**Attachment 1**

**Recommended Conditions of Consent for the**

**Sydney Western City Planning Panel (SWCPP)**

**Development Application No:** DA0508/18

**Development:** Extractive Industries: Sand Extraction and Processing Facility, Road Works, Site Works, Ancillary Office, Fencing, Landscaping and Site Rehabilitation

**Site:** Lot 2 in DP 77951, Lot 4 in DP 718505 and Lot 2 in DP 85885.

No. 374, 395 & 415 Freemans Reach Road FREEMANS REACH NSW 2756

**Applicant: Greener Valley Sands Pty Ltd**

**SWCPP Reference No:** PPSSWC-2

The following conditions of consent are recommended for the above application, if the panel determine that the application be approved, are as follows.

| **CONDITION**  | **REASON** |
| --- | --- |
| **PART A – GENERAL CONDITIONS** |
| **Integrated Development - General Terms of Approval**1. The general terms of approval from the following agencies incorporated at Appendix “2” and outlined further below form part of this consent.
2. WaterNSW, Reference No. IDAS1127000, dated 18 February 2021,
3. NSW Department of Fisheries (DPI Fisheries), Reference No.C20/377, dated 14 July 2020,
4. Office of Environment & Heritage (OEH), Reference No. SF18/103648, dated 14 December 2018,
5. Natural Resources Access Regulator (NRAR), Reference No. IDAS1111502, dated 1 August 2019, and
6. NSW Environment Protection Authority (NSW EPA), Reference No. 1574752, dated 27 July 2020.
 | Consistent with S.4.47(3) of the EP&A Act. |
| **Approved Plans and Supporting Documentation**1. Development must be carried out in accordance with the following approved plans and supporting documentation, except where the conditions of this consent expressly require otherwise.

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| --- | --- | --- | --- | --- |
| Plan No. | Revision No. | Plan Title. | Drawn By. | Dated. |
| PS06-A000 | E | Cover Sheet  | Martens & Associates Pty Ltd | 16/07/2021 |
| PS06-A050 | D | Development Overview Plan (Sheet 1) | Martens & Associates Pty Ltd | 16/07/2021 |
| PS06-A055 | D | Development Overview Plan (Sheet 2) | Martens & Associates Pty Ltd | 16/07/2021 |
| PS06-A300 | C | Concept Layout sand processing area  | Martens & Associates Pty Ltd | 28/04/2020 |
| PS06-A310 | C | Concept Landscape Plan Pre-Development | Martens & Associates Pty Ltd | 28/04/2020 |
| PS06-A320 | D | Concept Landscape Plan Post-Development | Martens & Associates Pty Ltd | 28/04/2020 |
| PS06-B100 | C | Quarry Progression Plan  | Martens & Associates Pty Ltd | 28/04/2020 |
| PS06-B300 | C | Sediment and Erosion Control Plan | Martens & Associates Pty Ltd | 28/04/2020 |
| PS06-B310 | B | Sediment and Erosion Control Details | Martens & Associates Pty Ltd | 01/05/2019 |
| PS06-C100 | C | Earthworks Grading Plan - Pre extraction | Martens & Associates Pty Ltd | 28/04/2020 |
| PS06-C110 | C | Earthworks Grading Plan – Area 1 | Martens & Associates Pty Ltd | 28/04/2020 |
| PS06-C120 | C | Earthworks Grading Plan – Area 2 | Martens & Associates Pty Ltd | 28/04/2020 |
| PS06-C130 | D | Earthworks Grading Plan – Area 3 | Martens & Associates Pty Ltd | 16/07/2021 |
| PS06-C140 | C | Earthworks Grading Plan – Area 4 | Martens & Associates Pty Ltd | 28/04/2020 |
| PS06-C150 | B | Earthworks Grading Plan – Final Surface  | Martens & Associates Pty Ltd | 28/04/2020 |
| PS06-C600 | D | Earthworks Sections (Sheet 1) | Martens & Associates Pty Ltd | 16/07/2021 |
| PS06-C601 | C | Earthworks Sections (Sheet 2) | Martens & Associates Pty Ltd | 16/07/2021 |
| PS06-C602 | C | Earthworks Sections (Sheet 3) | Martens & Associates Pty Ltd | 16/07/2021 |
| PS06-DZ00 | B | Concept design of proposed driveway and vehicle crossing | Martens & Associates Pty Ltd | 28/04/2020 |
| PS06-E100 | C | Drainage Plan for Sand Processing Area | Martens & Associates Pty Ltd | 28/04/2020 |
| PS06-E100 | C | Drainage Plan – Area 1 | Martens & Associates Pty Ltd | 28/04/2020 |
| PS06-E110 | C | Drainage Plan – Area 2 | Martens & Associates Pty Ltd | 28/04/2020 |
| PS06-E130 | D | Drainage Plan – Area 3 | Martens & Associates Pty Ltd | 16/07/2021 |
| PS06-E140 | C | Drainage Plan – Area 4 | Martens & Associates Pty Ltd | 28/04/2020 |
| PS06-E100 | B | Drainage Details | Martens & Associates Pty Ltd | 01/05/2019 |
| PS06-JZ10 | B | Groundwater Site Testing Plan | Martens & Associates Pty Ltd | 01/05/2019 |
| PS06-JZ30 | C | Water monitoring locations | Martens & Associates Pty Ltd | 28/04/2020 |

| Document Title. | Prepared By. | Dated. |
| --- | --- | --- |
| Environmental Impact Statement | Martens & Associates Pty Ltd | November 2018 |
| Bush Fire Hazard Assessment | Blackash Bushfire Consulting | May 2018 |
| Air Quality Assessment | Todoroski Air Sciences | November 2018 |
| Flora and Fauna Assessment | Narla Environmental Pty Ltd | November 2018 |
| Onsite Wastewater Management Assessment | Martens & Associates Pty Ltd | November 2018 |
| Statement of Heritage Impact | Coast History & Heritage | November 2018 |
| Aboriginal Cultural Heritage Assessment Report | Coast History & Heritage | November 2018 |
| Vegetation Management Plan (Version 2) | Narla Environmental Pty Ltd | July 2021 |
| Hydrogeological Assessment | Martens & Associates Pty Ltd | November 2018 |
| Flood Assessment | Martens & Associates Pty Ltd | 26 July 2021 |
| Waste Management Plan | Martens & Associates Pty Ltd | November 2018 |
| Watercourse Impact Assessment | Martens & Associates Pty Ltd | November 2018 |
| Traffic Study | Martens & Associates Pty Ltd | November 2018 |
| Land Resource Assessment | Martens & Associates Pty Ltd | November 2018 |
| Preliminary Site Investigation | Martens & Associates Pty Ltd | November 2018 |
| Detailed Site Investigation | Martens & Associates Pty Ltd | July 2021 |
| Remedial Action Plan | Martens & Associates Pty Ltd | July 2021 |
| Amended Acoustic Assessment | Acoustic Logic | April 2019 |
| Amended Flood Risk Management Plan | Martens & Associates Pty | April 2019 |
| Amended Operational Management Plan | Martens & Associates Pty | May 2020 |
| Amended Surface Water Assessment | Martens & Associates Pty | May 2020 |
| Amended Inlet Reclamation Plan | Martens & Associates Pty | May 2020 |
| Amended Aquatic Ecology Assessment | Narla Environmental Pty Ltd | April 2019 |
| Greenhouse Gas Assessment | Todoroski Air Sciences | December 2019 |
| Threatened Species Targeted Surveys | Narla Environmental Pty Ltd | December 2019 |
| Acid Sulfate Soils Management Plan | Martens & Associates Pty | April 2019 |
| Geomorphological Assessment | Martens & Associates Pty | April 2019 |

