

Development Consent

Section 4.38 of the Environmental Planning and Assessment Act 1979

As delegate of the Minister for Planning under delegation executed on 9 March 2022, I approve the Development Application referred to in Schedule 1, subject to the conditions specified in Schedule 2.

These conditions are required to:

- prevent, minimise, or offset adverse environmental impacts;
- set standards and performance measures for acceptable environmental performance;
- require regular monitoring and reporting; and
- provide for the ongoing environmental management of the development.

DRAFT

Sydney

2022

SCHEDULE 1

Application Number:	SSD 12982045
Applicant:	Newcastle Jockey Club Ltd
Consent Authority:	Minister for Planning
Site:	Lot 13 and 14 227704 Lot 82 DP 1138209
Development:	Proposed new stables complex at the Newcastle Racecourse, comprising of demolition of an existing equine pool, workshops, sheds and stalls with the construction of new stables with capacity for 480 horses, ancillary buildings and car parking

DEFINITIONS

Aboriginal object	Has the same meaning as the definition of the term in section 5 of the <i>National Parks and Wildlife Act 1974</i>
Aboriginal place	Has the same meaning as the definition of the term in section 5 of the <i>National Parks and Wildlife Act 1974</i>
Accredited Certifier	Means the holder of accreditation as an accredited certifier under the <i>Building Professionals Act 2005</i> acting in relation to matters to which the accreditation applies.
Advisory Notes	Advisory information relating to the consent but do not form a part of this consent
Applicant	Newcastle Jockey Club Ltd or any other person carrying out any development to which this consent applies
Approved disturbance area	The area identified as such on the development layout
BCA	Building Code of Australia
BC Act	<i>Biodiversity Conservation Act 2016</i>
CEMP	Construction Environmental Management Plan
Certified Contaminated Land Consultant	A person certified in accordance with the requirements of the Contaminated Land Consultant Certification Policy Version 2 (EPA November 2017) or any subsequent policies as in force from time to time
Certifier	Means a council or accredited certifier or in the case of Crown development, a person qualified to conduct a Certification of Crown Building work
Compliance Reporting Post Approval Requirements	Compliance Reporting Post Approval Requirements as available on the Department's website
Conditions of this consent	The conditions contained in Schedule 2 of this document
Construction	<p>All physical work to enable operation including (unless specifically excluded by a condition) but not limited to the demolition and removal of buildings, the carrying out of works for the purposes of the development, including bulk earthworks, and erection of buildings and other infrastructure permitted by this consent, but excluding the following:</p> <ul style="list-style-type: none"> • building and road dilapidation surveys; • investigative drilling or investigative excavation; • Archaeological Salvage; • establishing temporary site offices (in locations identified by the conditions of this consent); • installation of environmental impact mitigation measures, fencing, enabling works; and • minor adjustments to services or utilities <p>However, where heritage items, or threatened species or threatened ecological communities (within the meaning of the <i>Biodiversity Conservation Act 2016</i> or <i>Environment Protection and Biodiversity Conservation Act 1999</i>) are affected or potentially affected by any physical work, that work is construction, unless otherwise determined by the Planning Secretary in consultation with EHG or DPE Fisheries (in the case of impact upon fish, aquatic invertebrates or marine vegetation)</p>
Council	Newcastle City Council
Day	The period from 7am to 6pm on Monday to Saturday, and 8am to 6pm on Sundays and Public Holidays

Demolition	The deconstruction and removal of buildings, sheds and other structures on the site
Department	NSW Department of Planning and Environment
Development	The development described in the EIS and Response to Submissions, including the works and activities comprising demolition and removal of buildings, the carrying out of works for the purposes of the development, including bulk earthworks, and erection of buildings and other infrastructure, as modified by the conditions of this consent
Earthworks	Bulk earthworks, site levelling, import and compaction of fill material, excavation for installation of drainage and services
EHG	Environment and Heritage Group of the Department of Planning and Environment
EIS	The Environmental Impact Statement titled Proposed New Stables Complex - Newcastle Jockey Club, prepared by de Witt Consulting dated 24 September 2021, submitted with the application for consent for the development, including any additional information provided by the Applicant in support of the application
ENM	Excavated Natural Material
Environment	Includes all aspects of the surroundings of humans, whether affecting any human as an individual or in his or her social groupings
EPA	NSW Environment Protection Authority
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	Environmental Planning and Assessment Regulation 2000
EPL	Environment Protection Licence under the POEO Act
Evening	The period from 6pm to 10pm
Feasible	Means what is possible and practical in the circumstances
Heritage	Encompasses both Aboriginal and historic heritage including sites that predate European settlement, and a shared history since European settlement
Heritage NSW	Heritage, Community Engagement of the Department of Premier and Cabinet
Heritage Item	An item as defined under the <i>Heritage Act 1977</i> , and assessed as being of local, State and/ or National heritage significance, and/or an Aboriginal Object or Aboriginal Place as defined under the <i>National Parks and Wildlife Act 1974</i> , the World Heritage List, or the National Heritage List or Commonwealth Heritage List under the <i>Environment Protection and Biodiversity Conservation Act 1999</i> (Cth), or anything identified as a heritage item under the conditions of this consent
Incident	An occurrence or set of circumstances that causes, or threatens to cause, material harm and which may or may not be, or cause, a non-compliance <i>Note: "material harm" is defined in this consent</i>
Independent Audit Post Approval Requirements	Independent Audit Post Approval Requirements as available on the Department's website
Land	Has the same meaning as the definition of the term in section 1.4 of the EP&A Act
Management and mitigation measures	The management and mitigation measures set out in the EIS and various appendices
Material harm	Is harm that: a) involves actual or potential harm to the health or safety of human beings or to the environment that is not trivial; or

- b) results in actual or potential loss or property damage of an amount, or amounts in aggregate, exceeding \$10,000, (such loss includes the reasonable costs and expenses that would be incurred in taking all reasonable and practicable measures to prevent, mitigate or make good harm to the environment)

Minister	NSW Minister for Planning (or delegate)
Mitigation	Activities associated with reducing the impacts of the development prior to or during those impacts occurring
Monitoring	Any monitoring required under this consent must be undertaken in accordance with section 9.39 of the EP&A Act
Night	The period from 10pm to 7am on Monday to Saturday, and 10pm to 8am on Sundays and Public Holidays
Non-compliance	An occurrence, set of circumstances or development that is a breach of this consent
OEMP	Operational Environmental Management Plan
PA	Means a planning agreement within the meaning of the term in section 7.4 of the EP&A Act
Planning Secretary	Planning Secretary under the EP&A Act, or nominee
POEO Act	<i>Protection of the Environment Operations Act 1997</i>
Reasonable	Means applying judgement in arriving at a decision, taking into account: mitigation, benefits, costs of mitigation versus benefits provided, community views, and the nature and extent of potential improvements
Registered Aboriginal Parties	Means the Aboriginal persons identified in accordance with the document entitled " <i>Aboriginal cultural heritage consultation requirements for proponents 2010</i> " (DECCW)
Rehabilitation	The restoration of land disturbed by the development to a good condition, to ensure it is safe, stable and non-polluting
Response to submissions	The Applicant's response to issues raised in submissions received in relation to the application for consent for the development under the EP&A Act
SA NSW	Subsidence Advisory NSW (formerly the Mine Subsidence Board)
Sensitive receivers	A location where people are likely to work, occupy or reside, including a dwelling, school, hospital, office or public recreational area
Site	The land defined in Schedule 1
Site Auditor	As defined in section 4 of the <i>Contaminated Land Management Act 1997</i>
Site Audit Report	As defined in section 4 of the <i>Contaminated Land Management Act 1997</i>
Site Audit Statement	As defined in section 4 of the <i>Contaminated Land Management Act 1997</i>
Site Investigations	
TfNSW	Transport for New South Wales
VENM	Virgin Excavated Natural Material
Waste	Has the same meaning as the definition of the term in the Dictionary to the POEO Act
Year	A period of 12 consecutive months

SCHEDULE 2

PART A ADMINISTRATIVE CONDITIONS

Obligation to Minimise Harm to the Environment

- A1. In addition to meeting the specific performance measures and criteria in this consent, all reasonable and feasible measures must be implemented to prevent, and, if prevention is not reasonable and feasible, minimise any material harm to the environment that may result from the construction and operation of the development.

Terms of Consent

- A2. The development may only be carried out:
- (a) in compliance with the conditions of this consent;
 - (b) in accordance with all written directions of the Planning Secretary;
 - (c) generally in accordance with the EIS and Response to Submissions;
 - (d) in accordance with the approved plans in the table below:

Architectural Plans prepared by <i>EJE architecture</i>			
Dwg No.	Rev	Name of Plan	Date
11553-DA-A02	E	Precinct Plan	13/07/2022
11553-DA-A04a	D	Demolition Plan	20/04/2022
11553-DA-A05	E	Development Site Plan	13/07/2022
11553-DA-A06	E	Overall Ground Floor Plan	13/07/2022
11553-DA-A07	E	Overall First Floor Plan	13/07/2022
11553-DA-A08	D	Typical Stable Ground Floor Plan	20/04/2022
11553-DA-A09	D	Typical Stable First Floor Plan	20/04/2022
11553-DA-A10	E	Elevation Plan	20/07/2022
11553-DA-A10a	E	Elevation Plan (Clean)	20/07/2022
11553-DA-A11	D	Sections	20/04/2022
11553-DA-A22	D	Entry Tower Floor Plan and Elevation Plan	20/04/2022
11553-DA-A23	D	Typical Stable Elevation 1	20/04/2022
11553-DA-A24	D	Typical Stable Elevation 2	20/04/2022
11553-DA-A25	D	Office and Equipment Shed	20/04/2022
11553-DA-A26	D	Goods Storage Shed	20/04/2022
11553-DA-A27	D	Maintenance Facility Floor Plan	20/04/2022
11553-DA-A28	D	Maintenance Facility Elevation Plan	20/04/2022
11553-DA-A28a	D	Trainers Facility Floor Plan and Elevation	20/04/2022
11553-DA-A32	D	Materials and Finishes	20/04/2022
Landscape Plans prepared by <i>moir landscape architecture</i>			
Dwg No.	Rev	Name of Plan	Date
1948-LP03	G	Landscape Plan 01	27/04/2022
1948-LP04	G	Landscape Plan 02	27/04/2022
1948-LP05	G	Landscape Plan 03	27/04/2022
1948-LP06	G	Landscape Plan 04	27/04/2022
1948-LP07	G	Landscape Plan 05	27/04/2022

