



Jacobs

Liddell Battery and Bayswater Ancillary Works Project

Appendix B – Consolidated consents



Enquiries
Please ask for Mrs D L Watson
Direct 02 6549 3777
Our ref DA 114/2016
Your ref

MUSWELLBROOK SHIRE COUNCIL

**NOTICE OF DETERMINATION OF DEVELOPMENT APPLICATION
Issued under the Environmental Planning
and Assessment Act 1979 (Section 81)**

DEVELOPMENT APPLICATION:	114/2016
APPLICANT NAME:	GHD Pty Ltd
APPLICANT ADDRESS:	Shaun Lawer PO Box 1340 COFFS HARBOUR NSW 2450
LAND TO BE DEVELOPED:	PT: 2 ALT: A DP: 1095515 SAVOY PARISH COUNTY DURHAM
PROPOSED DEVELOPMENT:	Change of Use From Storage Shed to Operations Centre

DETERMINATION MADE ON: 12 January 2017

DETERMINATION: Consent granted subject to conditions described below.

CONSENT TO OPERATE FROM: 12 January 2017

CONSENT TO LAPSE ON: 12 January 2022 if work has not commenced in accordance with Section 95(4) of the Environmental Planning and Assessment Act 1979.

DETAILS OF CONDITIONS:

IDENTIFICATION OF APPROVED PLANS

1. Development in Accordance with Plans

The development being carried out in accordance with the development application and the drawings referenced below, and endorsed with Council's approval stamp, except where amended by the following conditions.

Drawings no.	Rev	Drawn by	Date
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DD01 – Layouts: OCC and Back up PCRs	K	Russell Ockendon	12 December 2016
DD03 – Plans and Elevations	K	Russell Ockendon	12 December 2016
DD04 – External Works and Roofs	G	Russell Ockendon	12 December 2016
DD05 – Sections	E	Russell Ockendon	12 December 2016
DD06 – Construction Details	D	Russell Ockendon	12 December 2016
DD09 – Detailed design	D	Russell Ockendon	12 December 2016
SK10 – Site and locality plans	A	Russell Ockendon	12 December 2016
Statement of Environmental Effects		GHD	November 2016

2. Plans on Site

A copy of all stamped approved plans, specifications and documents (including the Construction Certificate if required for the work incorporating certification of conditions of approval) must be kept on site at all times so as to be readily available for perusal by any officer of Council or the Principal Certifying Authority.

OPERATIONAL CONDITIONS IMPOSED UNDER THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT AND REGULATIONS AND OTHER RELEVANT LEGISLATION

3. Building Code of Australia

All building work must be carried out in accordance with the provisions of the Building Code of Australia.

ANCILLARY MATTERS TO BE COMPLETED PRIOR TO THE ISSUE OF THE CONSTRUCTION CERTIFICATE

4. Section 94A Contributions

Pursuant to section 80A(1) of the Environmental Planning and Assessment Act 1979, and the Muswellbrook Shire Council Section 94A Development Contributions Plan 2010, a contribution of **\$8,630.00** shall be paid to Muswellbrook Shire Council.

The amount to be paid is to be adjusted at the time of the actual payment, in accordance with the provisions of the Muswellbrook Shire Council Section 94A Development Contributions Plan 2010. The contribution is to be paid prior to the issue of the Construction Certificate.

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO COMMENCEMENT

5. Site Sign

A sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:

- (a) stating that unauthorised entry to the work site is prohibited;
- (b) showing the name of the principal contractor (or person in charge of the work site), and a telephone number at which that person may be contacted at any time for business purposes and outside working hours; and
- (c) showing the name, address and telephone number of the Principal Certifying Authority for the work.

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

This condition does not apply to building works being carried out inside an existing building.

6. Site Facilities

- a) A garbage receptacle fitted with a tight fitting lid for the reception of all food scraps and papers from the work site must be provided prior to building work commencing and must be maintained and serviced for the duration of the work.
- b) Toilet facilities must be provided on the work site at the rate of one toilet for every 20 persons or part of 20 persons employed at the work site.
- c) Each toilet provided must:
 - be a standard flushing toilet, connected to a public sewer, or
 - if connection to a public sewer is not available, to an on-site effluent disposal system approved by the council, or
 - an approved temporary chemical closet.
- d) The provision of toilet facilities must be completed before any other work is commenced.

CONDITIONS THAT MUST BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

7. Hot Water Installations

Hot water installations shall be in accordance with AS 3500 and shall deliver hot water to all sanitary fixtures used primarily for personal hygiene purposes, at a temperature not exceeding 50°C.

8. Demolition or Removal of Buildings

- (a) Demolition must be carried out in accordance with AS 2601–1991, *Demolition of structures*.
- (b) Demolition materials must not be burnt or buried on the work site.
- (c) A person having the benefit of this certificate must ensure that all vehicles leaving the work site carrying demolition materials, have their loads covered and do not track soil or waste material onto the road.

- (d) If demolition work obstruct or inconvenience pedestrians or vehicular traffic on an adjoining public road or reserve, a separate application must be made to council to enclose the public place with a hoarding or fence.
- (e) The work site must be left free of waste and debris when work has been completed.

CONDITIONS WHICH MUST BE COMPLIED WITH PRIOR TO THE ISSUE OF THE OCCUPATION CERTIFICATE

9. Occupation

The building is not to be used or occupied until a final inspection has been carried out and an occupation certificate has been obtained from the Principal Certifying Authority.

10. Access for People with Disabilities

Provision shall be made for access to and within the building on the site for persons with a disability in accordance with the provisions of AS 1428 Part 1 prior to the issue of any Occupation Certificate.

11. Domestic Works as Executed Plans

Prior to the issue of an Occupation Certificate a works as executed plan drawn on the NSW Fair Trading approved template detailing the layout and location of the sewer and stormwater pipe work is to be submitted to Muswellbrook Shire Council.

CONDITIONS THAT MUST BE COMPLIED WITH AT ALL TIMES

12. Stormwater Disposal

All stormwater from the development including all hardstandings and overflows from rainwater tanks is to be collected and disposed of to the existing stormwater drainage on site

REASON FOR IMPOSITION OF CONDITIONS:

The reason for the imposition of the following conditions is to ensure, to Council's satisfaction, the objects of the *Environmental Planning and Assessment Act 1979* (as amended) are achieved:

- (a) To encourage:
 - (i) The proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forest, minerals, water, cities, towns, and villages for the purpose of promoting the social and economic welfare of the community and a better environment;

- (ii) The promotion and co-ordination of the orderly and economic use of development of land;
 - (iii) The protection, provision, and co-ordination of communication and utility services;
 - (iv) The provision of land for public purposes;
 - (v) The provision and co-ordination of community services and facilities;
 - (vi) The protection of the environment, including the protection and conservation of native animals and plants including threatened species, populations, and ecological communities and their habitats;
 - (vii) Ecologically Sustainable Development; and
 - (viii) The provision and maintenance of affordable housing.
- (b) To promote the sharing of the responsibility for environmental planning between the different levels of government in the State.
- (c) To provide increased opportunity for public involvement and participation in environmental planning and assessment.

ADVICE:**(1) Location of Services**

Prior to construction work commencing you should ensure that all services have been clearly located and identified by contacting "Dial before you Dig" by telephoning 1100.

(2) Obstruction of Nominated Exits

During the occupation and life of the building nominated exits must not be blocked at the point of discharge.

(3) Framing Details

Full details of the framing, roof trusses, bracing details and tie down connections involved in the construction indicating compliance with the Australian Standard are to be submitted to the Certifying Authority prior to the frame inspection.

NOTE: The frame inspection will not be passed until this information has been submitted.

(4) Wet Areas

The wet areas in the building are to be impervious to water as required by P2.4.1 of the Building Code of Australia (Housing Provisions). On completion of waterproofing a certificate shall be furnished to the Principal Certifying Authority verifying that the waterproofing has been completed in accordance with the manufacturer's specifications and AS 3740-1994.

- You are advised that changes to the external configuration of the building, changes to the site layout, density and unit configuration or internal changes to the proposed building or any changes to the proposed operation of a use **MAY** require the submission of a modification under Section 96 of the Environmental Planning &

Assessment Act, 1979. Any such changes may need to be the subject of a separate Development Application.

Please bear this in mind before preparing documentation in support of a Construction Certificate application. Council staff would be pleased to assist in identifying such changes which may require the submission of a modification of a Development Application under Section 96 of the Environmental Planning & Assessment Act.

- This document is a development consent only, and does not authorise construction or subdivision works to commence. Prior to commencing any building, subdivision or associated construction works, the following provisions of the Environmental Planning and Assessment Act 1979 (the 'Act') are to be complied with:
 - (i) A Construction Certificate is to be obtained in accordance with Section 81A(2)(a) of the Act.
 - (ii) A Principal Certifying Authority is to be appointed and Council is to be notified of the appointment in accordance with Section 81A(2)(b) of the Act.
 - (iii) Council is to be notified at least two (2) days before the intention to commence building works, in accordance with Section 81A(2)(c) of the Act.
- The applicant may apply to the Council or an Accredited Certifier for the issuing of a Construction Certificate and to be the Principal Certifying Authority to monitor compliance with the approval and issue necessary documentary evidence or certificate/s.
- Failure to comply with any of the above requirements is an offence under the provisions of the Act, and may result in enforcement action being taken by Council if these requirements are not complied with.

RIGHT OF APPEAL:

Section 82A of the Environmental Planning and Assessment Act 1979 provides that the applicant may request the Council to review the determination. The request must be made in writing (or on the review application form) within six (6) months *after receipt of this Notice of Determination*, together with payment of the appropriate fees. It is recommended that the applicant discuss any request for a review of the determination with Council Officers before lodging such a request.

If you are dissatisfied with this decision, Section 97 of the Environmental Planning and Assessment Act, 1979 gives you the right to appeal to the Land and Environment Court within six (6) months after the date on which you receive this notice.

APPROVED UNDER DELEGATED AUTHORITY



Donna Watson
Development Planner

Date 12/ 1 /2017

Notice of Determination

Under section 4.16 and 4.17 of the *Environmental Planning and Assessment Act 1979*

Development consent is granted to development application 8.2018.23.1 subject to the conditions in Schedule 1.

Notice is hereby made under Section 4.18 of the *Environmental Planning and Assessment Act 1979* (the Act) of a Development Consent issued under Section 4.16 of the Act, for the development described below. The consent should be read in conjunction with the conditions contained in Schedule 1 and the notes contained in Schedule 2. Details of other approvals are included in Schedule 3.

Determination: Approved, subject to conditions

APPLICATION DETAILS

Development Application No: 8.2018.23.1

Applicant name: AGL Macquarie Pty Ltd

Applicant address: Private Bag 2 MUSWELLBROOK NSW 2333

Property Address: Lot: 910 DP: 1123501
1686 Lemington Road LEMINGTON

Proposed development: Alterations to Water Supply System (Water Reticulation System)

Date of Determination: 8 May 2018

Date from which consent operates: 8 May 2018

Date on which consent shall lapse: 9 May 2023
(unless physical commencement has occurred)



Miss B Davey
Development Planner

SCHEDULE 1

Reasons for imposing conditions:

The reason for the imposition of the following conditions is to:

- a) ensure, to Council's satisfaction, the objects of the *Environmental Planning and Assessment Act 1979* (as amended) are achieved;
- b) confirm and clarify the terms of Council's Approval;
- c) to encourage the proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forest, minerals, water, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment;
- d) set standards and performance measures for acceptable environmental performance;
- e) provide for the ongoing management of the development.

Prescribed Conditions

- a) The work must be carried out in accordance with the requirements of the *Building Code of Australia (National Construction Code)*.
- b) A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
 - i) showing the name, address and telephone number of the Principal Certifying Authority for the work, and
 - ii) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
 - iii) stating that unauthorised entry to the work site is prohibited

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

Inspections

The person having the benefit of the consent shall ensure that critical stage inspections are carried out and notify the Principal Certifying Authority giving adequate notice of the time that each stage of the building/development is ready for inspection.

Note: Failure to have a critical stage inspection conducted by the Principal Certifier will constitute a breach of the *Environmental Planning and Assessment Act 1979*. Penalties may apply.

General Conditions

1. Approved Plans & Documentation

The development consent incorporates this schedule of conditions and the plans referenced and stamped as follows:

Plans prepared by: AGL Macquarie - River Water System Structures at Hunter River (River Mains)			
Name of Plan	Drawing Number	Issue	Date
Site Plan	BW825373	Rev 1	10/11/2017
Arrangement	BW825374	Rev 1	10/11/2017
Typical Section Through River Main No.3	BW825375	Rev 1	10/11/2017
Sections	BW825376	Rev 1	10/11/2017

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

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

Prior to the commencement of any development work

2. Controlled Activity Approval

Should works be required within 40m of the top of bank of a watercourse, separate approval from the Department of Primary Industry – Water will be required. Prior to the issue of a Construction Certificate, evidence shall be submitted to Council that the necessary Controlled Activity Approval has been issued to undertake the works. Where a Controlled Activity Approval is not required, evidence shall be submitted to Council of the Department of Primary Industry – Water advice in this regard.

3. Service Relocation

The registered proprietor of the land shall be responsible for all costs incurred in the necessary relocation of any services affected by the required construction works.

Council and other service authorities should be contacted for specific requirements prior to commencement of any works.

4. Sediment and Erosion Control

The control of erosion and the prevention of silt discharge into drainage systems and waterways will be necessary in accordance with Council's Development Engineering Specifications, Landcom's 'Soil and Construction – Managing Urban Stormwater - Current edition. Sediment and erosion control measures are to be implemented prior to the commencement of any earthworks and shall be maintained until satisfactory completion and restoration of site earthworks, including revegetation of all exposed areas.

During any development work

5. Noise – Construction Sites

The operating noise level of construction site operations, including machinery, plant and equipment when measured at any affected premises, shall be evaluated and comply with the requirements of the NSW Office of Environment and Heritage publication "Interim Construction Noise Guideline" July 2009.

Approved Construction Times

The approved hours for construction of this development are:

Monday to Saturday - 7.00am to 6.00pm.

No construction work shall take place on Sundays or Public Holidays.

6. Discharge into waterways

No waste water, chemicals or other substances harmful to the environment shall be permitted to discharge into the waterway adjacent to the site. A floating bund shall be installed to capture any pollutants from further entering the watercourse.

7. Machinery

All noise generating machinery and equipment shall be maintained in an efficient, working condition during works.



8. Dust

Water spray equipment shall be readily available for dust suppression at all times and used as necessary to prevent dust migration off-site. Works shall not be undertaken during weather conditions likely to facilitate or exacerbate dust migration off-site.

9. Prevent Pollution to Stormwater

All reasonable and practicable measures must be taken to prevent pollution of any stormwater system as a result of silt run-off, oil and grease spills from any machinery. Wastewater for cleaning equipment must not be discharged direct or in-directly to any stormwater system. Soil used for filling or spoil from the excavation is not to be stockpiled in locations that can be viewed from adjoining premises or a road frontage.

10. Stockpiling Material

Stockpiles of topsoil, sand, aggregate, spoil or other material shall be stored clear of any drainage path or easement, natural watercourse, footpath, kerb or road surface and shall have measures in place to prevent the movement of such material off site.

11. Site Contamination Issued During Construction

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

12. Waste Material

All waste material shall be removed from the construction area and appropriately disposed of on-site or offsite at an appropriately licensed waste facility.

Advice

A. “Dial Before You Dig” Dial 1100

Before any excavation work starts, contractors and others should phone the “Dial Before You Dig” service to access plans/information for underground pipes and cables.
www.dialbeforeyoudig.com.au

B. Water Pollution

The applicant is advised of their responsibility that the development is not to contribute to water pollution or pollution of waters as defined by the *Protection of the Environment Operations Act 1997*.

C. Discharge of Water

The discharge of polluted waters into a river, lake or otherwise than in accordance with the conditions of a licence under the *Protection of the Environment Operations Act 1997* may render the offender subject to prosecution and penalty under the Act. Therefore, where an approved drainage disposal system involves the possible discharge of drainage water into a river or lake, a licence may be required under the *Protection of the Environment Operations Act 1997* to authorise such discharge.

D. Responsibility for Other Consents / Agreements

The applicant is solely responsible for ensuring that all additional consents and agreements are obtained from other authorities, as relevant.

SCHEDULE 2

RIGHT OF APPEAL

To the extent provided for by Section 8.7 and 8.10 of the Act, an applicant who is dissatisfied with the determination of this application may appeal to the Court within six (6) months of the date of this notice.

Sections 8.7 and 8.10 of the Act do not apply in respect of a development consent declared to be valid or validly granted under Section 25C of the *Land and Environment Court Act 1979*.

NOTES

- This is not an approval to commence work. Building works cannot commence until a construction certificate is issued by Council or an accredited certifier.
- Consent operates from the determination date. For more details on the date from which the consent operates refer to section 4.20 and 8.13 of the *Environmental Planning and Assessment Act 1979*.



Notice of Determination

Under section 4.16 and 4.17 of the *Environmental Planning and Assessment Act 1979*

- Section 4.53 of the Act provides that a development consent for the erection of a building does not lapse if the building, engineering or construction work relating to the building is substantially physically commenced on the land to which the consent applies before the date on which consent would otherwise lapse.

SCHEDULE 3

Other Approvals list *Local Government Act 1993* approvals granted under s 68

Nil

General Terms of other approvals integrated as part of the consent (list approvals)

Nil

Notice of Determination of Modification of Consent

Under section 4.55 and Schedule 1 Clause 20(2) of the *Environmental Planning and Assessment Act 1979*

Development consent is granted to modification of development application 8.2018.23.2 subject to the conditions in Schedule 1.

