are being used and/or stored.

69. The on-site stormwater systems shall be maintained at all times so as to ensure their effective operation for their intended purpose.

70. The site must be maintained in a neat and tidy condition at all times.

71. The installed landscaping is to be maintained in a good condition at all times with diseased or dead plants being replaced as soon as possible.

72. The mitigation, commitment and management measures recommended in the endorsed environmental impact statement and supporting reports shall be implemented for the entirety of the development.

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ATTACHMENT A – NSW Environment Protection Authority – General Terms of Approval