1948-LP08	G	Theming Plan	27/04/2022
Concept Stormwater Plans prepared by MPC Consulting Engineers			
16-548-1-C03	3	Site Plan – Stormwater Drawing Layouts	07/04/2022
16-548-1-C03.00	4	Stormwater Plan Sheet 1	26/04/2022
16-548-1-C03.01	3	Stormwater Plan Sheet 2	07/04/2022
16-548-1-C03.02	4	Stormwater Plan Sheet 3	26/04/2022
16-548-1-C03.03	3	Stormwater Plan Sheet 4	07/04/2022
16-548-1-C03.04	3	Stormwater Plan Sheet 5	07/04/2022
16-548-1-C03.05	3	Stormwater Plan Sheet 6	07/04/2022
16-548-1-C03.06	3	Stormwater Plan Sheet 7	07/04/2022
16-548-1-C03.07	3	Stormwater Plan Sheet 8	07/04/2022
16-548-1-C03.08	3	Stormwater Plan Sheet 9	07/04/2022
16-548-1-C03.09	3	Stormwater Plan Sheet 10	07/04/2022
16-548-1-C03.10	4	Stormwater Plan Sheet 11	26/04/2022
16-548-1-C03.11	4	Stormwater Plan Sheet 12	26/04/2022
16-548-1-C03.12	3	Stormwater Plan Sheet 13	07/04/2022
16-548-1-C03.13	3	Stormwater Plan Sheet 14	07/04/2022
16-548-1-C03.14	1	Stormwater Plan Sheet 15	07/04/2022
16-548-1-C03.15	0	Stormwater Plan Sheet 16	07/04/2022
16-548-1-C03.50	1	Stormwater Details	07/04/2022

- A3. Consistent with the requirements in this consent, the Planning Secretary may make written directions to the Applicant in relation to:
- the content of any strategy, study, system, plan, program, review, audit, notification, report or correspondence submitted under or otherwise made in relation to this consent, including those that are required to be, and have been, approved by the Planning Secretary;
 - any reports, reviews or audits commissioned by the Planning Secretary regarding compliance with this approval; and
 - the implementation of any actions or measures contained in any such document referred to in (a) above.

- A4. The conditions of this consent and directions of the Planning Secretary prevail to the extent of any inconsistency, ambiguity or conflict between them and a document listed in condition A2(c). In the event of an inconsistency, ambiguity or conflict between any of the documents listed in condition A2(c), the most recent document prevails to the extent of the inconsistency, ambiguity or conflict.

Amendments to Plans and Documentation

- A5. In accordance with Section 4.17(1)(g) of the EP&A Act, revised plans and documentation for the development are to be submitted to the Secretary for approval prior to the issue of any construction certificate which identifies:
- (a) The entry Gate at the Equine & Goods access must be set-back from the Chatham Street property boundary to allow for the largest vehicle to access that entrance to be parked in front of the gate and entirely off the traffic lanes of Chatham Street whilst waiting for the gates to open.
 - (b) The Entry/Exit Gate at the Maintenance Access must be set-back from the Chatham Street property boundary to allow for the largest vehicle to access that entrance to be parked in front of the gate and entirely off the traffic lanes of Chatham Street whilst waiting for the gates to open.
 - (c) Internal traffic movement must be designed to ensure that vehicles do not exit onto the Chatham Street entry driveway for equine & goods.

Limits of Consent

- A6. This consent lapses five years after the date of consent unless work is physically commenced.

Prescribed Conditions

- A7. The Applicant must comply with all relevant prescribed conditions of development consent under Part 6, Division 8A of the EP&A Regulation.

Planning Secretary as Moderator

- A8. In the event of a dispute between the Applicant and a public authority, in relation to an applicable requirement in this approval or relevant matter relating to the Development, either party may refer the matter to the Planning Secretary for resolution. The Planning Secretary's resolution of the matter must be binding on the parties.

Evidence of Consultation

- A9. Where conditions of this consent require consultation with an identified party, the Applicant must:
- (a) consult with the relevant party prior to submitting the subject document for information or approval; and
 - (b) provide details of the consultation undertaken including:
 - (i) the outcome of that consultation, matters resolved and unresolved; and
 - (ii) details of any disagreement remaining between the party consulted and the Applicant and how the Applicant has addressed the matters not resolved.

Staging

- A10. The project may be constructed and operated in stages in accordance with the terms/conditions of this consent and the details set out in EIS and architectural plans within condition A2.
- A11. Staging of the proposed development may be varied (for either construction or operation) in accordance with a revised Staging Report submitted to and approved by the Planning Secretary.
- A12. Any revised Staging Report prepared in accordance with condition A11 must:
- (a) if staged construction is proposed, set out how the construction of the whole of the project will be staged, including details of work and other activities to be carried out in each stage and the general timing of when construction of each stage will commence and finish;

- (b) if staged operation is proposed, set out how the operation of the whole of the project will be staged, including details of work and other activities to be carried out in each stage and the general timing of when operation of each stage will commence and finish (if relevant);
 - (c) specify how compliance with conditions will be achieved across and between each of the stages of the project; and
 - (d) set out mechanisms for managing any cumulative impacts arising from the proposed staging.
- A13. The project must be staged in accordance with the details approved under condition A10 unless a revised Staging Report has been approved under condition A11 in which case the project must be staged in accordance with the approved revised Staging Report.
- A14. The terms of this approval that apply or are relevant to the works or activities to be carried out in a specific stage set out in the details as approved under condition A10 or a revised Staging Report approved under condition A11, must be complied with at the relevant time for that stage.

Staging, Combining and Updating Strategies, Plans or Programs

- A15. The Applicant may:
- (a) prepare and submit any strategy, plan (including management plan, architectural or design plan) or program required by this consent on a staged basis (if a clear description is provided as to the specific stage and scope of the development to which the strategy, plan (including management plan, architectural or design plan) or program applies, the relationship of the stage to any future stages and the trigger for updating the strategy, plan (including management plan, architectural or design plan) or program);
 - (b) combine any strategy, plan (including management plan, architectural or design plan), or program required by this consent (if a clear relationship is demonstrated between the strategies, plans (including management plan, architectural or design plan) or programs that are proposed to be combined); and
 - (c) update any strategy, plan (including management plan, architectural or design plan), or program required by this consent (to ensure the strategies, plans (including management plan, architectural or design plan), or programs required under this consent are updated on a regular basis and incorporate additional measures or amendments to improve the environmental performance of the development).
- A16. Any strategy, plan or program prepared in accordance with condition A15, where previously approved by the Planning Secretary under this consent, must be submitted to the satisfaction of the Planning Secretary.
- A17. If the Planning Secretary agrees, a strategy, plan (including management plan, architectural or design plan), or program may be staged or updated without consultation being undertaken with all parties required to be consulted in the relevant condition in this consent.
- A18. Updated strategies, plans (including management plan, architectural or design plan), or programs supersede the previous versions of them and must be implemented in accordance with the condition that requires the strategy, plan, program or drawing.

Structural Adequacy

- A19. All new buildings and structures, and any alterations or additions to existing buildings and structures, that are part of the development, must be constructed in accordance with the relevant requirements of the BCA and any additional requirements of the Subsidence Advisory NSW where the building or structure is located on land within a declared Mine Subsidence District.

Notes:

- *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 sets out the requirements for the certification of the development.*
- *Under section 21 of the Coal Mine Subsidence Compensation Act 2017, the Applicant is required to obtain the Chief Executive of Subsidence Advisory NSW's approval before carrying out certain development in a Mine Subsidence District.*

External Walls and Cladding

- A20. The external walls of all buildings including additions to existing buildings must comply with the relevant requirements of the BCA.
- A21. The external colours, materials and finishes of the buildings must be consistent with the approved plans referenced in condition A2. Any minor changes to the colour and finish of approved external materials may be approved by the Certifier provided:
- (a) the alternative colour/material is of a similar tone/shade and finish to the approved external colours/building materials;
 - (b) the quality and durability of any alternative material is the same standard as the approved external building materials; and
 - (c) a copy of any approved changes to the external colours and/or building materials is provided to the Planning Secretary for information.

Applicability of Guidelines

- A22. References in the conditions of this consent to any guideline, protocol, Australian Standard or policy are to such guidelines, protocols, Standards or policies in the form they are in as at the date of this consent.
- A23. Consistent with the conditions of this consent and without altering any limits or criteria in this consent, the Planning Secretary may, when issuing directions under this consent in respect of ongoing monitoring and management obligations, require compliance with an updated or revised version of such a guideline, protocol, Standard or policy, or a replacement of them.

Monitoring and Environmental Audits

- A24. Any condition of this consent that requires the carrying out of monitoring or an environmental audit, whether directly or by way of a plan, strategy or program, is taken to be a condition requiring monitoring or an environmental audit under Division 9.4 of Part 9 of the EP&A Act. This includes conditions in respect of incident notification, reporting and response, non-compliance notification, Site audit report and independent auditing.

Note: For the purposes of this condition, as set out in the EP&A Act, "monitoring" is monitoring of the development to provide data on compliance with the consent or on the environmental impact of the development, and an "environmental audit" is a periodic or particular documented evaluation of the development to provide information on compliance with the consent or the environmental management or impact of the development.

Access to Information

- A25. At least 48 hours before the commencement of construction until the completion of all works under this consent, or such other time as agreed by the Planning Secretary, the Applicant must:
- (a) make the following information and documents (as they are obtained or approved) publicly available on its website:
 - (i) the documents referred to in condition A2 of this consent;
 - (ii) all current statutory approvals for the development;
 - (iii) all approved strategies, plans and programs required under the conditions of this consent;
 - (iv) regular reporting on the environmental performance of the development in accordance with the reporting arrangements in any plans or programs approved under the conditions of this consent;
 - (v) 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;
 - (vi) a summary of the current stage and progress of the development;
 - (vii) contact details to enquire about the development or to make a complaint;
 - (viii) a complaints register, updated monthly;
 - (ix) audit reports prepared as part of any independent audit of the development and the Applicant's response to the recommendations in any audit report;
 - (x) any other matter required by the Planning Secretary; and

- (b) keep such information up to date, to the satisfaction of the Planning Secretary and publicly available for 12 months after the commencement of operations.

Compliance

- A26. 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.

Incident Notification, Reporting and Response

- A27. The Planning Secretary must be notified through the major projects portal immediately after the Applicant becomes aware of an incident. The notification must identify the development (including the development application number and the name of the development if it has one), and set out the location and nature of the incident.
- A28. Subsequent notification must be given and reports submitted in accordance with the requirements set out in **Appendix 2**.