Notice is hereby made under Section 4.55 of the *Environmental Planning and Assessment Act 1979* (the Act) of a Modification of Development Consent issued under Section 4.55 of the Act, for the development described below. The consent should be read in conjunction with the conditions contained in Schedule 1 and the notes contained in Schedule 2. Details of other approvals are included in Schedule 3. This notice is also given pursuant to the requirements of Schedule 1, Clause 20(2) of the Act.

Determination: Approved, subject to conditions

APPLICATION DETAILS

Development Application No: 8.2018.23.2

Applicant name: AGL Macquarie Pty Ltd

Applicant address: Private Bag 2 MUSWELLBROOK NSW 2333

Property Address: Lot: 910 DP: 1123501
1686 Lemington Road LEMINGTON

Description of Development: Alterations to Water Supply System (Water Reticulation System)

Proposed modification: S4.55(1A) Modification to remove vegetation

Date of Determination: 8 May 2018

Date of Modification Determination: 9 January 2019

Date on which consent shall lapse: 9 May 2023
(unless physical commencement has occurred)

Notice of Determination of Modification of Consent

Under section 4.55 and Schedule 1 Clause 20(2) of the
Environmental Planning and Assessment Act 1979



Brooke Davey
Development Planner

SCHEDULE 1

Reasons for the Determination and Consideration of Community Views:

- The proposed development, subject to the recommended conditions, is consistent with the objectives of the applicable environmental planning instruments, being; *Singleton Local Environmental Plan 2013 (SLEP)*, State Environmental Planning Policy No 55 - Remediation of Land.
- The proposed development, subject to the recommended conditions, is consistent with the objectives of the Singleton Development Control Plan 2014 (SDCP).
- Subject to the recommended conditions the proposed development will be provided with adequate essential services required under the SLEP.
- The proposed development is considered to be of an appropriate scale and form for the site and the character of the locality.
- The proposed development, subject to the recommended conditions, will not result in unacceptable adverse impacts upon the natural or built environments.
- The proposed development is a suitable and planned use of the site and its approval is within the public interest.
- Council has given due consideration to community views when making the decision to determine the application.

Reasons for imposing conditions:

The reason for the imposition of the following conditions is to:

- a) ensure, to Council's satisfaction, the objects of the *Environmental Planning and Assessment Act 1979* (as amended) are achieved;
- b) confirm and clarify the terms of Council's Approval;
- c) to encourage the proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forest, minerals, water, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment;
- d) set standards and performance measures for acceptable environmental performance;
- e) provide for the ongoing management of the development.

Prescribed Conditions

- a) The work must be carried out in accordance with the requirements of the *Building Code of Australia (National Construction Code)*.
- b) A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
 - i) showing the name, address and telephone number of the Principal Certifying Authority for the work, and
 - ii) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and

Notice of Determination of Modification of Consent

Under section 4.55 and Schedule 1 Clause 20(2) of the
Environmental Planning and Assessment Act 1979

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

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

Inspections

The person having the benefit of the consent shall ensure that critical stage inspections are carried out and notify the Principal Certifying Authority giving adequate notice of the time that each stage of the building/development is ready for inspection.

Note: Failure to have a critical stage inspection conducted by the Principal Certifier will constitute a breach of the *Environmental Planning and Assessment Act 1979*. Penalties may apply.

Modifications approved:

- ***Imposition of additional condition 1a to ensure mitigation and management measures employed in relation to removal of native vegetation.***

General Conditions

1. Approved Plans & Documentation

The development consent incorporates this schedule of conditions and the plans referenced and stamped as follows:

Plans prepared by: AGL Macquarie - River Water System Structures at Hunter River (River Mains)			
Name of Plan	Drawing Number	Issue	Date
Site Plan	BW825373	Rev 1	10/11/2017
Arrangement	BW825374	Rev 1	10/11/2017
Typical Section Through River Main No.3	BW825375	Rev 1	10/11/2017
Sections	BW825376	Rev 1	10/11/2017

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

- Any amendments made by Council on the approved plans or documents;
- Any notes, markings, or stamps on approved plans or documents, and
- Any conditions contained in this consent.

Notice of Determination of Modification of Consent

Under section 4.55 and Schedule 1 Clause 20(2) of the *Environmental Planning and Assessment Act 1979*

Condition 1a is inserted

1a. Native Vegetation – Mitigation and Management

The development is to be undertaken in accordance with the mitigation and management measures contained within Table 5-1 of the Biodiversity Development Assessment Report, prepared by GHD, dated December 2018.

Prior to the commencement of any development work

2. Controlled Activity Approval

Should works be required within 40m of the top of bank of a watercourse, separate approval from the Department of Primary Industry – Water will be required. Prior to the issue of a Construction Certificate, evidence shall be submitted to Council that the necessary Controlled Activity Approval has been issued to undertake the works. Where a Controlled Activity Approval is not required, evidence shall be submitted to Council of the Department of Primary Industry – Water advice in this regard.

3. Service Relocation

The registered proprietor of the land shall be responsible for all costs incurred in the necessary relocation of any services affected by the required construction works. Council and other service authorities should be contacted for specific requirements prior to commencement of any works.

4. Sediment and Erosion Control

The control of erosion and the prevention of silt discharge into drainage systems and waterways will be necessary in accordance with Council's Development Engineering Specifications, Landcom's 'Soil and Construction – Managing Urban Stormwater - Current edition. Sediment and erosion control measures are to be implemented prior to the commencement of any earthworks and shall be maintained until satisfactory completion and restoration of site earthworks, including revegetation of all exposed areas.

During any development work

5. Noise – Construction Sites

The operating noise level of construction site operations, including machinery, plant and equipment when measured at any affected premises, shall be evaluated and comply with the requirements of the NSW Office of Environment and Heritage publication "Interim Construction Noise Guideline" July 2009.

Notice of Determination of Modification of Consent

Under section 4.55 and Schedule 1 Clause 20(2) of the
Environmental Planning and Assessment Act 1979

Approved Construction Times

The approved hours for construction of this development are:

Monday to Saturday - 7.00am to 6.00pm.

No construction work shall take place on Sundays or Public Holidays.

6. Discharge into waterways

No waste water, chemicals or other substances harmful to the environment shall be permitted to discharge into the waterway adjacent to the site. A floating bund shall be installed to capture any pollutants from further entering the watercourse.

7. Machinery

All noise generating machinery and equipment shall be maintained in an efficient, working condition during works.

8. Dust

Water spray equipment shall be readily available for dust suppression at all times and used as necessary to prevent dust migration off-site. Works shall not be undertaken during weather conditions likely to facilitate or exacerbate dust migration off-site.

9. Prevent Pollution to Stormwater

All reasonable and practicable measures must be taken to prevent pollution of any stormwater system as a result of silt run-off, oil and grease spills from any machinery. Wastewater for cleaning equipment must not be discharged direct or in-directly to any stormwater system. Soil used for filling or spoil from the excavation is not to be stockpiled in locations that can be viewed from adjoining premises or a road frontage.

10. Stockpiling Material

Stockpiles of topsoil, sand, aggregate, spoil or other material shall be stored clear of any drainage path or easement, natural watercourse, footpath, kerb or road surface and shall have measures in place to prevent the movement of such material off site.

11. Site Contamination Issued During Construction

Should any new information come to light during demolition or construction works which has the potential to alter previous conclusions about site contamination, Council must be immediately

Notice of Determination of Modification of Consent

Under section 4.55 and Schedule 1 Clause 20(2) of the
Environmental Planning and Assessment Act 1979

notified by the applicant, and works must cease. Works must not recommence on site until approval is granted by Council.

12. Waste Material

All waste material shall be removed from the construction area and appropriately disposed of on-site or offsite at an appropriately licensed waste facility.

Advice

A. "Dial Before You Dig" Dial 1100

Before any excavation work starts, contractors and others should phone the "Dial Before You Dig" service to access plans/information for underground pipes and cables.
www.dialbeforeyoudig.com.au

B. Water Pollution

The applicant is advised of their responsibility that the development is not to contribute to water pollution or pollution of waters as defined by the *Protection of the Environment Operations Act 1997*.

C. Discharge of Water

The discharge of polluted waters into a river, lake or otherwise than in accordance with the conditions of a licence under the *Protection of the Environment Operations Act 1997* may render the offender subject to prosecution and penalty under the Act. Therefore, where an approved drainage disposal system involves the possible discharge of drainage water into a river or lake, a licence may be required under the *Protection of the Environment Operations Act 1997* to authorise such discharge.

D. Responsibility for Other Consents / Agreements

The applicant is solely responsible for ensuring that all additional consents and agreements are obtained from other authorities, as relevant.

SCHEDULE 2

RIGHT OF APPEAL

To the extent provided for by Section 8.7 and 8.10 of the Act, an applicant who is dissatisfied with the determination of this application may appeal to the Court within six (6) months of the date of this notice.

Sections 8.7 and 8.10 of the Act do not apply in respect of a development consent declared to be valid or validly granted under Section 25C of the *Land and Environment Court Act 1979*.

NOTES

- This is not an approval to commence work. Building works cannot commence until a construction certificate is issued by Council or an accredited certifier.
- Consent operates from the determination date. For more details on the date from which the consent operates refer to section 4.20 and 8.13 of the *Environmental Planning and Assessment Act 1979*.
- Section 4.53 of the Act provides that a development consent for the erection of a building does not lapse if the building, engineering or construction work relating to the building is substantially physically commenced on the land to which the consent applies before the date on which consent would otherwise lapse.

SCHEDULE 3

Other Approvals list *Local Government Act 1993* approvals granted under s 68

Nil

General Terms of other approvals integrated as part of the consent (list approvals)

Nil

Notice of Determination

Under section 4.16, 4.17 and Schedule 1 Clause 20(2) of the *Environmental Planning and Assessment Act 1979*

Development consent is granted to development application 8.2018.273.1 subject to the conditions in Schedule 1.

Notice is hereby made under Section 4.18 of the Environmental Planning and Assessment Act 1979 (the Act) of a Development Consent issued under Section 4.16 of the Act, for the development described below. The consent should be read in conjunction with the conditions contained in Schedule 1 and the notes contained in Schedule 2. Details of other approvals are included in Schedule 3. This notice is also given pursuant to the requirements of Schedule 1, Clause 20(2) of the Act.

Determination: Approved, subject to conditions

APPLICATION DETAILS

Development Application No: 8.2018.273.1

Applicant name: AGL Macquarie Pty Ltd

Applicant address: Private Bag 2 MUSWELLBROOK NSW 2333

Property Address: Lot: 1 DP: 574168
Pikes Gully Road HOWICK

Proposed development: Water Reticulation System (Relocation of Water Pipeline)

Date of Determination: 10 January 2019

Date from which consent operates: 10 January 2019

Date on which consent shall lapse: 10 January 2024
(unless physical commencement has occurred)



Brooke Davey
Development Planner

SCHEDULE 1

Reasons for the Determination and Consideration of Community Views:

- The proposed development, subject to the recommended conditions, is consistent with the objectives of the applicable environmental planning instruments, being; *Singleton Local Environmental Plan 2013* (SLEP), State Environmental Planning Policy No 55 - Remediation of Land.
- The proposed development, subject to the recommended conditions, is consistent with the objectives of the Singleton Development Control Plan 2014 (SDCP).
- Subject to the recommended conditions the proposed development will be provided with adequate essential services required under the SLEP.
- The proposed development is considered to be of an appropriate scale and form for the site and the character of the locality.
- The proposed development, subject to the recommended conditions, will not result in unacceptable adverse impacts upon the natural or built environments.
- The proposed development is a suitable and planned use of the site and its approval is within the public interest.
- Council has given due consideration to community views when making the decision to determine the application.

Reasons for imposing conditions:

The reason for the imposition of the following conditions is to:

- a) ensure, to Council's satisfaction, the objects of the *Environmental Planning and Assessment Act 1979* (as amended) are achieved;
- b) confirm and clarify the terms of Council's Approval;
- c) to encourage the proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forest, minerals, water, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment;
- d) set standards and performance measures for acceptable environmental performance;
- e) provide for the ongoing management of the development.

Prescribed Conditions

- a) The work must be carried out in accordance with the requirements of the *Building Code of Australia (National Construction Code)*.



CONDITIONS OF CONSENT

1. Approved Plans and Documentation

The development consent incorporates this schedule of conditions and the plans referenced and stamped as follows:

Plans prepared by: AGL Macquarie, Project Name: BCP Feed Water Pipe			
Name of Plan	Drawing Number	Revision	Date
General Arrangement	BW 838299	A	16/10/2018
Concrete Thrust Blocks and Supported Pipe Crossover Detail	BW 838300	A	16/10/2018
Expansion Branch Leg Road Crossing and Culvert Detail	BW 838301	A	16/10/2018
Unsupported Pipe Crossover	BW 838302	A	16/10/2018
Ancillary Civil Works Feed Water Pipeline	BW 838303	A	16/10/2018

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

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

PRIOR TO THE COMMENCEMENT OF WORKS

2. Notification of Commencement of Works

A minimum of 60 days prior to the commencement of works, notification shall be given to Singleton Council Water and Sewer of the intent to commence works.

3. Service Relocations

The registered proprietor of the land shall be responsible for all costs incurred in the necessary relocation of any services affected by the required construction works. Council and other service authorities should be contacted for specific requirements prior to commencement of any works.

4. Sediment and Erosion Control

The control of erosion and the prevention of silt discharge into drainage systems and waterways will be necessary in accordance with Council's Development Engineering Specifications, Landcom's 'Soil and Construction – Managing Urban Stormwater - Current edition. Sediment and erosion control measures are to be implemented prior to the



commencement of any earthworks and shall be maintained until satisfactory completion and restoration of site earthworks, including revegetation of all exposed areas.

DURING WORKS

5. Noise – Construction Sites

The operating noise level of construction site operations, including machinery, plant and equipment when measured at any affected premises, shall be evaluated and comply with the requirements of the NSW Office of Environment and Heritage publication “Interim Construction Noise Guideline” July 2009.

Approved Construction Times

The approved hours for construction of this development are:

Monday to Friday - 7.00am to 6.00pm.

Saturday – 8am to 1pm.

No construction work shall take place on Sundays or Public Holidays.

6. Waste Management

Rubbish generated from the development is to be suitably contained on site at all times. No rubbish shall be stockpiled in a manner which facilitates the rubbish to be blown off site.

7. Earthworks

All earthworks carried out as part of the development are to be constructed in accordance with Australian Standard 3798-2007, ‘Guidelines on Earthworks for Commercial and Residential Developments’.

ADVICE

a. Vegetation

No native vegetation is to be removed in association with this consent unless expressly applied for.

b. “Dial Before You Dig” Dial 1100

Before any excavation work starts, contractors and others should phone the “Dial Before You Dig” service to access plans/information for underground pipes and cables.
www.dialbeforeyoudig.com.au

c. Site Contamination Issues During Construction

Should any new information come to light during demolition or construction works which has the potential to alter previous conclusions about site contamination, Council must be



immediately notified by the applicant, and works must cease. Works must not recommence on site until approval is granted by Council.

d. Other Approvals and Permits

The applicant shall apply to Council for all necessary permits including crane permits, road opening permits, hoarding or scaffolding permits, footpath occupation permits, and/or any other approvals under *Section 68 (Approvals)* of the *Local Government Act, 1993* or *Section 138 of the Roads Act, 1993*.

SCHEDULE 2

RIGHT OF APPEAL

To the extent provided for by Section 8.7 and 8.10 of the Act, an applicant who is dissatisfied with the determination of this application may appeal to the Court within six (6) months of the date of this notice.

Sections 8.7 and 8.10 of the Act do not apply in respect of a development consent declared to be valid or validly granted under Section 25C of the *Land and Environment Court Act 1979*.

NOTES

- This is not an approval to commence work. Building works cannot commence until a construction certificate is issued by Council or an accredited certifier.
- Consent operates from the determination date. For more details on the date from which the consent operates refer to section 4.20 and 8.13 of the *Environmental Planning and Assessment Act 1979*.
- Section 4.53 of the Act provides that a development consent for the erection of a building does not lapse if the building, engineering or construction work relating to the building is substantially physically commenced on the land to which the consent applies before the date on which consent would otherwise lapse.

SCHEDULE 3

Other Approvals list *Local Government Act 1993* approvals granted under s 68

Nil

General Terms of other approvals integrated as part of the consent (list approvals)

Nil





Address all correspondence
to the General Manager
Enquiries to: Mark Ihlein
02 6578 7291

A.B.N. 52 877 492 396

Civic Centre
Queen Street
Singleton NSW 2330
PO Box 314
DX 7063 Singleton
Phone: (02) 6578 7290
Fax: (02) 6572 4197
e-mail: ssc@singleton.nsw.gov.au
website address: www.singleton.nsw.gov.au

Your Ref:
Our Ref: DA 401/2000.1

11 October, 2000

Macquarie Generation
PO Box 3416
HAMILTON DC 2303

NOTICE OF DETERMINATION OF DEVELOPMENT APPLICATION

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

Dear Sir or Madam:

You are notified that your application made under the above Act, and relating to the land and proposal described below, has been Determined pursuant to section 81(1)(a) of the Act.

Development Application
No. DA 401/2000

Development Application
applicant name Macquarie Generation
applicant address PO Box 3416, Hamilton 2303

Land to be Developed:
address New England Hwy
Ravensworth, Parish of Liddell
Lots 1 & 2, DP 986496, Lot 2, DP 628645, Lots 4 & 8,
DP 247945

proposed development Coal/Rail Unloader Augmentation.

**Building Code of
Australia**

building classification Not applicable.

type of construction Not applicable.