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. | To ensure all parties are aware of the approved plans and supporting documentation that applies to the development |
| **Design Amendments**1. Before the issue of a construction certificate, the certifier must ensure the approved construction certificate plans (and specifications) detail the following required amendments to the approved plans and supporting documentation.
2. Turf farming activities on the site are required to be modified to be setback a minimum of 20 metres from proposed extraction activities.
3. A truck weigh bridge is required to be installed at the entrance of the site in order to record the amount of material being exported and imported to the site.
4. Plans must comply with the following requirements specified by the NSW Department of Primary Industries - Fisheries in their letter of 15 January 2020.
5. Local Land Services (LLS) must be consulted to review the inlet reclamation design, construction methodology and the revegetation plan. Any recommendations from LLS must be adopted;
6. The rehabilitated riverbank must not be rock lined;
7. Environmental safeguards (silt curtains, booms etc.) are to be used during construction to ensure that there is no escape of turbid plumes into the aquatic environment. Turbid plumes have the potential to smother aquatic vegetation and have a deleterious effect on benthic organisms; and
8. If a Controlled Activity Approval is obtained from the NSW Natural Resources Access Regulator (NRAR), then a Part 7 permit for dredging and reclamation under the FM Act is not required. If a Controlled Activity Approval is not obtained from NRAR, the proponent must obtain a Part 7 permit from DPI Fisheries prior to any works on site.
 | To require minor amendments to the approved plans and supporting documentation following assessment of the development |
| **Compliance with Conditions**1. The Applicant must comply with requirement/s of:
2. any reports, strategies, plans, programs, reviews, audits or correspondence that are submitted in accordance with the conditions of this consent;
3. any reviews, reports or audits undertaken or commissioned by the Council regarding compliance with the conditions of this consent; and
4. the implementation of any actions or measures contained in these documents.
 | To ensure that the ongoing monitoring and operation of the facility complies with approved documents and future review or audit of these documents. |
| **Payment of Section 7.11 (Formerly section 94) Contributions** 1. A monetary contribution is required to be made to Hawkesbury City Council under section 7.12 of the EP&A Act in accordance with Hawkesbury Section 94 Contributions Plan 2015.

This contribution is based on a rate of 5 cents per tonne per kilometre of hauled material to and from the site associated with the construction, extraction and remediation of the land. Once works have started Council must be provided with the following details each financial quarter:1. The details of the length of local and regional roads (haul routes) used by vehicles exporting sand from the site or importing material to the site; and
2. The total quantity of material exported and imported to the site in tonnes. Including, extracted sand and imported fill material required for the construction and rehabilitation works associated with this consent.

A minimum haul length of 4.2 kilometres will apply to vehicles accessing the site in association with the approved extractive industry and the 5 cents per tonne is required to be indexed from June 2015 in accordance with quarterly movements in the Consumer Price Index (All Groups Index) for Sydney as published by the Australian Bureau of Statistics. A register must be kept on premises identifying each vehicle that enters the site in association with the works approved as part of this consent, weight of material imported or exported from the site, vehicle registration details, and haul routes used by vehicles. This register must be kept on the premises and supplied to Council upon request. | To address the increased impact on public road infrastructure resulting from the approved development. |
| **Extractive Operations**1. Extractive operations must be limited to the extraction and processing of up to 700,000 tonnes of sand over a period of 10-years from the date of the commencement of extractive activities.

Note: Under this consent, the Applicant is required to decommission and rehabilitate the site and carry out other requirements in relation to mining operations. Consequently, this consent will continue to apply in all respects other than to permit the carrying out of mining operations until the rehabilitation of the site and other requirements have been carried out to the required standard. | To ensure that there is a cease date of operations and limit on amount of sand approved to be extracted from the site. |
| **Vegetation Management Plan (VMP)** 1. The approved VMP shall be implemented for the entirety of the life of the project, including up to the completion of all site rehabilitation works, to protect and enhance the riverfront vegetation communities.
 | To ensure vegetation enhancement and protection measures are followed |
| **Limitation of Consent**1. Applicant must not:
2. excavate outside the extraction areas or the limits of extraction shown in the approved plans,
3. carry out work below the mean high water mark,
4. carry out any works within the wetland identified on the land (other than vegetation management works),
5. sort, remediate or process any material imported to the site, and
6. stockpile imported fill material on the site.
 | To define the location and extent of activities endorsed by the consent. |
| **Obligation to Remediate any Harm to the Environment**1. Applicant must implement all practicable measures to prevent and/or minimise any harm to the environment that may result from the establishment, operation, or rehabilitation of the development

The Applicant is responsible to remediate any damage occasioned to adjacent properties or the river, as a consequence of the project, for the life of the project including rehabilitation. | To ensure the applicant is responsible for potential impacts to adjacent properties of the environment. |
| **Compliance with the Building Code of Australia** 1. Building work must be carried out in accordance with the requirements of the BCA
 | (Prescribed condition - EP&A Regulation clause 98(1)(a)) |
| **Section 6.16(1) Certificates Required**1. Any registered certifier shall provide copies of all Section 6.16(1) certificates issued under the *Environmental Planning and Assessment Act 1979* relevant to this development to Council within seven days of issuing the certificate.
 | Required under Section 6.16(1) of the EPA Act. |
| **Construction Certificate Required Before Commencement of Works**1. No approved civil or building works must commence until:
2. a Construction Certificate as relevant from either Council or a registered certifier has been obtained (a fee is payable for this service);
3. a Principal Certifier has been appointed; and
4. a Notice of Commencement has been lodged with Council.

**Note:** If a Construction Certificate is issued by a registered certifier (and not Council), it will be necessary to lodge the Construction Certificate and other approved documents with Council within two days of such approval (a registration fee is payable upon lodgement). | To ensure works are covered by a Construction Certificate and a Principal Certifier has been appointed. |
| **Asbestos Removal** 1. If Asbestos Containing Materials (ACM) are encountered during construction or excavation work; measures must be in place in accordance with the Work Health and Safety Regulation 2017. Work must not commence or continue until all the necessary safeguards required by SafeWork NSW are fully in place.

Before to any ACM removal, a commercially manufactured sign containing the words ’DANGER ASBESTOS REMOVAL IN PROGRESS’ measuring 400mm x 300mm must be erected in a prominent visible position on the site in accordance with Australian Standard AS 1319 - 'Safety Signs for the Occupational Environment'.In accordance with the Work Health and Safety Regulation 2017, a SafeWork NSW licensed Asbestos Removalist is to be engaged to undertake asbestos removal.The person entitled to act on this consent must notify adjoining residents in writing five working days before ACM removal works.Asbestos waste must only be disposed of at a landfill site authorised to receive such waste and transported by a licensed person where necessary. All receipts and supporting documentation must be retained in order to verify lawful disposal and are to be made available to Council on request. Asbestos waste or other ACMs are not to be (re)used at the site.Following removal of ACMs, a clearance inspection is to be undertaken which may include air monitoring. A Clearance Certificate is to be provided certifying that the removal is complete and that the site has been made safe. | To ensure the asbestos found on site is managed appropriately. |
| **Roads Act 1993 Approval Required** 1. A separate approval is required from Council (for local roads) under Section 138 of the *Roads Act 1993* to undertake any of the following:
2. erect a structure or carry out a work in, on or over a public road; or
3. dig up or disturb the surface of a public road; or
4. remove or interfere with a structure, work or tree on a public road; or
5. pump water into a public road from any land adjoining the road; or
6. connect a road (whether public or private) or driveway to a public road.

The approval for the works under the Roads Act 1993 is to be obtained before to the issue of any Construction Certificate. | To ensure consent is obtained for the driveway crossing works. |
| **Works on Public Land - Not Permitted Without Approval** 1. No work can be undertaken within adjoining public lands (i.e. Parks, Reserves, Roads etc.) without the prior written consent of Council or other relevant authority. In this regard the person having benefit of the consent is to contact Council prior to the commencement of any design works or preparation of a Construction and Traffic Control Plan.

The developer must bear the cost of all works associated with the development that occurs on public land, including the restoration of damaged areas. | Confirming that separate approval is required for works on public land. |
| **Payment of Building and Construction Industry Long Service Levy**1. The payment of a long service levy as required under Part 5 of the *Building and Construction Industry Long Service Payments Act 1986* is required. Evidence that the levy has been paid, is to be submitted to the certifier before the issue of any Construction Certificate.