Non-Compliance Notification

- A29. The Planning Secretary must be notified through the major projects portal within seven days after the Applicant becomes aware of any non-compliance. The Certifier must also notify the Planning Secretary through the major projects portal within seven days after they identify any non-compliance.
- A30. The notification must identify the development and the application number for it, set out the condition of consent that the development is non-compliant with, the way in which it does not comply and the reasons for the non-compliance (if known) and what actions have been, or will be, undertaken to address the non-compliance.
- A31. A non-compliance which has been notified as an incident does not need to also be notified as a non-compliance.

Revision of Strategies, Plans and Programs

- A32. Within three months of:
 - (a) the submission of a compliance report under condition A35;
 - (b) the submission of an incident report under condition A28;
 - (c) the approval of any modification of the conditions of this consent; or
 - (d) the issue of a direction of the Planning Secretary under condition A2 which requires a review,the strategies, plans and programs required under this consent must be reviewed, and the Planning Secretary and the Certifier must be notified in writing that a review is being carried out.
- A33. If necessary to either improve the environmental performance of the development, cater for a modification or comply with a direction, the strategies, plans, programs or drawings required under this consent must be revised, to the satisfaction of the Certifier. Where revisions are required, the revised document must be submitted to the Certifier for information within six weeks of the review.

Note: This is to ensure strategies, plans and programs are updated on a regular basis and to incorporate any recommended measures to improve the environmental performance of the development.

Compliance Reporting

- A34. Compliance Reports of the project must be carried out in accordance with the Compliance Reporting Post Approval Requirements.
- A35. Compliance Reports must be submitted to the Department in accordance with the timeframes set out in the Compliance Reporting Post Approval Requirements, unless otherwise agreed by the Planning Secretary.

- A36. The Applicant must make each Compliance Report publicly available 60 days after submitting it to the Planning Secretary.
- A37. Notwithstanding the requirements of the Compliance Reporting Post Approval Requirements, the Planning Secretary may approve a request for ongoing annual operational compliance reports to be ceased, where it has been demonstrated to the Planning Secretary's satisfaction that an operational compliance report has demonstrated operational compliance.

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PART B PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

Development Contributions

- B1. Prior to the issue of a construction certificate for any part of the development, a payment of a levy of 1% of the proposed cost of carrying out the development must be paid to Council under section 7.12 of the EP&A Act.

Note: There are approval requirements for imposing a condition under section 7.12 in respect of land within a special contributions area.

External Walls and Cladding

- B2. Prior to the issue of any construction certificate, the Applicant must provide the Certifier with documented evidence that the products and systems proposed for use or used in the construction of external walls, including finishes and claddings such as synthetic or aluminium composite panels, comply with the requirements of the BCA. The Applicant must provide a copy of the documentation given to the Certifier to the Planning Secretary within seven days after the Certifier accepts it.

Stormwater Management System

- B3. Prior to the issue of any construction certificate, the Applicant must design an operational stormwater management system for the development and submit it to the Certifier for approval. The system must:
- (a) be designed by a suitably qualified and experienced person(s);
 - (b) be generally in accordance with the conceptual design in condition A2;
 - (c) be in accordance with applicable Australian Standards;
 - (d) be consistent with the document Horse Property Developments in the Sydney Drinking Water Catchment prepared by the Sydney Catchment Authority; and
 - (e) ensure that the system capacity has been designed in accordance with *Australian Rainfall and Runoff* (Engineers Australia, 2016) and *Managing Urban Stormwater: Council Handbook* (EPA, 1997) guidelines;

Operational Noise – Design of Mechanical Plant and Equipment

- B4. Prior to the issue of any construction certificate for the mechanical plant and equipment, the Applicant must submit evidence to the Certifier that the noise mitigation recommendations in the Revised Noise Impact Assessment (Ref: 20-2564-R3) dated May 2022 and prepared by Reverb Acoustics Pty Ltd have been incorporated into the design to ensure the development will not exceed the recommended operational noise levels identified in the Revised Noise Impact Assessment.

Operational Waste Storage and Processing

- B5. Prior to the issue of the construction certificate for waste storage and processing areas, the Applicant must obtain agreement from Council for the design of the operational waste storage area (where waste removal will be undertaken by Council). Where waste removal will be undertaken by a third party, evidence must be provided to the Certifier that the design of the operational waste storage area:
- (a) is constructed using solid non-combustible materials;
 - (b) is designed to ensure the door/gate to the waste storage area is vermin proof and can be openable from both inside and outside the storage area at all times;
 - (c) includes a hot and cold water supply with a hose through a centralised mixing valve;
 - (d) is naturally ventilated or an air handling exhaust system must be in place; and
 - (e) includes signage to clearly describe the types of materials that can be deposited into recycling bins and general garbage bins.

Car Parking and Service Vehicle Layout

- B6. Prior to the issue of a construction certificate for car parking and service vehicle parking / loading / unloading areas, evidence must be submitted to the Certifier that the operational access and parking arrangements comply with the following requirements:
- (a) all vehicles can enter and leave the Site in a forward direction;
 - (b) a minimum of 161 on-site car parking spaces are included for use during operation of the development and designed in accordance with the latest versions of AS 2890.1 and AS 2890.6; and

- (c) the swept path of the longest vehicle entering and exiting the Site in association with the new work, as well as manoeuvrability through the Site, are in accordance with the latest version of AS 2890.2.

Bicycle Parking and End-of-Trip Facilities

- B7. Prior to the issue of a construction certificate, the following design details in relation to the secure bicycle parking and end-of-trip facilities must be submitted to the Certifier for approval:
- a) the provision of a minimum of 12 staff bicycle parking spaces outlined in plans listed in condition A2;
 - b) compliance of the layout, design and security of bicycle facilities with the minimum requirements of the latest version of AS 2890.3:2015 *Parking facilities - Bicycle parking*;
 - c) the provision of end-of-trip facilities for staff; and
 - d) appropriate pedestrian and cyclist advisory signs are to be provided.

Landscaping

- B8. Prior to the issue of a construction certificate, the Applicant must prepare a revised Landscape Plan to manage the revegetation and landscaping works on-site, for the approval of the Certifier. The plan must:
- (a) be generally consistent with the approved landscape plan under condition A2, however be updated to respond to the approved architectural plans under condition A2;
 - (b) include screening trees species in the garden beds proposed along the street boundaries of the site are to have a pot size of 75 Litres and to be to a National Building Specification (NATSPEC) standard;
 - (c) include eight (75L pot size) trees are to be provided in the road reserve along the Darling Street frontage of the site. These trees are to consist of four *Syzygium jambos* (Rose Apple) and four *Corymbia phytocarpa* or *Corymbia ficifolia*;
 - (d) include twenty- two (75L pot size) trees are to be provided in the road reserve along the Chatham Street frontage. These trees are to consist of eleven *Corymbia tessilaris* (Moreton Bay Ash) and eleven *Brachychiton acerfolius* (Illawarra Flame tree);
 - (e) include the street trees referenced in points (c) and (d) are to be planted in accordance with:
 - (i) Council's 'Urban Forest Technical Manual, Part B- Public Trees' and maintain necessary clearances from infrastructure.
 - (ii) Council's Standard drawings 'A3003C- Tree Planting residential Street Verge' & 'A3022 – Tree Guard Timber'
 - (f) include street trees (Nos 43285, 43288, 43289 & 43292) located on the Darling Street frontage are to be retained and must be physically protected in accordance with the Council's 'Urban Forest Technical Manual Part B Public Trees, 'Section 8.0 Protection Measures';
 - (g) include additional plantings along the Darling Street elevation, on the northern side of Basin 01 and 02 with a minimum mature height of 3m; and
 - (h) include landscaping and any other obstructions to visibility are to be kept clear of a 2.0m by 2.5m splayed area within the property boundary, each side of the proposed driveways entrance, or limited to 1.2m in height in that area, in accordance with AS/NZS 2890.1:2004 - *Parking facilities - Off-street car parking*. Details are to be included in documentation for a Construction Certificate application.

Public Domain Works

- B9. Prior to the issue of a construction certificate for footpath or public domain works, the Applicant must consult with Council and demonstrate to the Certifier that the streetscape design and treatment meets the requirements of Council, including addressing pedestrian management.
- The Applicant must submit documentation of approval for each stage from Council to the Certifier.

Note: Separate construction certificate applications under the Roads Act 1993 are required to be submitted and approved by the relevant roads authority for roadworks or works within the public domain.

Roadworks/Intersection works and Access

- B10. Prior to the issue of a construction certificate for access works, the Applicant must submit design plans for the approval of the relevant roads authority which demonstrate that the proposed accesses to the development are designed to accommodate the turning path of a heavy articulated vehicle.

Note:

- *Approval must be obtained for roadworks under section 138 of the Roads Act 1993.*
- *All costs associated with the proposed road upgrade works must be borne by the Applicant.*
- *In accordance with Section 4.42 of the Environmental Planning and Assessment Act 1979, an approval under Section of the 138 Roads Act 1993 cannot be refused if it is necessary for carrying out state significant development that is authorised by a development consent and is substantially consistent with the consent.*

Western Elevation

- B11. Prior to the issue of any construction certificate, the Applicant is to submit revised plans for the approval of the Planning Secretary that include an artwork or updated façade design to break up visual bulk of the first floor verandah on the western elevation of stable buildings E, F and G. This area is not to be used for advertisements of any kind.

Closed Circuit Television Cameras

- B12. CCTV cameras are to be installed around the perimeter of the site at appropriate locations for security and surveillance. Full details are to be included in the documentation for a Construction Certificate application.

Closable Louvers on Stable buildings

- B13. The louvers on the stable buildings must have the ability to be fully closed as needed to prevent cross winds entering or exiting the stables. Full details are to be included in the documentation for a Construction Certificate application.

Remediation Action Plan

- B14. Prior to the issue of a construction certificate, the Applicant is required to prepare and submit a Remediation Action Plan (RAP) for the approval of the Planning Secretary. The RAP is required to:
- (a) be prepared in accordance with the relevant EPA Guidelines
 - (b) be prepared by a Certified Contaminated Land Consultant
 - (c) include measures to address Contaminants of Concern identified within Preliminary and Detailed Contamination Assessment – Proposed Stables Development prepared by Qualtest Laboratory (NSW) Pty Ltd dated 21 April 2022.
 - (d) include procedures to excavate the contaminated soil
 - (e) include procedures for disposal of the contaminated soil
 - (f) include validation sampling and analysis of soils post excavation
 - (g) include an unexpected finds protocol for contamination and associated communications procedure to ensure that potentially contaminated material is appropriately managed;

PART C PRIOR TO COMMENCEMENT OF CONSTRUCTION

Notification of Commencement

- C1. The Applicant must notify the Planning Secretary in writing of the dates of the intended commencement of construction and operation at least 48 hours before those dates.
- C2. If the construction or operation of the development is to be staged, the Planning Secretary must be notified in writing at least 48 hours before the commencement of each stage, of the date of commencement and the development to be carried out in that stage.

