



Attachment 1 to Item 2.1.3.

S4.15 Assessment Report & Recommended Conditions

Date of meeting: 18 July 2024
Location: Council Chambers or audio-visual link
Time: 10am

**Section 4.15 assessment report
Environmental Planning & Assessment Act 1979**

Development Application No.	DA0407/22
Date Received	11/11/2022
Proposal	Designated Development – Livestock Processing Industries.
Estimated Cost	\$3,444,000.00
Legal Description	Lot 3 DP 260028 & Lot 2 DP 260028
Property Address	10 Woodlands Road WILBERFORCE NSW 2756
Area	4,011m ²
Zoning	E4: General Industrial
Applicant	Mr MT Attard
Owner	Mr MT Attard
Exhibition Dates	08/03/2023 to 06/04/2023
Submissions	Nil
Recommendation	Approval

1. Executive Summary

The application seeks the development of a poultry processing plant on the site of 10 Woodlands Road, Wilberforce. The application meets the criteria of designated development under clause 31, schedule 3 of the Environmental Planning and Assessment Regulations 2021.

A Request for additional information was made on the 6th of March 2023 regarding the submission of additional documentation and amendments to the building design. Amended plans and documentation received thus far has partially addressed the additional information request with onsite manoeuvrability, landscape treatment, waste management, lighting and wastewater usage having been left unattended.

A further letter of withdrawal was issued on the 8th of January 2024 to which no response was received. Council was then provided with additional information on the 14th of January 2024 which sought to respond to the additional information request on the 6th of March 2023.

The proposal was referred to Council's building and engineering team who have raised no concerns with the proposal subject to the imposition of conditions. The application was referred to Environmental Protection Authority (EPA) under section 43 of the Protection of the Environment Operations Act 1997 to the EPA have provided their GTA.

Council has reviewed the additional information request and note that the items are now amenable, and the application can be supported subject to the imposition of conditions.

2. Site Description & Conditions

The subject site encompasses a total site area of 4,011m² with a single storey dwelling house currently on the allotment. A review of Council's historical maps reveals that the site has historically been used as an industrial premise for the repair and manufacture of pallets approved under DA0013/05.

To clarify the location of the application site and specifically that of the subject site, refer to the aerial image and photographs in figures 1-5 below.





Figure 1. Site location map.

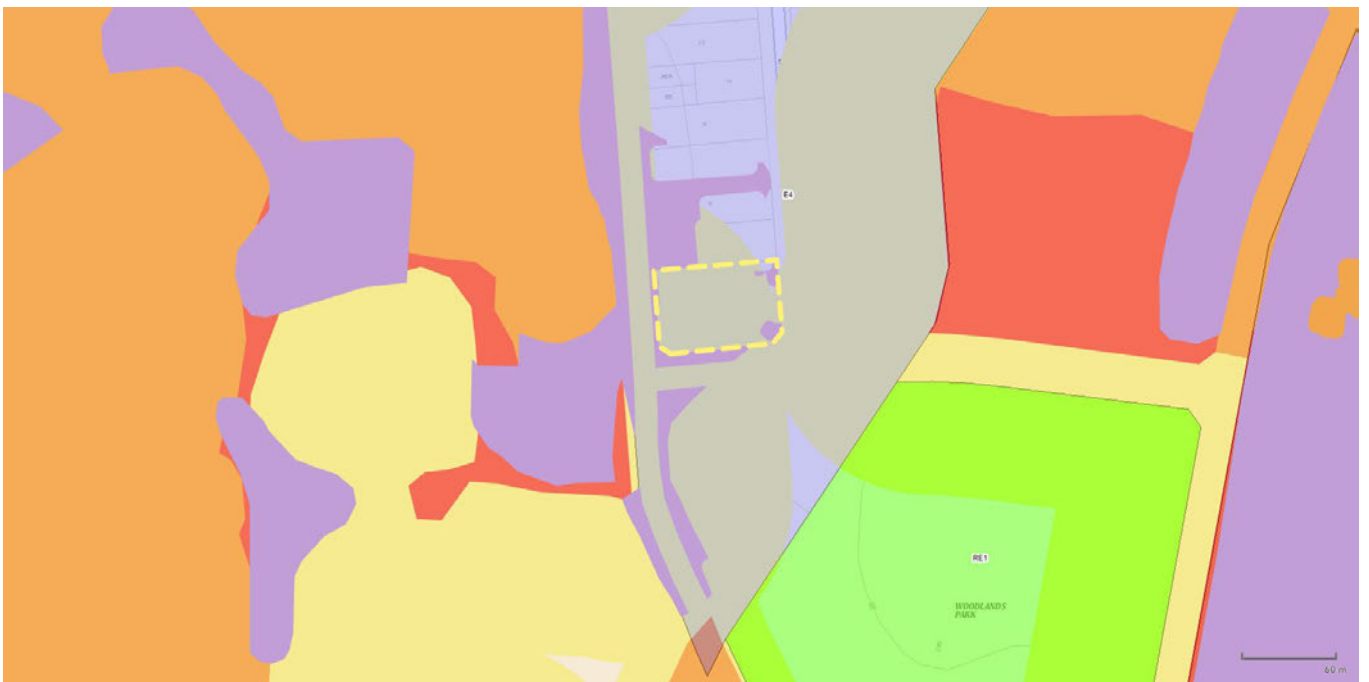


Figure 2. Bushfire & Biodiversity values map. Source: Planning Portal

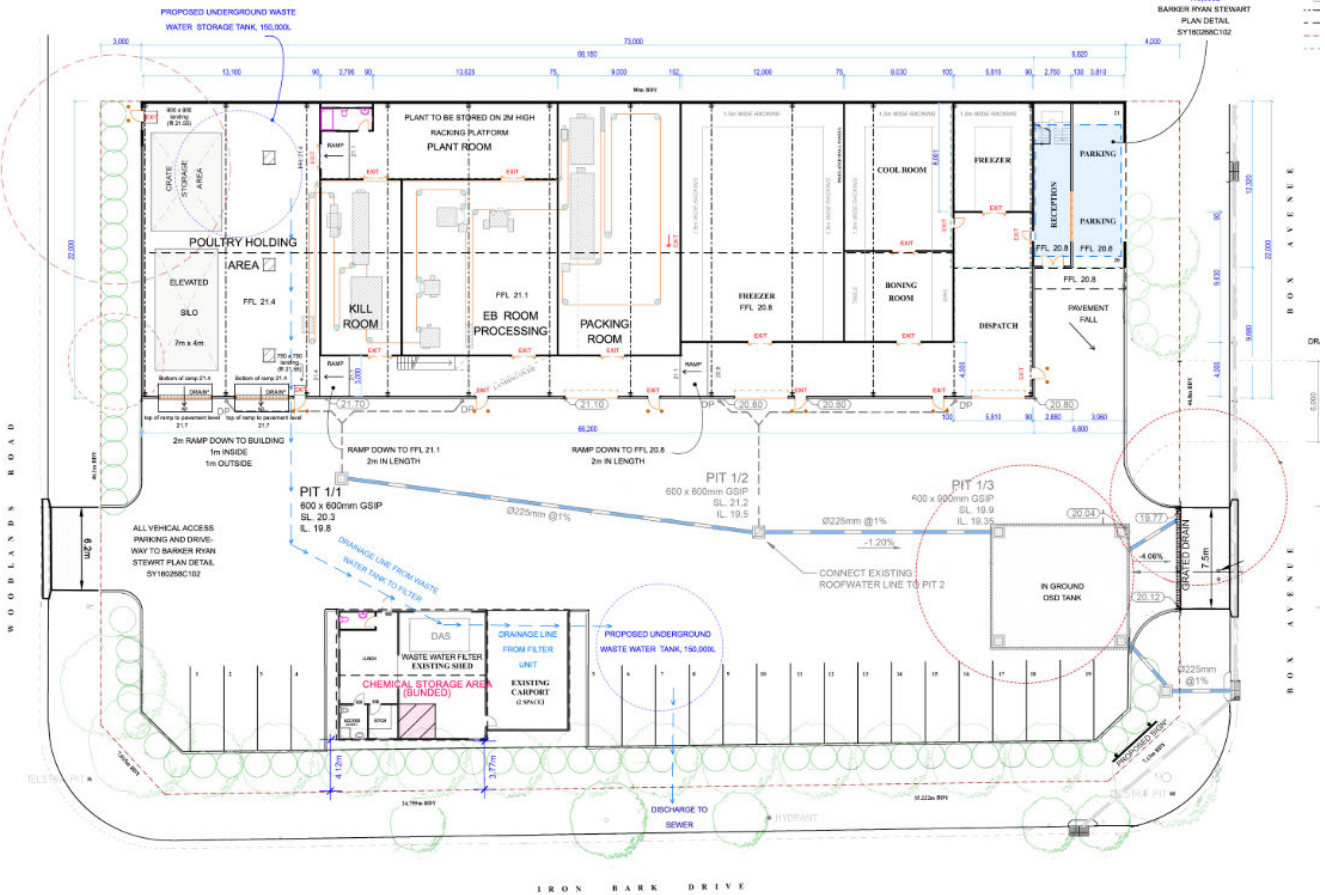


Figure 3. Proposed site plan.