**Note:** All building works in excess of $25,000 are subject to the payment of a Long Service Levy at the rate of 0.35%. Payments can be made at Long Service Payments Corporation offices or most councils. | To ensure the long service levy is paid. |
| **PART B – BEFORE THE ISSUE OF A CONSTRUCTION CERTIFICATE**  |
| **External Agency Approvals**1. Plans and supporting documentation must be submitted to the certifier before to issue of a Construction Certificate demonstrating that the development complies with the general terms of approval from the following agencies listed below and included under Appendix “2” to this consent, subject to the other conditions of this consent.
2. WaterNSW, Reference No. IDAS1127000, dated 18 February 2021;
3. Office of Environment & Heritage (OEH), Reference No. SF18/103648, dated 14 December 2018;
4. Natural Resources Access Regulator (NRAR), Reference No. IDAS1111502, dated 1 August 2019; and
5. NSW Environment Protection Authority (NSW EPA), Reference No. 1574752, dated 27 July 2020.
 | Consistent with S.4.47(3) of the EP&A Act. |
| **External Agency Licences and Approvals – Before Issue of Construction Certificate**1. Before the issue of any Construction Certificate the applicant must obtain the following licences and approvals from the following state agencies.
2. Section 90 Aboriginal Heritage Impact Permit (AHIP) under the National Parks and Wild Life Act 1974 from the Office of Environment & Heritage (OEH);
3. Water Supply Work approval under the Water

Management Act 2000 from Water NSW;1. Controlled Activity approval under the Water Management Act 2000 from the NSW Natural Resources Access Regulator (NRAR); and
2. Environmental Protection Licence under the Protection of the Environment Operations Act 1997 from the NSW Environment Protection Authority (NSW EPA).

Construction Certificate plans are required to demonstrate compliance with the conditions specified by the above approvals and licences.  | To ensure relevant approvals and licences for the proposed works are obtained and that any conditions of these licences and approvals are incorporated into the construction certificate documentation.  |
| **Condition Survey** 1. A condition survey of the river banks (both banks) must be undertaken by a suitably qualified person before any earthworks occur on the site.

The survey must establish the baseline condition of the river banks and be submitted to Council before the issue of any Construction Certificate.  | To record the condition of the river banks before commencement of earthworks. |
| **Operational Management Plan** 1. The approved operational management plan listed in Condition 2 must be updated to demonstrate that the proposal complies with the conditions imposed by this consent and external agencies listed under condition 1 of this consent.

The approved operational management plan is to be submitted to the Principal Certifier and Council before to the issue of any Construction Certificate. | To update the operational management plan. |
| **Sewer Management Facility** 1. A Sewer Management Facility System application shall be submitted to Hawkesbury City Council. The treatment system and disposal method is to comply with Australian/New Zealand Standard 1547:2012 – *On-site domestic wastewater management*. Evidence of the approval of the application must be submitted to the Principal Certifying Authority before the issue of any construction certificate.
 | To ensure the development can be provided with suitable sewerage services. |
| **Flood Compatible Construction** 1. All buildings must have flood compatible structural components up to and including the 100 year Average Recurrence Interval (ARI) flood level. The materials used in the construction must be consistent with any structural engineering certificate regarding the ability of the building/structure to withstand the forces of floodwater.

A written specification of the proposed materials to be used shall be provided to the Principal Certifying Authority before the issue of a Construction Certificate. **Note:** Advice on suitability of materials for use on flood liable land can be found in the publication 'Reducing Vulnerability of Buildings to Flood Damage' (Chapter 4.3 - Construction Materials) | To ensure buildings have flood compatible structural components. |
| **Flood Prone Land - Engineers Certification** 1. The 100 year Average Recurrence Interval (ARI) flood level for this site is 17.3 metres AHD (Australian Height Datum). An engineer's certificate must be provided deeming compliance with the following requirements during a 100 year ARI flood event:

 1. Debris

Damage to the proposed buildings, structures and block walls sustained in a flood will not generate debris capable of causing damage to downstream buildings or property. This includes securing of utilities and equipment including tanks, A/C units and similar. 1. Structural Soundness

Any part of the development will be able to withstand the force of floodwaters (including lateral forces, buoyancy forces, unbalanced hydrostatic forces) and the impact of debris. 1. Foundations

That footing systems must be structurally stable during flooding and must consider the soil properties when wet, possible erosion and scouring or liquefaction, subsidence or collapse due to saturation. 1. Sand Dredge

An anchoring system for the sand extraction dredge shall be designed by a suitably qualified geotechnical engineer to ensure that in the event of a flood at the site, the sand extraction dredge will at all times be anchored at a minimum of three locations to withstand the hydrostatic and hydrodynamic forces associated with flood events up to and including the 100 year ARI. Subject to detailed design, this should be based on a minimum peak flow velocity of 2.0 metres per second and a peak flow depth of 20 metres.The Engineers Certificate must be submitted to the Principal Certifying Authority before issue of the Construction Certificate. | To ensure works are designed to account for the impacts of flooding.  |
| **Flood Risk Management Plan**1. Before the issue of a Construction Certificate the Applicant must prepare an amended Flood Risk Management Plan for the development which takes into account the following measures:
2. procedures to be carried out in advance of a flood event to minimise damage to plant equipment, operating staff and the environment;
3. an anchoring system for the sand extraction dredge, and
4. procedures to be followed after a flood event to repair any damage and return the site to productive operations, including reinstatement of all pollution control devices and rehabilitation,
5. in order to limit potential scour and erosion during flood events, all topsoil stockpiles and earthen bunds which are to be in place for any period longer than 3 months are oriented parallel to potential flood flows and are promptly and effectively spray-seed hydro-mulched with an appropriate fast-growing native grass mix, to the satisfaction of the Council.
 | To update the flood risk management plan. |
| **Construction Site Management Plan** 1. Before the issue of a construction certificate, the applicant must ensure a construction site management plan is prepared before it is provided to and approved by the certifier. The plan must include the following matters:
* location and materials for protective fencing and hoardings to the perimeter on the site
* provisions for public safety
* pedestrian and vehicular site access points and construction activity zones
* details of construction traffic management, including proposed truck movements to and from the site and estimated frequency of those movements, and measures to preserve pedestrian safety in the vicinity of the site
* protective measures for on-site tree preservation (including in accordance with AS 4970-2009 Protection of trees on development sites and Council’s DCP, if applicable) and trees in adjoining public domain (if applicable)
* details of any bulk earthworks to be carried out
* location of site storage areas and sheds
* equipment used to carry out all works
* a garbage container with a tight-fitting lid
* dust, noise and vibration control measures
* location of temporary toilets. The applicant must ensure a copy of the approved construction site management plan is kept on-site at all times during construction.
 | To require details of measures that will protect the public, and the surrounding environment, during site works and construction. |
| **Soil and Water Management Plan**1. The applicant must submit to and obtain approval from the Certifier of a Soil and Water Management Plan (SWMP) before the issue of Construction Certificate. The SWMP must take into account the requirements of Landcom's publication 'Managing Urban Stormwater - Soils and Construction (2004)' and shall contain, but not be limited to:
2. clear identification of site features, constraints and soil types;
3. details of a strategy for phasing of construction works so that land disturbances are confined to areas of a manageable size and kept to a minimum;
4. erosion and sediment control plans shall be provided for three phases of construction:

 (i) before commencement of works; (ii) during bulk earthworks; (iii) post drainage construction;1. any temporary sediment basins shall be as a minimum designed to a five day 85th percentile rainfall event and soil type in calculations shall be confirmed by a geotechnical engineer;
2. Erosion and Sediment Control Plans shall provide site-specific management measures, including details of short and long-term measures to be employed to minimise soil erosion and the discharge of sediment to land and/or waters including the locations and capacities of sediment fencing/straw bales, temporary sediment basins, sediment filters, filter barriers and other controls;
3. a strategy for progressive revegetation and rehabilitation of disturbed areas of earth as rapidly as practicable after completion of earthworks;
4. identification of all potential sources of water pollution and a detailed description of the remedial action to be taken or management systems to be implemented to minimise emissions of these pollutants from all sources within the subject site;
5. measures to handle, test, treat, re-use and dispose of stormwater and contaminated water and soil;
6. procedures for the re-use, treatment and disposal of water from sedimentation basins; and
7. a program for reporting on the effectiveness of the operational and construction sedimentation and erosion control system against performance goals.

