

prepared in accordance with the NSW Office of Water guidelines located at www.dwe.nsw.gov.au/water_trade/rights_controlled.shtml

- (i) Vegetation Management Plans;
 - (ii) Laying pipes and cables in watercourses;
 - (iii) Riparian Corridors;
 - (iv) In-stream works;
 - (v) Outlet Structures;
 - (vi) Watercourse crossings.
- 5) The consent holder must (i) carry out any controlled activity in accordance with approved plans and (ii) construct and/or implement any controlled activity by or under the direct supervision of a suitably qualified professional and (iii) when required, provide a certificate of completion to the NSW Office of Water.
- 6) **Rehabilitation and maintenance**
The consent holder must carry out maintenance period of two (2) years after practical completion of all controlled activities, rehabilitation and vegetation management in accordance with a plan approved by the NSW Office of Water.
- 7) The consent holder must reinstate waterfront land affected by the carrying out of any controlled activity in accordance with a plan or design approved by the NSW Office of Water.
- 8) **Reporting requirements**
The consent holder must use a suitably qualified person to monitor the progress, completion, performance of works, rehabilitation and maintenance and report to the NSW Office of Water as required.
- 9) **Access-ways**
The consent holder must design and construct all ramps, stairs access ways, cycle paths, pedestrian paths or other non-vehicular form of access ways so that they do not result in erosion, obstruction of flow, destabilisation, or damage to the bed or banks of the river or waterfront land, other than in accordance with a plan approved by the NSW Office of Water.
- 10) The consent holder must not locate ramps, stairs access ways, cycle paths, pedestrian paths or any other non-vehicular form of access way in a riparian corridor other than in accordance with a plan approved by the NSW Officer of Water.
- 11) **Bridge, causeway, culverts, and crossing**
The consent holder must ensure that the construction of any bridge, causeway, culvert or crossing does not result in erosion, obstruction of flow, destabilisation or damage to the bed or banks of the river or waterfront land, other than in accordance with a plan approved by the NSW Office of Water.
- 12) **Disposal**
The consent holder must ensure that no materials or cleared vegetation that may obstruct flow, wash into the water body or cause damage to river banks are left on the waterfront land other than in accordance with a plan approved by NSW Office of Water.
- 13) **Drainage and Stormwater**
The consent holder is to ensure that all drawings works (i) capture and convey runoffs, discharges and flood flows to low flow water level in accordance with a plan approved by the NSW Office of Water; and (ii) do not obstruct the flow of water other than in accordance with a plan approved by the NSW Officer of Water.
- 14) The consent holder must stabilise drain discharge points to prevent erosion in accordance with a plan approved by the NSW Office of Water.
- 15) **Erosion Control**
The consent holder must establish all erosion and sediment control works and water diversion structures in accordance with a plan approved by the NSW Office of Water. These works and

structures must be inspected and maintained throughout the working period and must not be removed until the site has been fully stabilised.

16) **Excavation**

The consent holder must ensure that no excavation is undertaken on waterfront land other than in accordance with a plan approved by the NSW Office of Water.

- 17) The consent holder must ensure that any excavation does not result in (i) diversion of any river (ii) bed or bank instability or (iii) damage to native vegetation within the area where a controlled activity has been authorised, other than in accordance with a plan approved by the Office of Water.

18) **River bed and bank protection**

The consent holder must establish a riparian corridor along the Tributary of Gibsons Creek in accordance with a plan approved by the Office of Water.

Conditions imposed by Council as part of this Integrated Development Consent are:

Approved Plans and Specifications

- 1 The development shall be implemented substantially in accordance with the details and specifications set out on Project No KF110816 Drawing C201-B dated 13 April 2015 prepared by K.F. Williams & Associates Pty Ltd and Job No 21304 sheet 1-E to 10-E dated 14 April 2015 prepared by DJ Design and any details on the application form, and with any supporting information received, except as amended by the conditions specified and imposed hereunder. The plans and specifications approved by this Modification supersede plans and specifications previously approved where there are any inconsistencies.