**Determination
made on (date)** 11 October, 2000

determination consent granted subject to conditions described below

**consent to operate from
(date)** 11 October, 2000

consent to lapse on (date) 11 October, 2005 *see note 1*

**details of conditions
and reasons for conditions
(including section 94
conditions)**

1. **APPROVAL IN ACCORDANCE WITH PLANS - The development being carried out generally in accordance with the development application and accompanying plans described as described in the Statement of Environmental Effects - Proposed Ravensworth Rail Unloader Augmentation, prepared by HLA - Envirosiences dated 31st August 2000.**

Reason: To ensure that the development is carried out in accordance with the submitted plans.

2. **SURVEY MARKS - There being no interference with or destruction of Survey Marks, and Council is to be advised in writing if any such interference occurs.**
3. **EROSION MANAGEMENT PLAN - Preparation of an erosion management plan to be submitted to Council for approval prior to physical commencement of the development. Measures are to be taken to ensure that soil erosion is minimised and such measures are to be complied with during the carrying out of the development.**
4. **CONTAMINATED WATER - Any contaminated water from the site is to be collected and treated to ensure that there are not adverse off site environmental effects.**

5. **Final drawings are to be submitted to the Mine Subsidence Board prior to the commencement of construction and contain a certification by a qualified structural engineer, to the effect that any improvement constructed to meet the specification of such final drawings will be safe, serviceable and repairable taking into account the following mine subsidence parameters:**
- (i) **Maximum vertical subsidence of 1500mm.**
 - (ii) **Maximum ground strains of ± 7 mm.**
 - (iii) **Maximum tilt of 22mm/m.**

Reason: To advise of Mine Subsidence Board requirements.

6. **The proposed rail unloader augmentation is to comply with all requirements of the Environment Protection Authority in respect of modifying the existing Pollution Control licence.**

Reason: To advise of necessity to comply with licence requirements of the Environment Protection Authority.

7. **All environmental management devices are to comply with the requirements of the Environment Protection Authority, particularly in respect of:**
- (a) **Stormwater separation from dirty water.**
 - (b) **Containment of contaminated water on site.**
 - (c) **Provision of dust suppression measures along the additional rail spur.**

Reason: To minimise environmental impact and ensure that mitigation measures are implemented.

8. **The applicant is to consult with Rail Access Corporation and/or Freight Corp.**

Reason: To ensure that transport infrastructure organisations are consulted.

Advice to Applicant:

- 1 **Please advise all subcontractors of conditions of approval.**
- 2 **Your plans and specifications have been endorsed and are enclosed together with information from other authorities that may relate to the proposed works.**

Other Approvals

**list Local Government Act
1993 approvals granted
under s 78A (5)**

N/A

**general terms of other
approvals integrated as
part of the consent
(list approvals)**

N/A

Right of Appeal

If you are dissatisfied with this decision section 97 of the *Environmental Planning and Assessment Act 1979* gives you the right to appeal to the Land and Environment Court within 12 months after the date on which you receive this notice

** section 97 of the Environmental Planning and Assessment Act 1979 does not apply to the determination of a development application for State significant development or local designated development that has been the subject of a Commission of Inquiry.*

Signed

on behalf of the consent authority

signature



title

Manager Development Services

name

Mark Ihlein

date

11 October, 2000

If you have any inquiries regarding the consent, please contact Mark Ihlein of Council's Development & Environmental Services Division, on (02) 65 787 291.

Note 1

Section 95 of the Act provides that a development consent does not lapse if the engineering or construction work relating to the development is physically commenced on the land to which the consent applies before the date on which consent would otherwise lapse.

Enquiries to: Mark Ihlein
02 6578 7330

Our Ref: DA460/2001
Your Ref:

23/10/2001

Macquarie Generation
34 Griffiths Road
LAMBTON NSW 2299

NOTICE OF DETERMINATION **OF DEVELOPMENT APPLICATION**

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

Dear Sir/Madam

You are notified that your application made under the above Act, and relating to the land and proposal described below, has been Determined pursuant to section 81(1)(a) of the Act.

Development Application
No. DA460/2001

Development Application
Applicant name Macquarie Generation
Applicant address 34 Griffiths Road LAMBTON NSW 2299

Land to be Developed:
Address New England Highway RAVENSWORTH 2330
DP 247945 Lot 13

Proposed development Ravensworth Rail Unloader Upgrade

ABN 52 877 492 396
Address all correspondence to the General Manager:
Civic Centre
Queen Street
PO Box 314
SINGLETON
NSW 2330
Ph: (02) 6578 7290
Fax: (02) 6572 4197
Email:
ssc@singleton.nsw.gov.au
Website:
www.singleton.nsw.gov.au

*"Singleton.
A progressive
community of
excellence and
sustainability."*

**Building Code of
Australia**

Building classification Not Applicable

type of construction Not Applicable

**Determination
made on (date)** 23/10/2001

Determination consent granted subject to conditions described below

**consent to operate from
(date)** 23/10/2001

Consent to lapse on (date) 23/10/2006 *see note 1*

**details of conditions
and reasons for conditions
(including section 94
conditions)**

1. **APPROVAL IN ACCORDANCE WITH PLANS - The development being carried out generally in accordance with the development application and accompanying plans described in the Statement of Environmental Effects - Proposed Ravensworth Rail Unloader Upgrade prepared by HLA Envirosiences dated 29 August 2001.**

Reason: To ensure that the development is carried out in accordance with the submitted plans.

2. **CONTAMINATED WATER - Any contaminated water from the site is to be collected and treated to ensure that there are not adverse off site environmental effects.**

3. **EROSION MANAGEMENT PLAN - Preparation of an erosion management plan to be submitted to Council for approval prior to physical commencement of the development. Measures are to be taken to ensure that soil erosion is minimised and such measures are to be complied with during the carrying out of the development.**

Reason: To minimise the likelihood of soil erosion.

4. **SURVEY MARKS - There being no interference with or destruction of Survey Marks, and Council is to be advised in writing if any such interference occurs.**

Reason: To protect the integrity of existing survey marks.

5. **Final drawings are to be submitted to the Mine Subsidence Board prior to the commencement of construction and contain a certification by a qualified structural engineer, to the effect that any improvement constructed to meet the specification of such final drawings will be safe, serviceable and repairable taking into account the following mine subsidence parameters:**
- (i) **Maximum vertical subsidence of 1500mm.**
 - (ii) **Maximum ground strains of ± 7 mm.**
 - (iii) **Maximum tilt of 22mm/m.**

Reason: To advise of Mine Subsidence Board requirements.

6. **The proposed rail unloader augmentation is to comply with all requirements of the Environment Protection Authority in respect of modifying the existing Pollution Control licence.**

Reason: To advise of necessity to comply with licence requirements of the Environment Protection Authority.

7. **All environmental management devices are to comply with the requirements of the Environment Protection Authority, particularly in respect of:**

- (a) **Stormwater separation from dirty water.**
- (b) **Containment of contaminated water on site.**
- (c) **Provision of dust suppression measures along the additional rail spur.**

Reason: To minimise environmental impact and ensure that mitigation measures are implemented.

8. **The applicant is to consult with Rail Access Corporation and/or Freight Corp.**

Reason: To ensure that transport infrastructure organisations are consulted.

Advice to Applicant:

- 1 **Please advise all subcontractors of conditions of approval.**
- 2 **Your plans and specifications have been endorsed and are enclosed together with information from other authorities that may relate to the proposed works.**

3 On receipt of this application Council's staff have calculated and levied fees for inspections and for the issue of Compliance Certificates on the basis of the likely number of inspections and compliance certificates required in the construction of the development.

Should, after proper determination of the application, further inspections and/or compliance certificates be required you will be invoiced accordingly.

Other Approvals
list *Local Government Act 1993* approvals granted under s 78A (5)

N/A

general terms of other approvals integrated as part of the consent (list approvals)

N/A

Right of Appeal

If you are dissatisfied with this decision section 97 of the *Environmental Planning and Assessment Act 1979* gives you the right to appeal to the Land and Environment Court within 12 months after the date on which you receive this notice

** section 97 of the Environmental Planning and Assessment Act 1979 does not apply to the determination of a development application for State significant development or local designated development that has been the subject of a Commission of Inquiry.*

Signed

on behalf of the consent authority

signature



title

Manager Planning & Development

name

Mark Ihlein

date

23/10/2001

If you have any inquiries regarding the consent, please contact Marl Ihlein of Council's Planning & Development Services Group, on (02) 6578 7330.

Note 1 Section 95 of the Act provides that a development consent for the erection of a building does not lapse if the building, engineering or construction work relating to the building is substantially physically commenced on the land to which the consent applies before the date on which consent would otherwise lapse.

Enquiries to: Mark Ihlein
02 6578 7290

Our Ref: DA223/2004
Your Ref: Darren Armitage

09/08/2004

Macquarie Generation
34 Griffiths Road
LAMBTON NSW 2299

NOTICE OF DETERMINATION **OF DEVELOPMENT APPLICATION**

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

Dear Sir/Madam

You are notified that your application made under the above Act, and relating to the land and proposal described below, has been Determined pursuant to section 80 of the Act.

Development Application
No. DA223/2004

Development Application
Applicant name Macquarie Generation
Applicant address 34 Griffiths Road LAMBTON NSW 2299

Land to be Developed:
Address New England Highway RAVENSWORTH
DP 247945 Lot 13, LOT: 1 DP: 738417, LOT: 2 DP:
628645, LOT: 4 DP: 808670, DP 247945 Lot 15, LOT:
1 DP: 986496, LOT: 2 DP: 986496, LOT: 8 DP:
808670, LOT: 3 DP: 233244

Proposed development Construction of 4 Rail Sidings & Associated Facilities

ABN 52 877 492 396
Address all
correspondence to
the General Manager:
Civic Centre
Queen Street
PO Box 314
SINGLETON
NSW 2330
Ph: (02) 6578 7290
Fax: (02) 6572 4197
Email:
ssc@singleton.nsw.gov.au
Website:
www.singleton.nsw.gov.au

*"Singleton.
A progressive
community of
excellence and
sustainability."*

**Building Code of
Australia**

Building classification 5, 7, 8 and 10a

type of construction -

**Determination
made on (date)** 09/08/2004

Determination consent granted subject to conditions described below

**consent to operate from
(date)** 09/08/2004

Consent to lapse on (date) 09/08/2009 *see note 1*

**details of conditions
and reasons for conditions
(including section 94
conditions)**

1. APPROVAL IN ACCORDANCE WITH PLANS

The development being carried out generally in accordance with the development application and accompanying plans described as described in the Statement of Environmental Effects, dated 25 March 2004 and submitted on 1 April 2004.

Reason: To ensure that the development is carried out in accordance with the submitted plans.

2. LAPSING OF CONSENT

Consent for the development lapsing after 5 years unless an extension of consent is granted by Council. Note that this relates to the period within which the development must commence.

Reason: To specify the period for the lapsing of consent.

3. INSPECTION REQUIREMENTS

The applicant shall ensure that arrangements are made for Council to carry out inspections of the development at the following stages of construction as applicable.

A) Internal drainage lines before the floor is laid, or concrete placed.

- B) External drainage lines before backfilling of the trenches.
- C) The on-site sewage management installation when completed.

Requests for inspections may be made either by telephone (02) 65 787 290 or in person at the Customer Services Counter.

Inspection requests are subject to the following:-

- 1) Applicants are required to nominate the relevant development application number and location prior to the inspection request being granted.
- 2) Clerical staff only will receive all requests for inspections.
- 3) Where work is not prepared, ready for inspection, applicants will be required to re-book inspections through the Customer Service Centre for the next available day and a re-inspection fee may be charged.
- 4) Inspections must be received before 3.30 pm on the working day prior to when the inspection is required, except as detailed in (6) below.
- 5) Inspections within the township of Singleton will generally be carried out as AM or PM inspections. Inspections for all other areas, except as detailed in (6) below, will be carried out at some stage during the day nominated.
- 6) Inspections in outlying areas eg. Putty, Howes Valley, Lambs Valley, Mt Royal etc, may not be available on the next working day and will generally be carried out within two working days (48 hours) or on days specified by Council in those areas. Applicants should contact Council to determine when inspections are available in these areas and advise all contractors of inspection availability.
- 7) Where Council has been appointed as the PCA, inspection requests will not be accepted if evidence of payment of building insurance under the Home Building Act, 1989 or evidence of an owner builders permit has not been received by Council.

Council Policy

Reason: To ensure that adequate notice is given to Council for a required inspection.

4. CONSTRUCTION CERTIFICATE

Prior to the commencement of work for the construction of a building or structure it will be necessary to obtain a Construction Certificate and notify the Principal Certifying Authority of the license or permit number of the Principal Contractor and proof of any appropriate insurance in accordance

with the Home Building Act, 1989.

Note: If a Construction Certificate is approved by an independent accredited certifier it will be necessary to lodge the Construction Certificate and other approved documents with Council a minimum of two (2) days prior to the commencement of work.

Reason: To ensure compliance with the Environmental Planning & Assessment Act and Regulations.

5. COMPLIANCE WITH LEGISLATION (GENERAL)

It is the responsibility of the applicant to construct the building in compliance with the Environmental Planning & Assessment Act 1979, amendments thereto and the Building Code of Australia.

Reason: To ensure awareness of the legislation that the application has been determined under.

6. TEMPORARY CLOSET REQUIREMENTS

A temporary closet shall be provided on site from the commencement of building work. No inspections will be made until the closet is installed.

A temporary closet shall be:-

- a) A water closet connected to an approved septic tank.**
- b) A chemical closet supplied by a contractor approved by Council.**

Reason: To ensure that adequate sanitary provisions are provided and maintained on the building site for use by persons engaged in building activity.

7. CONTROL OF WASTE

Suitable provision for the containment of building waste materials generated by the building process, shall be provided within the boundaries of the building site prior to any construction work being commenced above natural or excavated ground level, as follows:-

- a) Such containment measures are to be either by means of a screened area of silt stop fabric or shade cloth, having dimensions of 1.8 x 1.8 x 1.2 metre high area OR equivalent size waste disposal bin.**
- b) The provision of a suitable enclosure or bin shall be maintained for the term of the construction to the completion of the project.**
- c) The enclosure or bin shall be regularly cleaned to ensure proper**

containment of the building wastes generated on the construction site.

Council Policy

Reason: To protect the amenity of the adjoining area by the management of building waste materials within the building site to maintain a clean environment and promote safety on site.

8. STABILISING EXCAVATIONS

The excavated and/or filled areas of the site are to be stabilised and drained to prevent scouring of soils. The finished ground around the perimeter of the building is to be graded to prevent ponding of water and to ensure the free flow of water away from the building and adjoining properties.

Council Policy

Reason: To reduce the risk of environmental and building damage.

9. RETAINING WALLS

Excavations or filling are to be adequately retained by Council approved retaining walls, or be battered to a slope of not greater than 2 (horizontal) to 1 (vertical). Retaining walls that fit any of the following criteria require Development Consent from Council and Construction Certificate Approval from a Principal Certifying Authority:

- a) **Total height exceeding 600mm;**
- b) **Within 1 metre of the centreline of the sewer main or a distance equivalent to the invert depth of the main whichever is the greater;**
- c) **Within any registered easement; and**
- d) **Positioned within 500mm of a common boundary of an adjoining parcel of land.**

Note: The submission of a separate Development Application is not required for a retaining wall associated with this approval and indicated on the approved plans. Commencement of works in this instance however is not permitted until a Construction Certificate is obtained from a Principal Certifying Authority.

Council Policy

Reason: To reduce the risk of damage to adjoining properties and utilities.

10. PROXIMITY OF CUT AND FILL

The cut and/or fill shall extend for minimum of one metre clear of the building and the finished ground shall slope away from the building with a minimum fall of 50mm over the first metre.

Council Policy

Reason: To ensure that surface water does not affect the structural integrity of the building.

11. COMPLETION OF RETAINING WALLS

Retaining walls and associated drainage shall be constructed prior to the occupation of the building.

Council Policy

Reason: To ensure adequate provision is made to retain and drain soil.

12. FILLING AND NATURAL DRAINAGE

Filling shall not be placed in such a manner that natural drainage from adjoining land will be obstructed.

Reason: To ensure that filling placed on land does not affect natural drainage.

13. FILLING AND SURFACE WATER

Filling shall not be placed on land in such a manner that surface water will be diverted to adjoining land.

Reason: To ensure that site works do not result in water being diverted onto adjoining land.

14. SEDIMENT AND EROSION CONTROL

Prior to the commencement of work, erosion and sediment control barriers shall be installed in accordance with Council's Guidelines for Erosion and Sediment Control from Building Sites as follows:-

- a) Silt fence consisting of driven pickets at 3metre maximum centres, Geotextile filter fabric securely attached to the pickets with the base of the fabric buried a minimum 150mm below undisturbed ground surface and/or straw bales fixed in a 100mm deep trench and held in position with

- stakes driven 600mm into the ground.
- b) The site entrance/exit shall be constructed at a minimum width of 3 metres with a surface of compacted chitter, gravel or a sealed surface. A diversion drain shall be installed to minimise runoff via the access to the road.
 - c) Provision of a blue metal filled groin adjacent to the kerb inlet. The groin shall be 900mm long by 200mm diameter to be filled with 10-18mm blue or crushed rock.

These controls are to be effectively maintained throughout the building phase. Failure to comply with these requirements may lead to Council instituting legal proceedings under the Protection of the Environment Operations Act 1997. Should any soil or sediment escape from the building site (for example from an access or vehicle tyres) it is to be cleaned off the roadway or gutter immediately to ensure it can not enter the drainage system. Any nearby drainage pit must be protected with blue metal sausages.

Council Policy

Reason: To prevent environmental degradation and the escape or discharge of soils, sands, sediments and debris from the site.