Details satisfying the above criteria are to be submitted to the Certifier before the issue of a Construction Certificate. | To ensure no substance other than rainwater enters the stormwater system and waterways. |
| **Waste Management Plan** 1. Before the issue of a construction certificate, the applicant is to ensure that a waste management plan is prepared in accordance with the EPA’s Waste Classification Guidelines details the following:
2. the contact details of the person(s) removing the waste
3. an estimate of the waste (type and quantity) and whether the waste is expected to be reused, recycled or go to landfill,
4. the address of the disposal location(s) where the waste is to be taken

The applicant must ensure the waste management plan is referred to in the construction site management plan and kept on-site at all times during construction. | To ensure resource recovery is promoted and local amenity protected during construction. |
| **Construction Certificate – Civil Works**1. Before the issue of a Construction Certificate, plans must be provided to the certifier specifying:
2. Finished levels, any associated drainage, any structural details and finished surfaces;
3. Site filling and grading of fill for the building platform, access drive and parking;
4. The protective bund wall;
5. Sediment ponds;
6. Remediation works,
7. Construction of driveway access and the Car Park(Including manoeuvring areas to allow all vehicles accessing the site to enter and exit in a forward direction);
8. Civil Stormwater Drainage;
9. The 2 metre high stacked sandstone block wall;
10. Filling in of inlets; and
11. Sediment pond and drainage from the turf farm.

All civil construction works required by this consent shall be undertaken in accordance with *Hawkesbury Development Control Plan Appendix E Civil Works Specification*. Inspections shall be carried out and compliance certificates issued by Council or an registered certifier. | To ensure civil works are detailed in the construction certificate plans.  |
| **Structural Engineers Design - Retaining Walls**1. Any retaining walls and sandstone block walls having a height exceeding 600mm proposed in conjunction with the development are required to be designed by a suitably, qualified and practicing structural engineer.

Details demonstrating compliance with this requirement must be submitted to the Certifier before the issue of a construction certificate. | To have structural design details confirmed.  |
| **Engineer Designed Pavement**1. All car parking areas, manoeuvring areas and the access aisles must be paved, drained and marked. The pavement must be designed by a qualified civil engineer and certified to be satisfactory for the expected traffic loadings. *AUSTROADS Guide to Pavement Technology* can be used as the design guideline for the pavement design.

The laybacks and crossings must be designed to accommodate expected traffic loadings. In this regard, they must be constructed to a commercial/industrial standard with the work carried out at the Developer's expense, including all alteration to public infrastructure where necessary.The above details must be provided to the certifier before the issue of the Construction Certificate. | To ensure pavements are suitable for use.   |
| **Car Parking - Space Dimensions**1. A minimum of four Car parking spaces shall be provided in accordance with the approved plans, the National Construction Code (Building Code of Australia) and Australian Standard AS 2890.6 - ‘Parking facilities: Off-street parking for people with disabilities’.

The car parking spaces are to be identified on-site by line-marking and wheel stops provided for each parking space. Details in accordance with the above must be submitted to the certifier before the issue of a Construction Certificate. | To specify minimum parking requirements.  |
| **Access for Persons with a Disability**1. Details demonstrating compliance with Australian Standard AS 1428.1 - 'Design for Access and Mobility and Disability (Access to Premises - Buildings) Standards 2010' in relation to the development are to be submitted to the certifier before the issue of a Construction Certificate.
 | To ensure appropriate access is provided. |
| **Traffic Management Plan**1. A detailed Traffic Management Plan must be submitted to the Certifier before the issue of a Construction Certificate indicating how construction vehicles will safely enter and exit the site in a practical manner whilst minimising any negative effects on the surrounding roads and community. The Traffic Management Plan must include the following:
2. construction access to the site is to be limited to one access point;
3. a bitumen sealed haulage road must be constructed and maintained to the satisfaction of the Certifier to a minimum distance of 30metres until the completion of all earthworks;
4. the proposed method of loading and unloading excavation and construction machinery, excavation and building materials, formwork and the erection of any part of the structure within the site;
5. all loaded vehicles entering or leaving the site must have their loads covered;
6. the proposed method of access to and egress from the site for vehicles is to be safe and practical and allow all vehicles to enter and exit the site in a forward direction; and

f) any associated Traffic Management Plans prepared by an appropriately qualified person in accordance with the Roads and Traffic Authority publication 'Traffic Control at Worksites'.Details demonstrating compliance with the above requirement is to be submitted to the Certifier for approval before the issue of a Construction Certificate. | To ensure road safety is considered and managed appropriately.  |
| **Construction Environment Management Plan**1. A Construction Environment Management Plan shall be submitted to the Certifier for approval before the issue of a Construction Certificate.

The Construction Environment Management Plan must address the following matters:1. Summary

Provide a concise summary of key points from all documentation.1. Background

Provide details of the proposed works including the extent, staging and proposed timing of the works.1. Consultation

The manner in which adjoining property owners will be kept advised of the timeframes for completion of each phase of development/construction process and the establishment of a protocol for complaints handling and management.1. Noise

Details in relation to how works will be undertaken in accordance with the Interim Construction Noise Guideline published by the NSW Environment Protection Authority. Outside of standard work hours for float deliveries will need to have RMS written approval and Council and affected neighbours must be notified in writing.1. Dust

Details in accordance with the Dust Management Measures condition requirements.1. Vibration

A Vibration Compliance Letter in accordance with the relevant vibration condition requirements.1. Traffic

A Detailed Traffic Management Plan (for internal and external to site) in accordance with the Traffic Management Plan condition requirements. This needs to consider site access and delivery routes with respect to the surrounding road network.1. Detailed Soil and Water Management Plan and Sediment and Erosion Control plan in accordance with the Soil and Water Management Plan condition requirements.

A report clearly detailing planned water quality monitoring proposed for the development in accordance with the requirements of the Water Quality Assessment and Monitoring condition. 1. Any site specific Heritage and Archaeological Management.
2. Any site specific Ecological Impact Mitigation Measures.
3. Public and Private asset protection plan/measures, dilapidation survey condition requirement.
4. Stockpile management, both temporary and non-temporary.
5. Tree/ vegetation protection.
6. Fauna (and fauna habitat) protection, recovery and relocation.
 | To summarise construction management measures to be implemented. |
| **PART C - BEFORE THE COMMENCEMENT OF WORKS** |
| **Limitation of Works**1. A registered surveyor must be engaged to mark out:
2. the boundaries of the approved limits of the extraction within the site,
3. the mean high water mark,
4. the top of bank, and
5. a 40 metre setback from the Hawkesbury River.

There areas are to be clearly defined and inspected by Council before the commencement of any works and clearly marked in a manner that allows them to be easily identified at all times during the carrying out of the life of the development, including remediation works. | This is to establish the location of works approved as part of the application. |
| **Principal Certifying Authority - Details** 1. The applicant shall advise Council of the name, address and contact number of the Principal Certifier, in accordance with Section 81A 2(b) of the *Environmental Planning and Assessment Act 1979*.
 | To ensure compliance with Section 81A 2(b) of the EP&A Act. |
| **Toilet Facilities** 1. Toilet facilities must be available or provided at the work site before works begin and must be maintained until the works are completed at a ratio of one toilet plus one additional toilet for every 20 persons employed at the site.

Each toilet must: 1. be a standard flushing toilet connected to a public sewer, an approved on-site effluent disposal system or temporary chemical closet that is regularly maintained; and
2. provide appropriate facilities for the disposal of sanitary items within the toilet.
 | To provide appropriate toilet facilities during construction. |
| **Notice of Commencement** 1. No work shall commence until a notice of commencement has been provided to Council. This notice is to be provided not less than two days from the date on which it is proposed to commence work associated with this Development Consent. The notice must also contain:
2. details of the appointment of a Principal Certifier providing name, address and telephone number; and
3. details of the name, address and licence details of the Builder.
 | In order to inform Council before commencement. |
| **Safety Fencing** 1. The site is to be secured by a fence, in accordance with NSW WorkCover requirements, to prevent unauthorised access during the period of all works.

Entry and exit points shall be secured at all times to prevent the unauthorised entry of vehicles, and to ensure that the site manager can control and prevent dumping of waste and potentially contaminated material whilst fill material is being imported or managed on site. | To secure the site. |
| **Dilapidation Survey - Damage to Public Infrastructure**1. A dilapidation survey and report (including photographic record) must be prepared by a suitably experienced person detailing the pre-developed condition of sewer manholes, drainage grates, lintels, road, footpath and kerb along the development frontage.