Modification A

Statement of Environmental Effects Reference no. 11682 dated 22 March 2012 prepared by JBA Urban Planning Consultants Pty Ltd

Plans and Specifications approved as part of Original Consent	Detail survey plan - number KF109751-SUR01 - sheet 1/1 - dated July 2009 - K F Williams & Associates Pty Ltd
	Flood study overall site plan - number KF109751-C01 - sheet 1/3 - dated 14 August 2009 - K F Williams & Associates Pty Ltd
	Flood study creek sections plan - number KF109751-C02 - sheet 2/3 - dated 14 August 2009 - K F Williams & Associates Pty Ltd
	Flood study creek sections plan - number KF109751-C03 - sheet 3/3 - dated 14 August 2009 - K F Williams & Associates Pty Ltd
	Concept drainage plan - number KF109751-C04-A - sheet 4/8 - dated 27 November 2009 - K F Williams & Associates Pty Ltd
	Soil and erosion control plan - number KF109751-C05-A - sheet 5/8 - dated December 2009 - K F Williams & Associates Pty Ltd
	Soil and erosion control plan - number KF109751-C06-A - sheet 6/8 – received stamp dated 11 December 2009 - K F Williams & Associates Pty Ltd
	Traffic plan - number KF109751-C07-A - sheet 7/8 - dated 27 November 2009 - K F Williams & Associates Pty Ltd
	Traffic plan - longsection - number KF109751-C08 - sheet 8/8 - dated 27 November 2009 - K F Williams & Associates Pty Ltd
	Landscape concept plan - number 1157-LD01-A - dated 2 December 2009 - Ochre Landscape Architects
	Landscape statement - dated 2 December 2009 - Ochre Landscape Architects
	Site entry treatment plan - figure 6 - dated December 2009 - Martin Morris & Jones
	Statement of environmental effects - dated September 2009 - Martin Morris & Jones
	Site Analysis Plan - Figure 3 - September 2009 - Martin Morris & Jones
	Workshop Building - Figure 4 - September 2009 - Martin Morris & Jones
	Office Building - Figure 5 - September 2009 - Martin Morris & Jones
	Dust Assessment and Management Report - dated April 2010 - SEMF & Trevor Jones Environmental Consulting

General Matters

2 **Removal of Containers**

The existing shipping containers located east of the bridge over the watercourse must be removed prior to operation of the facility.

3 **Containers**

There shall be only a maximum of three (3) shipping containers situated on the site, west of the watercourse as shown on the approved plans.

Amended—Modification D

4 **Building Work - Compliance with the Building Code of Australia**

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

5 **Construction Certificate**

A Construction Certificate must be obtained from Council or an Accredited Certifier prior to work commencing.

A Construction Certificate certifies that the provisions of Clauses 139-148 of the Environmental Planning and Assessment Amendment Regulations, 2000 have been satisfied, including compliance with all relevant conditions of Development Consent and the Building Code of Australia.

Note: The submission to Council of two (2) copies of all stamped Construction Certificate plans and supporting documentation is required within **two (2)** days from the date of issue of the Construction Certificate, in the event that the Construction Certificate is not issued by Council.

6 **Disability Discrimination Act 1992**

This consent does not imply or confer compliance with the requirements of the Disability Discrimination Act 1992.

It is the responsibility of the applicant to guarantee compliance with the requirements of the Disability Discrimination Act 1992. The current Australian Standard AS1428.1 – Design for Access and Mobility is recommended to be referred for specific design and construction requirements, in order to provide appropriate access to all persons within the building.

7 **Separate Consent Required for Advertising Signage**

This consent does not authorise the erection of any advertising signage. Any such advertising signage will require separate Council approval, in the event that such signage is not “complying or exempt development”, under Wollongong Development Control Plan No 1 – Complying Development or Wollongong Development Control Plan No 2. – Exempt Development.

8 **Occupation Certificate**

A final Occupation Certificate must be issued by the Principal Certifying Authority prior to occupation or use of the development. In issuing an Occupation Certificate, the Principal Certifying Authority must be satisfied that the requirements of Section 109H of the Environmental Planning and Assessment Act 1979, have been complied with as well as all of the conditions of the Development Consent.

Prior to the Issue of the Construction Certificate

9 **Permit to Enter and Exit Construction Site**

Any use of the footpath or road reserve for construction purposes requires Council approval under the Roads Act 1993.

Where it is proposed to carry out activities such as construction vehicles entering and leaving the site from a public road reserve and/or installation of a fence or hoarding, a permit must be obtained from Council's Regulation and Enforcement Division prior to the issue of the Construction Certificate.

10 **On Site Stormwater Detention - Identification**

Details shall be provided of a corrosion resistant identification plaque for location on or close to the on-site detention (OSD) facility. The plaque shall include the following information:

- The structure is an OSD facility, being part of the stormwater drainage network, and is not to be tampered with;
- identification number [DA2009/1153/D];
- any specialist maintenance requirements.