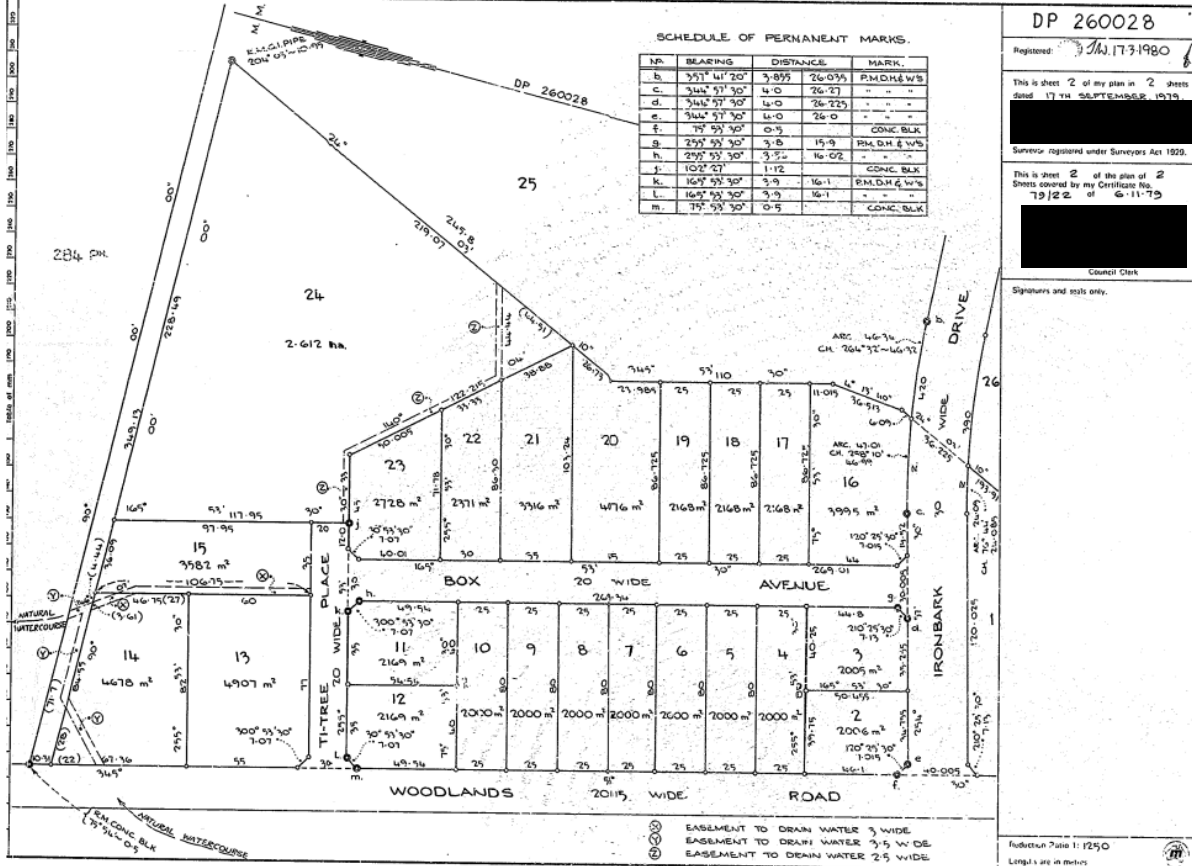


Figure 4. DP 260028

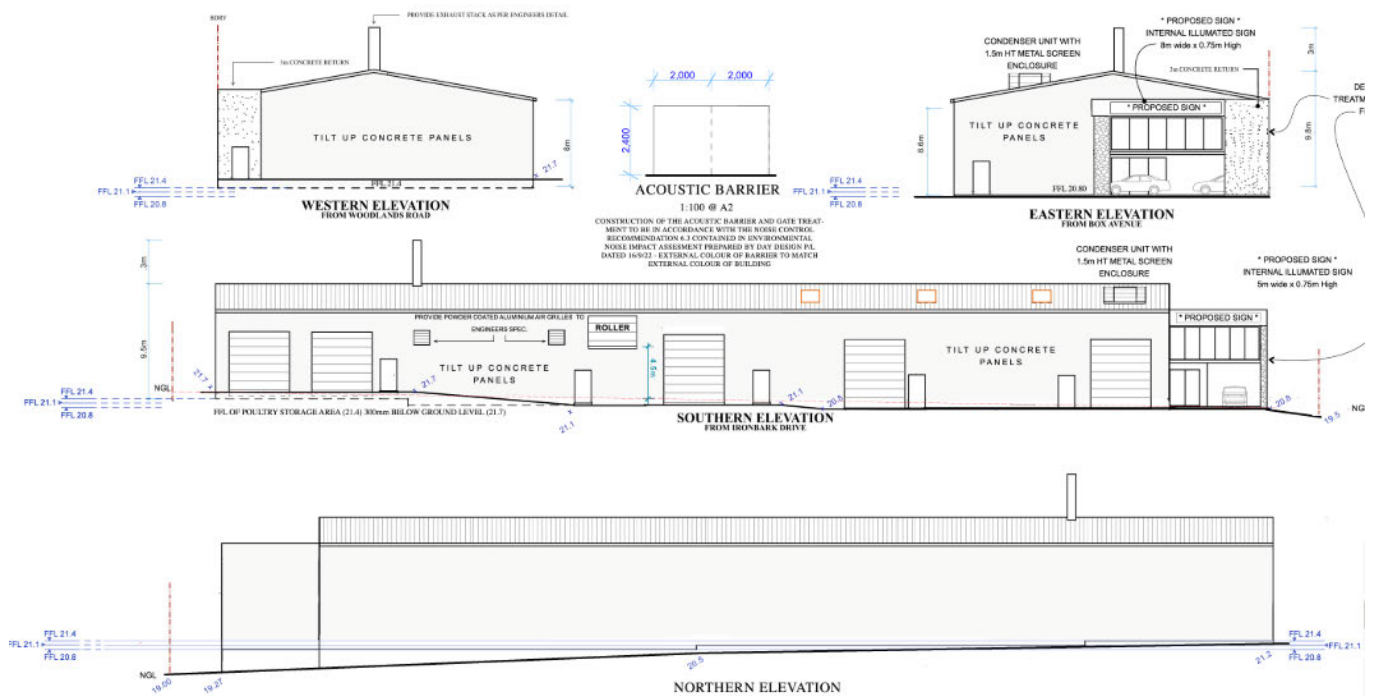


Figure 5. Proposed elevations.

3. Relevant Site History

Date	Comment
29/10/1996	First use application for a mechanical repair site.
07/01/2005	Change of use to manufacturing and repair of pallets.
11/11/2023	Subject application lodged.

4. The Proposal

The proposed development seeks the approval for the following.

- Construction of a New Poultry Processing Plant
 - 1,706m² of Gross Floor Area providing for live bird storage, processing, chilling, freezing, and dispatch facilities.
 - 203m² of Ancillary administration amenities and office space.
- Relocation and construction of a new accessway from Woodlands Road
- Construction of a new staff carparking area for 23 vehicles.
- Site landscaping and screening vegetation.
- Use of the existing building for a workshop and amenities.
- Removal of the existing temporary buildings and structures
- 1x pylon sign (measuring at 2.4m x 1.2m x 3m) located on the corner of Box Avenue and Ironbark Drive
- 2x flush awning signs (measuring at 8m x 0.75m and 5m x 0.75m) along Box Avenue's frontage.

The proposed livestock processing unit will have the following operational details.

Development Details	Proposed
Animals to be processed	Chicken and occasionally other poultry and game including rabbits, pigeons, quails, and turkey.
Processing per day (live weight)	50,000kg



Processing per day (birds)	20,000 birds @ 2.5kg each (approx.)
Hours of operation	24 hours a day, 7 days a week.
Employees	Site Manager – 1 Full Time – 4 Labour Hire – 20 maximum (Casual)

5. Relevant Application History

Date	Comment
11/11/2022	Application lodged on the NSW Planning Portal.
06/03/2023	Additional information requested from Council.
04/04/2023	Additional information requested from EPA.
17/05/2023	Additional information provided to address Council's RFI.
08/01/2024	Request for withdrawal made to applicant.

6. Referrals

Stakeholder	Comment
Engineering	<ul style="list-style-type: none">Supported subject to the imposition of conditions.
Building	<ul style="list-style-type: none">Supported subject to the imposition of conditions.
Environmental Health	<ul style="list-style-type: none">Supported subject to the imposition of conditions.
External Referrals	
Environmental Protection Authority	<ul style="list-style-type: none">General terms of approval provided.

7. Environmental Planning Instruments

7.1 Overview

The instruments applicable to this application are:

- Environmental Planning and Assessment Act 1979;
- Environmental Planning and Assessment Regulations 2021;
- Protection of Environment Operations Act 1997
- State Environmental Planning Policy – (Biodiversity & Conservation) 2021
- State Environmental Planning Policy (Resilience & Hazards) 2021
- State Environmental Planning Policy (Transport & Infrastructure) 2021
- Hawkesbury Local Environmental Plan 2012 (LEP 2012)
- Hawkesbury Development Control Plan 2002 (HDCP 2002)
- Hawkesbury Council Flood Policy 2020

7.2 Environmental Planning and Assessment Act 1979

Pursuant to Section 4.10 of the Environmental Planning and Assessment Act 1979, an application can be identified as 'Designated Development' under the Environmental Planning and Assessment Regulations 2021 (the regulations) or any other such environmental planning instrument.

The proposed development falls under the category of designated livestock processing plant given the site is sought to process approximately 18,520 tonnes of livestock per year. In this respect, the applicant has prepared and Environmental Impact Statement (EIS) to which was provided to the EPA for commentary. An additional information request was made by the EPA to which the applicant responded on the 14th of January 2024.

On the 3rd of May 2024, the EPA provided Council with their GTA.