Certified Drawings

- C3. Prior to the commencement of construction, the Applicant must submit to the satisfaction of the Certifier structural drawings prepared and signed by a suitably qualified practising Structural Engineer that demonstrates compliance with this development consent.

Pre-Construction Dilapidation Report – Protection of Public Infrastructure

- C4. Prior to the commencement of construction, the Applicant must:
 - (a) consult with the relevant owner and provider of services and Infrastructure that are likely to be affected by the development to make suitable arrangements for access to, diversion, protection and support of the affected infrastructure;
 - (b) prepare a Pre-Construction Dilapidation Report identifying the condition of all public (non-residential) infrastructure and assets in the vicinity of the site (including roads, gutters and footpaths) that have potential to be affected;
 - (c) submit a copy of the Pre-Construction Dilapidation Report to the asset owner, Certifier and Council; and
 - (d) provide a copy of the Pre-Construction Dilapidation Report to the Planning Secretary when requested.

Pre-Construction Survey – Adjoining Properties

- C5. Prior to the commencement of any construction, the Applicant must offer a pre-construction survey to owners of residential buildings that are likely to be impacted by the development.
- C6. Where the offer for a pre-construction survey is accepted (as required by condition C5), the Applicant must arrange for a survey to be undertaken by a suitably qualified and experienced expert prior to the commencement of vibration generating works that could impact on the identified buildings.
- C7. Prior to the commencement of any vibration generating works that could impact on the buildings surveyed as required by condition C6, the Applicant must:
 - (a) provide a copy of the relevant survey to the owner of each residential building surveyed in the form of a Pre-Construction Survey Report;
 - (b) submit a copy of the Pre-Construction Survey Report to the Certifier; and
 - (c) provide a copy of the Pre-Construction Survey Report to the Planning Secretary when requested.

Community Communication Strategy

- C8. No later than two weeks before the commencement of construction, a Community Communication Strategy must be submitted to the Planning Secretary for approval and approved by the Planning Secretary prior to the commencement of construction or within another timeframe agreed with the Planning Secretary (where it is for approval)]. The Community Communication Strategy must provide mechanisms to facilitate communication between the Applicant, the relevant Council and the community (including adjoining affected landowners and businesses, and others directly impacted by the development), during the design and construction of the development and for a minimum of 12 months following the completion of construction.

The Community Communication Strategy must:

- (a) identify people to be consulted during the design and construction phases;

- (b) set out procedures and mechanisms for the regular distribution of accessible information about or relevant to the development and construction works;
- (c) provide for the formation of community-based forums, if required, that focus on key environmental management issues for the development;
- (d) set out procedures and mechanisms:
 - (i) through which the community can discuss or provide feedback to the Applicant;
 - (ii) through which the Applicant will respond to enquiries or feedback from the community; and
 - (iii) to resolve any issues and mediate any disputes that may arise in relation to construction and operation of the development, including disputes regarding rectification or compensation.
- (e) nominate a Community Liaison Officer is to be appointed prior to development works commencing to act as a point of contact for adjacent occupiers throughout the construction phase of the development. The Community Liaison Officer is to be engaged until construction works are completed. Contact details of the Community Liaison Officer are to be provided to Council and adjoining occupiers via a letterbox drop/community newsletter and signage at the site.

Demolition

- C9. Prior to the commencement of construction, demolition work plans required by AS 2601-2001 *The demolition of structures* (Standards Australia, 2001) must be accompanied by a written statement from a suitably qualified person that the proposals contained in the work plan comply with the safety requirements of the Standard. The work plans and the statement of compliance must be submitted to the Certifier and Planning Secretary.

Ecologically Sustainable Development

- C10. Prior to the commencement of construction, unless otherwise agreed by the Planning Secretary, the Applicant must demonstrate to the Certifier that the ESD initiatives recommended by the ESD report (Ref 1.0, prepared by Aspire Sustainability Consulting Pty Ltd and dated 21 September 2021) have been incorporated into the design of the development.

Outdoor Lighting

- C11. Prior to commencement of lighting installation, evidence must be submitted to the satisfaction of the Certifier that all outdoor lighting to be installed within the site has been designed to comply with AS 1158.3.1:2005 Lighting for roads and public spaces – Pedestrian area (Category P) lighting – Performance and design requirements and AS 4282-2019 Control of the obtrusive effects of outdoor lighting.

Demolition

- C12. Prior to the commencement of construction, demolition work plans required by AS 2601-2001 *The demolition of structures* (Standards Australia, 2001) must be accompanied by a written statement from a suitably qualified person that the proposals contained in the work plan comply with the safety requirements of the Standard. The work plans and the statement of compliance must be submitted to the Certifier and Planning Secretary.

Construction Environmental Management Plan

- C13. Prior to the commencement of construction, the Applicant must submit a Construction Environmental Management Plan (CEMP) to the Certifier and provide a copy to the Planning Secretary for information. The CEMP must include, but not be limited to, the following:
- (a) Details of:
 - (i) hours of work;
 - (ii) 24-hour contact details of site manager;
 - (iii) management of dust and odour to protect the amenity of the neighbourhood;
 - (iv) groundwater management plan including measures to prevent groundwater contamination;

- (v) external lighting in compliance with AS 4282-2019 Control of the obtrusive effects of outdoor lighting;
 - (vi) community consultation and complaints handling as set out in the Community Communication Strategy required by condition C8;
 - (b) an unexpected finds protocol for contamination and associated communications procedure to ensure that potentially contaminated material is appropriately managed;
 - (c) an unexpected finds protocol for Aboriginal and non-Aboriginal heritage and associated communications procedure;
 - (d) Construction Traffic and Pedestrian Management Sub-Plan (see condition C14);
 - (e) Construction Noise and Vibration Management Sub-Plan (see condition C15);
 - (f) Construction Waste Management Sub-Plan (see condition C16);
 - (g) Construction Soil and Water Management Sub-Plan (see condition C17);
 - (h) Aboriginal Cultural Heritage Management Sub-Plan (see condition C18);
 - (i) Tree Management Sub-Plan (see condition C19)
 - (j) Flood Emergency Response Sub-Plan (see condition C20);
- C14. The Construction Traffic and Pedestrian Management Sub-Plan (CTPMSP) must be prepared to achieve the objective of ensuring safety and efficiency of the road network and address, but not be limited to, the following:
- (a) be prepared by a suitably qualified and experienced person(s);
 - (b) be prepared in consultation with Council and TfNSW;
 - (c) detail:
 - (i) measures to ensure road safety and network efficiency during construction in consideration of potential impacts on general traffic, cyclists and pedestrians and bus services;
 - (ii) measures to ensure the safety of vehicles and pedestrians accessing adjoining properties where shared vehicle and pedestrian access occurs;
 - (iii) heavy vehicle routes, access and parking arrangements;
 - (iv) the swept path of the longest construction vehicle entering and exiting the site in association with the new work, as well as manoeuvrability through the site, in accordance with the latest version of AS 2890.2; and
 - (v) arrangements to ensure that construction vehicles enter and leave the site in a forward direction unless in specific exceptional circumstances under the supervision of accredited traffic controller(s).
- C15. The Construction Noise and Vibration Management Sub-Plan must address, but not be limited to, the following:
- (a) be prepared by a suitably qualified and experienced noise expert;
 - (b) describe procedures for achieving the noise management levels in EPA's *Interim Construction Noise Guideline* (DECC, 2009);
 - (c) describe the measures to be implemented to manage high noise generating works such as piling, in close proximity to sensitive receivers;
 - (d) include strategies that have been developed with the community for managing high noise generating works;
 - (e) describe the community consultation undertaken to develop the strategies in condition C15(d);
 - (f) include a complaints management system that would be implemented for the duration of the construction; and
 - (g) include a program to monitor and report on the impacts and environmental performance of the development and the effectiveness of the implemented management measures.
- C16. The Construction Waste Management Sub-Plan (CWMSP) must address, but not be limited to, the procedures for the management of waste including the following:

- (a) the recording of quantities, classification (for materials to be removed) and validation (for materials to remain) of each type of waste generated during construction and proposed use for materials to remain;
 - (b) information regarding the recycling and disposal locations; and
 - (c) confirmation of the contamination status of the development areas of the site based on the validation results.
- C17. The Applicant must prepare a Construction Soil and Water Management Sub-Plan (CSWMSP) and the plan must address, but not be limited to the following:
- (a) be prepared by a suitably qualified expert, in consultation with Council;
 - (b) be consistent with the mitigation measures within the Air Quality & Odour Risk Assessment prepared by Northstar Air Quality Pty Ltd
 - (c) measures to ensure that sediment and other materials are not tracked onto the roadway by vehicles leaving the site;
 - (d) describe all erosion and sediment controls to be implemented during construction, including as a minimum, measures in accordance with the publication Managing Urban Stormwater: Soils & Construction (4th edition, Landcom 2004) commonly referred to as the 'Blue Book';
 - (e) include an Acid Sulfate Soils Management Plan, if required, including measures for the management, handling, treatment and disposal of acid sulfate soils, including monitoring of water quality at acid sulfate soils treatment areas;
 - (f) provide a plan of how all construction works will be managed in a wet-weather events (i.e. storage of equipment, stabilisation of the Site);
 - (g) detail all off-site flows from the site; and
 - (h) describe the measures that must be implemented to manage stormwater and flood flows for small and large sized events, including, but not limited to 1 in 5-year ARI and 1 in 100-year ARI.
- C18. The Aboriginal Cultural Heritage Management Sub-Plan (ACHMSP) must address, but not be limited to, the following:
- (a) be prepared by a suitably qualified and experienced expert in consultation with the Registered Aboriginal Parties;
 - (b) include an unexpected finds protocol
 - (c) be consistent with the recommendations of the Aboriginal Cultural Heritage Assessment Report (Ref: HN000230-A) undertaken by Heritage Now dated 9 September 2021
- C19. The Tree Management Plan must be in accordance with the recommendations of the Arboricultural Impact Assessment prepared by Advanced Treescape Consulting dated 19 July 2021 and be consistent with Council's 'Urban Forest Technical Manual Part B Public Trees, 'Section 8.0 Protection Measures. The Plan must:
- (a) detail the tree protection measures to be implemented
 - (b) identify the trees for protection
 - (c) detail how construction works will be managed in the vicinity of the identified trees.
- C20. The Flood Emergency Response Sub-Plan (FERSP) must address, but not be limited to, the following:
- (a) be prepared by a suitably qualified and experienced person(s);
 - (b) address the provisions of the *Floodplain Risk Management Guidelines* (EHG);
 - (c) include details of:
 - (i) the flood emergency responses for both construction phases of the development;
 - (ii) predicted flood levels;
 - (iii) flood warning time and flood notification;
 - (iv) assembly points and evacuation routes;

- (v) evacuation and refuge protocols; and
 - (vi) awareness training for employees and contractors, and users/visitors.
- C21. A Driver Code of Conduct must be prepared and communicated by the Applicant to heavy vehicle drivers and must address the following:
- (a) minimise the impacts of earthworks and construction on the local and regional road network;
 - (b) minimise conflicts with other road users;
 - (c) minimise road traffic noise; and
 - (d) ensure truck drivers use specified routes.