Amended—Modification D

- 11 **Overland Stormwater Flows**
Surface water interceptor drains/swales must be provided across the slopes uphill of the building/stockpiles and working sites, to divert stormwater run-off to watercourse gullies and or stormwater swales to discharge points downhill from any permanent structure and within the constraints of the natural topography. Details for this requirement shall be reflected on the Construction Certificate plans and associated documentation and submitted to the Principal Certifying Authority prior to the release of the construction Certificate.”
- 12 **Scour/Erosion Protection**
All stormwater outlets, swales and catch drains must incorporate appropriate scour/erosion protection measures to minimise the impact on downstream water quality. Details for this requirement shall be reflected on the Construction Certificate plans and associated documentation and submitted to the Principal Certifying Authority prior to the release of the construction Certificate.
- 13 **Vehicle Safety Guard Rails**
Vehicle safety guard rails shall be provided on either side of the access road bridge deck. Details for this requirement shall be reflected on the Construction Certificate plans and associated documentation and submitted to the Principal Certifying Authority prior to the release of the construction Certificate.
- 14 **Bridge Design**
The design of the bridge structure must be undertaken by a suitably qualified and experienced structural engineer in accordance with the current Australian Standards for Bridge Design. The design structure is to be designed with a minimum of 300mm freeboard above the estimated 1% AEP flood level (under Council’s blockage criteria) to the underside of the bridge deck. For clarification the 1% AEP flood level (under Council’s blockage criteria) must be plotted on the elevation plans of the bridge design. The bridge design shall be certified to be in accordance with the approved Flood Study for the subject development. The certification from an NPER practising structural engineer must be submitted to the Principal Certifying Authority prior to the release of the Construction Certificate.
- 15 **Flood Warning Signage**
The applicant shall provide and install appropriate flood warning signage at the approaches to the bridge deck. The signage shall be strategically located and highly visible. This requirement shall be reflected on the construction certificate plans and associated documentation and submitted to the Principal Certifying Authority for assessment prior to the release of the Construction Certificate.
- 16 **Fire Safety Schedule**
When issuing a Construction Certificate, a certifying authority must attach a Fire Safety Schedule specifying all of the fire safety measures required for the building to ensure the safety of persons in the building in the event of fire.
- 17 **Requirements of the NSW Department of Water and Energy – Part 3 s.91 of the Water Management Act 2000**
The submission of documentary evidence to the Principal Certifying Authority, confirming that the required Part 3 Approval under the Water Management Act 2000 has been issued by the Department of Water and Energy for the development, prior to the issue of the Construction Certificate.

The Construction Certificate will not be issued over any part of the site requiring a Controlled activity Approval until a copy of the Approval has been provided to Council.

18 Muted Bushland Tones – External Finishes

To ensure the development is compatible with the surrounding environment, colours and finishes are to be muted bushland tones. In this regard white, light or bright colours are not permissible.

19 Car parking and Access

The development shall make provision for a total of 10 car parking spaces (including 1 disabled car parking space). This requirement shall be reflected on the Construction Certificate plans. The approved car parking spaces shall be maintained to the satisfaction of Council at all times.

Amended—Modification A

Amended—Modification D

20 The parking dimensions, internal circulation, aisle widths, kerb splay corners, head clearance heights, ramp widths and grades of the car parking areas are to be in conformity with Australian Standard AS2890.1 (1993), except where amended by other conditions of this consent. Details of such compliance are to be reflected on the Construction Certificate plans.

21 The minimum headroom height provided throughout the car parking and manoeuvring area shall comply with AS2890 series. This requirement shall be reflected on the Construction Certificate plans.

22 Gradients of ramps and access driveways shall be provided in accordance with Australian Standard AS2890.1 (1993) - Off Street Car Parking. This requirement shall be reflected on the Construction Certificate plans.

23 Should a proposed Vehicular Crossing be located where it is likely to disturb or impact upon a utility installation (ie power pole, Telstra pit etc) written confirmation from the affected supplier that they have agreed to the proposed impacts shall be submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate.

24 The arrangements and costs associated with any adjustment to a public utility service shall be borne by the applicant/developer. Any adjustment, deletion and/or creation of public utility easements associated with the approved works are the responsibility of the applicant/developer. The submission of documentary evidence to the Principal Certifying Authority which confirms that satisfactory arrangements have been put in place regarding any adjustment to such services is required prior to the release of the Construction Certificate.

25 Structures Adjacent to Driveway

Any proposed structures adjacent to the driveway shall comply with the requirements of the latest version of Australian / New Zealand Standard AS/NZ 2890.1 to provide for adequate sight distance. This includes, but is not limited to, structures such as signs, letterboxes, retaining walls, dense planting etc. This requirement shall be reflected on the Construction Certificate plans.