Particular attention must be paid to accurately recording any pre-developed damaged areas so that Council is fully informed when assessing any damage to public infrastructure caused as a result of the development.The developer may be held liable for all damage to public infrastructure in the vicinity of the site, where such damage is not accurately recorded and demonstrated as pre-existing under the requirements of this condition.The developer shall bear the cost of carrying out works to restore all public infrastructure damaged as a result of the carrying out of the development.A copy of the dilapidation survey and report must be lodged with Council by the Principal Certifier before the issue of a Construction Certificate. | To keep a record of the condition of existing infrastructure.  |
| **Erosion and Sediment Controls in Place** 1. Before the commencement of any site or building work, the principal certifier must be satisfied the erosion and sediment controls are in place in accordance with the conditions of this consent and the NSW Natural Resource Access Regulator.
 | To ensure runoff and site debris do not impact local stormwater systems and waterways |
| **Signs on Site** 1. A sign must be erected in a prominent position on any site on which building work or demolition work is being carried out:
2. showing the name, address and telephone number of the principal certifier for the work, and
3. showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
4. stating that unauthorised entry to the work site is prohibited. Any such sign is to be maintained while the building work or demolition work is being carried out, but must be removed when the work has been completed.
 | (Prescribed condition EP&A Regulation, clauses 98A (2) and (3)) |
| **PART D – WHILE WORK IS BEING CARRIED OUT** |
| **Hours of Work** 1. The principal certifier must ensure that clearing of land, running of machinery, excavation, and/or earthworks, building works and the delivery of building materials must only be carried out between the following hours:
2. between 7am and 6pm, Mondays to Fridays inclusive;
3. between 8am and 1pm, Saturdays;
4. no work on Sundays and public holidays;
5. works may be undertaken outside these hours where:
6. the delivery of vehicles, plant or materials is required outside these hours by the Police or other authorities;
7. it is required in an emergency to avoid the loss of life, damage to property and/or to prevent environmental harm; and
8. a variation is approved in advance in writing by Council.
 | To protect the amenity of the surrounding area |
| **Procedure for Critical Stage Inspections** 1. While building work is being carried out, any such work must not continue after each critical stage inspection unless the principal certifier is satisfied the work may proceed in accordance with this consent and the relevant construction certificate
 | To require approval to proceed with building work following each critical stage inspection |
| **Construction Noise** 1. While building work is being carried out and where no noise and vibration management plan is approved under this consent, the applicant is to ensure that any noise caused by demolition, vegetation removal or construction does not exceed an LAeq (15 min) of 5dB(A) above background noise, when measured at any lot boundary of the property where the construction is being carried out.
 | To protect the amenity of the neighbourhood |
| **Responsibility for Changes to Public Infrastructure** 1. While building work is being carried out, the applicant must pay any costs incurred as a result of the approved removal, relocation or reconstruction of infrastructure (including ramps, footpaths, kerb and gutter, light poles, kerb inlet pits, service provider pits, street trees or any other infrastructure in the street footpath/road verge area).
 | To ensure payment of approved changes to public infrastructure |
| **Shoring and Adequacy of Adjoining Property (if applicable)** 1. If the development involves an excavation that extends below the level of the base of the footings of a building, structure or work on adjoining land (including any structure or work within a road or rail corridor), the person having the benefit of the development consent must, at the person’s own expense —
2. Protect and support the building, structure or work from possible damage from the excavation, and
3. Where necessary, underpin the building, structure or work to prevent any such damage.

This condition does not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying. | (Prescribed condition - EP&A Regulation clause 98E) |
| **Uncovering Relics or Aboriginal Objects** 1. While civil or building work is being carried out, all such works must cease immediately if a relic or Aboriginal object is unexpectedly discovered. The applicant must notify the Heritage Council of NSW in respect of a relic and notify the Secretary of the Department of Planning, Industry and Environment and the Heritage Council of NSW in respect of an Aboriginal object. Building work may recommence at a time confirmed by either the Heritage Council of NSW or the Secretary of the Department of Planning, Industry and Environment.

In this condition:* “relic” means any deposit, artefact, object or material evidence that:
1. relates to the settlement of the area that comprises New South Wales, not being Aboriginal settlement, and
2. is of State or local heritage significance; and
* “Aboriginal object” means any deposit, object or material evidence (not being a handicraft made for sale) relating to the Aboriginal habitation of the area that comprises New South Wales, being habitation before or concurrent with (or both) the occupation of that area by persons of non-Aboriginal extraction and includes Aboriginal remains.
 | To ensure the protection of objects of potential significance during works |
| **Earthworks - Removal, Management and Transportation of Fill** 1. While construction work is being carried out, the principal certifier must be satisfied all soil removed from or imported to the site is managed in accordance with the following requirements:
2. All excavated material removed from the site must be classified in accordance with the EPA’s Waste Classification Guidelines before it is disposed of at an approved waste management facility and the classification and the volume of material removed must be reported to the principal certifier.
3. All fill material imported to the site must be Virgin Excavated Natural Material as defined in Schedule 1 of the Protection of the Environment Operations Act 1997.
 | To ensure soil removed from the site is appropriately disposed of and soil imported to the site is safe for future occupants |
| **Implementation and Maintenance of Soil and Water Management Plan (SWMP)**1. The measures required in the Soil and Water Management Plan must be implemented as a priority over general construction works. The controls must be maintained at all times during each stage of the development and checked for adequacy daily. The controls must not be removed until the development is completed and the disturbed areas have been stabilised.

Maintenance must include but is not limited to ensuring:a) all sediment fences, sediment traps and socks are properly placed and are working effectively and,b) drains, gutters and roads are maintained clear of sediment at all times.Note: It is an offence under the *Protection of the Environment Operations Act 1997*  to allow soil or other pollutants to fall or be washed into any waters or be placed where it is likely to fall or be washed into any waters. Substantial penalties may be issued for any offence. | To ensure no substance other than rainwater enters the stormwater system and waterways. |
| **Waste Management** 1. While building work, demolition or vegetation removal is being carried out, the principal certifier must be satisfied all waste management is undertaken in accordance with the approved waste management plan.

Upon disposal of waste, the applicant is to compile and provide records of the disposal to the principal certifier, detailing the following: 1. The contact details of the person(s) who removed the waste,
2. The waste carrier vehicle registration,
3. The date and time of waste collection,
4. A description of the waste (type of waste and estimated quantity) and whether the waste is expected to be reused, recycled or go to landfill,
5. The address of the disposal location(s) where the waste was taken, and
6. The corresponding tip docket/receipt from the site(s) to which the waste is transferred, noting date and time of delivery, description (type and quantity) of waste.

**Note:** If waste has been removed from the site under an EPA Resource Recovery Order or Exemption, the applicant is to maintain all records in relation to that Order or Exemption and provide the records to the principal certifier and Council. | To ensure waste management is recorded and follows the approved waste management plan.  |
| **Inspections Sewer**1. Inspections for sanitary drainage works must be conducted by Hawkesbury City Council. Inspections must be conducted on the exposed pipes before covering. In the case of internal and external drainage, the inspection must be conducted by Hawkesbury City Council’s Regulatory Services Branch. Please phone (02) 4560-4444 to arrange inspections.
 | To ensure inspections are carried out for sewerage connection. |
| **Inspections by Certifier**1. Inspections shall be carried out and compliance certificates issued by Council or an registered certifier for the components of construction detailed in Hawkesbury Development Control Plan 2002 - Appendix E Civil Works Specifications, Part II, Table 1.1.
 | To identify inspections required to be undertaken.  |
| **Critical Stage Inspections** 1. Before the commencement of building work and at nominated stages during the construction of the building, a minimum of 48 hours' notice is required to be provided to allow the Principal Certifier to ensure that the critical stage inspections are undertaken.
 | Critical stage inspections are required to be carried out in accordance with Clause 162A of the *Environmental Planning & Assessment Regulation 2000*. |
| **Overland Flow**1. The development shall not create adverse impacts to neighbouring properties or the Hawkesbury River in relation to overland flow and must meet the following requirements:
2. Water flowing from the property must not be redirected or concentrated to adjoining properties.
3. Water flowing into the property from adjoining lots shall not be impeded or diverted.
4. Water flow shall follow the natural flow directions without increasing velocity.
 | To protect adjoining properties and the River from overland flow impacts. |
| **Earthworks - General Requirements** 1. All earthworks on site, during remediation, construction, operation and rehabilitation of the site must comply with the following:
2. topsoil shall be stripped only from approved areas and shall be stockpiled for re-use during site rehabilitation and landscaping;
3. once the topsoil has been removed the natural batter should be suitably stepped, scarified or roughened to prevent slipping and the fill is to be keyed in to hold the toe of the fill batter in place;
4. filling shall comprise of uncontaminated Virgin Excavated Natural Material (VENM) or Excavated Natural Material (ENM). Contamination certificates for all source material shall be provided to the Principal Certifier before placing any fill on site;
5. a suitably qualified environmental consultant or geotechnician must inspect the material imported to the site and ensure it matches the description provided in the report and that it is free from visible contamination;
6. a ticketing system is to accompany any material being brought to the site. A register is to be kept on site to cross reference against the source records. An independent site auditor is to be engaged to undertake appropriate certification regarding the monitoring and validation of the fill material imported to the site as being sound, suitable for the proposed use and free of contamination;
7. a validation protocol must be implemented to ensure that remaining soils used to rehabilitate the land are asbestos free;
8. where batters exceed a ratio of three horizontal to one vertical, retaining walls, stoneflagging or terracing shall be constructed;
9. all fill within the site shall be placed in layers not exceeding 300mm thickness and compacted to achieve a minimum dry density ratio of 98% when tested in accordance with Australian Standard AS 1289 - 'Methods of testing soils for engineering purposes unless otherwise specified';
10. all fill including existing fill must be compacted in accordance with a compaction ratio of 98% as specified in Table 5.1 of Australian Standard AS 3798 - 'Guidelines on Earthworks for Commercial and Residential Developments'; and
11. all disturbed areas are to be stabilised/revegetated, using a minimum 300mm surface layer of topsoil, as soon as practicable after the completion of filling works.