Construction Parking

- C22. Prior to the commencement of construction, the Applicant must provide sufficient parking facilities on-site, including for heavy vehicles and for site personnel, to ensure that construction traffic associated with the development does not utilise public and residential streets or public parking facilities.

Soil and Water

- C23. Prior to the commencement of construction, erosion and sediment controls must be installed and maintained, as a minimum, in accordance with the publication Managing Urban Stormwater: Soils & Construction (4th edition, Landcom 2004) commonly referred to as the 'Blue Book'.
- C24. Prior to the commencement of construction, the Applicant describe the measures that must be implemented to manage stormwater and flood flows for small and large sized events, including, but not limited to 1 in 1-year ARI, 1 in 5-year ARI and 1 in 100-year ARI.
- C25. Prior to the commencement of construction, the Applicant must implement measures to manage Acid Sulfate Soils. These measures must include handling, treatment, monitoring of water quality at treatment areas and disposal of Acid Sulfate Soils.

Flood Management

- C26. Prior to the commencement of construction, the Applicant must prepare and implement for the duration of construction:
- (a) flood warning and notification procedures for construction workers on site; and
 - (b) evacuation and refuge protocols.
- C27. Prior to the commencement of construction, the Certifier must be satisfied that all floor levels must be no lower than the 1% Annual Exceedance Probability flood plus 500mm of freeboard except where permitted by condition C28.
- C28. Prior to the commencement of construction, the Certifier must be satisfied that the Goods Storage Shed and Equipment Sheds structures with floor levels below the 1% Annual Exceedance Probability and plus 500mm of freeboard must be constructed from flood compatible building components.
- C29. The whole of the proposed structures below known flood level (level 6.85m Australian Height Datum) is to be constructed in materials and finishes that are resistant to damage from floodwaters/tidal waters. Any new machinery or equipment, electrical circuitry or fitting, storage unit or similar items likely to be damaged by floodwaters/tidal waters being installed above the said height or alternatively being of materials and functional capability resistant to the effects of floodwaters/tidal waters.
- C30. On-site flood refuge is to be provided in the development. The minimum on-site refuge level in the building is the level of the Probable Maximum Flood event (reduced level 7.3 m Australian Height Datum). The design and/or suitability of the refuge is to be structurally certified by a professional engineer, ensuring that the building is able to withstand the hydraulic loading due to flooding from the Probable Maximum Flood (Flood Level reduced level 7.3m Australian Height Datum, Maximum Flow Velocity of floodwaters 1.10m/s). Full details are to be included in documentation to the satisfaction of the Certifier prior to the commencement of works.

PART D DURING CONSTRUCTION

Site Notice

- D1. A site notice(s) must be prominently displayed at the boundaries of the site during construction for the purpose of informing the public of project details and must satisfy the following requirements:
- (a) minimum dimensions of the site notice(s) must measure 841 mm x 594 mm (A1) with any text on the site notice(s) to be a minimum of 30-point type size;
 - (b) the site notice(s) must be durable and weatherproof and must be displayed throughout the works period;
 - (c) the approved hours of work, the name of the builder, Certifier, structural engineer, site/project manager, the responsible managing company (if any), its address and 24-hour contact phone number for any inquiries, including construction/ noise complaint must be displayed on the site notice(s); and
 - (d) the site notice(s) must be mounted at eye level on the perimeter hoardings/fencing and must state that unauthorised entry to the site is not permitted.

Operation of Plant and Equipment

- D2. All construction plant and equipment used on site must be maintained in a proper and efficient condition and operated in a proper and efficient manner.

Demolition

- D3. Demolition work must comply with the demolition work plans required by *Australian Standard AS 2601-2001 The demolition of structures* (Standards Australia, 2001) and endorsed by a suitably qualified person as required by condition C12.

Construction Hours

- D4. Construction, including the delivery of materials to and from the site, may only be carried out between the following hours:
- (a) between 7am and 6pm, Mondays to Fridays inclusive; and
 - (b) between 8am and 1pm, Saturdays.
- No work may be carried out on Sundays or public holidays.
- D5. Construction activities may be undertaken outside of the hours in condition D4 if required:
- (a) by the Police or a public authority for the delivery of vehicles, plant or materials; or
 - (b) in an emergency to avoid the loss of life, damage to property or to prevent environmental harm.
- D6. Notification of such construction activities as referenced in condition D5 must be given to affected residents before undertaking the activities or as soon as is practical afterwards.
- D7. Rock breaking, rock hammering, sheet piling, pile driving and similar activities may only be carried out between the following hours:
- (a) 9am to 12pm, Monday to Friday;
 - (b) 2pm to 5pm Monday to Friday; and
 - (c) 9am to 12pm, Saturday.

Implementation of Management Plans

- D8. The Applicant must carry out the construction of the development in accordance with the most recent version of the CEMP (including Sub-Plans).

Construction Traffic

- D9. All construction vehicles (including site personnel vehicles) are to be contained wholly within the site, except if located in an approved on-street work zone, and vehicles must enter the site or an approved on-street work zone before stopping.

Hoarding Requirements

D10. The following hoarding requirements must be complied with:

- (a) no third-party advertising is permitted to be displayed on the subject hoarding/ fencing; and
- (b) the construction site manager must be responsible for the removal of all graffiti from any construction hoardings or the like within the construction area within 48 hours of its application.

No Obstruction of Public Way

D11. The public way (outside of any approved construction works zone) must not be obstructed by any materials, vehicles, refuse, skips or the like, under any circumstances.

Construction Noise Limits

D12. The development must be constructed to achieve the construction noise management levels detailed in the *Interim Construction Noise Guideline* (DECC, 2009). All feasible and reasonable noise mitigation measures must be implemented and any activities that could exceed the construction noise management levels must be identified and managed in accordance with the management and mitigation measures identified in the approved Construction Noise and Vibration Management Plan.

D13. The Applicant must ensure construction vehicles (including concrete agitator trucks) do not arrive at the site or surrounding residential area outside of the construction hours of work outlined under condition D4.

D14. The Applicant must implement, where practicable and without compromising the safety of construction staff or members of the public, the use of 'quackers' to ensure noise impacts on surrounding noise sensitive receivers are minimised.

Vibration Criteria

D15. Vibration caused by construction at any residence or structure outside the site must be limited to:

- (a) for structural damage, the latest version of *DIN 4150-3 (1992-02) Structural vibration - Effects of vibration on structures* (German Institute for Standardisation, 1999); and
- (b) for human exposure, the acceptable vibration values set out in the *Environmental Noise Management Assessing Vibration: a technical guideline* (DEC, 2006) (as may be updated or replaced from time to time).

D16. Vibratory compactors must not be used closer than 30 metres from residential buildings unless vibration monitoring confirms compliance with the vibration criteria specified in condition D15.

D17. The limits in conditions D15 and D16 apply unless otherwise outlined in a Construction Noise and Vibration Management Plan, approved as part of the CEMP required by condition C15 of this consent.

Tree Protection

D18. For the duration of the construction works:

- (a) street trees (including street trees Nos 43285, 43288, 43289 & 43292) must not be trimmed or removed unless it forms a part of this development consent or prior written approval from Council is obtained or is required in an emergency to avoid the loss of life or damage to property;
- (b) all street trees immediately adjacent to the property boundary must be protected at all times during construction in accordance with Council's tree protection requirements. Any street tree, which is damaged or removed during construction due to an emergency, must be replaced, to the satisfaction of Council;
- (c) all trees on the site or street trees that are not approved for removal must be suitably protected during construction as per the recommendations of the Arboricultural Impact Assessment and the Tree Management Plan approved as per condition B20; and

- (d) if access to the area within any protective barrier is required during the works, it must be carried out under the supervision of a qualified arborist. Alternative tree protection measures must be installed, as required. The removal of tree protection measures, following completion of the works, must be carried out under the supervision of a qualified arborist and must avoid both direct mechanical injury to the structure of the tree and soil compaction within the canopy or the limit of the former protective fencing, whichever is the greater.

Air Quality

- D19. The Applicant must take all reasonable steps to minimise dust generated during all works authorised by this consent.
- D20. During construction, the Applicant must ensure that:
- (a) activities are carried out in a manner that minimises dust including emission of windblown or traffic generated dust;
 - (b) all trucks entering or leaving the site with loads have their loads covered;
 - (c) trucks associated with the development do not track dirt onto the public road network;
 - (d) public roads used by these trucks are kept clean; and
 - (e) land stabilisation works are carried out progressively on site to minimise exposed surfaces.

Imported Fill

- D21. The Applicant must:
- (a) ensure that only VENM, ENM, or other material that meets the requirements of a relevant order and exemption issued by the EPA, is brought onto the site;
 - (b) keep accurate records of the volume and type of fill to be used; and
 - (c) make these records available to the Certifier upon request.

Disposal of Seepage and Stormwater

- D22. Adequate provisions must be made to collect and discharge stormwater drainage during construction to the satisfaction of Certifier. The prior written approval of Council must be obtained to connect or discharge site stormwater to Council's stormwater drainage system or street gutter.

Emergency Management

- D23. The Applicant must prepare and implement awareness training for employees and contractors, including locations of the assembly points and evacuation routes, for the duration of construction.