26 Overflow paths must be provided to allow for flows of water in excess of the capacity of the pipe/drainage system draining the land, as well as from any detention storage on the land. Blocked pipe situations with 1 in 100 year ARI events must be incorporated in the design. Overflow paths must also be provided in low points and depressions. This requirement shall be reflected on the Construction Certificate plans prior to the release of the Construction Certificate.

27 The depth and location of all services (ie gas, water, sewer, electricity, telephone, traffic lights, etc) must be ascertained and reflected on the Construction Certificate plans and supporting documentation.

28 The developer must provide on-site detention storage for stormwater runoff from the development. The Site Storage Requirement (SSR) and Permissible Site Discharge (PSD) values for the site must be designed in accordance with Chapter E14 of the Wollongong DCP 2009. Details of the detention facility and SSR/PSD values must be submitted with the Construction Certificate application.

Amended—Modification D

- 29 The submission of a final Landscape Plan to the Principal Certifying Authority, prior to the release of the Construction Certificate. The final Landscape Plan shall address the following requirements:
- 29.1 a schedule of proposed planting, including botanic name, common name, expected mature height and staking requirements as well as number of plants and pot sizes;
 - 29.2 the location of all proposed and existing overhead and underground service lines. The location of such service lines shall be clear of the dripline of existing and proposed trees.
- The completion of the landscaping works as per the final approved Landscape Plan is required, prior to the issue of Occupation Certificate or commencement of the development.
- 30 The provision of common tap(s) and/or an irrigation system is required to guarantee that all landscape works are adequately watered. The location of common taps and/or irrigation system must be indicated on the Landscape Plan for the Construction Certificate, as detailed in the Wollongong City Council Landscape Technical Policy No 98/4. This requirement shall be reflected on the Landscape Plan prior to the release of the Construction Certificate.
- 31 The submission of certification from a suitably qualified and experienced landscape designer and drainage consultant to the Principal Certifying Authority prior to the release of the Construction Certificate, confirming that the landscape plan and the drainage plan are compatible.
- 32 The submission of certification from a suitably qualified and experienced landscape designer and drainage consultant to the Principal Certifying Authority prior to the release of the Construction Certificate, confirming that the landscape plan and the drainage plan are compatible.
- 33 The implementation of a landscape maintenance program in accordance with the approved Landscape Plan for a minimum period of 12 months to ensure that all landscape work becomes well established by regular maintenance. Details of the program must be submitted with the Landscape Plan to the Principal Certifying Authority prior to release of the Construction Certificate.
- 34 **Tree Protection and Management**
The existing trees are to be retained upon the subject property and any trees on adjoining properties shall not be impacted upon during the excavation or construction phases of the development. This will require the installation and maintenance of appropriate tree protection measures, including (but not necessarily limited to) the following:
- 34.1 Installation of Tree Protection Fencing - A one (1) metre high exclusion fence must be installed around the extremity of the dripline of the tree/trees to be retained prior to any site works commencing. The minimum acceptable standard is a 3 strand wire fence with star pickets at 1.8 metre centres. This fence must be maintained throughout the period of construction to prevent any access within the tree protection area. Details of tree protection and its locations must be indicated on the architectural and engineering plans to be submitted to the Principal Certifying Authority prior to release of the Construction Certificate.
 - 34.2 Mulch Tree Protection Zone: Areas within a Tree Protection Zone are to be mulched with minimum 75 mm thick 100% recycled hardwood chip/leaf litter mulch.
- 35 **Dust Suppression Measures**
The submission of details of the proposed dust suppression measures for the demolition, excavation and construction phases of the development to the Principal Certifying Authority, prior to issue of the Construction Certificate.
- 36 **Dust Suppression Measures – Stockpile Management**
The preparation of suitable proposed dust suppression measures for stockpile management that will be implemented at times when weather conditions are conducive to dust generation impacts. The proposed dust suppression measures are required to be submitted to the Principal Certifying Authority, prior to the issue of the Construction Certificate.
- 37 **On-Site Detention - Maintenance Schedule**
A maintenance schedule for the on-site stormwater detention system must be submitted with the

Construction Certificate plans for the proposed development. The maintenance schedule must be in accordance with Chapter E14 of the Wollongong DCP 2009.

Amended—Modification D

Section 94A Levy Contribution

- 38 The following Section 94A Levy Contribution is required towards the provision of public amenities and services in accordance with the Wollongong City Council Section 94A Development Contributions Plan.