15. FIRE SAFETY MEASURES (GENERAL)

Prior to occupation of the building, the applicant shall submit to Council a Final Fire Safety Certificate in respect of each essential fire safety measures installed in the building indicating that:

- i) the measure has been inspected and tested by a person (chosen by the owner of the building) who is competent to carry out such an inspection and test; and
- ii) the measure was or was not (as at the date on which it was inspected or tested) found to have been designed and installed, and to be capable of operating, to a standard not less than that required by or under the Environmental Planning and Assessment Regulation or by the Council.

The building owner shall cause Council to be given a Fire Safety Statement every 12 months after the first Fire Safety Statement is supplied, certifying that the fire safety measures have been maintained in an operable condition.

The Fire Safety Statement shall be in a form approved by Council. One copy shall be displayed in a prominent position on the premises, one copy being submitted to Council and one copy to the NSW Fire Brigade.

Clauses 170, 171, 172, 173, 174, 175, 176 and 177, Environmental Planning & Assessment Regulation 2000

Reason: To ensure that each of the essential services is installed and is capable of operating to the appropriate standard.

16. EMERGENCY RESPONSE PLAN

An Emergency Response Plan and a Hazard and Operability Plan shall be conducted in respect of the site operations. Copies of such are to be provided to Singleton Council

Reason: To ensure recommendations of the Preliminary Hazard Analysis are implemented.

17. EROSION MANAGEMENT PLAN

Preparation of an erosion management plan to be submitted to Council for approval prior to physical commencement of the development. Measures are to be taken to ensure that soil erosion is minimised and such measures are to be complied with during the carrying out of the development.

Reason: To minimise the likelihood of soil erosion.

18. NATIONAL PARKS AND WILDLIFE SERVICES

Compliance with the following general terms of approval of NSW National Parks and Wildlife Services;

- 1. S87 permit(s) to salvage will be issued by DEC covering aboriginal sites MG#1 and MG#2 and covering areas of high and moderate archaeological sensitivity.**
- 2. A research program for the above sites/areas of archaeological sensitivity, including testing, will be developed in consultation with DEC to establish the extent and nature of any archaeological deposits within the area.**
- 3. Aboriginal site MG#3 will not be impacted by the proposed development.**
- 4. On the basis of the outcomes of the salvage program, s90 consent(s) may be issued by DEC covering Aboriginal sites MG#1 and MG#2 and areas of high and moderate archaeological sensitivity.**
- 5. Aboriginal community groups to be provided with the opportunity to participate in all salvage programs.**

Reason: To ensure compliance with the requirements of National Parks and Wildlife Services.

19. ROADS AND TRAFFIC AUTHORITY

Any form of vehicular access across the common boundary between the subject site and Lot 2 DP 730417, Lot 7 DP 808670 New England Highway is denied.

A traffic management plan shall be prepared by the proponent and submitted to the RTA for approval prior to commencing any works on the site. This shall include the impacts of any construction and operational traffic on the New England Highway.

Reason: To ensure that traffic movements do not adversely impact of the State Highway.

20. MINE SUBSIDENCE BOARD

Compliance with the following requirements of the Mines Subsidence Board;

- **The subject area is within the Patrick Plains Mine Subsidence District and the Mine Subsidence Board's prior approval is required before any construction commences.**

The proposed modifications will need to take into account the following;

- **The final drawings, to be submitted prior to commencement of construction, contain a certification by a qualified structural engineer, to the effect that any improvement constructed to meet the specifications of such final drawings will be safe, serviceable and repairable taking into account the flowing mine subsidence parameters:-**
 - **Maximum ground strains of +/- 7mm/m.**
 - **Maximum tilt of 22mm/m**

Submission of a geotechnical report appropriate to the site together with certification that the footings designed for the development are appropriate considering the geotechnical conditions existing at the site.

Reason: To ensure compliance with the requirements of the Mines Subsidence Board.

21. ENVIRONMENTAL PROTECTION AUTHORITY – RAIL UNLOADER

The proposed rail unloader augmentation is to comply with all requirements of the Environmental Protection Authority in respect of modifying the existing Pollution Control licence.

Reason: To advise of necessity to comply with licence requirements of the Environment Protection Authority.

22. ENVIRONMENTAL PROTECTION AUTHORITY – ENVIRONMENTAL MANAGEMENT DEVICES

All environmental management devices are to comply with the requirements of the Environmental Protection Authority, particularly in respect of:

- a) Stormwater separation from dirty water.**
- b) Containment of contaminated water on site.**
- c) Provision of dust suppression measures along the additional rail spur.**

Reason: To minimise environmental impact and ensure that mitigation measures are implemented.

23. RAIL ACCESS CORPORATION /FREIGHT CORP

The applicant is to consult with Rail Access Corporation and/or Freight Corp.

Reason: To ensure that transport infrastructure organisations are consulted.

Advice to Applicant:

- 1 Please advise all subcontractors of conditions of approval.**
- 2 Your plans and specifications have been endorsed and are enclosed together with information from other authorities that may relate to the proposed works.**
- 3 On receipt of this application Council's staff have calculated and levied fees for inspections and for the issue of Compliance Certificates on the basis of the likely number of inspections and compliance certificates required in the construction of the development.**

Should, after proper determination of the application, further inspections and/or compliance certificates be required you will be invoiced accordingly.

- 4 Council Building Surveyors will generally be available to take phone and counter enquiries between the hours of 8.30am to 9.30am and 3.30pm to 4.30pm.**

If you wish to discuss any matter with the Building Surveyors outside these times an appointment is to be made with the appropriate staff member.

Other Approvals
list *Local Government Act*
1993 approvals granted
under s 78A (5)

N/A

general terms of other
approvals integrated as
part of the consent
(list approvals)

N/A

Right of Appeal

If you are dissatisfied with this decision section 97 of the *Environmental Planning and Assessment Act 1979* gives you the right to appeal to the Land and Environment Court within 12 months after the date on which you receive this notice

** section 97 of the Environmental Planning and Assessment Act 1979 does not apply to the determination of a development application for State significant development or local designated development that has been the subject of a Commission of Inquiry.*

Signed

on behalf of the consent authority

Signature



title

Manager - Planning & Development Services

name

Mark Ihlein

date

09/08/2004

If you have any inquiries regarding the consent, please contact Mr M P Ihlein of Council's Planning & Development Services Group, on (02) 6578 7290.

Note 1

Section 95 of the Act provides that a development consent for the erection of a building does not lapse if the building, engineering or construction work relating to the building is substantially physically commenced on the land to which the consent applies before the date on which consent would otherwise lapse.



NSW GOVERNMENT
Department of Planning

**Mining & Extractive Industries
Major Development Assessment**
Phone: (02) 9228 6481
Fax: (02) 9228 6466
Email: mike_young@dpnr.nsw.gov.au
Level 4 Western Gallery
23-33 Bridge Street
GPO Box 39
SYDNEY NSW 2001

Mr Steve Ireland
Manager Fuel and Environment
Macquarie Generation
PO Box 3416
HAMILTON DELIVERY CENTRE NSW 2303

Dear Mr Ireland

**Antiene Rail Coal Unloader (DA 50-3-2005)
Notice of Determination**

I wish to advise that on 7 November 2005, the Minister for Planning, the Hon Frank Sartor MP, approved your development application (DA 50-3-2005), for the construction and operation of a Rail Coal Unloader at Antiene.

I have attached a signed copy of the instrument of consent for your information. A copy of the instrument of consent and the Department's assessment report is also available on the Department's website (www.planning.nsw.gov.au) under "Notices of Determination".

If you have any questions in relation to this matter, please contact Dinuka Govinnage on 9228 6436.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Mike Young', written over a printed name and title.

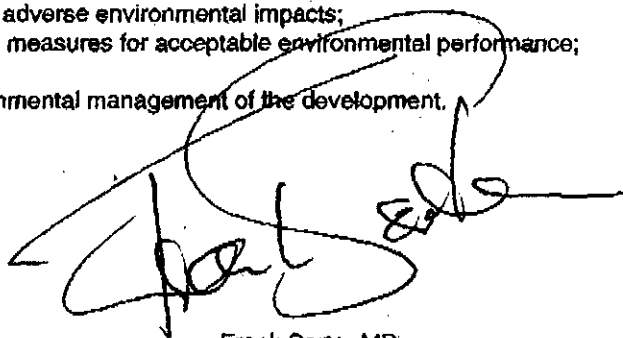
Mike Young
A/Manager
Mining & Extractive Industries

14/11/05

I, the Minister for Planning, approve the Development Application referred to in schedule 1, subject to the conditions in schedules 2 to 5.

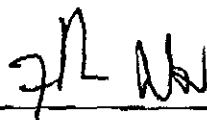
These conditions are required to:

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



Frank Sartor MP
Minister for Planning

Sydney



2005

S03/00814

SCHEDULE 1

Development Application:	DA 50-3-2005.
Applicant:	Macquarie Generation.
Consent Authority:	Minister for Planning.
Land:	See Appendix 1.
Proposed Development:	The construction and operation of a rail coal unloader and associated infrastructure, approximately 8km south west of Muswellbrook at Antlene.
State Significant Development:	The development is classified as State significant under section 76(A)(7) of the <i>Environmental Planning and Assessment Act 1979</i> (EP&A Act) as it involves a capital investment greater than \$20 million and thereby meets the criteria for State significance under <i>State Environmental Planning Policy No. 34 – Major Employment Generating Industrial Development</i> .
Integrated Development:	The development is classified as integrated development under section 91 of the EP&A Act as it requires additional approvals under the: <ul style="list-style-type: none">• <i>Water Act 1912</i>;• <i>Protection of the Environment Operations Act 1997</i>;• <i>Roads Act 1993</i>; and• <i>Mine Subsidence Compensation Act 1961</i>.

Note:

- To find out when this consent becomes effective, see section 83 of the EP&A Act;
- To find out when this consent is liable to lapse, see section 95 of the EP&A Act; and
- To find out about appeal rights, see section 97 of the EP&A Act.

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DEFINITIONS

AEMR	Annual Environmental Management Report
Applicant	Macquarie Generation or its successors
ARTC	Australian Rail Track Corporation
BCA	Building Code of Australia
Council	Muswellbrook Shire Council
DA	Development Application
DEC	Department of Environment and Conservation
Department	Department of Planning
Director-General	Director-General of Department Planning or delegate
DNR	Department of Natural Resources
DPI	Department of Primary Industries
SEE	Antiene Rail Unloader Statement of Environmental Effects prepared by HLA-Envirosciences Pty Limited and dated 15 April 2005.
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
GTA	General Terms of Approval
Land	Land means the whole of a lot, or contiguous lots owned by the same landowner, in a current plan registered at the Land Titles Office at the date of this consent
Minister	Minister for Planning, or delegate
Privately owned land	Land that is not owned by a public agency
Receiver	As defined in the <i>NSW Industrial Noise Policy (EPA 2000)</i>
RTA	Roads and Traffic Authority
Site	Land to which the DA applies

SCHEDULE 2 ADMINISTRATIVE CONDITIONS

Obligation to Minimise Harm to the Environment

1. The Applicant shall implement all practicable measures to prevent and/or minimise any harm to the environment that may result from the construction, operation, or rehabilitation of the development.

Terms of Approval

2. The Applicant shall carry out the development generally in accordance with the:
 - (a) DA 50-3-2005;
 - (b) Statement of Environmental Effects for the Antiene Rail Unloader, prepared by HLA-Envirosciences Pty Limited and dated 15 April 2005; and
 - (c) conditions of this consent.
3. If there is any inconsistency between the above, the conditions of this consent shall prevail to the extent of the inconsistency.
4. The Applicant shall comply with any reasonable requirement/s of the Director-General arising from the Department's assessment of:
 - (a) any reports, plans or correspondence that are submitted in accordance with this consent; and
 - (b) the implementation of any actions or measures contained in these reports, plans or correspondence.

Limits on Approval

5. This consent shall lapse 30 years after it commences.
6. The Applicant shall not receive more than 15 million tones of coal on the rail spur each year.

Structural Adequacy

7. The Applicant shall ensure that all new buildings and structures, and any alterations or additions to existing buildings and structures, are constructed in accordance with the relevant requirements of the BCA.

Notes:

- Under Part 4A of the EP&A Act, the Applicant is required to obtain construction and occupation certificates for the proposed building works.
- Part 8 of the EP&A Regulation sets out the requirements for the certification of development.
- The development is located partly in the Muswellbrook Mine Subsidence District. Under section 15 of the Mine Subsidence Compensation Act 1961, the Applicant is required to obtain the Mine Subsidence Board's approval before constructing or relocating any improvements in a Mine Subsidence District.

Demolition

8. The Applicant shall ensure that all demolition work is carried out in accordance with *Australian Standard AS 2601-2001: The Demolition of Structures*, or its latest version.

Protection of Public Infrastructure

9. The Applicant shall
 - (a) take all practicable measures to avoid damaging or impacting on any public infrastructure on the site; and if necessary,
 - (b) repair, or pay the full costs associated with repairing, any public infrastructure that is damaged by the development.

Operation of Plant and Equipment

10. The Applicant shall ensure that all plant and equipment used at the site is:
 - (a) maintained in a proper and efficient condition; and
 - (b) operated in a proper and efficient manner.

Section 94 Contributions

11. Before the commencement of construction, or as agreed otherwise by Council, the Applicant shall pay Council \$50,000.

**SCHEDULE 3
SPECIFIC ENVIRONMENTAL CONDITIONS**

NOISE

Acquisition Upon Request

1. Upon receiving a written request for acquisition from the landowner of the land listed in Table 1, the Applicant shall acquire the property in accordance with the procedures set out in conditions 1-3 of schedule 4.

Kapunda	Wayne Smith
---------	-------------

Table 1: Land Acquisition

Noise Mitigation Measures

2. Upon receiving a written request from a landowner of the land listed in Table 2, the Applicant shall implement noise mitigation measures (which may take the form of double glazing, insulation, and/or air conditioning) at any residence on the land in consultation with the landowner. These mitigation measures must be reasonable and feasible. If within 3 months of receiving this request from the landowner, the Applicant and the landowner cannot agree on the measures to be implemented, or there is a dispute about the implementation of these measures, then either party may refer the matter to the Director-General for resolution (see Appendix 2).

Note: If following the implementation of architectural modification to any of the residences on land listed on Table 1, a landowner of one of these residences requests acquisition, the offer made to the landowner by the Applicant may exclude the cost of the architectural modifications already implemented at these residences by the Applicant.

Land listed on Table 1	Green Knobby
------------------------	--------------

Table 2: Noise Mitigation

Construction Hours

3. The Applicant shall ensure that all construction work associated with the development is limited to the hours listed in Table 3.

Day	Construction hours
Monday to Friday	7.30am – 5pm
Saturday	8am – 1pm
Sunday and Public Holidays	No work

Table 3: Construction Hours

BLASTING AND VIBRATION

Airblast Overpressure Criteria

4. The Applicant shall ensure that the airblast overpressure level from blasting during the construction of the development does not exceed the criteria in Table 4, when measured at any point that is at least 3.5m from a receiver.

Receiver	Airblast overpressure level (dB(Lin Peak))	Allowable exceedance
Any residence on privately owned land	115	5% of the total number of blasts over a period of 12 months
	120	0%
Main Northern Rail Line Antiene Rail Spur Public Roads Electricity Transmission Lines	133	0%

Table 4: Airblast overpressure impact assessment criteria

Ground Vibration Impact Assessment Criteria

5. The Applicant shall ensure that the ground vibration level from blasting during the construction of the development does not exceed the criteria in Table 5, when measured at any point that is at least 3.5m from a receiver.

Receiver	Peak particle velocity (mm/s)	Allowable exceedance
Any residence on privately owned land	5	5% of the total number of blasts over a period of 12 months
	10	0%
Main Northern Rail Line Antiene Rail Spur Public Roads Electricity Transmission Lines	25	0%

Table 5: Ground vibration impact assessment criteria

Blasting Hours

6. The Applicant shall only carry out blasting on the site between 9 am and 5 pm Monday to Friday inclusive.

Blasting Frequency

7. The Applicant shall not carry out more than 1 blast a day on the site without the written approval of the Director-General.

Road Closure

8. The Applicant shall not carry out any blasting on the site within 500 metres of Antiene Road without the written approval of Council.

Property Inspections

9. Prior to carrying out any development, the Applicant shall advise all landowners in Table 2 that they are entitled to a structural property inspection.
10. If the Applicant receives a written request for a structural property inspection from any of these landowners, the Applicant shall within 3 months of receiving this request:
- (a) commission a suitably qualified, experienced and independent person, whose appointment has been approved by the Director-General, to inspect the condition of any building or structure on the land, and recommend measures to mitigate any potential blasting impacts; and
 - (b) give the landowner a copy of the property inspection report.

Property Investigations

11. If any of the landowners in Table 2 claims that buildings and/or structures on his/her land have been damaged as a result of blasting during the construction of the development, the Applicant shall within 3 months of receiving this request:
- (a) commission a suitably qualified, experienced and independent person, whose appointment has been approved by the Director-General, to investigate the claim; and
 - (b) give the landowner a copy of the property investigation report.

If this independent property investigation confirms the landowner's claim, and both parties agree with these findings, then the Applicant shall repair the damages to the satisfaction of the Director-General.

If the Applicant or landowner disagrees with the findings of the independent property investigation, then either party may refer the matter to the Director-General for resolution.

If the matter cannot be resolved within 21 days, the Director-General shall refer the matter to an Independent Dispute Resolution Process (see Appendix 2).

AIR QUALITY

12. The Applicant shall:
- (a) implement all reasonable and feasible measures to minimise air pollution emissions from the site; and
 - (b) ensure that any visible air pollution generated by the development is assessed regularly, and that operations are modified and/or stopped as required to minimise air quality impacts on any privately owned land, and ensure that the visibility and safety of motorists using the surrounding public roads are not compromised, to the satisfaction of the Director-General.