7.3 Protection of the Environment Operations Act 1997

The Protection of the Environment Operations Act 1997 (The POEO Act) defines the following category of activity as scheduled development pursuant to clause 43 (b).

Activity	Criteria
Slaughtering or processing animals	Capacity to slaughter or process more than 750 tonnes live weight per year.

In this respect, the proposed development has a capacity to process more than 18,250 tonnes of poultry on the site and triggers the requirements for integrated development pursuant to section 4.47 of the EP&A Act 1979. Council issued a referral to the EPA on the 13th of December 2022. An additional information request was prepared by the EPA on the 4th of April 2023 to which the applicant addressed on the 14th of February 2024. GTAs were provided by the EPA on the 3rd of May 2024.

7.4 Biodiversity Conservation Act 2016

Pursuant to clause 7.7 (2), where a proposed development is likely to significantly affect threatened species, the application is to be accompanied by a Biodiversity Assessment Report. To this effect, the applicant has provided a preliminary BDAR report prepared by LandEco Dated 09/07/2024. The report notes that the removal of vegetation will require the retirement of credits.

A condition of consent has been recommended regarding the retirement of credits.

7.5 State Environmental Planning Policy – Biodiversity & Conservation 2021

An assessment of the relevant chapters of the SEPP are provided as below.

7.5.1 Chapter 2 Vegetation in Non-Rural Areas

Per Clause 2.10 (2) and as discussed earlier the applicant has provided a preliminary BDAR report prepared by LandEco Dated 09/07/2024.

A condition of consent has been recommended regarding the retirement of credits.

7.5 State Environmental Planning Policy – Resilience & Hazards 2021

The requirements of the State Environmental Planning Policy (Resilience & Hazards) 2021 apply to the subject site. In accordance with Chapter 4 of the SEPP, Council must consider if the land is contaminated, if it is contaminated, is it suitable for the proposed use and if it is not suitable, can it be remediated to a standard such that it will be made suitable for the proposed use.

The site is not indicated in Council's records as being contaminated. A review of historical mapping has also revealed that the site has not been previously developed outside of an industrial use. In this regard, in accordance with clause 4.6 of the State Environmental Planning Policy (Resilience & Hazards) 2021, the land is considered to be suitable for the proposed development.

7.4. State Environmental Planning Policy – Transport & Infrastructure 2021.

The relevant matters to be considered under Chapter 2 of the SEPP for the proposed development outlined below.

Clause	Comment
Clause 2.48 – Electricity Infrastructure	The proposed development is not considered to be within the vicinity of any electricity infrastructure under clause 2.48 (1).
Clause 2.98 – Development Adjacent to rail corridors	The proposed development does not adjoin in, around or on top of any rail corridors.
Clause 2.119 – Frontage to a classified road	The proposed development does not front a classified road.



Clause 2.120 – Impact of road noise or vibration on non-road development	The subject site does not adjoin a classified road.
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8. Hawkesbury Local Environmental Plan 2012

The relevant matters considered under the HLEP 2012 for the proposed development are outlined below:

8.1. Clause 1.2 Aims of plan.

- (aa) to protect and promote the use and development of land for arts and cultural activity, including music and other performance arts,*
- (a) to provide the mechanism for the management, orderly and economic development and conservation of land in Hawkesbury.*
- (b) to provide appropriate land in area, location and quality for living, working and recreational activities and agricultural production,*
- (c) to protect attractive landscapes and preserve places of natural beauty, including wetlands and waterways,*
- (d) to protect and enhance the natural environment in Hawkesbury and to encourage ecologically sustainable development,*
- (e) to conserve and enhance buildings, structures and sites of recognised significance that are part of the heritage of Hawkesbury for future generations,*
- (f) to provide opportunities for the provision of secure, appropriate and affordable housing in a variety of types and tenures for all income groups in Hawkesbury,*
- (g) to encourage tourism-related development that will not have significant adverse environmental effects or conflict with other land uses in the locality.*

The proposed development has generally satisfied the objectives of the clause.

8.2. Clause 2.3 Zone objectives and Land use table.

The site is zoned E4 – General industrial under the Hawkesbury Local Environmental Plan 2012. The aims and objectives for the E4 zone in clause 2.3 zone objectives are as follows:

- *To provide a range of industrial, warehouse, logistics and related land uses.*
- *To ensure the efficient and viable use of land for industrial uses.*
- *To minimise any adverse effect of industry on other land uses.*
- *To encourage employment opportunities.*
- *To enable limited non-industrial land uses that provide facilities and services to meet the needs of businesses and workers.*

The use of the site is most accurately defined as “Livestock processing industry”. The development is defined under the Hawkesbury LEP 2012 as follows:

“Livestock processing industry means a building or place used for the commercial production of products derived from the slaughter of animals (including poultry) or the processing of skins or wool of animals and includes abattoirs, knackeries, tanneries, woolscours and rendering plants

It is considered that the proposed development is permitted with consent on the site.

Clause	Comment
Part 4 – Principal development standards	
Clause 4.1(c) Minimum subdivision lot size	The proposed development seeks the introduction of Torrens title subdivision in the event that the proposed dual occupancy development is approved.
Clause 4.3 Height of buildings	It is noted that the site has no prescribed height limit. The submitted architectural denote that the proposed development has a total building height of 12.5m.



	<p>It is to be noted that the building incorporates an exhaust stack to a height of 3m and therefore a majority of the building remains to a height of 9.5m. It is considered that the proposed development is suitable for the locality in consideration to the setbacks provided.</p>
Clause 4.6 Exceptions to development standards	<p>A clause 4.6 variation is not proposed.</p>
Part 5 – Miscellaneous provisions	
5.1A Development on land intended to be acquired for public purposes	<p>The deposited plans do not demonstrate that the site is or will be subject to future land acquisition.</p>
5.10 Heritage conservation	<p>The site is not considered to be a heritage item nor is it considered to be a heritage item.</p>
5.21 Flood planning	<p>The site is not considered to be subject to flood development controls.</p>
Part 6 – Additional local provisions	
6.1 Acid sulphate soils	<p>The site is considered to fall under class 5 acid sulphates. Suitable conditions of consent will be provided.</p>
6.2 Earthworks	<p>Council's development engineers have reviewed the proposed earthworks involved do not raise concern with the</p>
6.6 Development in areas subject to aircraft noise	<p>The site is not considered to fall within the vicinity of the RAAF base Richmond.</p>
6.7 Essential services	<p>No concerns are raised with regard to access to services for emergency services.</p>



9. Hawkesbury Development Control Plan 2002

A summary of the assessment of the application pursuant to the Hawkesbury Development Control Plan 2023 (HDCP 2023) is provided below:

Clause	Compliance
Chapter 5: Traffic, access street design and parking	
4.1 Off street parking rates	Supportable. Note: off street parking requirements for livestock processing unit are to be considered on merit. The proposed development facilitates the 20 off street parking spaces. Given the plan of management seeks five (5) permanent staff at one time and up to twenty (20) casual staff, the parking arrangements are considered to be appropriate given that there are ample on street parking spaces along Box Avenue and Woodlands Road.
4.2 Parking design requirements.	Compliant subject to the imposition of conditions. Note: the proposed development is generally compliant with this section of the DCP.
4.3 Road/access design requirements.	Council's development engineers have reviewed the below and raise no objections subject to the imposition of conditions.

A consideration of Part D Chapter 2 of the Hawkesbury Development Control Plan 2002 is provided below.

Clause	Compliance
Chapter 2 Industrial	
Clause 2.2 Building setbacks	Yes Note: the proposed development is bounded by Box Avenue, Woodlands Road & Iron Bark Drive. In this respect, a setback of 4.2m is provided to the Box Avenue, 26m to Iron Bark Drive & 13.1m to Woodlands Road. These setbacks are considered to be appropriate in managing the bulk and scale perceivable from the street.
Clause 2.4 Building Design & Construction	Yes Note: the proposed finishes and materials sought are suitable given the industrial use of the site proposed. The EPA have reviewed the application and provided conditions under their General Terms of Approval document.
Clause 2.5 Fencing	Yes Note: the fencing sought under this application is appropriate given the use as a livestock processing unit.
Clause 2.7 Environmental Issues	Yes Note: the application is considered to fall under the category of designated development due to the amount of livestock sought to be processed on site. As such, the application has been referred to the Environmental Protection Agency to which have provided conditions to address the requirements of this clause.



	Council's environmental health officers have reviewed the application and raise no concerns subject to the imposition of conditions.
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10. Development Contributions

Pursuant to Council's adopted 7.12 contributions plan, a development contribution of \$34,440.00. A condition of consent has been recommended.

11. EP&A Regulations 2021

Applicable regulation considerations for compliance with the Building Code of Australia, PCA appointment and notice of commencement of works, sign on work sites, critical stage inspections and records of inspection would have been covered under the recommended conditions of consent should the application have been recommended for approval.

13. The likely impacts of the development

The proposed development seeks the introduction of a poultry processing farm to the site of 10 Woodlands Road, Wilberforce. The development is classed as designated development pursuant to clause 31 of Schedule 3 under the Environmental Planning and Assessment Regulation 2021. As such, the application has been accompanied by the Secretary's Environmental Assessment Requirements (SEAR). It is considered that the Environmental Impacts Statement (EIS) prepared by Urban City dated January 2024, addresses the requirements of the SEARs and section 192 of the Environmental Planning and Assessment Regulations 2021.

Further, the Environmental Protection Agency has provided their general terms of conditions to which form the conditions of consent.