Pursuant to Section 80A(1) of the Environmental Planning and Assessment Act 1979, and the Wollongong City Council Section 94A Development Contributions Plan, a contribution of \$9,200.00 shall be paid to Council prior to the release of any associated Construction Certificate.

The amount to be paid will be adjusted at the time of actual payment, in accordance with the provisions of the Wollongong City Council Section 94A Development Contributions Plan. The Consumer Price Index All Group Index Number for Sydney at the time of the development application determination is 169.1.

The following formula for indexing contributions is to be used:

Contribution at time of payment = $SC \times (CP2/CP1)$

Where

SC is the original contribution as set out in the Consent

CP1 is the Consumer Price Index (all groups index for Sydney) used in the proceeding indexation calculation

CP2 is the Consumer Price Index (all groups index for Sydney) at the time of indexation.

Details of CP1 and CP2 can be found in the Australian Bureau of Statistics website Catalog No 6401.0 - Consumer Price Index, Australia.

Payment of the S94A levy must be by cash or bank cheque only. A copy of the Wollongong City Council Section 94A Development Contributions Plan and accompanying Fact Sheet may be inspected or obtained from the Wollongong City Council Administration Building, 41 Burelli Street, Wollongong during business hours or on Council's web site at www.wollongong.nsw.gov.au.

(Reason: To provide high quality and diverse public amenities and services to meet the expectations of the existing and new residents of Wollongong City Council).

Prior to the Commencement of Works

- 39 **Site Management, Pedestrian and Traffic Management (Where Works are Proposed in or from a Public Road Reserve)**

The submission, as part of an application for a permit under Section 138 of the Roads Act 1993, of a Site Management, Pedestrian and Traffic Management Plan to Council's Manager Regulation and Enforcement for approval is required, prior to works commencing on the site. This plan shall address what measures will be implemented for the protection of adjoining properties, pedestrian safety and traffic management and shall be in compliance with the requirements of the latest versions of Australian Standard AS1742 - Traffic Control Devices for Works on Roads and the RTA Traffic Control at Worksites Manual.

This plan is required to maintain public safety, minimise disruption to pedestrian and vehicular traffic within this locality and to protect services, during demolition, excavation and construction phases of the development. This plan shall include the following aspects:

- 39.1 proposed ingress and egress points for vehicles to/from the construction site;
- 39.2 proposed protection of pedestrians, adjacent to the construction site;
- 39.3 proposed pedestrian management whilst vehicles are entering/exiting the construction site;
- 39.4 proposed measures to be implemented for the protection of all roads and footpath areas

- surrounding the construction site from building activities, crossings by heavy equipment, plant and materials delivery and static load from cranes, concrete pumps and the like;
- 39.5 proposed method of loading and unloading excavation machines, building materials formwork and the erection of any part of the structure within the site;
- 39.6 proposed areas within the site to be used for the storage of excavated material, construction materials and waste containers during the construction period;
- 39.7 proposed traffic control measures such as advanced warning signs, barricades, warning lights, after hours contact numbers etc are required to be displayed where works are in progress in any road reserve and shall be in accordance the latest versions of the NSW Roads and Traffic Authority's Specification - "Traffic Control at Work Sites Manual" and the Australian Standard AS1742. – "Manual of Uniform Traffic Control Devices" and accompanying field handbooks (SAA HB81);
- 39.8 proposed method of support of any excavation, adjacent to adjoining buildings or the road reserve. The proposed method of support is to be certified by an accredited certifier in Civil Engineering; and
- 39.9 proposed measures to be implemented, in order to ensure that no soil/excavated material is transported on wheels or tracks of vehicles or plant and deposited on the roadway.

The approved plan shall be implemented, prior to the commencement of any works upon the construction site.

Note: Any proposed works or placement of plant and equipment and/or materials within any road reserve will require the separate approval of Council, prior to the commencement of such works, pursuant to the provisions of the Roads Act 1993.

40 **Construction of Vehicular Crossing**

The applicant shall construct a new crossing to service the development in accordance with Council's current policies and standards and the latest version of Australian Standard AS 2890.

The applicant shall arrange, through Council's Regulation and Enforcement Division for a Council qualified contractor to carry out the works.

A copy of the approval shall be submitted to the Principal Certifying Authority prior to works commencing. The entire length of any vehicular crossings must be constructed:

- a) for the full width of the footpath; and
- b) by one of Council's qualified contractors at the developer's expense.