¹SOIL AND WATER

Pollution of Waters

13. Except as may be expressly provided by an Environment Protection License, the Applicant shall comply with section 120 of the *Protection of the Environment Operations Act 1997* during the carrying out of the development.

Erosion of Sediment Control

14. The Applicant shall implement the Erosion and Sediment Control Plan for the Proposed Antiene Coal Unloading Facility in Appendix 3 of the SEE for the development, to the satisfaction of the Director-General.

Waterway Crossings

15. Prior to carrying out any development, the Applicant shall prepare (and following approval implement) detailed plans for the proposed crossings of Lake Liddell, Midswater Creek, Bayswater Creek and Tinkers Creek to the satisfaction of the Director-General. The plans must be prepared in consultation with DNR and DPI, and must:
- (a) demonstrate that the proposed works would not:
 - block fish passage; and/or
 - disrupt the hydraulic flow/behaviour of the waterways and/or the passage of floodwaters;
 - (b) minimise disturbance to the bank and bed of the waterways; and
 - (c) describe what measures would be implemented to:
 - stabilise any disturbance of the bed and bank of the waterways following construction; and
 - replace or restore any riparian vegetation that is either removed or damaged by the construction works.

Groundwater

16. During the construction of the development, the Applicant shall monitor:
- (a) volume of groundwater extracted as a result of the development; and
 - (b) water quality of the local aquifer, to the satisfaction of DNR.

²TRANSPORT

Road Works: Hebden Road

17. The Applicant shall:
- (a) upgrade the Hebden Road/Site Access Road intersection;
 - (b) upgrade the shoulder of Hebden Road between the New England Highway and the Site Access Road; and
 - (c) raise Hebden Road to enable the rail spur to pass underneath to the satisfaction of Council

¹ Incorporates DNR GTA

² Incorporates Council GTA

Road Works: New England Highway

18. The Applicant shall:
- (a) upgrade the New England Highway/Hebden Road intersection; and
 - (b) design, construct, maintain, and if required demolish, the proposed bridge over the New England Highway, to the satisfaction of the RTA.

Notes:

- *The proposed upgrade of the New England Highway/Hebden Road intersection must be designed and constructed in accordance with the RTA's Road Design Guide to allow for safe and efficient heavy vehicle movements in all directions; and*
- *The proposed bridge over the New England Highway must be designed and constructed to:*
 - *allow for future road widening/duplication of the New England Highway;*
 - *ensure there is a minimum 6.5 metre vertical height clearance from the top of the New England Highway road pavement to the underside of the bridge structure;*
 - *minimise the impacts associated with any maintenance activities required within the road reserve;*
 - *allow maintenance activities required for the bridge structure to be carried out from within/on the bridge structure.*

Traffic Management

19. Prior to carrying out any construction, the Applicant shall prepare (and following approval implement) a Traffic Management Plan to the satisfaction of the Council and the RTA. The plan must:
- (a) describe the schedule for the proposed road works;
 - (b) describe what measures would be implemented to minimise the traffic impacts associated with the construction of the proposed development;
 - (c) include a Traffic Control Plan that describes what measures would be implemented to control construction traffic access to the classified road network.

Rail Works

20. The Applicant shall design and construct the proposed rail works in the Main Northern Rail Line easement to the satisfaction of the ARTC.
21. The Applicant shall ensure that the proposed works under the Antiene Rail Spur are designed and constructed in consultation with the owners of the Antiene Rail Spur, and can accommodate any proposed expansion of the Antiene Rail Spur. If the Applicant and the owner of the Antiene Rail Spur cannot agree on the design of the proposed works, then either party may refer the matter to the Director-General for resolution (see Appendix 2).

Transport Monitoring

22. During the life of the development, the Applicant shall:
- (a) keep records of the:
 - amount of coal handled by the facility each year;
 - number of train movements generated by the facility each day; and
 - (b) include these records in the AEMR

ELECTRICAL TRANSMISSION LINES

23. The Applicant shall ensure that all development in the easements under Transgrid's Liddell-Muswellbrook and Liddell-Tamworth 330vK Transmission Lines, is carried out strictly in accordance with the relevant safety guidelines for works under or near high voltage transmission lines, in consultation with Transgrid, and to the satisfaction of the Director-General.

VISUAL

Visual Amenity

24. The Applicant shall:
- (a) implement all reasonable and feasible measures to mitigate the visual impacts of the development; and
 - (b) carry out the proposed planting along Hebden Road and the rail turnout (see Figure 23 in the SEE for the development) within 6 months of the start of construction works, to the satisfaction of the Director-General.

25. If a landowner of land in Table 1 in this consent requests the Applicant in writing to investigate ways to minimise the visual impact of the development on his/her dwelling on the land, the Applicant shall:
- (a) within 14 days of receiving this request, commission a suitably qualified, experienced and independent person, whose appointment has been approved by the Director-General, to investigate ways to minimise the visual impacts of the development on the landowner's dwelling or land; and
 - (b) give the landowner a copy of the visual impact mitigation report within 14 days of receiving this report.

If both parties agree on the measures that should be implemented to minimise the visual impact of the development, then the Applicant shall implement these measures to the satisfaction of the Director-General.

If the Applicant and the landowner disagree on the measures that should be implemented to minimise the visual impact of the development, then either party may refer the matter to the Director-General for resolution.

If the matter cannot be resolved within 21 days, the Director-General shall refer the matter to an Independent Dispute Resolution Process (see Appendix 2).

Lighting

26. The Applicant shall take all practicable measures to mitigate off-site lighting impacts from the development, including measures to minimise the impacts of train headlight glare on privately owned land, to the satisfaction of the Director-General.
27. All external lighting associated with the development shall comply with *Australian Standard AS4282 (INT) 1995 – Control of Obtrusive Effects of Outdoor Lighting*.

FLORA AND FAUNA

28. The Applicant shall:
- (a) take all practicable measures to minimise vegetation clearing during the development;
 - (b) establish at least 12 hectares of compensatory habitat on or adjacent to the site to replace the woodland vegetation removed by the development; and
 - (c) minimise the impacts of the development on the Grey-crowned Babbler habitat on the site, to the satisfaction of the Director-General.
29. Prior to carrying out any development on the site, the Applicant shall prepare (and following approval implement) and Flora and Fauna Management Plan for the development to the satisfaction of the Director-General. The plan must include a:
- (a) Landscaping Plan for the proposed planting along Hebden Road and the rail spur turnout (see condition 16 above);
 - (b) Vegetation Clearance Protocol for the development;
 - (c) Compensatory Habitat Management Plan for the compensatory habitat required (see condition 28 above); and
 - (d) Grey-crowned Babbler Management Plan (see condition 28 above).

³ABORIGINAL CULTURAL HERITAGE

Section 90 Consents

30. Prior to destroying any known Aboriginal objects or relics on the site, the Applicant shall obtain a section 90 consents under the National *Parks and Wildlife Act 1974*.

REHABILITATION

31. The Applicant shall rehabilitate the site to the satisfaction of the Director-General.
32. Within 27 years of the date of this consent, unless the Director-General agrees otherwise, the Applicant shall prepare (and following approval implement) a Rehabilitation Plan for the development, in consultation with Council, and to the satisfaction of the Director-General. This plan

³ Incorporates DEC GTA

must describe what measures would be implemented to decommission the structures on site and rehabilitate the land.

SCHEDULE 4
ADDITIONAL PROCEDURES FOR LAND ACQUISITION

1. Within 3 months of receiving a written request from a landowner with acquisition rights, the Applicant shall make a binding written offer to the landowner based on:
 - (a) the current market value of the landowner's interest in the property at the date of this written request, as if the property was unaffected by the development the subject of the DA, having regard to the:
 - existing and permissible use of the land, in accordance with the applicable planning instruments at the date of the written request; and
 - presence of improvements on the property and/or any approved building or structure which has been physically commenced at the date of the landowner's written request, and is due to be completed subsequent to that date;
 - (b) the reasonable costs associated with:
 - relocating within the Muswellbrook local government area, or to any other local government area determined by the Director-General;
 - obtaining legal advice and expert advice for determining the acquisition price of the land, and the terms upon which it is required; and
 - (c) reasonable compensation for any disturbance caused by the land acquisition process.

However, if at the end of this period, the Applicant and landowner cannot agree on the acquisition price of the land, and/or the terms upon which the land is to be acquired, then either party may refer the matter to the Director-General for resolution.

Upon receiving such a request, the Director-General shall request the President of the NSW Division of the Australian Property Institute to appoint a qualified independent valuer or Fellow of the Institute (hereon known as the valuer), to consider submissions from both parties, and determine a fair and reasonable acquisition price for the land, and/or terms upon which the land is to be acquired.

Within 14 days of receiving the valuer's determination, the Applicant shall make a written offer to purchase the land at a price not less than the valuer's determination.

If the landowner refuses to accept this offer within 6 months of the date of the Applicant's offer, the Applicant's obligations to acquire the land shall cease, unless otherwise agreed by the Director-General.

2. The Applicant shall bear the costs of any valuation or survey assessment requested by the independent valuer, panel, or the Director-General and the costs of determination referred above.
3. If the Applicant and landowner agree that only part of the land shall be acquired, then the Applicant shall pay all reasonable costs associated with obtaining Council approval for any plan of subdivision, and registration of the plan at the Office of the Registrar-General.

**SCHEDULE 5
ENVIRONMENTAL MANAGEMENT AND REPORTING**

CONSTRUCTION MANAGEMENT PLAN

1. Before carrying out any development, the Applicant shall prepare (and following approval implement) a Construction Management Plan for the development to the satisfaction of the Director-General. This plan must:
 - (a) describe the proposed construction works;
 - (b) outline the program for the proposed works;
 - (c) describe the procedures that would be implemented to:
 - keep the local community and relevant agencies informed about the proposed construction works;
 - receive, handle, respond to, and record complaints;
 - resolve any disputes that may arise during the proposed construction works;
 - respond to any non-compliance;
 - respond to emergencies;
 - (d) describe what measures would be implemented to minimise the dust, noise and blasting impacts of the development;
 - (e) include a program to monitor the blasting impacts of the development;
 - (f) include a copy of the relevant management plans required in schedule 4 of this consent; and
 - (g) describe the role, responsibility, authority, and accountability of all key personnel involved in the environmental management of the development.

ANNUAL REPORTING

2. Within 1 year of the date of this consent, and annually thereafter, the Applicant shall submit an AEMR on the development to the Director-General. This report must:
 - (a) describe what actions have been carried out over the past year, and what actions are likely to be carried out in the following year;
 - (b) report on the implementation of the various management plans that apply to the development;
 - (c) include the transport monitoring data;
 - (d) include a summary of the complaints received during the last year, and compare this to the complaints received in previous years; and
 - (e) describe what actions were, or are being taken, to deal with any of the complaints received.

**APPENDIX 1
SCHEDULE OF LAND**

Freehold Land Descriptions

PT 5 DP 6841
Lot 20 DP 241179
Lot 21 DP 241179
Lot 22 DP 241179
Lot 29 DP 241179
Lot 30 DP 241179
Lot 44 DP 241179
Lot 46 DP 241179
PT 2 84 DP 752486
PT 5 DP 752486
Lot 24 DP 752486
Lot 25 DP 752486
Lot 1 DP 556370
Lot 1 DP 238862
Lot 1 DP 752486
Lot 25 DP 752486
PT 25 DP 752486
Lot 157 DP 752486
PRT 162 DP 752486
PRT 163 DP 752486
Lot 313 DP 752486
Lot 3 DP 247944
Lot 8 DP 247944
Lot 16 DP 247944
Lot 27 DP 247944

Crown Land Descriptions

Lot 24 DP 241179
Lot 25 DP 241179
Lot 26 DP 241179
Lot 27 DP 241179
Lot 28 DP 241179
Lot 38 DP 241179
Lot 39 DP 241179
Lot 40 DP 241179
Lot 41 DP 241179

Council Roads

31 Hebden Road, Hebden, Lot 45 DP 241179
84 Hebden Road, Hebden, PRT 3 DP 752486
84 Hebden Road, Hebden, Lot 23 DP 752486

Private Roads

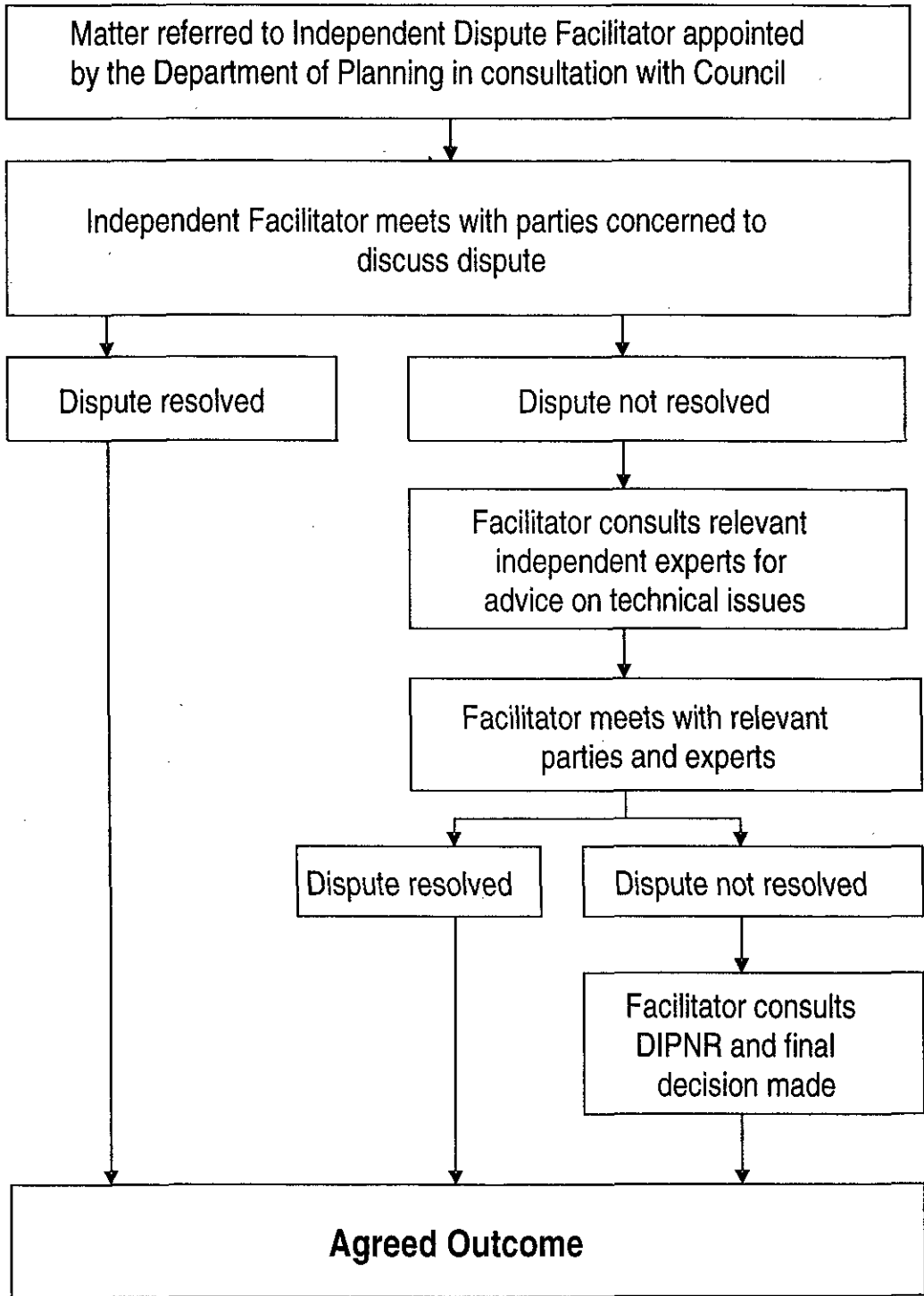
Antiene Railway Station Road

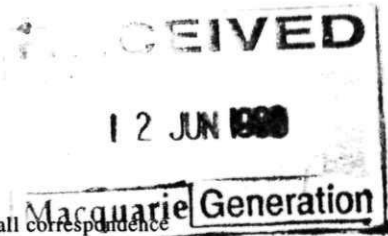
Rail Easement

Main Northern Rail Line – approximately between 273.450km and 273.914km kilometres

APPENDIX 1
INDEPENDENT DISPUTE RESOLUTION PROCESS

**Independent Dispute Resolution Process
(Indicative only)**





Address all correspondence
to the General Manager

Enquiries to: Mr M Roser

Your Ref: DA 20/98

Our Ref:

Civic Centre
Queen Street
Singleton NSW 2330
PO Box 314
DX 7063 Singleton
Phone (02) 65 787290
Fax (02) 65 724197

10 June, 1998

Macquarie Generation
34 Griffiths Road
LAMBTON NSW 2299

DETERMINATION OF DEVELOPMENT APPLICATION

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979

Dear Sir/Madam

Pursuant to Section 92 of the Act, you are notified that the application No. 20/98 relating to the land and proposal described below, has been determined by the granting of consent subject to the conditions specified in this notice.

Land:

Lot 3 DP 233244, Lot 8 DP 808670, Lot 1 DP 232149, Lot 13 DP 232149, Lot 2 DP 628645, Lot 4 DP 808670, Lot 101 DP 545986, Lot 13 and 15 DP 247945, New England Highway, Parish of Liddell, Ravensworth.

Proposal:

To Develop a Rail Coal Unloading Facility.

Approval Conditions:

The application has been approved subject to compliance with the following conditions:

1. The development being carried out in accordance with the development application and accompanying Environmental Impact Statement prepared by HLA Envirosiences Pty Ltd described as "Proposed Macquarie Generation Rail Project at Ravensworth Environmental Impact Statement" dated December 1997 and certified in accordance with Section 77(3) of the Act and submitted on 2.298 as may be modified by the conditions set out herein.