Stormwater Management System

- D24. Within three months of the commencement of construction, the Applicant must design an operational stormwater management system for the development and submit it to the satisfaction of the Certifier. The system must:
- (a) be designed by a suitably qualified and experienced person(s);
 - (b) be generally in accordance with the conceptual design in condition A2
 - (c) be in accordance with applicable Australian Standards; and
 - (d) be consistent with the document Horse Property Developments in the Sydney Drinking Water Catchment prepared by the Sydney Catchment Authority
 - (e) ensure that the system capacity has been designed in accordance with *Australian Rainfall and Runoff* (Engineers Australia, 2016) and *Managing Urban Stormwater: Council Handbook* (EPA, 1997) guidelines;

Unexpected Finds Protocol – Aboriginal Heritage

- D25. In the event that surface disturbance identifies a new Aboriginal object:
- (a) all works must halt in the immediate area to prevent any further impacts to the object(s);

- (b) a suitably qualified archaeologist and the registered Aboriginal representatives must be contacted to determine the significance of the objects;
- (c) the site is to be registered in the Aboriginal Heritage Information Management System (AHIMS) which is managed by Heritage NSW under Department of Premier and Cabinet and the management outcome for the site included in the information provided to AHIMS;
- (d) the Applicant must consult with the Aboriginal community representatives, the archaeologists and Heritage NSW to develop and implement management strategies for all objects/sites; and
- (e) works may only recommence with the written approval of the Planning Secretary.

Unexpected Finds Protocol – Historic Heritage

D26. If any unexpected archaeological relics are uncovered during the work, then:

- (a) all works must cease immediately in that area and notice is to be given to Heritage NSW and the Planning Secretary;
- (b) depending on the possible significance of the relics, an archaeological assessment and management strategy may be required before further works can continue in that area as determined in consultation with Heritage NSW; and
- (c) works may only recommence with the written approval of the Planning Secretary.

Waste Storage and Processing

- D27. All waste generated during construction must be secured and maintained within designated waste storage areas at all times and must not leave the site onto neighbouring public or private properties.
- D28. All waste generated during construction must be assess, classified and managed in accordance with the Waste Classification Guidelines Part 1: Classifying Waste (EPA, 2014).
- D29. The Applicant must ensure that concrete waste and rinse water are not disposed of on the site and are prevented from entering any natural or artificial watercourse.
- D30. The Applicant must record the quantities of each waste type generated during construction and the proposed reuse, recycling and disposal locations for the duration of construction.
- D31. The Applicant must ensure that the removal of hazardous materials, particularly the method of containment and control of emission of fibres to the air, and disposal at an approved waste disposal facility is in accordance with the requirements of the relevant legislation, codes, standards and guidelines.

Outdoor Lighting

- D32. The Applicant must ensure that all external lighting is constructed and maintained in accordance with AS 4282-2019 Control of the obtrusive effects of outdoor lighting.

Site Contamination

- D33. Remediation of the site must be carried out in accordance with the Remediation Action Plan approved in condition B14 and any variations to the Remediation Action Plan approved by an NSW EPA-accredited Site Auditor.
- D34. Where remediation is carried out / completed in stages, a NSW EPA-accredited Site Auditor must confirm satisfactory completion of each stage by the issuance of Interim Audit Advice(s).
- D35. The Applicant must ensure the proposed development does not result in a change of risk in relation to any pre-existing contamination on the site that would result in significant contamination.

PART E PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE

Notification of Occupation

- E1. At least one month before the issue of the occupation certificate, the date of commencement of the operation of the development must be notified to the Planning Secretary in writing. If the operation of the development is to be staged, the Planning Secretary must be notified in writing at least one month before the commencement of each stage, of the date of commencement and the development to be carried out in that stage.

External Walls and Cladding

- E2. Prior to the issue of the occupation certificate, the Applicant must provide the Certifier with documented evidence that the products and systems used in the construction of external walls including finishes and claddings such as synthetic or aluminium composite panels comply with the requirements of the BCA.
- E3. The Applicant must provide a copy of the documentation given to the Certifier to the Planning Secretary within seven days after the Certifier accepts it.

Utilities and Services

- E4. Prior to the issue of the occupation certificate, a compliance certificate under the section 307 of the *Water Management Act 2000* must be obtained from Council and submitted to the Certifier.

Works as Executed Plans

- E5. Prior to the issue of the occupation certificate, works-as-executed plans signed by a registered surveyor demonstrating that the stormwater drainage and finished ground levels have been constructed as approved, must be submitted to the Certifier and Council.

Warm Water Systems and Cooling Systems

- E6. The installation of warm water systems and water cooling systems (as defined under the Public Health Act 2010) must comply with the Public Health Act 2010, Public Health Regulation 2012 and Part 1 (or Part 3 if a Performance-based water cooling system) of AS/NZS 3666.2:2011 Air handling and water systems of buildings – Microbial control – Operation and maintenance and the NSW Health Code of Practice for the Control of Legionnaires' Disease.

Outdoor Lighting

- E7. Prior to the issue of the occupation certificate, the Applicant must submit evidence from a suitably qualified practitioner to the Certifier that demonstrates that installed lighting associated with the development achieves the objective of minimising light spillage to any adjoining or adjacent sensitive receivers and:
- (a) complies with the latest version of AS 4282-2019 - Control of the obtrusive effects of outdoor lighting (Standards Australia, 1997); and
 - (b) has been mounted, screened and directed in such a manner that it does not create a nuisance to surrounding properties or the public road network.

Mechanical Ventilation

- E8. Prior to the issue of the occupation certificate, the Applicant must provide evidence to the satisfaction of the Certifier that the installation and performance of the mechanical ventilation systems complies with:
- (a) AS 1668.2-2012 The use of air-conditioning in buildings – Mechanical ventilation in buildings and other relevant codes; and
 - (b) any dispensation granted by Fire and Rescue NSW.

Operational Noise – Design of Mechanical Plant and Equipment

- E9. Prior to the issue of the occupation certificate, the Applicant must submit evidence to the Certifier that the noise mitigation recommendations in the Revised Noise Impact Assessment (Ref: 20-2564-R3) dated May 2022 and prepared by Reverb Acoustics Pty Ltd have been incorporated into the design of mechanical plant and equipment to ensure the development will not exceed the recommended operational noise levels identified in the Revised Noise Impact Assessment.

Fire Safety Certification

- E10. Prior to the issue of the occupation certificate, a Fire Safety Certificate must be obtained for all the Essential Fire or Other Safety Measures forming part of this consent. A copy of the Fire Safety Certificate must be submitted to the relevant authority and Council. The Fire Safety Certificate must be prominently displayed in the building.

Structural Inspection Certificate

- E11. Prior to the issue of the occupation certificate of the relevant parts of any new buildings, a Structural Inspection Certificate or a Compliance Certificate must be submitted to the Certifier. A copy of the Certificate with an electronic set of final drawings (contact approval authority for specific electronic format) must be submitted to the Planning Secretary and the Council after:
- (a) the site has been periodically inspected and the Certifier is satisfied that the structural works is deemed to comply with the final design drawings; and
 - (b) the drawings listed on the Inspection Certificate have been checked with those listed on the final Design Certificate/s.

Post-construction Dilapidation Report – Protection of Public Infrastructure

- E12. Prior to the issue of the occupation certificate, the Applicant must engage a suitably qualified and experienced expert to prepare a Post-Construction Dilapidation Report. This Report must:
- (a) ascertain whether the construction works created any structural damage to public infrastructure by comparing the results of the Post-Construction Dilapidation Report with the Pre-Construction Dilapidation Report required by condition C4 of this consent;
 - (b) have, if it is decided that there is no structural damage to public infrastructure, the written confirmation from the relevant public authority that there is no adverse structural damage to their infrastructure (including roads).
 - (c) be submitted to the Certifier;
 - (d) be forwarded to Council for information; and
 - (e) be provided to the Planning Secretary when requested.

Repair of Public Infrastructure

- E13. Unless the Applicant and the relevant public authority agree otherwise, the Applicant must:
- (a) repair, or pay the full costs associated with repairing, any public infrastructure that is damaged by carrying out the construction works; and/or
 - (b) relocate, or pay the full costs associated with relocating any infrastructure that needs to be relocated as a result of the development; and/or
 - (c) pay compensation for the damage as agreed with the owner of the public infrastructure.

Note: This condition does not apply to any damage to roads caused as a result of general road usage or otherwise addressed by contributions of this consent.

Road Damage

- E14. Prior to the issue of the occupation certificate, the cost of repairing any damage caused to Council or other Public Authority's assets in the vicinity of the Subject Site as a result of construction works associated with the approved development must be met in full by the Applicant.

Post-Construction Survey – Adjoining Properties

- E15. Where a pre-construction survey has been undertaken in accordance with condition C5, prior to the issue of the occupation certificate the Applicant must engage a suitably qualified and experienced expert to undertake a post-construction survey and prepare a Post-Construction Survey Report. This Report must:
- (a) document the results of the post-construction survey and compare it with the pre-construction survey to ascertain whether the construction works caused any damage to buildings surveyed in accordance with condition B7;
 - (b) be provided to the owner of the relevant buildings surveyed;
 - (c) be provided to the Certifier; and
 - (d) be provided to the Planning Secretary when requested.

- E16. Where the Post-Construction Survey Report determines that damage to the identified property occurred as a result of the construction works, the Applicant must repair, or pay the full costs associated with repairing the damaged buildings, within an agreed timeline between the owner of the identified property and the Planning Secretary. Alternatively, the Applicant may pay compensation for the damage as agreed with the property owner.

Public Domain Works

- E17. Prior to the issue of the occupation certificate, the Applicant must complete the footpath works on Chatham and Darling Streets required as per condition B9 and set out in condition A2.
- E18. Prior to the issue of the occupation certificate, the Applicant must remove any redundant existing vehicular crossings no cost to Council. The road reserve and kerb being restored to, Council's satisfaction, to match the existing infrastructure.

Internal Road Network and Car Parking

- E19. Prior to the issue of the occupation certificate or other timeframe agreed in writing by the Planning Secretary, evidence must be submitted to the Certifier that demonstrates that:
- (a) construction works associated with the carpark and internal road network as proposed under the EIS, have been completed and that the expanded car parking facility is operational; and
 - (b) works associated with the construction of the carpark to create 161 car parking spaces have been completed.