41 **Appointment of Principal Certifying Authority**

Prior to commencement of work, the person having the benefit of the Development Consent and a Construction Certificate must:

- 41.1 Appoint a Principal Certifying Authority (PCA) and notify Council in writing of the appointment. irrespective of whether Council or an accredited private certifier is appointed (if Council is nominated as the PCA please use the attached form) and
- 41.2 notify Council in writing (on the attached form) of their intention to commence the erection of the building (at least two days notice is required).

The Principal Certifying Authority must determine when inspections and compliance certificates are required.

42 **Sign – Supervisor Contact Details**

Before commencement of any work, a sign must be erected in a prominent, visible position:

- 42.1 stating that unauthorised entry to the work site is not permitted;
- 42.2 showing the name, address and telephone number of the Principal Certifying Authority for the work; and
- 42.3 showing the name and address of the principal contractor in charge of the work site and a telephone number at which that person can be contacted at any time for business purposes.

This sign shall be maintained while the work is being carried out and removed upon the

completion of the construction works.

43 Temporary Toilet/Closet Facilities

Toilet facilities are to be provided at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.

Each toilet provided must be:

43.1 a standard flushing toilet; and

43.2 connected to either:

43.2.1 the Sydney Water Corporation Ltd sewerage system; or

43.2.2 an accredited sewage management facility; or

43.2.3 an approved chemical closet.

The toilet facilities shall be provided on-site, prior to the commencement of any works.

44 Hoardings (within any Public Road Reserve)

The site must be enclosed with a suitable hoarding (type A or B) or security fence of a type in accordance with the Regulation and Enforcement Division Design Standard, and must satisfy the requirements of the Occupational Health and Safety Act, the Occupational Health and Safety Regulations and Australian Standard AS 2601. An application must be lodged and a permit obtained from Council's Regulation and Enforcement Division before the erection of any such hoarding or fence.

Note: No building work must commence before the hoarding or fence is erected.

45 Enclosure of the Site

The site must be enclosed with a suitable security fence to prohibit unauthorised access, to be approved by the Principal Certifying Authority. No building work is to commence until the fence is erected.

46 Consultation with NSW WorkCover Authority

Prior to any work commencing on the site it is the responsibility of the owner to contact NSW WorkCover Authority in writing in respect to any demolition or use of any crane, hoist, plant or scaffolding.

47 Waste Management

The developer must provide an adequate receptacle to store all waste generated by the development pending disposal. The receptacle must be regularly emptied and waste must not be allowed to lie or accumulate on the property other than in the receptacle. Consideration should be given to the source separation of recyclable and reusable materials.

48 Supervision of Works and Notification to Council of Works in Road Reserve

The work shall be supervised by a suitably qualified and experienced Civil Engineer, Registered Surveyor or Civil Engineering Foreman. The supervisor's name, address and contact details (including telephone number) shall be submitted to the Principal Certifying Authority and Council prior to the commencement of any works.

The submission of a written construction program and anticipated duration of the construction to Council is required prior to the commencement of any works within any public road reserve.

49 Public Liability Insurance

All contractors working in Council's road reserve and/or public reserve areas shall take out public liability insurance for a minimum amount of \$10 Million. The policy shall specifically indemnify Council from all claims arising from the execution of the works. Written evidence of this insurance shall be supplied to the Principal Certifying Authority and Council (in the event that Council is not the Principal Certifying Authority) prior to the commencement of any such works in any road reserve or public reserve area.

50 Site Management Program – Sediment and Erosion Control Measures

A site management program incorporating all sediment and erosion control measures (eg cleaning of sediment traps, fences, basins and maintenance of vegetative cover) is to be initiated

prior to the commencement of any demolition, excavation or construction works and maintained throughout the demolition, excavation and construction phases of the development.

51 **All-weather Access**

An all-weather stabilised access point must be provided to the site to prevent sediment leaving the site as a result of vehicular movement. Vehicular movement should be limited to this single accessway.

52 **Erosion Controls – Vehicular Entry/Exit Points**

The vehicular entry/exits to the site must be protected from erosion and laid with a surface material which will not wash into the street drainage system or watercourse.

53 The depth and location of all services (ie stormwater, gas, water, sewer, electricity, telephone, etc) must be ascertained and reflected on the plans and supporting documentation issued for construction.

54 **Notification to Council of any Damage to Council's Infrastructure**

Council must be notified in the event of any existing damage to any of Council's infrastructure including, but not limited to the road, kerb and gutter, road shoulder, footpath, drainage structures and street trees fronting the development prior to the commencement of work. Adequate protection must be provided to Council infrastructure prior to work commencing and during the construction period. Any damage to Council's assets shall be restored in a satisfactory manner prior to the issue of the Occupation Certificate.