2. MINE SUBSIDENCE BOARD

- (a) Final drawings are to be submitted to the Mine Subsidence Board prior to the commencement of construction and contain a certification by a qualified structural engineer, to the effect that any improvement constructed to meet the specification of such final drawings will be safe, serviceable and repairable taking into account the following mine subsidence parameters:
 - (i) Maximum vertical subsidence of 1500mm.
 - (ii) Maximum ground strains of ± 7 mm.
 - (iii) Maximum tilt of 22mm/m.
- (b) Submission of a geotechnical report appropriate to the site together with certification that the footings designed for the development are appropriate considering the geotechnical conditions existing at the site.

3. RAIL ACCESS CORPORATION

- (a) The applicant is to submit plans for the new and altered rail track connections to the Main Northern Railway Line to Rail Access Corporation for approval prior to installation.
- (b) The applicant is to submit plans for the main line signalling alterations associated with the new siding to Rail Access Corporation for approval prior to installation. These alterations will need to address appropriate push-pull train operations which may affect the railway level crossing working at Ravensworth.
- (c) The applicant is to submit detailed plans showing permanent access arrangements for Rail Access Corporation. Unrestricted access is required to Newdell Junction signal box area, the Main Northern and Newdell Branch Line corridors for inspections, maintenance, emergencies and any other purpose. The plans should specify quality and type of road construction as well as clearances to conveyors etc to ensure maintenance vehicles can use the road. The applicant will require to enter into a permanent right of way agreement in favour of the corporation.
- (d) The applicant is to liaise with Rail Access Corporation to development and implement operational protocols and train working procedures to expedite push-pull trains onto and off the Main Northern Line.

- 4. ABORIGINAL - sites, MP1 and MP8 identified within the study area on the subject land are not to be disturbed or destroyed and are to be fenced off during the period of construction.

Consultation between the Wonnarua Tribal Council and Macquarie Generation is to occur to determine further management of the identified sites.

Any application made to the National Parks & Wildlife Service to destroy the identified sites will require written evidence from the Wonnarua Tribal Council and Wonnarua Local Aboriginal Land Council supporting the application.

5. ENVIRONMENTAL PROTECTION AUTHORITY

- (a) The proposed water spray system is to be correctly designed and is to operate at all times when coal is being unloaded.
- (b) The extractive ventilation system for the basement area of the coal receiving area is to be fitted with a dust collection system to prevent the emission of dust-laden exhaust from the building.
- (c) The applicant is to obtain a Pollution Control licence from the EPA.
- (d) Construction times are restricted between 7am to 5pm Monday to Friday and 8am to 1pm Saturday. There is to be no construction activities on Sunday or Public Holidays.

- (i) Noise levels in areas to the northeast as represented by Ravensworth Farm do not exceed:

Night - 38.5dB(A)L₁₀

Day - 40dB(A)L₁₀

- (ii) Noise levels in areas to the east as represented by Hebden road do not exceed:

Night - 35dB(A)L₁₀

Day - 35dB(A)L₁₀

The above criteria should be met under prevailing atmospheric conditions which include calm or windy conditions but excludes temperature inversions.

- (e) Where the monitoring programme, as outlined in the EIS, determines that the amenity criteria, as identified by the EPA, are exceeded, the applicant is to implement effective remedial measures and private agreements or voluntary property acquisition for those residences.

6. DEPARTMENT OF LAND AND WATER CONSERVATION

- (a) The applicant is to prepare and implement a site Environmental Management Plan relating to:

- (i) Locations and designs for clean and contaminated water pathways, with detailed design drawings for all sediment basins.
 - (ii) Segregated pathways and storage facilities for clean and contaminated stormwater runoff, with segregated reuse priority for contaminated water.
 - (iii) A commitment not to allow any excess contaminated runoff to enter Bowmans Creek, and a suitable monitoring programme to demonstrate that no excess contaminated water leaves the site.
 - (iv) A maintenance schedule for the pollution traps identifying cleaning periods and methods of disposal.
 - (v) A maintenance schedule for the sediment ponds identifying cleansing periods and methods of disposal.
- (b) The applicant is to demonstrate a commitment to maintaining final drainage lines in a stable condition.
7. PACIFIC POWER - That Macquarie Generation undertake the necessary relocation of easements and/or power lines, before the construction of the facility, to Energy Australia requirements and satisfaction.
8. ROADS AND TRAFFIC AUTHORITY - That a Austroads "Type C" right turn lane treatment, and Austroads "Type A" left turn treatment in accordance with RTA requirements be provided for access to the site from the New England Highway.
9. OCCUPATION OF THE SITE - Not to use the site until a final inspection has been undertaken by Council officers and all conditions of consent complied with.
10. FINANCIAL ASSISTANCE - The applicant shall pay to Council a financial contribution of \$10,000 towards the cost of a master landscape plan for mine affected areas within six (6) months of acting upon this consent.

Reasons for Conditions:

- 1. To ensure the provision of adequate vehicular access to the proposed development.
- 2. To ensure that the development is carried out in accordance with the submitted plans.
- 3. To ensure compliance with the provisions of the local environmental planning instrument applying to the land.
- 4. To ensure that access, parking and loading arrangements will be made to satisfy the demands created by the development.
- 5. To ensure that adequate road and drainage works are provided.

6. To ensure that requirements relating to health and building matters will be met.

Advice:

The Applicant be advised:-

1. Of the right of appeal.

To ascertain the date upon which the consent becomes effective refer to Section 93 of the Act. The consent operates from the date of this letter, unless an appeal to the Land and Environment Court has been made.

To ascertain the extent to which the consent is liable to lapse refer to Section 99 of the Act. The Act confers on an applicant a right of appeal to the Land and Environment Court exercisable within 12 months after receipt of this notice.

If you have any further inquiries regarding the approval, please contact Mr M Roser of Council's Development & Environmental Services Division, on (02) 65 787 291.

Yours faithfully



M ROSER
TOWN PLANNER

encl

MR/am

da20-98



Address all correspondence
to the General Manager

Enquiries to: Mr M Roser
02 65 787 291

Your Ref:

Our Ref: DA20/98

Civic Centre
Queen Street
Singleton NSW 2330
PO Box 314
DX 7063 Singleton
Phone (02) 65 787290
Fax (02) 65 724197

Email ssc@singletoncouncil.nsw.gov.au

11 November, 1998

Mr S Ireland
Macquarie Generation
34 Griffiths Road
NEW LAMBTON 2299

Dear Sir

Subject: Modification of Development Consent - DA20/98 - Macquarie Generation Rail Unloader
Property: New England Highway, Parish of Liddell, Ravensworth

I refer to your letter dated 26 August 1998 requesting a modification to the development consent for the above development dated 10 June 1998.

Pursuant to Section 96(2) of the Environmental Planning & Assessment Act 1979, Council has modified the development consent outlined below:

Condition 5(a) - Water sprays are to be provided to control dust emissions from the facility and must be operated at sufficient frequency and duration to prevent coal dust being blown from the site.

Condition 5(d) - Construction times are restricted between 7.00am to 5.30pm Monday to Friday and 7.00am to 3.30pm Saturday.

Condition 8 - That a "RTA Auxillary Lane Right Turn" treatment, and a "RTA Basic Left Turn" treatment in accordance with RTA requirements be provided for access to the site from the New England Highway.

Reasons:

1. To minimise the environmental impact from the site in regard to dust.
2. To minimise the impact to traffic travelling along the New England Highway.

All other terms of the development consent dated 10 June 1998 remain unchanged, including the date of lapse of consent.

As provided for by Section 96(6) of the Environmental Planning & Assessment Act 1979, an applicant dissatisfied with the determination of the application to modify the consent may appeal to the Land and Environment Court.

If you have any enquiries please do not hesitate to contact Mr M Roser of Council's Development & Environmental Services Division on (02) 65 787291.

Yours faithfully



M Roser
Town Planner

mr.bc

G:\ENVIRSRV\LETTERS\MARK98\DA20-98.MOD

Muswellbrook Shire Council

TELEPHONE - PERSONAL ENQUIRIES

PLEASE ASK FOR

OUR REFERENCE

YOUR REFERENCE

CHIEF SHIRE PLANNER/1a
DA 54/86
54404, 48664 D/RJR



ADMINISTRATION CENTRE
MUSWELLBROOK N.S.W. 2333

19 June 1986

54404
~~48664~~

The Secretary
Electricity Commission of NSW
G P O Box 5257
SYDNEY NSW 2001

Dear Sir,

Re: Development Application for Combustion Turbine Generating
Units, Lot 5 DP 247943, Parish of Savoy

Pursuant to Section 92 of the Environmental Planning and Assessment Act, 1979, the above development application has been determined by granting of consent subject to the conditions as per the attached annexure.


The reason for the imposition of the conditions is to ensure that the development is carried out in the public interest in accordance with those matters referred to in Section 90 of the Act.

Date of Consent: 19 June 1986

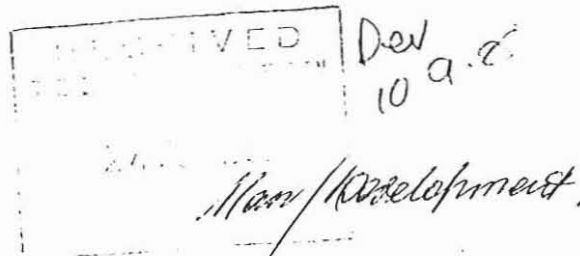
You are advised that this approval, valid for a period of 24 months for physical commencement of the development relates to planning control only and that any other necessary approvals are to be obtained from the appropriate departments of Council or any other relevant authority.

Section 97 of the Act confers on the applicant who is dissatisfied with the determination of the Council, a right of appeal to the Land and Environment Court, exercisable within 12 months after the receipt of this notice.

Yours faithfully


L. P. Fisher
SHIRE CLERK

encl.



Muswellbrook Shire Council

TELEPHONE - PERSONAL ENQUIRIES

PLEASE ASK FOR

OUR REFERENCE

YOUR REFERENCE



ADMINISTRATION CENTRE
MUSWELLBROOK N.S.W. 2333

CONDITIONS

- i) The submission of a building application, fees and minimum of four (4) sets of plans and specifications in relation to the proposed buildings. The applicant shall also submit all deeds, bonds, agreements and the like, and headworks contributions if required by the Development Consent with the Building Application.
- ii) The building complying in all respects with the requirements of the Mine Subsidence Board.
- iii) The buildings being painted to blend with the surrounding environment.
- iv) Intensive landscaping being carried out around the perimeter of the site to reduce the visual impact of the development. A plan of landscaping is to be submitted with the building application.
- v) All plants and trees to be used in landscaping shall be at least one metre in height and shall be watered by a suitable underground irrigation system which shall be maintained to the satisfaction of Council.
- vi) All necessary approvals under the Clean Air Act, Clean Waters Act and Noise Control Act being obtained with copies of such approvals being submitted to Council.

L. Fisher 19/6/86.



MUSWELLBROOK SHIRE COUNCIL

**NOTICE OF DETERMINATION OF DEVELOPMENT APPLICATION
Issued under the Environmental Planning
and Assessment Act 1979 (Section 4.18)**

DEVELOPMENT APPLICATION:	74/2018
APPLICANT NAME:	Monteath & Powys Pty Ltd
APPLICANT ADDRESS:	PO Box 2270 DANGAR NSW 2309
LAND TO BE DEVELOPED:	PT: 2 ALT: A DP: 1095515 New England Highway MUSWELLBROOK
PROPOSED DEVELOPMENT:	Office Premises and Car Parking Area Ancillary to Security and Traffic Control at Bayswater Power Station

DETERMINATION MADE ON:	26 November 2018
DETERMINATION:	Consent granted subject to conditions described below.
CONSENT TO OPERATE FROM:	26 November 2018
CONSENT TO LAPSE ON:	26 November 2023 if work has not commenced in accordance with Section 4.53(4) of the Environmental Planning and Assessment Act 1979.
DETAILS OF CONDITIONS:	

IDENTIFICATION OF APPROVED PLANS

- (1) **Development in Accordance with Plans**
The development being carried out in accordance with the development application, the statement of environmental effects and the drawings referenced

below, and endorsed with Council's approval stamp, except where amended by the following conditions.

Drawing No.	Revision	Drawn by	Drawing Date	Received
001A Office Plan Section and Elevations	B	Marathon Modular	20/06/2018	21/08/2018
Survey Plan Sheet 1 of 2	-	Tony Mexon and Associates	29/06/2018	29/06/2018
Site Plan to be updated upon receipt of doc	2	Tony Mexon and Associates	29/06/2018	29/06/2018

- (1A) The approval is granted for a period of five (5) years from the date of approval.
- (1B) That where there is an inconsistency between a condition of any existing approval and this approval, the conditions of this approval shall prevail to the extent of the inconsistency.

OPERATIONAL CONDITIONS IMPOSED UNDER THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT AND REGULATIONS AND OTHER RELEVANT LEGISLATION

- (2) **Building Code of Australia**
All building work must be carried out in accordance with the provisions of the Building Code of Australia.
- (3) **Access to Premises Standard**
All building work must be carried out in accordance with the provisions of the Commonwealth (Access to Premises – Buildings) Standards 2010.

CONDITIONS TO BE ADDRESSED PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

- (4) **Construction Certificate Requirement**
No works shall commence on site until such time as a Construction Certificate has been issued for either part or all of the works. If a certificate is issued for part of the works it must cover the works being undertaken onsite.
- (5) **Section 7.12 Contributions**
Pursuant to section 4.17(1) of the Environmental Planning and Assessment Act 1979, and the Muswellbrook Shire Council Section 94A Development

Contributions Plan 2010, a contribution of \$625.00 shall be paid to Muswellbrook Shire Council.

The amount to be paid is to be adjusted at the time of the actual payment, in accordance with the provisions of the Muswellbrook Shire Council Section 94A Development Contributions Plan 2010. The contribution is to be paid prior to the issue of the Construction Certificate.

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO COMMENCEMENT

(6) Site Sign

A sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:

- (a) stating that unauthorised entry to the work site is prohibited;
- (b) showing the name of the principal contractor (or person in charge of the work site), and a telephone number at which that person may be contacted at any time for business purposes and outside working hours; and
- (c) showing the name, address and telephone number of the Principal Certifying Authority for the work.

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

This condition does not apply to building works being carried out inside an existing building.

(7) Sediment and Erosion Control

Where construction or excavation activity requires the disturbance of the soil surface and existing vegetation, adequate measures for erosion and sediment control shall be provided. As a minimum control techniques are to be in accordance with 'The Blue Book' published by Landcom provisions on Erosion and Sediment Control, or a suitable effective alternative method.

All required sedimentation control techniques are to be properly installed prior to the commencement of any site works and maintained in a functional and effective condition throughout the carrying out the development.

(8) Damage to Public Infrastructure

The applicant shall bear the cost of all restoration works to Council property damaged during the course of this development. The applicant shall submit in writing and/or photographic record, of any existing damage to Council property before commencement of work.

Note: This documentation will be used to resolve any dispute over damage to infrastructure. If no documentation is received prior to commencement of work it will be assumed that the infrastructure was undamaged and the applicant will be required to restore all damaged infrastructure at their expense.

(9) Site Facilities

- (a) If the development involves building work or demolition work, the work site must be fully enclosed by a temporary security fence (or hoarding) before work commences.
- (b) A minimum width of 1.2m must be provided between the work site and the edge of the roadway so as to facilitate the safe movement of pedestrians.
- (c) Any such hoarding or fence is to be removed when the work has been completed.
- (d) A garbage receptacle fitted with a tight fitting lid for the reception of all food scraps and papers from the work site must be provided prior to building work commencing and must be maintained and serviced for the duration of the work.
- (e) Toilet facilities must be provided on the work site at the rate of one toilet for every 20 persons or part of 20 persons employed at the work site.
- (f) Each toilet provided must:
 - be a standard flushing toilet, connected to a public sewer, or
 - if connection to a public sewer is not available, to an on-site effluent disposal system approved by the council, or
 - an approved temporary chemical closet.
- (g) The provision of toilet facilities must be completed before any other work is commenced.
- (h) A person having the benefit of this certificate who causes an excavation that extends below the level of the base of the footings of a building on an adjoining allotment of land must at their own expense and where necessary:
 - protect and support the building from damage, and
 - If necessary, underpin and support the building in accordance with the details prepared by a professional engineer.
- (i) A person having the benefit of this certificate who causes the excavation must, at least 7 days before commencing this work, give notice of intention to do so to the owner of the adjoining allotment of land and provide particulars of the proposed work.
- (j) Erosion and sediment controls must be provided in accordance with the details shown on the approved plans, prior to the disturbance of any soil on the work site.

CONDITIONS THAT MUST BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK**(10) Site Waste Minimisation**

Throughout the carrying out of building works the person acting with this consent shall take reasonable steps to minimise waste from the carrying-out of the development in accordance with the following objections of Chapter 24 Waste Minimisation and Management of Council's Development Control Plan.

- Optimise adaptive reuse opportunities of existing building/structures
- Maximise reuse and recycling of materials

- Minimise waste generation
- Ensure appropriate storage and collection of waste
- Minimise environmental impacts associated with waste management
- Avoid illegal dumping
- Promote improved project management.

(11) **Materials**

In accordance with the provisions of the Muswellbrook Development Control Plan the external cladding of the building shall be constructed from non-reflective metal cladding. Zinalume or reflective white sheet metal cladding is not be used without the prior written approval from Council.

CONDITIONS WHICH MUST BE COMPLIED WITH PRIOR TO THE ISSUE OF THE OCCUPATION CERTIFICATE

(12) **Occupation**

The building is not to be used or occupied until a final inspection has been carried out and an occupation certificate has been obtained from the Principal Certifying Authority.