**Note:** ENM is defined by the Excavated Natural Material Exemption - NSW Environment Protection Authority.  | To specify requirements for all earthworks. |
| **Implementation of Traffic Management Plan**1. The Traffic Management Plan must be implemented and all devices maintained for the duration of the proposed works in compliance with the approved Traffic Management Plan.
 | To ensure implementation of approved plans. |
| **Traffic**1. A maximum of 13 heavy vehicles must enter and leave the site during the construction phase of the development in any 24-hour period.
 | To control traffic movements as proposed. |
| **Implementation of Construction Environment Management Plan**1. All aspects of the Construction Environment Management Plan must be implemented and maintained until the completion of works.
 | To ensure implementation of approved plans. |
| **PART E - BEFORE THE ISSUE OF AN OCCUPATION CERTIFICATE** |
| **Works-as-executed Plans and any Other Documentary Evidence** 1. Before the issue of an occupation certificate, the applicant must submit, to the satisfaction of the principal certifier, works-as-executed plans, any compliance certificates and any other evidence confirming the following completed works:
2. All stormwater drainage systems and storage systems,
3. Driveways,
4. Parking spaces,
5. Floor levels of all buildings,
6. Installation of retaining walls, and
7. Finished ground levels,

The principal certifier must provide a copy of the plans to Council with the occupation certificate. | To confirm the location of works  |
| **Certificate of Compliance**1. Before the issue of an occupation certificate a certificate of compliance is required to be issued by a suitably qualified engineer for the civil works associated with the approval. This must cover
2. Finished levels, any associated drainage, any structural details and finished surfaces;
3. Site filling and grading of fill for the building platform, access drive and parking;
4. The protective bund wall;
5. Sediment ponds;
6. Remediation of contaminated material,
7. Construction of driveway access and the Car Park (Including manoeuvring areas to allow all vehicles accessing the site to enter and exit in a forward direction);
8. Civil Stormwater Drainage;
9. The 2 metre high stacked sandstone block wall;
10. Filling in of inlets; and
11. Sediment pond and drainage from the turf farm.
 | To verify that civil works are carried out in accordance with the conditions of this consent.  |
| **Completion of Public Utility Services** 1. Before the issue of the relevant occupation certificate, the principal certifier must ensure any adjustment or augmentation of any public utility services including gas, water, sewer, electricity, street lighting and telecommunications, required as a result of the development, is completed to the satisfaction of the relevant authority.

Before the issue of the occupation certificate, the certifier must request written confirmation from the relevant authority that the relevant services have been completed. | To ensure required changes to public utility services are completed, in accordance with the relevant agency requirements, before occupation. |
| **Repair of Infrastructure** 1. Before the issue of an occupation certificate, the applicant must ensure any public infrastructure damaged as a result of the carrying out of building works (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub-contractors, concreting vehicles) is fully repaired to the written satisfaction of Council, and at no cost to Council.
 | To ensure any damage to public infrastructure is rectified. |
| **Sewerage Connection** 1. A written clearance from Hawkesbury City Council (as the local sewer authority) that the development is suitably connected to the on-site sewerage management system, is required to be submitted to the Principal Certifying Authority before the issue of any occupation certificate.
 | To ensure suitable sewerage services are provided for the proposed office. |
| **Validation Report** 1. Before the issue of an Occupation Certificate the land must be remediated in accordance with the Remedial Action Plan prepared by Martens & Associates Pty Ltd, dated July 2021.

After the completion of the remediation works a Notice of Completion including a Validation Report must be submitted to Council verifying that the site has been fully remediated in accordance with the recommendations of the approved report. | To ensure that the land is suitable for use as required under SEPP 55. |
| **Vehicle Access Signage** 1. Vehicle entrances and exits shall be clearly signposted, including street number, and visible from both the street and site before to the issue of an Occupation Certificate.
 | To provide sufficient warning for drivers to slow down.  |
| **Car Park Directional Marking** 1. The entry/exit points and internal aisle ways associated with the car parking area are to be marked with pavement arrows to direct traffic movements in and out of the site and guide traffic circulation before the issue of an Occupation Certificate.
 | To control the flow of traffic.  |
| **Roads Act 1993 Approval - Completion of Works** 1. The submission of documentary evidence to the Principal Certifier that all work required to be constructed under the Roads Act 1993 approval issued by Council/Transport for NSW have been satisfied before the issue of any Occupation Certificate.
 | To confirm completion of any road works. |
| **Preservation of Survey Marks** 1. Before the issue of an occupation certificate, a registered surveyor must submit documentation to the principal certifier which demonstrates that:
2. no existing survey mark(s) have been removed, damaged, destroyed, obliterated or defaced, or
3. the applicant has re-established any survey mark(s) that were damaged, destroyed, obliterated or defaced in accordance with the Surveyor General’s Direction No. 11 – Preservation of Survey Infrastructure.
 | To protect the State’s survey infrastructure |
| **Flood Prone Land - Engineering Details**1. The applicant shall submit a report from a suitably qualified Engineer which verifies the following:
2. any damage to the installed structures sustained in a flood will not generate debris capable of causing damage to downstream buildings or property;
3. any part of the structure at or below the 1:100 year flood level will be able to withstand the force of floodwaters (including buoyancy forces) and the impact of debris; and
4. all finishes, plant fittings and equipment subject to inundation will be of materials and functional capability resistant to the effects of floodwaters.

Details demonstrating compliance above shall be submitted to the Principal Certifier before the issue of an Occupation Certificate. | To ensure structures installed are suitable having regard to the impact of flooding.  |
| **PART F - OPERATIONAL CONDITIONS** |
| **Before Commencement of Extractive Activities**1. The following matters are required to be satisfied before the commencement of any excavation activities:
2. an occupation certificate is required to be issued for the building works approved by this consent,
3. all civil works including the driveway, 2 metre high sandstone stockpile wall and perimeter bund wall is required to be built,
4. inlet reclamation works, including landscaping of riparian zone are required to be completed and verified by a suitably qualified ecologist, and
5. sediment erosion controls are installed and in good working order.
 | To ensure appropriate works have been completed and measures put in place before commencement of extraction activities.  |
| **External Agency Licences and Approvals – During Works** 1. All construction, operational and post-operational works must be carried out in strict accordance with the licences and approvals issued by the following agencies.
2. Section 90 Aboriginal Heritage Impact Permit (AHIP) under the National Parks and Wild Life Act 1974 from the Office of Environment & Heritage (OEH);
3. Water Supply Work approval under the Water Management Act 2000 from Water NSW;
4. Controlled Activity approval under the Water Management Act 2000 from the NSW Natural Resources Access Regulator (NRAR); and
5. Environmental Protection Licence under the Protection of the Environment Operations Act 1997 from the NSW Environment Protection Authority (NSW EPA).
 | To ensure relevant approvals and licences for the development are followed. |
| **Security Bond for Remediation** 1. Before the commencement of any excavation activities a bond in the form of an unconditional bank guarantee or cash security, together with an appropriate deed of agreement prepared by Council’s Solicitor, must be entered into with Council that covers the full rehabilitation costs.