55 **Road Opening Permit**

Prior to works commencing the applicant shall apply to and obtain a Road Opening Permit from Council's Regulation and Enforcement Division. This permit covers the connection of services to mains within the road reserve such as, but not limited to water, sewer, stormwater drainage and power. A copy of this permit shall be submitted to the Principal Certifying Authority, prior to works commencing.

56 **Application for Occupation of Footpath/Roadway**

Any use of the footpath or road reserve for construction purposes requires Council approval under the Roads Act 1993. Where it is proposed to carry out activities such as, but not limited to the following:

- materials or equipment deliveries to the site;
- installation of a fence or hoarding;
- pump concrete from within the road reserve;
- stand a mobile crane within the public road reserve;
- use part of Council's road/footpath area;
- pump stormwater from the site to Council's stormwater drains; or
- store waste containers, skip bins and/or building materials on part of Council's footpath or roadway;

an application for occupation of footpath/roadway must be submitted to Council's Regulation and Enforcement Division, and a S.138 permit obtained, prior to the works commencing.

During Demolition, Excavation or Construction

57 **Soil Erosion and Sediment Control**

All polluted runoff from the site during the construction phase must be contained within a sediment basin, no discharge into the natural receiving system is authorised.

58 Concentration of suspended solids in the runoff discharged from the sediment basin into the adjacent drainage line should not exceed 30mg/L.

59 Silt fences and hay bales must be positioned in down gradient locations where vegetation cover is damaged or removed for construction purpose, to stop sediment movement during the rainfall and storm events.

60 **No Adverse Run-off Impacts on Adjoining Properties**

The design of the development shall ensure there are no adverse effects to adjoining properties

or upon the land as a result of flood or stormwater run-off. Attention must be paid to ensure adequate protection for buildings against the ingress of surface run-off.

61 Re-direction or Treatment of Stormwater Run-off

Allowance must be made for surface run-off from adjoining properties. Any redirection or treatment of that run-off must not adversely affect any other property.

62 Redundant Crossings

Any existing vehicular crossings rendered unnecessary by this development must be removed and the footpath and normal kerbing and guttering must be restored. This work shall be carried out by a Council recognised concrete contractor at the developer's expense.

63 Protection of Public Places

If the work involved in the erection or demolition of a building involves the enclosure of a public place or is likely to cause pedestrian/vehicular traffic in a public place to be obstructed or rendered inconvenient, or have the potential for conflict between pedestrians and vehicles:

- 63.1 A hoarding or fence must be erected between the work site and the public place;
- 63.2 an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place;
- 63.3 the work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in a public place;
- 63.4 safe pedestrian access must be maintained at all times;
- 63.5 any such hoarding, fence or awning is to be removed when the work has been completed.

64 Temporary Road Closure(s)

If a road closure is required an approval must be obtained from City of Wollongong Traffic Committee and Wollongong City Council.

Note: It may take up to 6 weeks for approval. An application for approval must include a Traffic Control Plan prepared by a suitably qualified person which is to include the date and times of closure and any other relevant information. The traffic control plan shall satisfy the requirements of the latest versions of Australian Standard AS1742 – Traffic Control Devices for Works on Roads and the RTA Traffic Control at Worksites Manual

65 Prior approval from Council for any works in Road Reserve

Approval, under Section 138 of the Roads Act must be obtained from Wollongong City Council's Regulation and Enforcement Division prior to any works commencing or any proposed interruption to pedestrian and/or vehicular traffic within the road reserve caused by the construction of this development. A traffic control plan prepared and implemented by a suitably qualified person must be submitted for approval and the appropriate fees paid, a minimum of five working days prior to the expected implementation. The traffic control plan shall satisfy the requirements of the latest versions of Australian Standard AS1742 – Traffic Control Devices for Works on Roads and the RTA Traffic Control at Worksites Manual.

Note: This includes temporary road closures for the delivery of materials, plant and equipment, concrete pours etc.

66 Restricted Hours of Work (not domestic residential scale)

The developer must not carry out any work other than emergency procedures to control dust or sediment laden runoff outside the hours of 7.00 am to 5.00 pm, Monday to Friday and 7 am to 1.00 pm Saturdays without the prior written consent of the Principal Certifying Authority and Council.

No work is permitted on public holidays, Sundays or the Saturday adjacent to public holidays on Mondays or Fridays.

Any request to vary these hours shall be submitted to the **Council** in writing detailing:

- 66.1 the variation in hours required;
- 66.2 the reason for that variation;
- 66.3 the type of work and machinery to be used.