(13) **Construction of Parking Areas**

Prior to the issue of any Occupation Certificate, all required parking areas, loading bays, driveways, internal access ways, vehicular ramps and turning areas shall fully constructed, sealed, line marked, sign posted in accordance with the approved car parking plans and AS.2890.1 2004 Parking Facilities and the relevant provisions of AS1428.1 and AS1428.4.

Where an accessible parking space is required to comply with the provisions of the Building Code of Australia and/or the Access to Premises Standard, the proposed car parking arrangement is to be modified to include such a car parking space which is to be constructed sealed and line marked in accordance with the provisions of the relevant Australian Standard.

CONDITIONS THAT MUST BE COMPLIED WITH AT ALL TIMES

(14) **Bush Fire Threat Management**

At all times bushfire threat and vegetation control measures are to be maintained in relation to the proposed development in accordance with the Control Measures specified by Bushfire Risk Management Plan provided in respect to the sites operations or an updated version of that plan.

Where the Bushfire Risk Management Plan is updated a copy of the new document should be provided to Council for its records.

(15) **Stormwater Disposal**

All stormwater from the development including all hardstandings and overflows from rainwater tanks is to be collected and disposed of to an appropriately constructed discharge into the sites existing stormwater infrastructure. The

point of discharge for this stormwater is to be constructed and managed to avoid erosion of the adjacent ground.

(16) **Decommissioning**

All buildings, hard stand areas and other improvements, constructed as part of this consent, are to be removed, and the site rehabilitated with grass and native trees and shrubs when the security facilities are no longer required.

REASON FOR IMPOSITION OF CONDITIONS:

The reason for the imposition of the following conditions is to ensure, to Council's satisfaction, the objects of the *Environmental Planning and Assessment Act 1979* (as amended) are achieved:

(a) To encourage:

- (i) The proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forest, minerals, water, cities, towns, and villages for the purpose of promoting the social and economic welfare of the community and a better environment;
- (ii) The promotion and co-ordination of the orderly and economic use of development of land;
- (iii) The protection, provision, and co-ordination of communication and utility services;
- (iv) The provision of land for public purposes;
- (v) The provision and co-ordination of community services and facilities;
- (vi) The protection of the environment, including the protection and conservation of native animals and plants including threatened species, populations, and ecological communities and their habitats;
- (vii) Ecologically Sustainable Development; and
- (viii) The provision and maintenance of affordable housing.

- (b) To promote the sharing of the responsibility for environmental planning between the different levels of government in the State.
- (c) To provide increased opportunity for public involvement and participation in environmental planning and assessment.

ADVICE:

- Prior to construction work commencing you should ensure that all services have been clearly located and identified by contacting "Dial before you Dig" by telephoning 1100.

- Where indicated by specific reference in a condition above, approval is also granted for Section 68 of the Local Government Act 1993 to carry out sewer drainage, water supply work and stormwater drainage.
- You are advised that changes to the external configuration of the building, changes to the site layout, density and unit configuration or internal changes to the proposed building or any changes to the proposed operation of a use **MAY** require the submission of a modification under Section 96 of the Environmental Planning & Assessment Act, 1979. Any such changes may need to be the subject of a separate Development Application.

Please bear this in mind before preparing documentation in support of a Construction Certificate application. Council staff would be pleased to assist in identifying such changes which may require the submission of a modification of a Development Application under Section 4.55 of the Environmental Planning & Assessment Act.

- This document is a development consent only, and does not authorise construction or subdivision works to commence. Prior to commencing any building, subdivision or associated construction works, the following provisions of the Environmental Planning and Assessment Act 1979 (the 'Act') are to be complied with:
 - (i) A Construction Certificate is to be obtained in accordance with Section 6.7 of the Act.
 - (ii) A Principal Certifying Authority is to be appointed and Council is to be notified of the appointment in accordance with Section 6.6(1) of the Act.
 - (iii) Council is to be notified at least two (2) days before the intention to commence building works, in accordance with Section 6.6(2) of the Act.
- The applicant may apply to the Council or an Accredited Certifier for the issuing of a Construction Certificate and to be the Principal Certifying Authority to monitor compliance with the approval and issue necessary documentary evidence or certificate/s.
- Failure to comply with any of the above requirements is an offence under the provisions of the Act, and may result in enforcement action being taken by Council if these requirements are not complied with.

RIGHT OF APPEAL:

Sections 8.2, 8.3, 8.4, 8.5 of the Environmental Planning and Assessment Act 1979 provide that the applicant may request the Council to review the determination. The request must be made in writing (or on the review application form) within six (6) months *after receipt of this Notice of Determination*, together with payment of the appropriate fees. It is recommended that the applicant discuss any request for a review of the determination with Council Officers before lodging such a request.

If you are dissatisfied with this decision, Section 8.7, 8.10 of the Environmental Planning and Assessment Act, 1979 give you the right to appeal to the Land and Environment Court within six (6) months after the date on which you receive this notice.

APPROVED BY THE DEVELOPMENT ASSESSMENT COMMITTEE AND SIGNED ON BEHALF OF THE CONSENT AUTHORITY



Hamish McTaggart
Senior Development Planner

Date *7/12/2018*



**TONY MEXON
& ASSOCIATES**
REGISTERED SURVEYORS

AGL MACQUARIE

CLIENT/OWNER

DETAILS

SURVEYORS REF. SCALE SHEET SIZE

18-35 1:36000 A3

REVISION NOTES

25/06/2018 ORIGINAL 0

TITLE

PROPOSED CATERHOUSE ADDITION
BAYSWATER POWER STATION
NEW ENGLAND HIGHWAY MUSWELLBROOK
SHEET 1 OF 2
GENERAL ARRANGEMENT

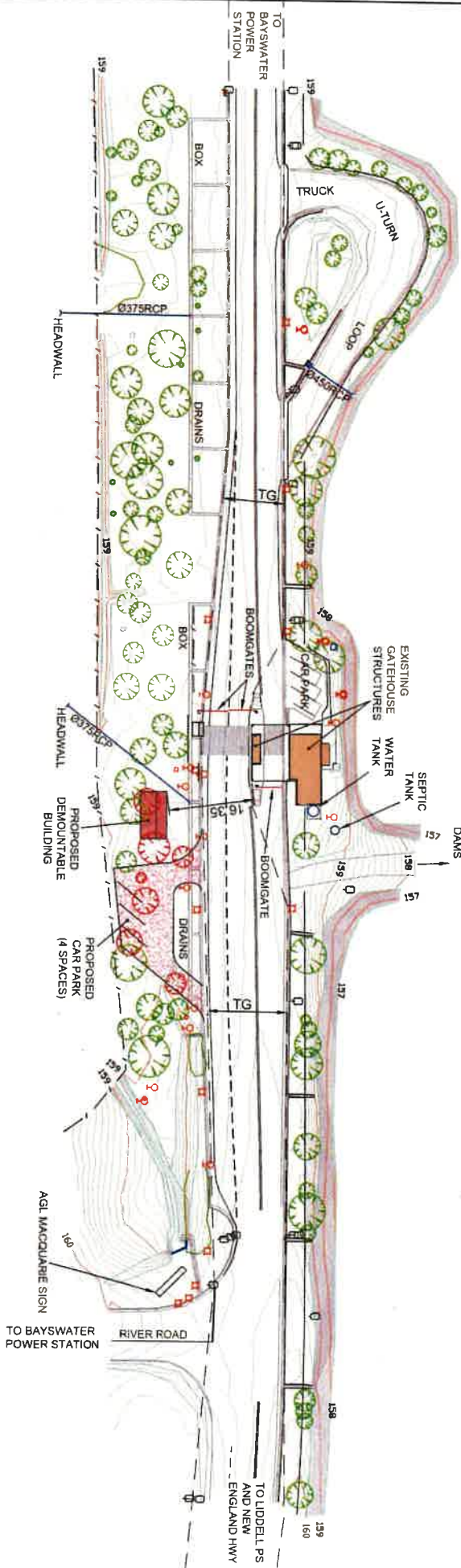


CLIENT/OWNER		DETAILS	
SURVEY/ORG REF.	SCALE	SHEET SIZE	
18-35	1:750	A3	

REVISION NOTES	
2	29/10/2018 BUILDING MOVED, CAR PARK ADDED
1	14/09/2018 ADDRESS ADDED, DIST TO BLDG ADDED
0	28/02/2018 ORIGINAL

TITLE
PROPOSED GATEHOUSE ADDITION
BAYSWATER POWER STATION
NEW ENGLAND HIGHWAY MUSWELLBROOK
SHEET 2 OF 2
DETAIL PLAN

NOTE:
1. PROPOSED BUILDING TO BE KEPT AT LEAST 2m CLEAR OF UNDERGROUND CABLES.
2. UNDERGROUND SERVICES ARE NOT SHOWN ON THIS PLAN. SERVICE LOCATION SHOULD BE UNDERTAKEN PRIOR TO DETERMINATION OF FINAL BUILDING LOCATION.



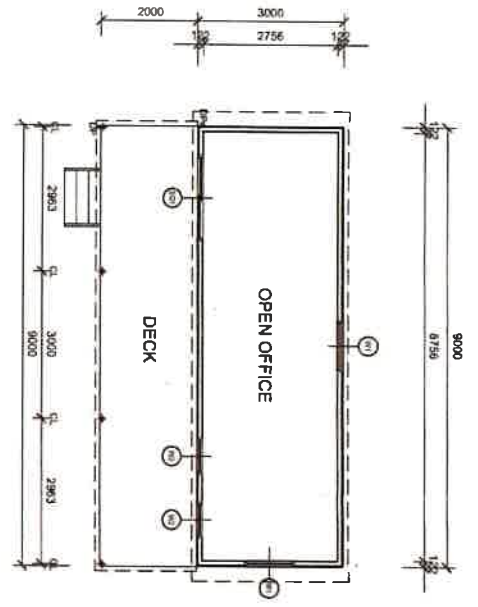
TRANSGRID EASEMENT FOR ACCESS (DP1022834)

- LEGEND**
- MONITORING WELL
 - LAMP POST
 - ♀ AGL UNDERGROUND SERVICE PILLAR
 - ELECTRICAL PIT
 - TANK
 - SIGN

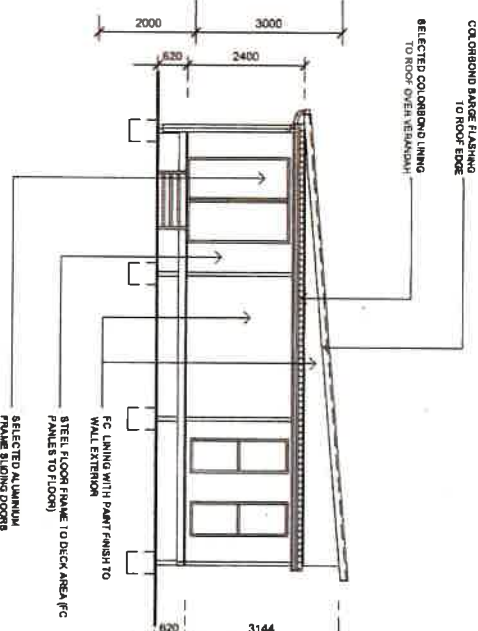
- ⊗ TREE TO BE REMOVED
- ⊙ TREE TO REMAIN



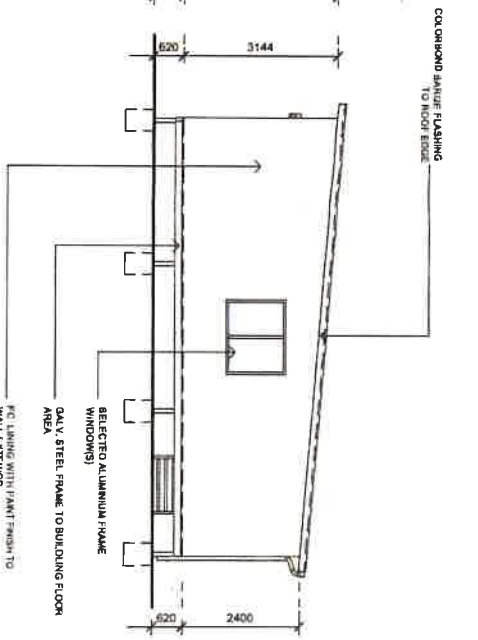
OFFICE FLOOR PLAN
SCALE 1 : 100



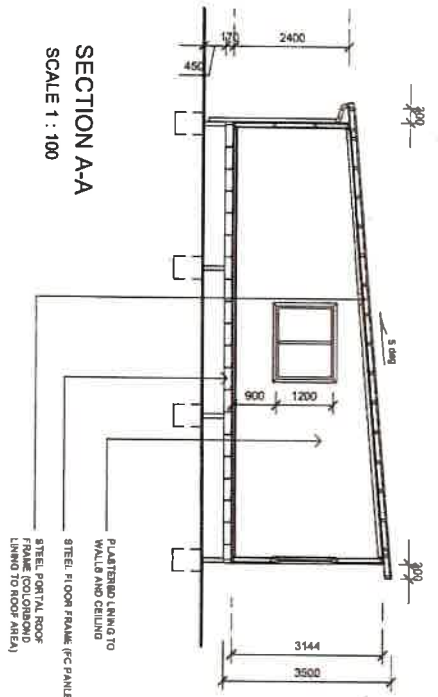
FRONT ELEVATION
SCALE 1 : 100



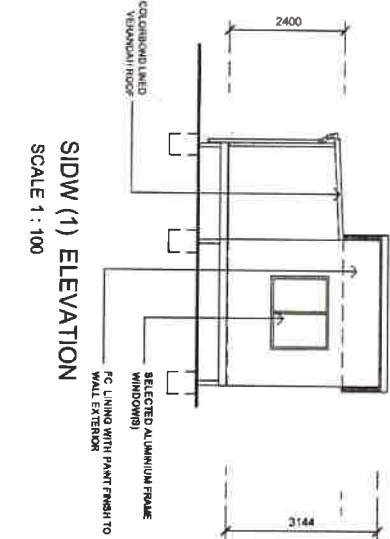
REAR ELEVATION
SCALE 1 : 100



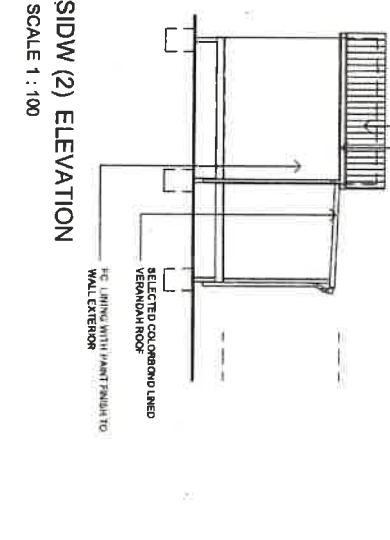
SECTION AAA
SCALE 1 : 100



SIDW (1) ELEVATION
SCALE 1 : 100



SIDW (2) ELEVATION
SCALE 1 : 100



These drawings are subject to copyright and may not be copied, used or reproduced in any way without the express permission of the AUTHORISATION AUTHORITIES Pty. Ltd. GENERAL NOTES

1. THE DRAWING SHALL NOT BE SOLD.
2. THE DRAWING SHALL BE MADE IN CONFORMANCE WITH THE SPECIFICATION.
3. ALL DIMENSIONS AS SHOWN ON DRAWINGS SHALL BE CHECKED AND VERIFIED BY THE BUILDER BEFORE ANY COMMENCEMENT OF WORK.
4. ALL DIMENSIONS ON DRAWINGS SHALL BE CHECKED AND VERIFIED BY THE BUILDER BEFORE ANY COMMENCEMENT OF WORK.
5. ALL STRUCTURAL ELEMENTS SHALL BE CHECKED AND ENTERED IN THE FUNCTIONAL SPECIFICATION.

DO NOT SCALE DIMENSIONS FROM THESE DRAWINGS

CLIENT: **Muswellbrook Shire Council**

NO.	REVISION	DATE
1	ISSUE FOR PERMIT	10/01/2024
2	ISSUE FOR TENDERS	10/01/2024
3	ISSUE FOR CONSTRUCTION	10/01/2024

DESIGNER:



10, BAYSWATER ROAD
MUSWELLBROOK NSW 2333

ADL

ADDRESS: Bayswater Power Station, New England Highway
NSW 2333

PROJECT: **ADL OFFICE**

DRAWING TITLE: **OFFICE PLAN, SECTION AND ELEVATIONS - OPTION 1A**

SCALE: 1:100
DATE: 08/08/24

DRAWING NUMBER: 001
PAGE: 8

Enquiries
Please ask for Eddie Love
Direct (02) 6549 3745
Our references DA 8/2016
Your reference

COPY

4 March 2016

AGL Macquarie Pty Ltd
Private Mail Bag 2
MUSWELLBROOK NSW 2333

Dear Sir/Madam

**Development Application No. 8/2016 - Construction of a Blast Wall at Bayswater Power Station,
PT 2 ALT A, B, C, D & E DP1095515– Savoy Parish County Durham**

This letter is to advise you that your Development Application and Construction Certificate has been determined in accordance with the Environmental Planning and Assessment Act 1979.

As the person having the benefit of the development consent you must nominate a Principal Certifying Authority (PCA). You have paid the fees for the Council to undertake this role and so must complete the Service Agreement for Performance of Certification Work attached and return it to Council.

Please take the time to read the enclosed documentation to ensure compliance with the approval, in particular, the **Schedule of Inspections**, per your enclosed Service Agreement for Performance of Certification Work, and the requirement for **48 hours** notice when booking your inspections with Council.

Please find enclosed site sign which must be completed and erected in a prominent position on the work site.