14. Suitability of the Site

The subject site is zoned as E4 General Industrial under the Hawkesbury Local Environmental Plan 2012 under which a Intensive livestock processing facility is permissible. The proposed development has been assessed against the requirements of Council's LEP & DCP as well as the requirements of the EPA. It is considered that the proposed development in its current form is acceptable subject to the imposition of conditions.

15. Public Consultation

In accordance with Council's community participation plan 2019, the Development Application was notified from the 8th of March 2023 to the 6th of April 2023. Council has not received any submissions to date in response to the proposal.

16. Public Interest

The proposed development is considered to have failed to meet the aims of a E4 General Industrial zone and the relevant sections of Council's development control plan. In this respect, Council cannot consider the application to be in the public interest.

17. Conclusion

After consideration of the development against Section 4.15 of the Environmental Planning and Assessment Act 1979, and the relevant statutory and policy provisions, the proposal *is* suitable for the site and *is* in the public interest. Therefore, it is recommended that the application be approved subject to the imposition of conditions.

19. Recommendation

Pursuant to Section 4.16 (1)(b) of the Environmental Planning and Assessment Act, 1979:



A. **That** the Hawkesbury Local Planning Panel, exercising the function of the consent authority, grant development consent to DA0407/22 for the Livestock Processing Industries on the site of 10 Woodlands Road, Wilberforce, subject to conditions of consent.

The reasons for the conditions imposed on this application are as follows:

1. To facilitate the orderly implementation of the objectives of the *Environmental Planning and Assessment Act 1979* and the aims and objectives of the relevant Council Planning instrument.
2. To ensure that the local amenity is maintained and is not adversely affected and that adequate safeguards are incorporated into the development.
3. To ensure the development does not hinder the proper and orderly development of the subject land and its surrounds.
4. To ensure the relevant matters for consideration under Section 4.15 of *Environmental Planning and Assessment Act 1979* are maintained.

Report prepared by



Matthieu Santoso
Senior Town Planner
Hawkesbury City Council



General Conditions

1. Integrated Development - General Terms of Approval

The general terms of approval from the following Authorities, as referred to in Section 4.47(2) of the *Environmental Planning and Assessment Act 1979*, and referenced below, are attached and form part of the consent conditions for this approval:

- a) NSW Department of Planning, Industry and Environment - The General Terms of Approval, Reference 1638656 and dated 03/05/2024 are attached and form part of this consent.

2. Approved Plans and Supporting Documentation

The development must be carried out in accordance with the approved plans and supporting documentation listed below which have been endorsed by Council's approved stamp, except where amended in red on the plans and/or amended by other conditions of consent:

- a) Plans Reference:

Drawing Reference No.	Drawing Description	Prepared by	Issue No.	Date
127/18	Ground Floor Plan/Site Plan	Havanah Building Design	J	04/04/2023
127/18	Elevations & First Floor Plan	Havanah Building Design	J	04/04/2023
-	4,000 Birds Per hour plan upgrade	BAADER	-	-
L/01	Landscape Plan	Aspect	A	27/03/2023
SY160268C 102	Drainage Design Plan	Barker Ryan Stewart	G	04/06/20322
SY160268C 102	Cut/Fill Summary	Barker Ryan Stewart	G	04/06/20322
SY160268C 104	Sections	Barker Ryan Stewart	G	04/06/2022

- b) Document Reference:

Document Title	Reference	Prepared By	Date
Acoustic Report	6496-1.1R Rev B	Day Design Pty Ltd	16/09/2022
Air Quality Report	211088_AQIA_Rev2	Benbow	03/06/2022
Bushfire Report	18.05.138	Control Line Consulting	25/05/2020
Preliminary Site Investigation	4	Trinitas Group	25/06/2022
EIS	160737	Urban City	January 2024
Odour Impact Assessment	211088-02_OIA_Rev1	Benbow	23/11/2023
Draft Operational Management Plan	-	Blue Ribbon Poultry	January 2024
Water Testing	TFA 3548/01	H.J. Fiander et al.	13/03/2020



SEARs	16/11806	DPIE	27/09/16
Visual Impact Statement	160737	Urban City Planning	September 2022
Due Diligence Assessment	-	Urban City Planning	09/07/2020
Traffic Assessment Report	C	A.R Traffic Consulting Pty Ltd	01/02/2024
Traffic and Transport Impact Statement	-	TSA	31/08/2020
BDAR	-	LandEco	09/07/2024

No works, other than those approved (including raising or lowering of ground levels on the site, or construction of retaining walls on any property boundary) are permitted by this consent.

Note: Details of the development shown in the approved plans and documents referenced are altered in the manner indicated by:

- (i) any amendments made by Council on the approved plans or documents;
- (ii) any notes, markings, or stamps on approved plans or documents; and
- (iii) any conditions contained in this consent.

3. **Works Must Not Commence Until a Construction Certificate is Issued**

Construction or preparatory work (including earthworks or tree and/or vegetation removal) must not commence until:

- a) a Construction Certificate is obtained from either Council or an Accredited Certifier;
- b) a Principal Certifier is appointed; and
- c) a Notice of Commencement is lodged with Council.

Note: If the Construction Certificate is issued by an Accredited Certifier that is 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).

4. **Appointment of a Principal Certifier**

No work shall commence until:

- a) A Principal Certifier is appointed for the building/engineering works and the following details relating to the carrying out of the works have been provided:
 - (i) name and licence number of the builder/contractor undertaking the construction works; or
 - (ii) name and permit number of the owner-builder (if relevant);
- b) The Principal Certifier has:
 - (i) provided a copy of the notice of its determination to the consent authority, and to Council (within two days after the date of the determination);
 - (ii) notified the person having benefit of the consent of any critical stage inspections and other inspections that it requires to be carried out in relation to the approved work;
 - (iii) notified Council of its appointment (not less than two days before commencement of building work);
- c) The person having benefit of the consent (if not carrying out work as an owner-builder) has:



- (i) appointed a principal contractor who must hold a 'contractor licence' if any residential building work is involved;
 - (ii) notified the Principal Certifier of the appointment of the principal contractor;
 - (iii) notified the principal contractor of any critical stage inspections or any other inspections that are required to be carried out in relation to the approved work; and
- d) At least two days' notice are to be provided to Council of the date on which it is proposed to commence work associated with this development consent.

5. **Part 6 Certificates Required**

The accredited certifier must provide copies of all Part 6 Certificates issued under the *Environmental Planning and Assessment Act 1979* relevant to this development to Council within seven days of issuing the certificate.

Note: A registration fee applies.

6. **Civil Works Specification - Private Land**

Council requires the following works to be carried out as part of the development:

- a) Earthworks;
- b) stormwater drainage work;
- c) On-site-detention system;
- d) Access and car parking;

All civil construction works required by this consent must be undertaken in accordance with *Hawkesbury Development Control Plan Appendix E Civil Works Specification*.

A Construction Certificate is required to be in force prior to work commencing. It may be necessary to obtain appropriate Compliance Certificates for certain aspects of the development prior to the issue of a Construction Certificate.

Inspections must be carried out either by Council or an Accredited Certifier. Should Council be engaged to issue compliance certificates or carry out inspections, fees can be provided on request.

7. **Occupation Certificate Required Prior to The Use Of The Building**

The building must not be occupied or used prior to the issuing of an Occupation Certificate by the Principal Certifier. Where a partial Occupation Certificate has been issued, only that part of the building to which the Certificate applies may be occupied or used.

A copy of any Occupation Certificate must be submitted to Council within two days of its issue.

8. **Security Bond/Bank Guarantee Requirements**

A security bond may be submitted in lieu of a cash bond. The security bond must:

- a) be in favour of Hawkesbury City Council;
- b) be issued by a financial institution or other accredited underwriter approved by, and in a format acceptable to, Council (for example, a bank guarantee or unconditional insurance undertaking);
- c) have no expiry date;
- d) reference the development application, condition and matter to which it relates;



- e) be equal to the amount required to be paid; and
- f) be itemised, if a single security bond is used for multiple items.

9. **Works on Public Land - Not Permitted Without Approval**

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 Management Plan.

The developer must bear the cost of all works associated with the development that occurs on public land, including the restoration of any damaged areas.

10. **Road Opening Permit**

Should the development necessitate the infrastructure upgrading/reinstatement works on Council land within and/or beyond the immediate road frontage of the development site and these works are not covered by a Construction Certificate issued by a Certifier under the consent then a separate *Section 138 Roads Act Approval* must be applied for, approved by and the works inspected by Council's Development Engineering Team.

Note: The contractor is responsible for instructing sub-contractors or service authority providers of this requirement. Contact Council's Construction and Maintenance Engineer if it is unclear whether a separate road opening permit is required.

11. **Prescribed Conditions - Compliance with National Construction Code**

All building works must be carried out in accordance with the requirements of the National Construction Code (Building Code of Australia).

12. **Archaeology - Discovered During Excavation**

As required by the *Heritage Act 1977*, in the event that items, relics, historical cultural fabric and/or deposits are encountered/discovered where they are not expected, works must cease immediately and Council and the NSW Government's Heritage Council must be notified of the discovery.

In the event that archaeological resources are encountered, further archaeological work may be required before works can re-commence, including the statutory requirement under the *Heritage Act 1977* to obtain the necessary approvals/permits from the Heritage Council.

Note: The *Heritage Act 1977* imposes substantial penalty infringements and / or imprisonment for the unauthorised destruction of archaeological resources, regardless of whether or not such archaeological resources are known to exist on the site.

13. **Excavation - Aboriginal Relics**

If any Aboriginal object (including evidence of habitation or remains) is discovered during the course of the work:

- a) all excavation or disturbance of the area must stop immediately in that area; and
- b) Heritage NSW must be advised of the discovery.