Green Travel Plan

- E20. Prior to the issue of the occupation certificate, a Green Travel Plan (GTP), must be submitted to the Certifier to promote the use of active and sustainable transport modes and a copy be provided to the Planning Secretary for information. The plan must:
- (a) be prepared by a suitably qualified traffic consultant in consultation with Council;
 - (b) include objectives and modes share targets (i.e. Site and land use specific, measurable and achievable and timeframes for implementation) to define the direction and purpose of the GTP;
 - (c) include specific tools and actions to help achieve the objectives and mode share targets;
 - (d) include measures to promote and support the implementation of the plan, including financial and human resource requirements, roles and responsibilities for relevant employees involved in the implementation of the GTP;
 - (e) include details regarding the methodology and monitoring/review program to measure the effectiveness of the objectives and mode share targets of the GTP, including the frequency of monitoring and the requirement for travel surveys to identify travel behaviours of users of the development;
 - (f) be in alignment with the Broadmeadow Precinct Plan; and
 - (g) be in accordance with Section 7.03 'Traffic, Parking and Access' of the Newcastle Development Control Plan 2012.

Stormwater Operation and Maintenance Plan

- E21. Prior to the issue of the occupation certificate, a Stormwater Operation and Maintenance Plan (SOMP) is to be submitted to the Certifier. The SOMP must ensure the proposed stormwater quality measures remain effective and contain the following:
- (a) maintenance schedule of all stormwater quality treatment devices;
 - (b) record and reporting details;
 - (c) details of the ongoing water quality testing procedures to take place;
 - (d) relevant contact information;
 - (e) Work Health and Safety requirements; and
 - (f) A Maintenance Manual for all water quality devices is to be prepared in accordance with Council's 'Stormwater and Water Efficiency for Development' Technical Manual (Updated 2019). The Maintenance Manual is to address maintenance issues concerning the water

quality devices including routine monitoring and regular maintenance and be kept on site at all times. Establishment and maintenance of the water quality devices in accordance with the Maintenance Manual prepared by the applicant is to be completed prior to occupation of this site for the intended use.

Signage

- E22. Prior to the issue of the occupation certificate, way-finding signage and signage identifying the location of staff car parking must be installed.
- E23. Prior to the issue of the occupation certificate, bicycle way-finding signage must be installed within the site to direct cyclists from footpaths to designated bicycle parking areas.
- E24. Prior to the issue of the occupation certificate, appropriate signage on the exit of each driveway must be installed to make drivers aware of the likelihood of pedestrians or cyclists.
- E25. Prior to the issue of the occupation certificate, signage is to be installed on the exit of the northern vehicle entrance on Chatham Street outlining that right hand vehicle turns are only permitted outside of school zone times.
- E26. All signage is to not incorporate mechanical or electronic moving images or displays.

Operational Odour and Waste Management Plan

- E27. Prior to the issue of the occupation certificate, the Applicant must prepare an Operational Odour and Waste Management Plan for the development and submit it to the Certifier. The Operational Odour Waste Management Plan must:
 - (a) detail the type and quantity of waste to be generated during operation of the development;
 - (b) describe the handling, storage and disposal of all waste streams generated on site, consistent with the *Protection of the Environment Operations Act 1997*, *Protection of the Environment Operations (Waste) Regulation 2014* and the *Waste Classification Guideline* (Department of Environment, Climate Change and Water, 2009);
 - (c) detail the materials to be reused or recycled, either on or off site; and
 - (d) include the Management and Mitigation Measures included in draft Operational and Waste Management Plan except where modified by:
 - (i) weekly cleaning of stables including the removal of hay and hosing out
 - (ii) detailing how horse waste will be removed from horse trafficked areas
 - (e) include provisions to ensure that the development achieves and maintains best practices in both equipment and waste operations to minimise odour and waste impacts in accordance with conditions of approval;
 - (f) outline procedures to manage responses to any complaints or issues raised;
 - (g) detail the cleaning procedures of stables and horses procedures to remove waste and odours; and
 - (h) Include a Pest Management Plan that outlines:
 - (i) Periodic proactive treatment of the site in accordance with the pest management strategy to reduce the potential for pests and rodents to become attracted or house at the site
 - (ii) Periodic inspections by staff looking for signs of pest presence in and around the development
 - (iii) Process for staff to notify NJC if pests/rodents are identified on site whether as part of inspection or during daily work
 - (iv) Processes for reactive treatment should pests/rodents be identified on site.

Operational Noise Management Plan

- E28. Prior to the issue of the occupation certificate, the Applicant shall prepare an Operational Noise Management Plan (ONMP) and submit it to the Certifier. The ONMP must:
 - (a) be prepared by a suitably qualified person;

- (b) be consistent with the mitigation measures detailed in the Revised Noise Impact Assessment (Report No. 20-2564-R3) prepared by Reverb Acoustics Pty Ltd dated May 2022
- (c) if any non-compliances occur, describe the measures that would be implemented to ensure compliance with the relevant conditions of this approval
- (d) include provisions to ensure that the project achieves and maintains best practices in both equipment and operations to minimise noise impacts in accordance with conditions of approval; and
- (e) outline procedures to manage responses to any complaints or issues raised by the owners of affected residences; and

Site Contamination

- E29. Prior to the issue of the occupation certificate, the Applicant must submit a Validation Report for the development to the Certifier. The Validation Report must:
- (a) be prepared, or reviewed and approved, by consultants certified under either the Environment Institute of Australia and New Zealand's Certified Environmental Practitioner (Site Contamination) scheme (CEnvP(SC)) or the Soil Science Australia Certified Professional Soil Scientist Contate Assessment and Management (CPSS CSAM) scheme;
 - (b) be prepared in accordance with the relevant guidelines made or approved by the EPA under section 105 of the *Contaminated Land Management Act 1997*;
 - (c) include, but not be limited to:
 - (i) comment on the extent and nature of the remediation undertaken;
 - (ii) if material is to remain in-situ and capped, describe the location, nature and extent of any remaining contamination on site as well as any ongoing management requirements;
 - (iii) sampling and analysis plan and sampling methodology undertaken as part of the remediation;
 - (iv) if treated material is to remain on the subject site, results of sampling of treated material, compared with the treatment criteria in the most updated RAP;
 - (v) results of any validation sampling, compared to relevant guidelines/criteria;
 - (vi) comment on the suitability of the area for the intended land use; and
 - (d) be submitted to the Planning Secretary for information.
- E30. Prior to the issue of the occupation certificate, the Applicant must obtain confirmation from the Certifier in writing that the requirements of condition D30 have been met.
- E31. Where changes are made to the Remediation Action Plan under condition C33, prior to the commencement of operation, the Applicant must submit a Section A1 Site Audit Statement or a Section A2 Site Audit Statement accompanied by an Environmental Management Plan prepared by a NSW EPA accredited Site Auditor. The Section A1 or A2 Site Audit Statement must verify the relevant part of the site is suitable for the intended land use and be provided, along with any Environmental Management Plan to the Planning Secretary and the Certifier.

Landscaping

- E32. Prior to the issue of the occupation certificate landscaping of the site must be completed in accordance with landscape plan(s) approved under condition B33.
- E33. Prior to the issue of the occupation certificate, the Applicant must prepare a Landscape Management Plan to manage the revegetation and landscaping on-site and submit it to the certifier. The plan must:
- (a) describe the ongoing monitoring and maintenance measures to manage revegetation and landscaping;
 - (b) include measures that ensures that all landscaping is maintained in an effective manner; and
 - (c) include a replacement protocol detailing procedure for replacement of failed vegetation

Operational Flood Emergency Management Plan

- E34. Prior to the issue of the occupation certificate, a Flood Emergency Management Plan must be submitted to the Certifier that:
- (a) is prepared by a suitably qualified and experienced person(s);
 - (b) addresses the provisions of the *Floodplain Risk Management Guidelines* (EHG);
 - (c) includes details of:
 - (i) the flood emergency responses for operational phase of the development;
 - (ii) predicted flood levels;
 - (iii) flood warning time and flood notification;
 - (iv) assembly points and evacuation routes;
 - (v) evacuation and refuge protocols; and
 - (d) awareness training for employees and contractors, and visitors.

Event Transport Management Plan

- E35. Prior to the issue of the occupation certificate, the applicants shall prepare an Event Transport Management Plan in consultation with Council, NSW Police, Transport for NSW and Newcastle Buses/Keolis Downer and other stakeholders such as Taxi's/Uber and the like. The plan must include:
- (a) documentary evidence is to be submitted to the certifying authority indicating acceptance of the plan by the relevant stakeholders including Council;
 - (b) Details of how the interior of the track would be used for parking during large events including the procedure for people to access the site and be transported to the spectator entrance; and
 - (c) Details of the suitability of the interior of the site for parking, including during wet weather and include any measures that may need to undertake to render the area suitable for parking.

Note: The applicants are to contact Council's Traffic and Transport team for consultation.

Operational Vehicle Management Plan

- E36. Prior to the issue of the occupation certificate, a Vehicle Management Plan must be submitted to the Certifier that:
- (a) sets out the timing of deliveries to the site to prevent queuing within the local road network;
 - (b) sets out the procedures for the dropping off and picking up of horses both for daily track work and to be transported off site;
 - (c) creates a booking system for the picking up and dropping off of horses to prevent queuing and ensure efficient movement of vehicles through the site; and
 - (d) includes an operational Driver Code of Conduct for heavy vehicle drivers and must address the following:
 - (i) minimise the impacts on the local and regional road network;
 - (ii) minimise conflicts with other road users;
 - (iii) minimise road traffic noise; and
 - (iv) outline the mandatory parking within the proposed carpark

Local Area Traffic and Parking Plan

- E37. Prior to the issue of the occupation certificate, the Applicants shall in consultation with Council, prepare the following documents:
- (a) A Local Area Traffic and Parking Plan. Such a plan should include the existing onstreet parking and proposed on-street parking changes. The local area plan should include the surrounding local streets, consider provisions for bus stops, drop-off bays, taxi/uber zones; and

- (b) The local area traffic and parking plans changes are to be implemented as part of the proposed road works.

Documentary evidence is to be submitted to the certifying authority for acceptance of such documents by Council.

A separate Section 138 of the Roads Act 1993 application will be required to implement the recommended changes to the on-street traffic and parking and associated works. All works associated with the parking changes must be completed six months after the issue an any occupation certificate.

Note: The Applicants are to contact Council's Traffic and Transport team for consultation. The approval of the Newcastle City Traffic Committee may be required.

Finished Floor Level

- E38. Prior to the issue of the occupation certificate, the applicant is to provide a certificate issued by a registered surveyor that demonstrates that the finished floor levels of the structures comply with the floor levels set in condition C27 and C28.