You are encouraged to discuss any misunderstanding or requirements with Council prior to commencing work. Failure to comply with statutory requirements, Conditions of Consent, or the terms of any Service Agreement, may result in the delay of issuing any final certificates required to complete the development.

Please contact Council on (02) 65493745 should you have questions relating to this approval.

Yours faithfully



Eddie Love – BPB 1763
Manager Planning and Environmental Services

COPY

Enquiries
Please ask for Eddie Love
Direct (02) 6549 3745
Our references DA 8/2016
Your reference

MUSWELLBROOK SHIRE COUNCIL

CONSTRUCTION CERTIFICATE

Issued under the Environmental Planning & Assessment Act 1979 (Sections 109C & 81A)

DEVELOPMENT APPLICATION:	8/2016
TYPE OF BUILDING:	Construction of a new Blast Wall at Bayswater Power Station
ADDRESS OF BUILDING WORK:	PT: 2 DP: 1095515 New England Highway Muswellbrook
APPLICANT NAME:	AGL Macquarie Pty Ltd
APPLICANT ADDRESS:	Private Mail Bag 2 MUSWELLBROOK NSW 2333

DETERMINATION MADE ON: 3 March 2016 (date of endorsement of the certificate on the approved plans and specifications).

DETERMINATION: Approved subject to the conditions below

DETAILS OF THE DEVELOPMENT CONSENT:

DEVELOPMENT APPLICATION NO: 8/2016
DATE THE DA CONSENT WAS ISSUED: 3 March 2016
BCA CLASSIFICATION: 10(b)

APPROVED PLANS & SPECIFICATIONS:

- The development being carried out in accordance with the development application and the drawings referenced below, and endorsed with Council's approval stamp.

Drawing No.	Revision	Drawn by	Drawing Date	Received
235281-S-001	F	Aurecon	20/5/13	5/2/16
235281-S-002	E	Aurecon	31/7/13	5/2/16
235281-S-003	E	Aurecon	31/7/13	5/2/16

FIRE SAFETY MEASURES:

1. A schedule of essential fire safety measures is listed below;/Nil.

CERTIFICATION:

Muswellbrook Shire Council certifies that work completed in accordance with documentation accompanying the application for the certificate (with such modifications verified by the certifying authority as may be shown on that documentation) will comply with the requirements of the regulation as are referred to in section 81A (5) of the Environmental Planning & Assessment Act 1979.

RIGHT OF APPEAL:

If you are dissatisfied with this decision, where the Certifying Authority is the Council, Section 109K of the Environmental Planning and Assessment Act 1979 gives you the right to appeal to the Land and Environment Court within 12 months after the date on which you receive this notice.

APPROVED UNDER DELEGATED AUTHORITY



Eddie Love – BPB 1763
Manager Planning and Environmental Services

Date 3 13 16

COPY

Enquiries
Please ask for Mr E C Love
Direct 0265493772
Our references DA 8/2016
Your reference

MUSWELLBROOK SHIRE COUNCIL

**NOTICE OF DETERMINATION OF DEVELOPMENT APPLICATION
Issued under the Environmental Planning
and Assessment Act 1979 (Section 81)**

DEVELOPMENT APPLICATION:	8/2016
APPLICANT NAME:	AGL Macquarie Pty Ltd
APPLICANT ADDRESS:	Private Mail Bag 2 MUSWELLBROOK NSW 2333
LAND TO BE DEVELOPED:	PT: 2 DP: 1095515 New England Highway Muswellbrook
PROPOSED DEVELOPMENT:	Construction of a new Blast Wall at Bayswater Power Station

DETERMINATION MADE ON: 3 March 2016

DETERMINATION: Consent granted subject to conditions described below.

CONSENT TO OPERATE FROM: 3 March 2016

CONSENT TO LAPSE ON: 3 March 2021 if work has not commenced in accordance with Section 95(4) of the Environmental Planning and Assessment Act 1979.

DETAILS OF CONDITIONS:

IDENTIFICATION OF APPROVED PLANS

1. Development in Accordance with Plans

The development being carried out in accordance with the development application and the drawings referenced below, and endorsed with Council's approval stamp, except where amended by the following conditions.

Drawing No.	Revision	Drawn by	Drawing Date	Received
235281-S-001	F	Aurecon	20/5/13	5/2/16
235281-S-002	E	Aurecon	31/7/13	5/2/16
235281-S-003	E	Aurecon	31/7/13	5/2/16

Muswellbrook Shire Council ABN 86 864 180 944

Address all communications to The General Manager Mail PO Box 122 Muswellbrook NSW 2333 Phone 02 6549 3700
Fax 02 6549 3701 Email council@muswellbrook.nsw.gov.au Web www.muswellbrook.nsw.gov.au

2. Plans on Site

A copy of all stamped approved plans, specifications and documents (including the Construction Certificate if required for the work incorporating certification of conditions of approval) must be kept on site at all times so as to be readily available for perusal by any officer of Council or the Principal Certifying Authority.

OPERATIONAL CONDITIONS IMPOSED UNDER THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT AND REGULATIONS AND OTHER RELEVANT LEGISLATION

3. Building Code of Australia

All building work must be carried out in accordance with the provisions of the Building Code of Australia.

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO COMMENCEMENT

4. Sediment and Erosion Control

All required erosion and sedimentation techniques are to be properly installed prior to the commencement of any site works and maintained in a functional and effective condition throughout the construction activities until the site is stabilised.

REASON FOR IMPOSITION OF CONDITIONS:

The reason for the imposition of the following conditions is to ensure, to Council's satisfaction, the objects of the *Environmental Planning and Assessment Act 1979* (as amended) are achieved:

- (a) To encourage:
 - (i) The proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forest, minerals, water, cities, towns, and villages for the purpose of promoting the social and economic welfare of the community and a better environment;
 - (ii) The promotion and co-ordination of the orderly and economic use of development of land;
 - (iii) The protection, provision, and co-ordination of communication and utility services;
 - (iv) The provision of land for public purposes;
 - (v) The provision and co-ordination of community services and facilities;
 - (vi) The protection of the environment, including the protection and conservation of native animals and plants including threatened species, populations, and ecological communities and their habitats;
 - (vii) Ecologically Sustainable Development; and
 - (viii) The provision and maintenance of affordable housing.

If you are dissatisfied with this decision, Section 97 of the Environmental Planning and Assessment Act, 1979 gives you the right to appeal to the Land and Environment Court within six (6) months after the date on which you receive this notice.

APPROVED UNDER DELEGATED AUTHORITY



Eddie Love – BPB 1763
Manager Planning and Environmental Services

Date 3/3/16



Service Agreement for Performance of Certification Work (Building)

Made in accordance with Section 73A of the Building Professionals Act 2005

About this form

This is a service agreement to be completed where Muswellbrook Shire Council is to be engaged, in accordance with section 73A of the *Building Professionals Act 2005*, to carry out certification work.

Muswellbrook Shire Council is a certifying authority that employs accredited Building Surveyors (Certifiers) who are authorised to carry out the certification work which is the subject of this Agreement on behalf of the Council.

This agreement must be returned signed and accompanied by the necessary payment.

All fees associated with Muswellbrook Shire Council undertaking certification work are payable before any work commences. The fees are detailed in Council's adopted schedule of Fees and Charges, details of which are available from Council's web site.

Parties to the Agreement

Council address and contact details

Muswellbrook Shire Council
157 Maitland Street, Muswellbrook, NSW 2333
Phone: 02 6549 3700
Email: council@muswellbrook.nsw.gov.au

Muswellbrook Shire Council is the Certifying Authority and all certification work the subject of this agreement will be carried out by a Council Building Surveyor who is currently accredited by the Building Professionals Board (<http://www.bpb.nsw.gov.au>).

Client's name, address and contact details

Name: AGL Macquarie Pty Ltd
Address: Po Box 38
HUNTER REGION MC NSW 2310

ABN: *(if required)*

Phone: *(home)*

Fax:

Phone: *(work)*

Email:

Contact Person
(only if a company etc)

Certification Work to be Performed

(Tick one or more boxes as appropriate)

- Determination of application for a **Construction Certificate (CC)**
- Determination of application for a **Complying Development Certificate (CDC)**
- Appointment to undertake the functions of **Principal Certifying Authority (PCA)** for the development following development consent being granted including the determination of application for an Occupation Certificate (OC)



The Development

Location and title description of the property

Property title: PT: 2 ALT: A DP: 1095515, PT: 2 ALT: B DP: 1095515, PT: 2 ALT: C DP: 1095515, PT: 2 ALT: D DP: 1095515, PT: 2 ALT: E DP: 1095515

Property address: SAVOY PARISH COUNTY DURHAM

Other:

You can obtain these details from rate notices, property deeds, or Council property maps.

Description of development

Construction of a new Blast Wall at Bayswater Power Station

Development Consent 8/2016

In the case where the service includes undertaking Principal Certifying Authority functions

Construction Certificate(s)

Construction Certificate Number: 8/2016

Issue date: 3/3/16

Details of approved documents

Details of plans, specifications and other documents approved by development consent

Drawing No.	Revision	Drawn by
235281-S-001	F	Aurecon
235281-S-002	E	Aurecon
235281-S-003	E	Aurecon

Details of plans, specifications and other documents the subject of any development certificate

Drawing No.	Revision	Drawn by
235281-S-001	F	Aurecon
235281-S-002	E	Aurecon
235281-S-003	E	Aurecon

Agreement Particulars

Council agrees to: Undertake specific services relevant to the certification work requested in this form and as described under "Description of Services Provided by Muswellbrook Shire Council" attached to this agreement. Carry out the services in a professional manner and in accordance with the requirements of the Environmental Planning and Assessment Act 2005 and Council's Code of Conduct.

Initial

Client agrees to: Appoint Muswellbrook Shire Council to undertake certification work under Section 73A of the Building Professionals Act 2005.
Provide the Council with reasonable access to the site for the duration of this agreement.
Ensure the site is in a condition that complies with Work Health and Safety standards at the time any inspection is arranged.
Comply with all relevant legislation, consents and approvals relating to the subject development.
Provide all documents that the Council may reasonably request for it to perform the functions under this agreement.
Provide Council with a copy of the current Fire Safety Schedule for the whole of the building where the proposed development is associated with an existing non domestic building or part thereof, or where a Fire Safety Schedule does not exist make arrangements (including the payment of fees) for Council to inspect the whole building for the purposes of producing a Fire Safety Schedule.
Notify Council of the appointment of the principle contractor/builder
Advise the principle contractor/builder/all trades personnel of the required inspections and that the directions of Council's Building Surveyors are to be observed to ensure compliance with the Development Consent, Construction Certificate, Building Code of Australia and the terms of this agreement.
Book required inspections by telephoning Council's Administration Centre on 6549 3700, between 9:00am to 4:30pm Monday to Friday not less than 48 hours (excluding weekends and public holidays) prior to when works are ready to be inspected, or as otherwise agreed to or arranged.
Pay the cost of any additional re-inspection fee required where the works are found to be not satisfactory or ready at time of inspection.
Ensure that building works do not proceed to the subsequent stages of construction without first obtaining a satisfactory inspection from the Council for each stage of construction specified in this agreement.
Disclose any known breach of any relevant legislation or matter that may require rectification or remediation. An example being the discovery of land contamination.
Notify Council, in writing and within seven (7) days, of any change in details of address of the Owner, applicant or Builder.



Signatures

Client I acknowledge that I have received and understood the description of the services.

Tick appropriate box

I am: The Owner of the land
 Authorised by the Owner of the land to enter into this agreement and am NOT the builder

Signature: _____ Date: _____
Position: _____

Signature: _____ Date: _____
Position: _____

Phone: _____ Email: _____

If the owner is a company, a director and an authorised person (eg: Secretary) must sign and be followed by the person's title. If the Company is a sole trader then the person's title is to indicate "Sole Director".

Council

Signature _____ Date _____

HOW TO LODGE THIS FORM

Address the application to: The General Manager
Muswellbrook Shire Council

Payment methods:

You can send it to us by any of the following methods:

Post: PO Box 122
Muswellbrook, NSW 2323

In Person

Payment can be made at our Customer Service Centre by the following methods: cash, EFTPOS, cheque, Money Order (make payable to Muswellbrook Shire Council) or by credit card — MasterCard or Visa. Credit card payment will incur a processing fee.

Courier or personal delivery: Administration Centre
157 Maitland Street
Muswellbrook NSW 2333

By Mail

For cheque payments, please make payable to Muswellbrook Shire Council.

How to contact us by phone, fax or electronically:

Acknowledgement:

Phone: (02) 6549 3700
Fax: (02) 6549 3701
Email: council@muswellbrook.nsw.gov.au
Web: www.muswellbrook.nsw.gov.au
Who to contact: The Building Surveyor/Officer
handling your development.

You will receive a receipt specifying the amount of fees paid.

Making a personal visit?

Muswellbrook Shire Council is located at 157 Maitland Street, Muswellbrook, NSW 2333. We look forward to seeing you.

If you wish to discuss an agreement with one of our Building & Compliance Officers, it is essential that you arrange an appointment

Fees:
Fees are calculated in accordance with the adopted fees and charges.

PRIVACY NOTIFICATION

The personal details requested on this form are required under the *Environmental Planning and Assessment Act 1979* and will only be used in connection with the requirements of this legislation. Access to this information is restricted to Muswellbrook Shire Council officers and other people authorised under relevant Acts, which may include the general public. Council is to be regarded as the agency that holds the information. You may make application for access or amendment to information held by Council. Further details on Council's Privacy Policy can be obtained from Council's website at www.muswellbrook.nsw.gov.au

Description of Services Provided by Muswellbrook Shire Council

Associated with determining an application for a Development Certificate

Provide a blank copy of the relevant application form(s) to the Client

Conduct an initial inspection of the development site and prepare a record of the inspection

Assess whether the proposed development satisfies the development standards set out in the relevant environmental planning instrument, development control plan and the EP&A Regulation.

Determine the application and prepare a notice of the determination

If the application is granted:

- prepare the relevant development certificate
- endorse all relevant plans, specifications and other documents
- prepare any associated fire safety schedule
- ascertain if any long service payment levy is required to be made, and if so, that the amount (or instalment) has been paid
- issue the development certificate to the Client together with associated endorsed plans specifications and other approved documents.
- forward copies of documents prepared to statutory authorities, including the NSW Rural Fire Service, as required by the EP&A Regulation
- Retain on the Council record all documents as required by the EP&A Regulation

Associated with determining an application for a Complying Development Certificate

If clause 130(2A) or 130(2E) of the EP&A Regulation applies to the application (i.e. where there is an alternative solution relating to fire safety requirements) obtain a compliance certificate or written report from a fire safety engineer or another accredited certifier that satisfies the requirements of clause of the 130 EP&A Regulation.

Ascertain if any contributions plan requires the CDC to be subject to a condition requiring a monetary payment.

Associated with determining an application for a Construction Certificate

If the development is on a site which affects an existing building, inspect (by a Council appointed accredited certifier, Building Surveyor) that part of the building and the means of egress from that part of the building and prepare a record of the inspection.

If clause 144 of the EP& A Regulation applies to the development (i.e. alternative solutions for certain fire safety measures), apply to the Fire Commissioner for an initial fire safety report.

If the development is a residential flat building, obtain a design verification from a qualified designer under clause 50(1A) of the EP& A Regulation

If clause 144A of the EP& A Regulation applies to the application (i.e. where there is an alternative solution relating to fire safety requirements) obtain a compliance certificate or written report from a fire safety engineer.

Associated with determining an application for a Occupation Certificate

If clause 144 of the EP& A Regulation applies to the development (i.e. alternative solutions for certain fire safety measures), apply to the Fire Commissioner for a final fire safety report.

Obtain a final fire safety certificate or interim fire safety certificate as required by the EP& A Regulation

If the development is a residential flat building to which clause 154A of the EP&A Regulation applies, obtain a further design verification from a qualified designer in relation to the completed works

Obtain verification from the principal contractor or building owner/agent certifying that all BASIX requirements required to be complied with before an OC may be issued have been satisfied, including obtaining any necessary BASIX completion receipt

If clause 130(2A) or 144A(1) of the EP& A Regulation applied to the development (i.e. where there is an alternative solution relating to fire safety requirements), obtain a further compliance certificate or written report from a fire safety engineer with respect to the completed works as required by clause 153A of the EP& A Regulation.

Assess whether the application satisfies the requirements of the EP&A Regulation, including whether any pre-conditions of the development consent or CDC which are required to be met before an OC may be issued, have been met and (where building work has been carried out) whether the work is not inconsistent with the development consent).

Associated with undertaking the functions of Principal Certifying Authority

Ascertain, before any building work, that a CC or CDC has been issued for the work.

Ascertain, before any residential building work commences, that either:

a. the principal contractor is the holder of a licence under the *Home Building Act 1989* and is covered by appropriate insurance, or

b. where the work is to be carried out by an owner-builder, that an owner-builder permit has been issued under the *Home Building Act 1989*

Carry out the inspections listed below in the schedule of inspections to enable the issuing of an occupation certificate.

Make a record as required by the EP&A Regulation of all inspections that are carried out.



Schedule of inspections

The following inspections are to be carried out to ensure compliance with the associated Development Application and the Environmental Planning & Assessment Act 1979.

Should the site be found to be in a condition that does not comply with Work Health and Safety standards, the inspection may not be completed and a re-inspection may be required. Additional fees may be payable should a re-inspection be required due to an unsafe site.

After excavation, placement of all formwork, fixing of reinforcing steel and prior to the pouring of any concrete to any piers, footings & slabs etc.

After placement of all formwork, fixing of reinforcing steel and prior to the pouring any in-situ reinforced concrete building element (other than above).

After the building work has been completed and prior to any occupation certificate being issued