All necessary approvals from the Heritage NSW must be obtained and a copy provided to Council prior to works recommencing.

Note: If an Aboriginal object is discovered, an Aboriginal Heritage Impact Permit may be required under the *National Parks and Wildlife Act 1974*.



14. **No signage Approved**

No Signage is approved under this consent. A separate application is to be lodged for approval of any signage.

Prior to the Issue of Construction Certificate

The following conditions in this section of the consent must be complied with or addressed prior to the issue of any Construction Certificate. In many cases, the conditions require certain details to be included with or incorporated in the detailed plans and specifications which accompany the Construction Certificate.

The Accredited Certifier may require a Compliance Certificate to address particular matters below.

15. **Long Service Levy Payment**

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 Principal Certifier prior to the issue of any Construction Certificate.

Note: All building and construction work costing \$250,000 and above are subject to the payment of a Long Service Levy at the rate of 0.25%. Payments can be made at Long Service Payments Corporation offices or most councils.

16. **Traffic Management Plan**

A detailed Traffic Management Plan must be submitted to the Accredited Certifier prior to the issue of the 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:

- a) construction access to the site is to be solely per 7.13.3 of the approved Environmental Impact State Prepared by Urban City Dated January 2024 (Rev 4)
- c) 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;
- d) all loaded vehicles entering or leaving the site must have their loads covered;
- e) the proposed method of access to and egress from the site for vehicles is to be safe and practical; and
- f) any associated Traffic Control Plans prepared by an appropriately qualified person in accordance with the Roads and Maritime Services publication 'Traffic Control at Worksites'.

Where the site adjoins a Roads and Maritime Service controlled road, the Traffic Management Plan is to be approved by Roads and Maritime Services before incorporation into the Construction Management Plan.

Details demonstrating compliance with these requirements are to be submitted to the Accredited Certifier prior to the issue of the Construction Certificate.

17. **Public Safety - Clear Pedestrian Sight Lines**

Clear pedestrian sight lines are to be provided at the driveway entry in accordance with Figure 3.3 of Australian Standard AS 2890.1 - 'Parking facilities - Off-street car parking'. This requires that there be no boundary/retaining wall, fence or landscaping higher than 900 millimetres within a 2.5 metres by 2 metres sight triangle at each side of the entryway to the site. Any walls/fences/landscaping are to be adjusted in order to comply with this requirement.



Details demonstrating compliance with these requirements are to be submitted to the Accredited Certifier prior to the issue of the Construction Certificate.

18. Access for Persons with a Disability

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 Accredited Certifier prior to issue of a Construction Certificate.

19. Access for Persons with a Disability - Design Audit

Certification by an accredited access consultant must be submitted, certifying the development's compliance with the National Construction Code (Building Code of Australia) and Disability (Access to Premises - Buildings) Standards 2010.

This certification must be submitted to the Accredited Certifier with the application for a Construction Certificate.

20. Traffic Control Plan

A Traffic Control Plan prepared in accordance with the Roads and Maritime Services publication 'Traffic Control at Worksites' is to be prepared by an appropriately qualified person and submitted to Council, prior to commencement of any works, for approval.

Where the site adjoins a Roads and Maritime Service controlled road, the Traffic Management Plan is to be approved by Roads and Maritime Services before submission to Council for approval.

Details demonstrating compliance with these requirements are to be submitted to the Accredited Certifier prior to the issue of the Construction Certificate.

21. Redundant Vehicular Layback

All redundant vehicular layback crossing(s) must be removed and replaced with kerb and gutter to match adjacent road construction and infrastructure. This work must be carried out at the developer's expense, including all alterations of public infrastructure where necessary.

Details demonstrating compliance with these requirements are to be submitted to the Accredited Certifier prior to the issue of the Construction Certificate.

22. Redundant Driveway from Kerb to Property Boundary

The redundant vehicular concrete driveway must be removed and the area appropriately turfed and/or paved in a manner that conforms to the adjoining road reserve. The area forward of the front boundary must be kept smooth, even and free from any trip hazards. This work must be carried out at the developer's expense, including all alterations of public infrastructure where necessary.

Details demonstrating compliance with these requirements are to be submitted to the Accredited Certifier prior to the issue of the Construction Certificate.

23. Car Parking and Allocation of Spaces

Car parking spaces must be provided in accordance with the approved plans and National Construction Code (Building Code of Australia) AS 2890.6 - 'Parking facilities: Off-street parking for people with disabilities'. The minimum number of spaces provided must be as follows:

23 - Staff/Visitor

All car parking spaces are to be identified by line-marking and appropriate signposting.



Details demonstrating compliance with the above requirements must be submitted to the Accredited Certifier prior to issue of the Construction Certificate.

24. Driveway Construction - Commercial in Council Road Reserve

An 'Agreement Form for Driveways' must be submitted to Council prior to the issue of a Construction Certificate. Evidence of lodgement and payment for this application must be provided to the Accredited Certifier.

The vehicular crossing must:

- a) have a minimum width of six metres within the road reserve;
- b) not interfere with existing public infrastructure;
- c) have a sealed finish; and
- d) be constructed in accordance with Hawkesbury Council's 'Driveway Specification' and the Hawkesbury Development Control Plan 2002 - Appendix E - Civil Works Specification.

Note: The 'Agreement Form for Driveways' and the 'Driveway Specification' are available from Council's website.

25. Maintenance of Clear Footpath Access - Gate Design

Any gates located adjacent to the road reserve or footpath are to be designed to open inwards so as to maintain clear public access.

Details demonstrating compliance with this condition are to be submitted to the Accredited Certifier prior to the issue of the Construction Certificate.

26. Vehicle Entry and Exit from Commercial/Industrial Property

The vehicular usage of the site must be constructed to comply with the following requirements:

- a) all vehicles must be loaded and unloaded entirely within the property in a safe and practical manner;
- b) all vehicles must be driven in a forward direction at all times when entering and leaving the premises; and
- c) vehicles entering and exiting the site must not create queuing which adversely affects vehicles travelling on the public road network.

Loading and unloading areas are to be clearly designated and the swept paths of the longest vehicle entering and exiting the subject site must be in accordance with:

- a) Australian Standard AS 2890.1 - 'Parking facilities - Off-street car parking' and
- b) Australian Standard AS 2890.2 - 'Parking facilities - Off-street commercial vehicle facilities'.

Details demonstrating compliance with the above requirements must be submitted to the Principal Certifier prior to issue of the Construction Certificate.

27. Engineer Designed Pavement - Commercial

The carpark pavement must be designed by a qualified civil/geotechnical 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 above details must be incorporated on appropriate submitted plans prior to the issue of the Construction Certificate to the satisfaction of the Accredited Certifier.

28. Section 7.12 (Monetary) Contributions

A contribution under Section 7.12 of the *Environmental Planning and Assessment Act 1979* must be paid in accordance with the following:

a) Contribution Required

In accordance with Council's Section 7.12 (previously S94A) Contributions Plan 2015, a monetary contribution (indexed at the time of payment) must be paid to Council for the amount specified below.

b) Amount of Contribution

The amount of the contribution is \$34,440.00.

This fee is based on the supplied value-of-works of \$3,444,000.00.

The contribution amount detailed in (b) will be indexed at the time of actual payment in accordance with movement in the Consumer Price Index as published by the Australian Bureau of Statistics (Table 6401.0).

Contributions must be received by Council and evidence of payment submitted to the Accredited Certifier prior to the issue of any Construction Certificate.

Note: In the event that the estimated value of works increases in association with the Construction Certificate the Section 7.12 contribution payable is to be based on the revised value of works.

Please present a copy of this condition when paying the contribution at Council's Customer Service Centre in order to assist in recalculation of the contribution amount.

29. On Site Stormwater Detention Design Compliance

On-Site Detention (OSD) for stormwater is required to be provided for this development. Details including calculations are to be shown on plans submitted for the Construction Certificate to the Satisfaction of the Accredited Certifier. OSD must comply with the following:

- a) OSD must be provided to maintain all stormwater discharges for storms up to the 1 in 100 Average Recurrence Interval storm event at pre-development levels; and
- b) the OSD system is to be designed in accordance with the Hawkesbury Development Control Plan - Appendix E, Civil Works Specification (Part 1 - Design Specifications and Part 2 - Construction Specifications).

Details demonstrating compliance with the above requirements must be submitted to the Accredited Certifier prior to issue of the Construction Certificate.

30. Detailed Drainage Design - Commercial/Industrial

A detailed drainage design of the site must be submitted to and approved by the Certifying Authority prior to the release of the Construction Certificate. The detailed plan must:

- a) be generally in accordance with ref no. SY160268C1d.dwg prepared by Barker Ryan Stewart on 04/08/2022;
- b) drain to the Council Street Pit;
- c) indicate the method of disposal of all stormwater and must include existing ground levels, finished surface levels on all paved areas, estimated flow rates, invert levels and sizes of all



pipelines;

- d) be to the satisfaction of the Accredited Certifier;
- e) be designed to cater for a 1 in 20 year Average Recurrence Interval storm event;
- f) show details of any overflow drainage paths and that they be designed to cater for 1 in 100 year Average Recurrence Interval storm event; and
- g) comply with the Hawkesbury Development Control Plan 2002 - Appendix E and Australian Standard AS 3500 - 'Plumbing and Drainage' unless a variation is specifically noted and approved by the Development Application concept drainage plan.

31. **Grated Drain**

A grated stormwater drain must be constructed across the driveway adjacent to the front boundary. Details to this effect are to be included on plans Submitted to the Accredited Certifier prior to issue of a Construction Certificate.

