

RECOMMENDED CONDITIONS OF CONSENT

DA2021/011- Lot 1 DP 197308 Snowy Mountains Highway, Gilmore NSW 2720

RECOMMENDED CONDITIONS:

General

1. The development shall take place in accordance with the attached endorsed plans and supporting documents:
 - a) The Environmental Impact Statement (and attached supporting information except where superseded below), prepared by RMCG, dated December 2020
 - b) Development Plans, prepared by Snowy Valleys Council, Project No. 14-03-004, Sheet 1-8, Revision 3, dated 12 April 2021;
 - c) Ground Water Bores, prepared by Snowy Valleys Council, Project No. 14-03-004, Revision 1, dated 16 November 2020;
 - d) Shed Plans, prepared by Tumut River Sheds, Job No. FSB-210316153423, (End Elevations, Side Elevations & Floor Plan Elevation) dated 16 March 2021;
 - e) Aboriginal Cultural Heritage Assessment prepared by Biosis, dated 21 January 2021.
 - f) Archaeological Report prepared by Biosis, dated 21 January 2021.
 - g) Construction and Operational Noise Assessment prepared by SLR dated 17 December 2021.
 - h) Biodiversity Offset Scheme Evaluation Tumut Composting Facility, prepared by NGH, dated 31 August 2022.
 - i) Bushfire Assessment, prepared by NGH, dated 5 November 2021.
 - j) Environmental Monitoring – Proposed Snowy Valleys Council Composting Hardstand prepared by McMahon Earth Science, dated 19 November 2021.
 - k) Geotechnical Investigation, prepared by Aitken Rowe Geotechnical Engineering, dated 10 October 2019.
 - l) Odour Impact and Management Assessment, prepared by The Odour Unit, dated 4 May 2022.
2. The mitigation and management measures recommended in the endorsed supporting documents, must be implemented throughout the construction phase and operation of the facility.
3. The Development Application has been determined by the granting of consent subject to and as amended by the conditions of development consent specified below. In the event of any inconsistency between the consent documentation and the consent conditions, the conditions

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of this consent prevail.

4. 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.
5. All building work must be carried out in accordance with the provisions of the National Construction Code (NCC).
6. 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.
7. 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).
8. Any activities in proximity to electrical infrastructure must be undertaken in accordance with the latest industry guideline currently known as ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure.
9. Transport for NSW Conditions:
 - a) A landscaped buffer (at least 5 metres in width planted with a variety of species endemic to the area and growing to a mature height ranging from 2 metres to at least 5 metres) shall be established and maintained within the subject property between the development site and the road reserve of the Snowy Mountains Highway to a standard to minimise distraction of the travelling public.
 - b) Any works associated with the development shall be at no cost to Transport for NSW.
10. NSW RFS Condition: The proposed development is to comply with the bush fire report prepared by NGH Pty Ltd, project no. 21- 653, dated 31 August 2022.

General Terms of Approval

11. The development shall be carried out in accordance with the General Terms of Approval (or as otherwise varied by the issue of the Environmental Protection License) issued by the NSW Environment Protection Authority (Notice No:1619360) attached in **ATTACHMENT A**.
12. The development shall be carried out in accordance with the General Terms of Approval issued by Heritage NSW dated 18 June 2021 (Reference: DOC21/34496-10) attached in **ATTACHMENT B**.

Prior to issue of a Construction Certificate

13. 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.

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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.

14. A Construction Management Plan must be prepared by a suitably qualified person and submitted to Councils Director of Planning and Compliance for approval prior to the release of a construction certificate.
15. A Landscaping Plan including the location and details of all vegetative screening and fencing is to be provided for the site prior to the release of a construction certificate.
16. The following management plans shall be prepared by a suitably qualified consultant in accordance with the mitigation and management measures recommended in the endorsed supporting documents and 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; and
 - f) Soil & Water Management Plan.

All required management plans are to be prepared in accordance with the Department of Infrastructure, Planning and Natural Resources' Guideline for the Preparation of Environmental Management Plans (2004). The Management Plans must be prepared by a suitably qualified person and submitted to Council and any relevant external agency for approval prior to the release of a construction certificate.