Flood Emergency Response Plan

- E39. Prior to the issue of the occupation certificate, an appropriate flood emergency response plan is to be prepared by independent consulting engineers, experienced in flood management and put in place by the applicant. Such plan is to be effectively updated and maintained by the occupiers; to include an education and awareness component for the workforce and detailed evacuation procedures to interface with the Bureau of Meteorology's flood warning system and the local State Emergency Services plan (where appropriate) and to include provisions for any third parties likely to be involved. A flood emergency response plan is to describe the following components:

- (a) a) Likely flood behaviour
- (b) b) Flood warning systems
- (c) c) Education awareness program
- (d) d) Evacuation and evasion procedures
- (e) e) Evacuation routes and flood refuges and
- (f) f) Flood preparedness and awareness procedures for staff and visitors

Considerations should include the full range of flood risks, the proposed use of the site, site access constraints and local area evacuation routes to high ground. As much as possible, the plan is to be aimed at self-directed evacuation or evasion to minimise the draw on limited State Emergency Services resources.

PART F POST OCCUPATION

Operation of Plant and Equipment

- F1. All plant and equipment used on site must be maintained in a proper and efficient condition operated in a proper and efficient manner.

Warm Water Systems and Cooling Systems

- F2. The operation and maintenance of warm water systems and water-cooling systems (as defined under the Public Health Act 2010) must comply with the Public Health Act 2010, Public Health Regulation 2012 and Part 2 (or Part 3 if a Performance-based water cooling system) of AS/NZS 3666.2:2011 Air handling and water systems of buildings – Microbial control – Operation and maintenance and the NSW Health Code of Practice for the Control of Legionnaires' Disease.

Community Communication Strategy

- F3. The Community Communication Strategy, as approved by the Planning Secretary, must be implemented for a minimum of 12 months following the completion of construction.

Operational Noise Limits

- F4. The Applicant must ensure that noise generated by operation of the development does not exceed the noise limits in Revised Noise Impact Assessment prepared by Reverb Acoustics Pty Ltd dated May 2022
- F5. The Applicant must undertake short term noise monitoring in accordance with the *Noise Policy for Industry* where valid data is collected following the commencement of use of each stage of the development. The monitoring program must be carried out by an appropriately qualified person and a monitoring report must be submitted to the Planning Secretary within two months of commencement use of each stage of the development or other timeframe agreed to by the Planning Secretary to verify that operational noise levels do not exceed the recommended noise levels for mechanical plant identified Revised Noise Impact Assessment prepared by Reverb Acoustics Pty Ltd dated May 2022. Should the noise monitoring program identify any exceedance of the recommended noise levels referred to above, the Applicant is required to implement appropriate noise attenuation measures so that operational noise levels do not exceed the recommended noise levels or provide attenuation measures at the affected noise sensitive receivers.

Driveways and Parking Areas

- F6. All driveways, footways and parking areas must be unobstructed at all times. Driveways, footways and car spaces must not be used for the manufacture, storage or display of goods, materials, refuse, skips or any other equipment and must be used solely for vehicular and/or pedestrian access and for the parking of vehicles associated with the use of the premises.
- F7. The driveway crossing, parking areas, stormwater management system and flood management system are to be properly maintained for the life of the development.

Green Travel Plan

- F8. The Green Travel Plan required by condition D20 of this consent must be updated annually and implemented unless otherwise agreed by the Planning Secretary.

Ecologically Sustainable Development

- F9. Unless otherwise agreed by the Planning Secretary, within six months of commencement of operation the Certifier and Planning Secretary are to be provided with a report from the Applicant by a suitably qualified and experienced expert demonstrating that the project attains the minimum number of ESD points as required by condition C10 of this consent.

Outdoor Lighting

- F10. Notwithstanding condition E7, should outdoor lighting result in any residual impacts on the amenity of surrounding sensitive receivers, the Applicant must provide mitigation measures in consultation with affected landowners to reduce the impacts to an acceptable level.

Landscaping

- F11. The Applicant must maintain the landscaping and vegetation on the site in accordance with the approved Landscape Management Plan required by condition E33 for the duration of occupation of the development.

Hazards and Risk

- F12. The Applicant must store all chemicals, fuels and oils used on-site in accordance with:
- (a) the requirements of all relevant Australian Standards; and
 - (b) the EPA's *Storing and Handling of Liquids: Environmental Protection – Participants Manual* if the chemicals are liquids.
- F13. In the event of an inconsistency between the requirements of condition F12(a) and F12(b), the most stringent requirement must prevail to the extent of the inconsistency.

Dangerous Goods

- F14. The quantities of dangerous goods stored and handled at the site must be below the threshold quantities listed in the Department of Planning's *Hazardous and Offensive Development Application Guidelines – Applying SEPP 33* at all times.
- F15. Dangerous goods, as defined by the Australian Dangerous Goods Code, must be stored and handled strictly in accordance with:
- (a) all relevant Australian Standards;
 - (b) for liquids, a minimum bund volume requirement of 110% of the volume of the largest single stored volume within the bund; and
 - (c) the Environment Protection Manual for *Authorised Officers: Bunding and Spill Management – technical bulletin* (EPA, 1997).
- F16. In the event of an inconsistency between the requirements F14(a) to F14(c), the most stringent requirement must prevail to the extent of the inconsistency.

Discharge Limits

- F17. The development must comply with section 120 of the POEO Act, which prohibits the pollution of waters.

Vehicle Movements

- F18. During school zone times, all vehicles exiting the northern vehicle entrance on Chatham Street are to turn left onto Chatham Street. No right turns are permitted during school zone times.

Transportation of horses for trackwork

- F19. No horses are to be transported to the site for trackwork. All horses involved with trackwork are to be accommodated on site within the stables.

Loading and Unloading

- F20. Vehicles are to be loaded or unloaded standing wholly within the premises and within loading bays designated on the submitted plans or as otherwise provided in accordance with the conditions of this consent and under no circumstances are vehicles to be loaded or unloaded at the kerbside, across the public footpath or in a manner which obstructs vehicular access to the site.
- F21. All vehicular movements entering and exiting the site must be in a forward direction.

Street Addressing

- F22. The proposed development has been allocated additional street addresses in accordance with Council's House Numbering Policy and the Surveying and Spatial Regulation. The allocated house numbers are:

	Council Allocated Street Addresses			
	House Number	Street Name	Street Type	Suburb
Proposed Site Office	1/125	Chatham	Street	Broadmeadow

Proposed Equipment Shed	2/125	Chatham	Street	Broadmeadow
Proposed Goods Storage Shed	3/125	Chatham	Street	Broadmeadow
Proposed New Entry Tower	2/90	Darling	Street	Broadmeadow
Proposed Maintenance Amenities Shed	123	Chatham	Street	Broadmeadow

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APPENDIX 1 ADVISORY NOTES

General

AN1. All licences, permits, approvals and consents as required by law must be obtained and maintained as required for the development. No condition of this consent removes any obligation to obtain, renew or comply with such licences, permits, approvals and consents.

Long Service Levy

AN2. For work costing \$25,000 or more, a Long Service Levy must be paid. For further information please contact the Long Service Payments Corporation Helpline on 131 441.

Legal Notices

AN3. Any advice or notice to the consent authority must be served on the Planning Secretary.

Access for People with Disabilities

AN4. The works that are the subject of this application must be designed and constructed to provide access and facilities for people with a disability in accordance with the BCA. Prior to the commencement of construction, the Certifier must ensure that evidence of compliance with this condition from an appropriately qualified person is provided and that the requirements are referenced on any certified plans.

Utilities and Services

AN5. Prior to the construction of any utility works associated with the development, the Applicant must obtain relevant approvals from service providers.

AN6. Prior to the commencement of above ground works written advice must be obtained from the electricity supply authority, an approved telecommunications carrier and an approved gas carrier (where relevant) stating that satisfactory arrangements have been made to ensure provisions of adequate services.

AN7. Any necessary alterations to public utility installations are to be at the developer/demolisher's expense and to the requirements of both Council and any other relevant authorities. Council and other service authorities should be contacted for specific requirements prior to the commencement of any works.

Road Design and Traffic Facilities

AN8. All roads and traffic facilities must be designed to meet the requirements of Council or TfNSW (whichever is applicable). The necessary permits and approvals from the relevant road authority must be obtained prior to the commencement of road or pavement construction works.

Road Occupancy Licence

AN9. A Road Occupancy Licence must be obtained from the relevant road authority for any works that impact on traffic flows during construction activities.

SafeWork Requirements

AN10. To protect the safety of work personnel and the public, the work site must be adequately secured to prevent access by unauthorised personnel, and work must be conducted at all times in accordance with relevant SafeWork requirements.

Hoarding Requirements

AN11. The Applicant must submit a hoarding application to Council for the installation of any hoardings over Council footways or road reserve.

Handling of Asbestos

AN12. The Applicant must consult with SafeWork NSW concerning the handling of any asbestos waste that may be encountered during construction. The requirements of the Protection of the Environment Operations (Waste) Regulation 2014 with particular reference to Part 7 – 'Transportation and management of asbestos waste' must also be complied with.

Fire Safety Certificate

AN13. The owner must submit to Council an Annual Fire Safety Statement, each 12 months after the final Safety Certificate is issued. The certificate must be on, or to the effect of, Council's Fire Safety Statement.

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APPENDIX 2 WRITTEN INCIDENT NOTIFICATION AND REPORTING REQUIREMENTS

Written Incident Notification Requirements

1. A written incident notification addressing the requirements set out below must be emailed to the Planning Secretary through the major projects portal within seven days after the Applicant becomes aware of an incident. Notification is required to be given under this condition even if the Applicant fails to give the notification required under condition A36 or, having given such notification, subsequently forms the view that an incident has not occurred.
2. Written notification of an incident must:
 - (a) identify the development and application number;
 - (b) provide details of the incident (date, time, location, a brief description of what occurred and why it is classified as an incident);
 - (c) identify how the incident was detected;
 - (d) identify when the applicant became aware of the incident;
 - (e) identify any actual or potential non-compliance with conditions of consent;
 - (f) describe what immediate steps were taken in relation to the incident;
 - (g) identify further action(s) that will be taken in relation to the incident; and
 - (h) identify a project contact for further communication regarding the incident.
3. Within 30 days of the date on which the incident occurred or as otherwise agreed to by the Planning Secretary, the Applicant must provide the Planning Secretary and any relevant public authorities (as determined by the Planning Secretary) with a detailed report on the incident addressing all requirements below, and such further reports as may be requested.
4. The Incident Report must include:
 - (a) a summary of the incident;
 - (b) outcomes of an incident investigation, including identification of the cause of the incident;
 - (c) details of the corrective and preventative actions that have been, or will be, implemented to address the incident and prevent recurrence; and
 - (d) details of any communication with other stakeholders regarding the incident.