32. **Pit Grates**

All pits must have flush fitting grates. All pits larger than 600mm x 600mm are to be grated galvanised steel grid hinged and be heavy duty type where traffic loading is expected.

Details to this effect are to be included on plans submitted to the Accredited Certifier prior to issue of the Construction Certificate.

33. **Structural Engineers Design - Deep Pits**

All pits deeper than 3 metres must be designed by a certified structural engineer and be in accordance with Australian Standard AS3600 - 'Concrete Structures'. Pits deeper than 1.2 metres must have step irons and pits deeper than 1.8 metres are to be reinforced concrete.

Details to this effect shall be incorporated on the detailed drainage design that is submitted to the Accredited Certifier prior to issue of the Construction Certificate.

34. **Erosion and Sediment Control Plan**

Prior to the issue of the Construction Certificate, the applicant must submit to and obtain the Accredited Certifier approval of an Erosion and Sediment Control Plan (ESCP). The ESCP must show the location of site boundaries, adjoining roads, approximate grades, vegetation, site access, impervious areas, existing and proposed site drainage and a north point.

The ESCP must take into account the requirements of Landcom's publication 'Managing Urban Stormwater - Soils and Construction' (2004). The plan must show the following:

- a) timing of works;
- b) nature and extent of earthworks, including the amount of any cut and fill;
- c) where applicable the diversion of runoff from upslope lands around the disturbed areas;
- d) location of all soil and other material stockpiles including topsoil storage;
- e) location and type of proposed erosion and sediment control measures;
- f) site rehabilitation proposals; and
- g) frequency and nature of maintenance program.



35. Earthworks - No Fill Permitted

It must be clearly noted on plans submitted to the Accredited Certifier prior to issue of the Construction Certificate that no fill must be imported onto the site as part of this development.

36. Restriction of Fill to Within Footprint of Building

No fill is to be placed beyond the footprint of the building with the exception of vehicular access. In this regard the use of a dropped-edge beam is required to be provided in conjunction with the construction of the building.

Details demonstrating compliance with the requirements of this condition are to be submitted to the Accredited Certifier prior to the issue of the Construction Certificate.

37. Water Quality Infrastructure

Detailed design of the water quality elements is to be provided, together with modelling to demonstrate that the water quality targets required by Section 8.3.5 of Part E Chapter 8 of the Hawkesbury Development Control Plan 2002 are achieved prior to issue of a Construction Certificate by the Accredited Certifier.

Details demonstrating compliance with the above must be provided to the Accredited Certifier prior to the issue of the Construction Certificate.

Note: In new release areas, where a separate Development Control Plan has been developed, water quality targets specified for that release area must apply.

38. Compliance with the Building Code of Australia - Fire Services and Equipment

Detailed plans showing the existing and proposed fire services and equipment suitable for the intended class of building and proposed use, is to be supplied.

The design and installation of these services and equipment are to be compliant with the Building Code of Australia and relevant Australian Standards.

Details are to be provided to the Accredited Certifier prior to issue of the Construction Certificate.

39. Structural Engineers Design - Concrete and Structural Steel

A qualified Structural Engineer's design for all reinforced concrete and structural steel must be provided to the Accredited Certifier prior to issue of Construction Certificate.

40. Sydney Water - Section 73 Compliance Certificate

A Section 73 Compliance Certificate under the *Sydney Water Act 1994* must be obtained. Application must be made through an authorised Water Servicing Coordinator. For details refer to Sydney Water's website.

Following application, a 'Notice of Requirements' will be forwarded detailing water and/or sewer extensions to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.

The 'Notice of Requirements' or Section 73 Certificate must be submitted to the Accredited Certifier prior to the issue of any Construction Certificate.

41. Bushfire Construction Requirements - Bushfire Assessment Report

The development approved under this consent must comply with the recommendations of the Bushfire Assessment Report prepared by Control Line, dated 25/05/2020, reference 18.05/138.

Details demonstrating compliance with the above must be provided to the Certifying Authority prior to the



issue of a Construction Certificate.

42. Retirement of Credits

All recommendations including credits to be retired prepared under the BDAR Report by LandEco (dated 09/07/2024) are to be completed and evidence of such is to be provided to the satisfaction of the certifier prior to the issue of a Construction Certificate.

Prior to Any Works Commencing on Site

43. Principal Certifier - Details

The applicant must advise Council of the name, address and contact number of the Principal Certifier, in accordance with Section 6.6(2) of the *Environmental Planning and Assessment Act 1979*.

44. Toilet Facilities

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:

- a) be a standard flushing toilet connected to a public sewer;
- b) be attached to an approved on-site effluent disposal system;
- c) be a temporary chemical closet that is regularly maintained; and
- d) appropriate facilities for the disposal of sanitary items are to be provided within the toilet.

45. Survey Certificate - Building to be Verified by a Registered Surveyor

In order to ensure compliance with approved plans, a Survey Certificate, prepared by a Registered Surveyor, including locating any easements affecting the subject land, is to be undertaken:

- a) a set-out survey prior to the placement of any footings showing the proposed building and its relationship to the boundaries; and/or

Progress surveys must be submitted to the Principal Certifier at the time of carrying out relevant progress inspections. Under no circumstances is work allowed to proceed should such survey information be unavailable or reveal discrepancies between the approved plans and the works as constructed.

46. Construction Management Plan

A Construction Management Plan must be submitted to and reviewed by Council prior to the commencement of works.

The Construction Management Plan must include the following:

- a) Summary
A concise (maximum three page) summary of key points from all documentation.
- b) Background
Provide details of the proposed works including the extent, staging and proposed timing of the works.
- c) 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.
- d) 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.

- e) Dust
Details in accordance with the Dust Management Measures condition requirements.
- f) Vibration
A Vibration Compliance Letter in accordance with the relevant vibration condition requirements.
- g) Traffic
A Detailed Traffic Management Plan in accordance with the Traffic Management Plan condition requirements.
- h) Soil and Water Management
Detailed Soil and Water Management Plan in accordance with the Soil and Water Management Plan condition requirements.
- i) Water Quality Assessment and Monitoring
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.
- j) Any site specific Heritage and Archaeological Management.
- k) Any site specific Ecological Impact Mitigation Measures.

47. **Notice of Commencement**

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:

- a) details of the appointment of a Principal Certifier (PCA) providing name, address and telephone number; and
- b) details of the name, address and licence details of the Builder.

48. **Prescribed Conditions - Shoring and Adequacy of Adjoining Property**

Development that involves an excavation that extends below the level of the base of the footings of a building, structure or work (including any structure or work within a road or rail corridor) on adjoining land, the person having the benefit of the development consent must, at the person's own expense:

- a) protect and support the building, structure or work from possible damage from the excavation; and
- b) where necessary, underpin the building, structure or work to prevent any such damage.

Note: 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.

49. **Principal Certifier Site Sign**

A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:

- a) showing the name, address and telephone number of the Principal Certifier for the work;
- b) 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



- c) stating that unauthorised entry to the work site is prohibited.

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

50. Safety Fencing

The site is to be secured by a fence, in accordance with Safework NSW requirements, to prevent unauthorised access during the period of all works.

51. Protection of Adjoining Public Land

The public land adjoining the site must not be affected by site works, construction materials stockpiles, waste, building products and debris, site sheds, spoil placement or the like.

No access for vehicles, machinery or goods to the site must be gained across public land (other than the road reserve) without a prior written approval from Council.

52. Construction Certificate - Required Prior to Commencement of Works

A Construction Certificate as specified in this consent is required prior to the commencement of work on the site.

53. Demolition - General

All demolition works must be carried out in accordance with the following:

- a) all demolition work must be carried out strictly in accordance with Australian Standard AS 2601 - 'The Demolition of Structures';
- b) demolition works involving the removal and disposal of asbestos cement must only be undertaken by contractors who hold a current SafeWork NSW 'Demolition License' and an appropriate SafeWork NSW Asbestos License and comply with SafeWork NSW Code of Practice 'How to Safely Remove Asbestos';
- c) site safety/security fencing must be provided prior to commencement of any work on-site and must be removed only when all hazards, including site waste, have been removed. The site safety/security fencing must comply with the following Australian Standards:
 - (i) Demolition Sites - Australian Standard AS 2601 - 'Demolition of structures';
 - (ii) Construction Sites - Australian Standard AS 4687 - 'Temporary fencing and hoardings';
 - (iii) Ongoing Site Safety/Security - Australian Standard AS 1725 - 'Chain-link fabric security fencing and gates';
- d) demolition work must be carried out only between the hours of 7am to 6pm Mondays to Fridays and 8am to 4pm Saturdays. No work is to be carried out on Sundays or public holidays;
- e) no trees must be removed from the site unless they are shown for removal on the approved plans, or separately approved by Council;
- f) erosion and sediment control measures must be installed prior to any demolition works commencing and maintained in accordance with the requirements contained in the Hawkesbury Development Control Plan 2002;
- g) all waste on the site is to be stored, handled and disposed of in such a manner as to not create air pollution (including odour), offensive noise or pollution of land and/or water;
- h) public footways and roadways adjacent to the site must be fully maintained and cleared of obstructions during construction. No building materials, waste containers or skips may be



stored on the road reserve or footpath without prior separate approval from Council;

- i) any materials stored on site must be stored away from any drainage path or easement, natural watercourse;
- j) demolition activity must not cause damage to or adversely affect the structural integrity of adjoining buildings;
- k) waste must be transported to a place which can lawfully accept it. All non-recyclable demolition materials are to be disposed of at an approved waste disposal depot in accordance with legislation;
- l) no material is to be burnt on site;
- m) details as to the method and location of disposal of demolition materials (weight dockets, receipts, etc.) must be kept on site as evidence of approved methods of disposal and recycling; and
- n) the site must be grassed or otherwise rendered erosion resistant immediately upon completion of demolition.