The bond is to be calculated based on a detailed cost estimate report prepared by a registered quantity surveyor and must be to the value of 150% the estimated cost of works which would be required to rehabilitate the site. Failure to remediate the site or operate the development in accordance with the conditions this consent may render Council calling up the bond and using the bond to carry out necessary remediation work at full discretion to Council.The bond is recoverable upon written application to Council 12 months on completion of the rehabilitation activities that comply with final land form and specific objectives, performance targets and timeframes specified.Fees for the lodgement of the bond apply in accordance with Council’s Fees and Charges schedule. | To provide security to cover the full cost of rehabilitation in the event the Applicant becomes insolvent. |
| **Notification of Commencement** 1. The date of commencement of each of the following phases of the development must be notified to Council in writing, at least one month before that date:
2. extractive operations,
3. rehabilitation of extracted areas,
4. beginning of each stage,
5. completion of each stage, and
6. any period of suspension of mining operations.
 | To inform Council of the progress of the development. |
| **Extraction Staging**1. The Applicant must not open or excavate an area exceeding 1.6 Hectares at any one time.

Extracted areas are to be rehabilitated as staging progresses from one stage to the next and completed in accordance with the approved Quarry Progression Plan Specified under Condition 2 of this consent. | To managed the stages of the development as proposed.  |
| **Rehabilitation Works** 1. To ensure that extraction areas are rehabilitated in a timely manner:
2. Each sand extraction stage must be fully rehabilitated within 3 years of completion of extraction activities within that stage, and
3. If no sand extraction occurs for a period of 12 months, then any extraction areas are to be rehabilitated within 12 months.
 | To ensure the progressive rehabilitation of nominated areas to be extracted. |
| **Remediation - Site Assessment and Review**1. Before the commencement of any remediation works of excavated areas the Applicant must prepare a plan of remediation report in accordance with the contaminated land planning guidelines.

The recommendations of this report are to be followed as part of the remediation strategy of the site and a copy of the findings of this report provided to Council 30 days before the commencement of any remediation works.A Site Auditor, accredited under Part 4 of the Contaminated *Land Management Act 1997* is to conduct review of the assessment and remediation works before remediation commence and prepare a statement at the completion of the works demonstrating that the remediation works have been carried out in accordance with:1. SEPP No. 55,
2. the NSW Department of Planning Guidelines, and
3. the guidelines in force under the *Contaminated Land Management Act 1997*.

This report is required to be submitted to Council for approval 30 days before the commencement of any remediation works. | To ensure the condition of the extracted areas has been assessed by the Applicant and reviewed by an appropriately accredited person before any remediation has taken place. |
| **Hours of operation**1. Extractive activities, including the importation of material, dredging, processing of sand, remediation and use of heavy machinery, are to be limited to occurring between the following hours.

Monday to Friday: 7am – 6pmSaturday: 7am – 3:30pmNo operational or maintenance activity is to be carried out on Sundays and Public Holidays.*Notes: This condition does not apply to:** *maintenance which is inaudible at receiver locations or*
* *for delivery of material if that delivery is required by police or other authorities for safety reasons, and/or the operation or personnel or equipment are endangered. In such circumstances, notification is to be provided to EPA and the affected residents as soon as possible, or within a reasonable period in the case of emergency.*
 | To protect the residential amenity of neighbouring properties |
| **Traffic Movements**1. A maximum of 16 heavy vehicles must enter and leave the site during the operation phase of the development in any 24-hour period. This includes vehicles generated due to site operations and rehabilitation works.
 | To ensure traffic impacts are controlled as proposed.  |
| **Operational Management Plan**1. The development must operate in accordance with the conditions specified in the approved Operational Management Plan updated in accordance with Condition [20] of this consent and the Flood Risk Management Plan updated in accordance with Condition [24] of this consent.
 | To ensure the development is carried out in accordance with updated operational and flood risk management plans. |
| **Compliance**1. The Applicant must ensure that all of its employees, contractors (and their sub-contractors) are made aware of, and are instructed to comply with, the conditions of this consent relevant to activities they carry out in respect of the development.
 | To ensure the Applicant adequately informs staff of development conditions.  |
| **Dangerous Goods**1. The Applicant must ensure that the storage, handling, and transport of dangerous goods are conducted in accordance with the relevant Australian Standards, particularly AS1940 and AS1596, and the *Dangerous Goods Code*.
 | To ensure appropriate storage of dangerous goods. |
| **Operation of Plant and Equipment**1. All plant and equipment used on site, or to monitor the performance of the development must be:
2. maintained in a proper and efficient condition; and
3. operated in a proper and efficient manner.
 | To ensure that equipment in operation is suitable for use.  |
| **Incident Reporting**1. Within 7 days of detecting an exceedance of the goals/limits/performance criteria/ conditions in this consent or an incident causing (or threatening to cause) material harm to the environment, the Applicant must report the exceedance/incident to the Council and any relevant agencies. This report must:
2. describe the date, time, location and nature of the exceedance/incident and why it is classified as an incident;
3. identify the cause (or likely cause) of the exceedance/incident and how the incident was detected;
4. identify when the Applicant became aware of the incident;
5. identify any actual or potential non-compliance with conditions of consent;
6. describe what immediate steps were taken in relation to the incident;
7. details of corrective and preventative actions that have been, or will be, implemented to address the incident and prevent recurrence;
8. details of any communication with other stakeholders regarding the incident; and
9. identify a project contact for further communication regarding the incident.
 | To report on any unforeseen or unexpected impacts of the development and make Council aware of any potential actions or changes to the development.  |
| **Annual Review** 1. By the end of March in each year after the commencement of the development, (or such other timing as may be agreed by Council), a report must be submitted to the Council reviewing the environmental performance of the development. The review must:
2. describe the development (including any rehabilitation) that was carried out in the previous calendar year, and the development that is proposed to be carried out in the current calendar year;
3. include a comprehensive review of the monitoring results and complaints records from the previous calendar year, including a comparison of these against the:
4. relevant statutory requirements, limits or performance measures/criteria;
5. requirements of any plan or program required under this consent;
6. monitoring results of previous years; and
7. relevant predictions in the EIS, or Response to Submissions or Modification Assessments;
8. identify any non-compliance or incident which occurred in the previous calendar year, and describe what actions were (or are being) taken to rectify the non-compliance and avoid recurrence;
9. evaluate and report on:
10. the effectiveness of the noise and air quality management systems; and
11. compliance with the performance measures, criteria and operating conditions in this consent;
12. identify any trends in the monitoring data over the life of the development;
13. identify any discrepancies between the predicted and actual impacts of the development, and analyse the potential cause of any significant discrepancies; and
14. describe what measures will be implemented over the next calendar year to improve the environmental performance of the development.

Copies of the Annual Review must be submitted to Council and made available to any interested person upon request. | To ensure that the Applicant reports on compliance with the targets and goals proposed to be achieved as part of carrying out the development.   |
| **Independent Environmental Audit** 1. Within six months of the commencement of any extractive activities under this consent, and every three years after, unless Council directs otherwise, the Applicant must commission and pay the full cost of an Independent Environmental Audit (Audit) of the development. The Audit must:
2. be led and conducted by a suitably qualified, experienced and independent team of experts whose appointment has been endorsed by the Council:
3. be carried out in consultation with the relevant approval bodies and agencies;
4. assess the environmental performance of the development and whether it is complying with the relevant requirements in this consent, water licences and EPA licence for the development (including any assessment, strategy, plan or program required under these approvals);
5. assess the environmental performance of the development, and its effects on the surrounding environment;
6. assess whether the development is complying with the relevant standards, performance measures and statutory requirements
7. review the adequacy of any approved strategy, plan or program required under the abovementioned approvals and this consent;
8. recommend appropriate measures or actions to improve the environmental performance of the development and any assessment, strategy, plan or program required under the abovementioned approvals and this consent; and
9. be conducted and reported to the satisfaction of the Council.