Prior to Works Commencing

17. 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 Authority 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

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- 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.
- 18. 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.
- 19. 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.
- 20. 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.
- 21. 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.
- 22. A Traffic Management Plan (TMP) detailing how movements in and out of the site during construction will be adequately managed so as not to adversely impact the safe operation of the road network shall be submitted to Council for approval. The associated Traffic Control Plans (TCP's) 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.

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During Construction

23. The Traffic Management Plan is to be fully complied with for the full duration of the project's construction phase.
24. 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.
25. 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.
26. Erosion and sediment control measures in accordance with the approved ESCP are to be maintained by the developer at all times.
27. 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.
28. 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.
29. 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.
30. 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;

No work to be carried out on Sunday or Public Holidays if it is audible on other residential premises unless otherwise agreed to by Council's Director of Planning and Compliance.

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

31. 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 Council's Environmental Health Officer must be contacted to arrange an inspection.
32. All internal driveways, parking areas and vehicle turning areas shall be designed in

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accordance with the requirements of AS2890.1-2004 "Parking Facilities - Off Street Parking".

33. The direction of traffic movement within the site shall be clearly indicated by means of suitable signs 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.

Inspections

34. 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

35. 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

36. All works as required by these conditions of consent shall be complete.
37. The Operational Environmental Management Plan must be prepared by a suitably qualified person and submitted to Councils Director of Planning and Compliance for approval prior to the release of an occupation certificate.

Continued Operations

38. The hours of operation are restricted to between 7:00am and 5:00pm, Monday to Sunday.
39. All vehicle movements into and out of the development site shall be in a forward direction.
40. 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.
41. From the commencement of operation, the Applicant must implement a Waste Monitoring Program for the development. The program must:
- a) be prepared by a suitably qualified and experienced person(s) prior to the commencement of operation;
 - b) include suitable provisions to monitor the:
 - (i) quantity, type and source of waste received on site; and
 - (ii) quantity, type and quality of the outputs produced on site; and
 - c) ensure that:
 - (i) staff receive adequate training in order to be able to recognise and handle any

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hazardous or other prohibited waste.

42. The quantities of dangerous goods stored and handled at the site must be below the threshold quantities listed in the Department's Hazardous and Offensive Development Application Guidelines – Applying SEPP 33 at all times.
43. Dangerous goods, as defined by the Australian Dangerous Goods Code, must be stored and handled strictly in accordance with:
 - a) all relevant Australian Standards;
 - b) the Environment Protection Manual for Authorised Officers: Bunding and Spill Management – Technical Bulletin (EPA, 1997).

In the event of an inconsistency between the above requirements, the most stringent requirement must prevail to the extent of the inconsistency.

44. 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 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.

45. Monthly leachate monitoring and testing is required for a period of twelve months following the commencement of operations to determine the composition of leachate generated from the facility. The NSW Environmental Protection Authority must be notified of any breach of conditions of consent or to Environmental Protection Licence requirements immediately.
46. Any product processed at the facility is to meet the relevant standard (AS4454), Composting Guideline 2016 and / or any specific Resource Recovery Orders and Exemptions.
47. Within one year of the commencement of operation, and every three years after, unless Council's Director of Planning and Compliance directs otherwise, the Applicant must commission and pay the full cost of an Independent Environmental Audit (audit) of the development. Audits must:
 - a) be led and conducted by a suitably qualified, experienced and independent team of experts;
 - b) be carried out in consultation with the relevant agencies;
 - c) assess the environmental performance of the development and assess whether it is complying with the requirements in this consent, and any strategy, plan or program required under this consent;
 - d) review the adequacy of any approved strategy, plan or program required under this consent;
 - e) recommend measures or actions to improve the environmental performance of the development, and any strategy, plan or program required under this consent; and
 - f) be made public within three months of receipt of the report.
48. Within three months of commissioning an Independent Environmental Audit, or within another timeframe agreed by Council's Director of Planning and Compliance, a copy of the audit

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report must be submitted to Council's Director of Planning and Compliance and any other NSW agency that requests it, together with a response to any recommendations contained in the audit report, and a timetable for the implementation of the recommendations. The recommendations must be implemented to the satisfaction of the Council's Director of Planning and Compliance. The audit report together with a response to any recommendations contained in the audit report, and a timetable for the implementation of the recommendations must also be made public within three months of receipt of the report.

49. The site must be maintained in a neat and tidy condition at all times.
50. 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.
51. 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.

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

ATTACHMENT B – Heritage NSW – General Terms of Approval