54. Restriction of Site Access to Prevent Unauthorised Material

The property entry and exit points must 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.

55. Erosion and Sediment Control for Minor Development

Erosion and sediment control devices are to be installed and maintained until the site is fully stabilised in accordance with Hawkesbury Council's publication *Guidelines for Erosion and Sediment control on a building site (2017)*.

56. Sydney Water - Endorsement of Approved Plans

The approved plans must be submitted to and endorsed by Sydney Water via the 'Sydney Water Tap-in' website to determine whether the development will affect Sydney Water's water mains, stormwater drains and/or easements, and if further requirements need to be met. Plans will be appropriately stamped.

Please refer to Sydney Water's website.

Evidence of the building plan approval must be forwarded to the Principal Certifier prior to the commencement of works.

57. Support and Protection for Neighbouring Buildings

If an excavation associated with the approved development extends below the level of the base of the footings of a building on an adjoining property the person having the benefit of this consent must, at that person's own expense:

- a) protect and support the adjoining premises from possible damage from the excavation;
- b) where necessary, underpin the adjoining premises to prevent any such damage; and
- c) provide a minimum seven days written notice to the owners/occupiers of adjoining properties giving details of the excavation and the proposed method of support of the excavated area.

The proponent is liable for any part of the cost of work carried out for the purposes of this condition whether carried out on the development site or on any adjoining land.



During Construction

58. Construction Hours

Clearing of land, running of machinery, excavation, and/or earthworks, building works and the delivery of building materials must be carried out between the following hours:

- a) between 7am and 6pm, Mondays to Fridays inclusive;
- b) between 8am and 4pm, Saturdays;
- c) no work on Sundays and public holidays; and
- d) works may be undertaken outside these hours where:
 - (i) the delivery of vehicles, plant or materials is required outside these hours by the Police or other authorities;
 - (ii) it is required in an emergency to avoid the loss of life, damage to property and/or to prevent environmental harm; and
 - (iii) a variation is approved in advance in writing by Council.

59. Site Management During Construction

The following requirements relating to site management apply during and immediately following construction:

- a) All materials and equipment must be stored wholly within the work site unless an approval to store them elsewhere is held.
- b) Waste materials (including excavation, demolition and construction waste materials) must be managed on the site and then disposed of at a waste management facility.
- c) Copies of receipts stating the following must be given to the Principal Certifier:
 - (i) the place to which waste materials were transported;
 - (ii) the name of the contractor transporting the materials; and
 - (iii) the quantity of materials transported off-site and recycled or disposed of.
- d) Any run-off and erosion control measures required must be maintained within their operating capacity until the completion of the works to prevent debris escaping from the site into drainage systems, waterways, adjoining properties and roads.
- e) During construction:
 - (i) all vehicles entering or leaving the site must have their loads covered;
 - (ii) all vehicles, before leaving the site, must be cleaned of dirt, sand and other materials, to avoid tracking these materials onto public roads; and
 - (iii) any public place affected by works must be kept lit between sunset and sunrise if it is likely to be hazardous to the public.
- f) At the completion of the works, the work site must be left clear of waste and debris.

Note: In the event it is not possible to keep the footpath or road reserve clear during construction works written approval from Council must be obtained prior to any closing of the road reserve or footpath area. The closure must take place in accordance with Council's written approval. The area must be signposted and such signposting be maintained in a way that ensures public safety at all times.

60. Loading and Unloading During Construction



The following requirements relating to loading and unloading apply during construction:

- a) All loading and unloading associated with construction activity must be accommodated on site.
- b) If, during excavation, it is not feasible for loading and unloading to take place on site, a Works Zone on the street may be considered by Council.
- c) A Works Zone may be required if loading and unloading is not possible on site. If a Works Zone is warranted an application must be made to Council at least 8 weeks prior to commencement of work on the site. An approval for a Works Zone may be given for a specific period and certain hours of the days to meet the particular need for the site for such facilities at various stages of construction. The approval will be reviewed periodically for any adjustment necessitated by the progress of the construction activities.
- d) Where hoisting activity over the public place is proposed to be undertaken including hoisting from a Works Zone, a separate approval must be obtained from Council.

61. **Critical Stage Inspections**

Prior to 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.

Note: Critical stage inspections are required to be carried out in accordance with Clause 162A of the *Environmental Planning & Assessment Regulation 2000*.

62. **Overland Stormwater Flow Management**

The works associated with the development must ensure that:

- a) all natural water flow from adjoining properties is not impeded or diverted; and
- b) surface and subsurface water flows are not redirected or concentrated onto adjoining properties.

63. **Stormwater Drainage Management**

Roof water (including overflow from water storage vessels) must be:

- a) drained to the street gutter (drainage lines across the footpath must consist of 100mm sewer grade pipe incorporating a suitable kerb adapter).

64. **Erosion and Sediment Control Plan - Implementation**

Erosion and sediment control devices are to be installed and maintained until the site is fully stabilised in accordance with the approved Erosion and Sediment Control Plan.

Prior to Issue of Occupation Certificate

65. **Consolidation of Lots**

The existing allotments must be consolidated into a single allotment and the plan of consolidation is to be registered with NSW Land Registry Services prior to the issue of a Final Occupation Certificate.

66. **Survey Certificate at Completion**



A Survey Certificate, prepared by a Registered Surveyor, is to certify the location of the building in relation to the boundaries of the allotment.

The certificate is to be submitted to the Principal Certifier prior to the issue of any Occupation Certificate.

67. Suitability of Glazing - Windows and Doors

Glazing materials installed in the building must be in accordance with Australian Standards AS 1288 - 'Glass in Buildings - Selection and Installation' and AS 2047 - 'Windows and external glazed doors in buildings', e.g. windows, doors, footlights, balustrades and shower screens.

A Certificate of Compliance is required to be provided to the Principal Certifier prior to the issue of an Occupation Certificate.

Note: The certificate is required to be signed by the manufacturer and the installer.

68. Car Park Directional Marking

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 through the car park.

69. On-site Stormwater Detention - Plan of Management

A Plan of Management for the on-site stormwater detention facilities must be prepared setting out all design and operational parameters for the detention facilities including design levels, hydrology and hydraulics, inspection, maintenance requirements and time intervals for such inspection and maintenance.

The Plan of Management is to be submitted to and approved by Council prior to the issue of the final Occupation Certificate.

70. On-site Stormwater Detention - Positive Covenant Required

A positive covenant must be created on the title of the land providing the following:

- a) the registered proprietors will at all times maintain, repair and keep the on-site stormwater detention facilities in a good and safe condition and state of repair, in accordance with the approved design to the reasonable satisfaction, at all times, of Council, having due regard to the Plan of Management for the operation and maintenance of the on-site stormwater detention facilities;
- b) the liability under the Covenant will jointly and severally bind the registered proprietors of the proposed dwellings; and
- c) Council only will be entitled to release or modify the Covenant.

The terms of the positive covenant are to be prepared to Council's standard requirements at the applicant's expense and endorsed by Council prior to lodgement with NSW Land Registry Services.

Details demonstrating compliance are to be submitted to the Principal Certifier prior to the issue of the final Occupation Certificate.

71. On-site Stormwater Detention - Compliance Certification

Upon completion of the on-site stormwater detention system, certification from a consulting engineer and a works as executed drawing are to be provided to Council stating that the works are in accordance with or satisfy the design intent of the approved system.

Details demonstrating compliance are to be submitted to the Principal Certifier prior to the issue of any Occupation Certificate.



72. **Acoustic Certification**

Prior to the issue of the Occupation Certificate an acoustic consultant must certify that the works have been completed in accordance with the recommendations contained in the approved acoustic report and that the development is capable of operating in accordance with the design criteria.

73. **Vehicular Crossing and Associated Driveway**

The approved vehicular crossing(s) and associated driveway must be constructed prior to issue of an Occupation Certificate.

74. **Evacuation and Emergency Planning - Bush Fire Survival Plan**

A Bush Fire Survival Plan must be prepared consistent with the NSW Rural Fire Service publication 'Get Ready for a Bush Fire - Four Simple Steps to Making Your Bushfire Survival Plan'.

Prior to the issue of any Occupation Certificate, the applicant must provide to the Principal Certifier a copy of the prepared Bushfire Survival Plan.

Note: To download the guide visit the NSW Rural Fire Service Website:
<<https://www.rfs.nsw.gov.au/plan-and-prepare/bush-fire-survival-plan>>

75. **Works As Executed Plan - Basic Drainage**

A Works As Executed plan prepared by a registered surveyor must be submitted to the Accredited Certifier. The Works As Executed dimensions and levels must be shown in red on a copy of the approved Construction Certificate plans.

Operational Conditions

76. **Hours of Operation**

The premises must operate or trade only between the following hours:

Seven days per week 24 hours.

Note: These operational hours are reviewable and subject to a 12 month trial period. At the completion of this period, a written report outlining any submissions or incidents related to acoustic measures are to be provided to Council for its review.

77. **Heavy Vehicle Delivery Route**

All heavy vehicle deliveries to and from the site are to be restricted to routes designated in section 7.13.3 of the approved Environmental Impact State Prepared by Urban City Dated January 2024 (Rev 4). No heavy vehicle movements are to occur on any roads other than the designated heavy vehicle transportation route.

The Operational Traffic Management Plan developed for the site is to restrict heavy vehicle movements to the designated heavy vehicle transportation route.