Within three months of commencing an Audit, or within another timeframe agreed by Council, the Applicant must submit a copy of the audit report to the Council, and any other NSW agency that requests it, together with its 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. Note: The audit team must be led by a suitably qualified auditor and include experts in any fields specified by the Council. | To ensure the strategies, plans and programs are independently reviewed during the life of the project.   |
| **Access to Information**1. Before the commencement of construction/mining operations until the completion of all rehabilitation required under this consent, the Applicant must:
	1. make the following information and documents (as they are obtained or approved) publicly available on its website:
2. the documents referred to in condition No. 2 of this consent;
3. all current statutory approvals/licences for the development;
4. all approved strategies, plans and programs required under the conditions of this consent;
5. regular reporting on the environmental performance of the development in accordance with the reporting requirements in any plans or programs approved under the conditions of this consent;
6. a comprehensive summary of the monitoring results of the development, reported in accordance with the specifications in any conditions of this consent, or any approved plans and programs;
7. a summary of the current stage and progress of the development during the construction, operation or rehabilitation of the development,
8. contact details to enquire about the development or to make a complaint;
9. a complaints register, updated monthly;
10. a summary of any complaints received in relation the operations and any measures undertaken to rectify concerns;
11. the Annual Reviews of the development;
12. audit reports prepared as part of any Independent Environmental Audit of the development and the Applicant’s response to the recommendations in any audit report;
13. any other matter required by Council; and
	1. Keep such information up to date, to the satisfaction of Council.
 | To ensure public transparency during the various stages of the development.  |
| **Revision of Strategies, Plans & Programs** 1. Within three months of:
2. the submission of an incident report under Condition [84] above;

 1. the submission of an Annual Review under Condition [85]above;
2. the submission of an audit report under Condition [86] above, or
3. any modification of the conditions of this consent (unless the conditions require otherwise).

The Applicant must review, and if necessary revise, the strategies, plans, and programs required under this consent to the satisfaction of Council. | To ensure the strategies, plans and programs are updated on a regular basis, and incorporate any recommended measures to improve the environmental performance of the project. |
| 1. **Use of Rehabilitated Areas**

This consent does not permit the use of rehabilitated areas for any land use. Separate approval is required for the use of the parts of the land which have been rehabilitated. | To ensure that the land is safe for any future land use. |
| **Restriction on Use of the Land** 1. Within 3 months of the completion of rehabilitation works for each stage the following restrictions on use pursuant to Section 88B of the *Conveyancing Act 1919* must be registered on the title:
2. preventing the use of land which has been rehabilitated for any purpose without the consent of Council,
3. requiring the approved Vegetation Management Plan to be implemented for the entirety of the life of the project, including up to the completion of all site rehabilitation works, and
4. requiring the property owner to be responsible to remediate any damage occasioned to adjacent properties or the river, as a consequence of the project, for the life of the project including rehabilitation.

The restriction on title must identify the area where extractive activities have been carried out and specify details in relation to the depth of fill area which has been remediated. | To ensure that future use and rehabilitation obligations are marked on title if the land is sold or ownership transferred. |
| **Annual fire safety certificate**1. During occupation and ongoing use of the building, the applicant must provide an annual fire safety statement to Council and the Commissioner of Fire and Rescue NSW in accordance with clause 177 of the EP&A Regulation.
 | To ensure annual checks on fire safety measures |

**Advisory Notes**

1. **Approval within the Road Reserve**

Registered Certifiers do not have any authority to issue Engineering Approvals or carry out inspections for works on Public Roads under the Roads Act 1993.

1. **Equitable Access**

The applicant shall make themselves aware of the *Discrimination Against People with Disabilities Act (DDA)* and assess their responsibilities and liabilities with regards to the provision of access for all people.

1. **Acid Sulfate Soils - Monitoring of Excavation During Works**

All excavations are to be monitored to ensure that acid Sulfatesoils are not encountered during works. Signs that may indicate the presence of acid sulphur soils include:

1. change in colour of the soil into grey and green tones;
2. effervescence;
3. the release of sulphur smelling gases such as sulphur dioxide or hydrogen sulphide; and
4. lowering of the soil Ph by at least one unit.

Should any of the above indicators be present excavation work on the site is to stop and Council is to be notified to determine what action is required to be taken before work may commence.

1. **Site Contamination Discovered During Demolition or Construction**

Should any new information come to light during demolition or construction works which has the potential to alter previous conclusions about contamination, then the applicant must be immediately notified and works must cease. Works must not recommence on site until the consultation is made with Council.

1. **Dial Before You Dig**

Before commencement of work, the free national community service 'Dial Before You Dig' shall be contacted on 1100 regarding the location of underground services in order to prevent injury, personal liability and even death. Enquiries should provide the property details and the nearest cross street/road.

1. **Requirements of 88B Instrument**

The applicant shall make themselves aware of any User Restriction, Easements and Covenants to this property and shall comply with the requirements of any Section 88B Instrument relevant to the property in order to prevent the possibility of legal proceedings against them.

1. **Works on Public Land - Public Liability Insurance**

Any person or contractor undertaking works on public land must take out a Public Risk Insurance policy with a minimum cover of $10 million in relation to the occupation of public land and the undertaking of approved works within Council's road reserve or public land, as approved by this consent.

The policy is to note, and provide protection/full indemnification for Council, as an interested party. A copy of the policy must be submitted to Council before the commencement of any works. The policy must be valid for the entire period that the works are being undertaken.

1. **Utilities and Services**

Utilities, services and other infrastructure potentially affected by construction and operation shall be identified before construction to determine requirements for access to, diversion, protection, and/or support. Consultation with the relevant owner and/or provider of services that are likely to be affected by the proposed development shall be undertaken to make suitable arrangements for access to, diversion, protection, and/or support of the affected infrastructure as required. The cost of any such arrangements shall be borne by the developer.

1. ***Disability Discrimination Act* - Indemnity**

This approval does not provide any indemnity to the owner or applicant under the *Disability Discrimination Act 1992* with respect to the provision of access and facilities for people with disabilities.

**Appendix 1 - Dictionary**

The following terms have the following meanings for the purpose of this consent (except where the context clearly indicates otherwise):

**Applicant** means the applicant for development consent or any person having the benefit of the consent (including, but not limited to, the owner of the property from time to time).

**Approved plans** means the plans endorsed by the Sydney Western City Planning Panel.

**AS** means Australian Standard published by Standards Australia International Limited and means the current standard which applies at the time the relevant work is undertaken.

**BCA** means the Building Code of Australia published by the Australian Building Codes Board.

**Building work** means any physical activity involved in the erection of a building.

**Certifier** means a council or a person that is registered to carry out certification work under the Building and Development Certifiers Act 2018 and principal certifier means the certifier appointed as the principal certifier for the building work under section 6.6(1) of the EP&A Act.

**Construction certificate** means a certificate to the effect that building work completed in accordance with specified plans and specifications or standards will comply with the requirements of the EP&A Regulation.

**Council** means Hawkesbury City Council.

**Court** means the NSW Land and Environment Court.

**Emergency** means an actual or imminent occurrence which endangers or threatens to endanger the safety or health of any person(s), property or the environment above the normal state of affairs. EPA means the NSW Environment Protection Authority.

**EP&A Act** means the Environmental Planning and Assessment Act 1979.

**EP&A Regulation** means the Environmental Planning and Assessment Regulation 2000.

**LG Act** means the Local Government Act 1993.

**Occupation certificate** means a certificate that authorises the occupation and use of a new building or a change of building use for an existing building in accordance with this consent.

**Owner** means the registered proprietor of the property from time to time.

**Principal contractor** means the person responsible for the overall co-ordination and control of the carrying out of the building works or the owner where a principal contractor has not been appointed by the owner of the site.

**Property** means the land to which the development application relates, upon which the development is to be carried out, as set out on page 1 of this consent.

**Site** means the land known as 374, 395 & 415 Freemans Reach Road FREEMANS REACH NSW 2756 or Lot 2 in DP 77951, Lot 4 in DP 718505 and Lot 2 in DP 85885.

**Stormwater drainage system** means all works and facilities relating to:

* the collection of stormwater,
* the reuse of stormwater,
* the detention of stormwater,
* the controlled release of stormwater, and
* connections to easements and public stormwater systems.

**Suitably qualified** means a person with at least a degree and 5 years’ experience carrying out the type of work that is the subject of the relevant condition.