78. **Security - CCTV**

A security surveillance system must be installed and operated on the premises that satisfies the following criteria:

- a) CCTV surveillance cameras must be strategically installed, operated and maintained throughout the premises with particular coverage to:



- (i) principal entrance/s and exits;
 - (ii) all of the areas within the premise occupied by the public (excluding toilets);
 - (iii) the area within a 50m radius external to the public entrance(s) to the premise.
- b) A visual monitor must be installed on each level of the premise to display clear live security CCTV footage of that area, to the attending patrons.
 - c) A visual monitor must be located at the principal entrance alerting patrons to the use of CCTV facilities.
 - d) Suitable and clearly visible signage must be displayed at the principal entrance(s) to the premises, in lettering not less than 50mm in height with the words "Closed Circuit Television in use on these premises". The same signage is to be attached in a prominent position on the bulkhead on each respective level of the premises.
 - e) All CCTV recording equipment and cameras are to be of high grade digital quality capable of establishing the population and identification of patrons, offenders and incidents within the depth of field view of the cameras.
 - f) A fixed digital video surveillance camera is to be located at the principal entrance. Suitable signage is to be appended at the entrance, alerting potential patrons that the facility exists and will be utilised if required.
 - g) CCTV recording equipment and recordings must be retained for 30 days before being re-used, destroyed or deleted. Time and date must be auto recorded on the recording. All recordings must be handed to Council or Police upon request.
 - h) The CCTV recording equipment must be able to immediately reproduce a copy of recorded footage on demand of Council or Police Officers, or within 12 hours of the request being made.
 - i) All CCTV recording devices and cameras must be maintained by a registered security surveillance company, so as to maintain the visual quality of the recorded footage for the life of the equipment. A registered security company is defined as a company in possession of a current security licence and which installs and maintains CCTV security equipment as part of their principal activities. A copy of the maintenance agreement/contract must be furnished to Council prior to commencement of operation of the premise.
 - j) All CCTV recording devices and cameras must be checked daily to ensure the equipment is operating correctly.
 - k) All CCTV recording devices and cameras must be in operation at all times while the premises are open to the public.
 - l) The CCTV recording device must be secured within the premises and only be accessible to senior management personnel so as to maintain the integrity of the recorded footage.

79. **Plan of Management and Incident Register**

- a) The approved use of the premises must always be operated in accordance with the Plan of Management approved with this consent.
- b) A copy of the approved Plan of Management and this development consent must be kept on site and made available to any Council or Police officer upon request.
- c) Access to the Incident Register and register of complaints must be made available for viewing on the request of Council officers and/or the Police.
- d) The licensee must sign the Plan of Management and must ensure compliance with all operational strategies identified in the plan at all times.



- e) The Plan of management is to be updated on a bi-yearly (two year) interval in consultation with the Council.

80. **Public Complaints Management**

During the operation of the development, the proprietor must ensure that the following contact details are available for community complaints:

- a) a telephone number on which complaints about operations on the site may be registered
- b) a postal address to which written complaints may be sent
- c) an email address to which electronic complaints may be transmitted.

The proprietor must ensure that the required details are publicly available including, but not limited to, displaying the information on a sign near the entrance to the site, in a position that is clearly visible to the public. If the proprietor has an internet site these details must also be provided on this site.

81. **Loading Within Site**

All loading and unloading operations must be carried out wholly within the confines of the site, at all times and must not obstruct other properties or adjacent roadways.

82. **Microbial Control**

The installation and ongoing operation of the water cooling systems, evaporative coolers and hot/warm water systems within the premises must be undertaken in accordance with the relevant provisions of:

- a) *Public Health Act 2010* and Regulations
- b) Australian Standard AS/NZS 3666 - 'Air Handling and Water Systems of Buildings - Microbial Control, Parts 1, 2 & 3'
- c) Health Protection NSW, NSW Guidelines for Legionella Control in Cooling Water Systems, Sydney, NSW Ministry of Health, 2018.

Note: The NSW Guidelines for Legionella Control in Cooling Water Systems is downloadable from www.health.nsw.gov.au.

83. **Noise - Commercial and Industrial Premises**

The emission of noise associated with the operation of any mechanical plant and equipment shall comply with the following criteria:

- a) The LAeq (15 minute) noise level emitted from the use must not exceed the background noise level LA90 (15 minute) by more than 5dB when assessed at the boundary of any affected residence;
- b) The background noise level shall be measured in the absence of noise emitted from the use in accordance with Australian Standard AS 1055.1-1997-Description and measurement of environmental noise;
- c) The LAeq (15minute) noise level shall be adjusted to account for any applicable corrections for annoying noise characteristics in accordance with the NSW EPA Noise Policy for Industry.

Alternatively, compliance may be demonstrated through any appropriate method detailed in EPA Noise Policy for Industry. Background noise monitoring must be carried out in accordance with the long-term methodology in Fact Sheet B of the NSW EPA Noise policy for Industry, unless agreed in writing by the Manager Regulatory Services.

84. **Graffiti Removal**

The owner/lessee of the building must remove any graffiti which appears on the buildings, fences, signs and



other surfaces of the property within 48 hours of its application in accordance with the environmental maintenance objectives of 'Crime Prevention Through Environmental Design'.

85. **Pollution Control**

The use of the premises must incorporate facilities that will prevent the discharge of any pollutant so as to minimise adverse environmental impact as follows:

- a) all wastewater control devices (including drainage systems, sumps and traps) must be regularly maintained;
- b) all liquid wastes must be collected and disposed of in a manner which does not pollute the stormwater system, land or any waterway;
- c) all mechanical repairs and servicing must take place within the workshop, or in a roofed, bunded, concrete floor area which is drained to a holding tank or similar device so that any liquid wastes produced from such repair, servicing, and maintenance can either be:
 - (i) retained for recycling; or
 - (ii) disposed of in accordance with the requirements of Sydney Water/Council;
- d) all paints, chemicals and other liquids shall be stored in approved receptacles which are to be housed in a suitably constructed bunded area;
- e) no spray painting of vehicles shall take place outside the spray booth;
- f) Sufficient supplies of appropriate absorbent materials and/or other appropriate spill clean-up equipment shall be kept on site to recover any liquid spillage. Liquid spills must be cleaned up using dry methods only and shall not give rise to an offence under the Protection of the Environment Operations Act 1997;
- g) All doorways and driveways leading into the work and storage areas shall be bunded to prevent wastewater and liquids flowing to the outdoor area; and rainwater entering the wastewater system;
- h) Liquid waste (such as waste oil) shall be stored in a covered bunded area and removed off site by a licensed waste transporter;
- i) The proposed development is to be constructed in accordance with the document prepared by NSW Office of Environment and Heritage titled, Environmental Action for Service Stations, which can be found at: www.environment.nsw.gov.au;
- j) No goods, materials, or trade waste shall be stored at any time outside the building other than in approved garbage receptacles; and
- k) The bunded storage area shall be maintained in such condition to ensure that all spillage or leakage is retained within the bund, until disposed of by means that do not pollute waters or land.

86. **Waste Generated On-site**

All liquid and/or non-liquid waste generated on the site must be assessed and classified in accordance with the Waste Classification Guidelines (NSW Environment Protection Authority, 2014), or any superseding document, to safeguard protection of the environment and human health. Waste generated on the site can only be taken to, and accepted at, a waste facility which is lawfully authorised to receive, re-use and/or dispose of that type of waste.

87. **Protection of the Environment**

Any activity carried out in accordance with this approval shall not give rise to pollution such as odour, offensive noise or pollution of land and water as defined by the Protection of the Environment Operations Act 1997.

88. **Annual Fire Safety Statement**

The owner of the building is responsible for the lodgement with Council of an Annual Fire Safety Statement from a competent person so as to confirm the essential fire safety measures required to be provided in the building exist and are being maintained. The Annual Fire Safety Statement must be issued within 12 months of the issue of the Final Fire Safety Certificate, and then on an annual basis thereafter.

A copy of the Fire Safety Statement obtained and Fire Safety Schedule must also be:



- a) Forwarded to the Commissioner of Fire and Rescue New South Wales by email to afss@fire.nsw.gov.au; and
- b) Prominently displayed in the building.

89. **Plan of Management**

The approved use of the building as Livestock Processing Unit must always be operated / managed in accordance with the Plan of Management approved with this consent.

The Plan of Management is to be reviewed and updated by the operator every two years.

90. **Public Complaints Management**

During the operation of the Tourist and Visitor Accommodation business, the proprietor shall ensure that the following contact details are available for community complaints:

- a) a telephone number on which complaints about operations on the site may be registered
- b) a postal address to which written complaints may be sent
- c) an email address to which electronic complaints may be transmitted.

The proprietor shall ensure that the required details are publicly available including, but not limited to, displaying the information on a sign near the entrance to the site, in a position that is clearly visible to the public. If the proprietor has an internet site these details shall also be provided on this site.

Advisory Notes (if applicable)

(i) **Equitable Access**

The applicant must 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.

(ii) **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, Council must be immediately notified and works must cease. Works must not recommence on site until an agreed management strategy is developed in consultation with Council.

(iii) **Dial Before You Dig**

Prior to commencement of work, you are required to contact the free national community service 'Dial Before You Dig' 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.

(iv) **Requirements of 88B Instrument**

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

(v) **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 prior to commencement of any works. The policy must be valid for the entire period that the works are being undertaken.

(vi) **Utilities and Services**

Utilities, services and other infrastructure potentially affected by construction and operation must be identified prior to 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 must 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 must be borne by the developer.