Note: The developer is advised that other legislation may control the activities for which Council has granted consent including but not limited to the Protection of the Environment Operations Act 1997. Developers must note that EPA Environmental Noise manual restricts use of power tools (electronic or pneumatic) to between the hours of 7.00 am to 5.00 pm Mondays to Fridays and 8.00 am to 4.00 pm on Saturdays.

67 The developer must carry out work at all times in a manner which will not cause a nuisance, by the generation of unreasonable noise, dust or other activity, to the owners and/or occupiers of adjoining and adjacent land.

68 **Spillage of Material**

Should, during the construction period, any waste material or construction material be accidentally or otherwise spilled, tracked or placed on the road or footpath area without the prior approval of Council's Regulation and Enforcement Division this shall be removed immediately. Evidence that any approval to place material on the road or road reserve shall be available for inspection by Council officers on site at any time.

69 Vehicle access is to be controlled so as to prevent tracking of sediment onto adjoining roadways, particularly during wet weather or when the site has been affected by wet weather.

70 **Dust Suppression Measures**

Activities occurring during the construction phase of the development must be carried out in a manner that will minimise the generation of dust.

71 Trucks which are entering and leaving the premises and carrying loads must be sealed or covered at all times, except during loading and unloading.

72 **Excavation/Filling/Retaining Wall Structures**

Any proposed filling on the site must not:

- 72.1 encroach onto the adjoining properties, and
- 72.2 adversely affect the adjoining properties with surface run-off.

73 All proposed cut and filling works must be adequately retained with all battered slopes being no steeper than 2:1 and comply with Council's "Policy for Development on Sloping Sites".

74 **Provision of Waste Receptacle**

The developer must provide an adequate receptacle to store all waste generated by the development, pending disposal. The receptacle must be regularly emptied and waste must not be allowed to lie or accumulate on the property other than in the receptacle. Consideration should be given to the source separation of recyclable and re-usable materials.

75 **Compliance with Statutory Authorities/Government Departments**

Compliance with the requirements of any Statutory Authorities or Government Departments such as, but not limited to:

- NSW Workcover Authority;
- NSW Roads & Traffic Authority;
- NSW Environment Protection Authority;
- NSW Police Service; and
- NSW Fire Brigades.

Prior to the Issue of the Occupation Certificate

76 **On site Effluent Management**

A pump out septic system shall be installed. Prior to installation and operation of septic system, applicant must lodge a separate application to Council for installation of pump out septic system.

77 **Completion of Engineering Works**

The completion of all engineering works within Council's road reserve or other Council owned or controlled land in accordance with the conditions of this consent and any necessary work to make the construction effective to the satisfaction of Council's Manager Regulation and Enforcement. The total cost of all engineering works shall be fully borne by the

applicant/developer and any damage to Council's assets shall be restored in a satisfactory manner, prior to the issue of the Occupation Certificate.

78 Fire Safety Certificate

A Fire Safety Certificate must be issued for the building prior to the issue of an Occupation Certificate. As soon as practicable after a Fire Safety Certificate is issued, the owner of the building to which it relates:

- 78.1 Must cause a copy of the certificate (together with a copy of the current fire safety schedule) to be given to the Commissioner of New South Wales Fire Brigades, and
- 78.2 must cause a further copy of the certificate (together with a copy of the current fire safety schedule) to be prominently displayed in the building.

79 Drainage

The developer must obtain a certificate of Hydraulic Compliance (using Council's M19 form) from a suitably qualified civil engineer, to confirm that all stormwater drainage and on-site detention works have been constructed in accordance with the approved plans. In addition, full works-as-executed plans, prepared and signed by a Registered Surveyor must be submitted. These plans and certification must satisfy all the stormwater requirements as stated in Chapter E14 of the Wollongong DCP 2009. This information must be submitted to the Principal Certifying Authority prior to the issue of the final Occupation Certificate.

Amended—Modification D

80 Restriction on use – On-site Detention System

The applicant must create a restriction on use under the Conveyancing Act 1919 over the on-site detention system. The following terms must be included in an appropriate instrument created under the Conveyancing Act 1919 for approval of Council:

“The registered proprietor of the lot burdened must not make or permit or suffer the making of any alterations to any on-site stormwater detention system on the lot(s) burdened without the prior consent in writing of the authority benefited. The expression ‘on-site stormwater detention system’ shall include all ancillary gutters, pipes, drains, walls, kerbs, pits, grates, tanks, chambers, basins and surfaces designed to temporarily detain stormwater as well as all surfaces graded to direct stormwater to those structures.

Name of the authority having the power to release, vary or modify the restriction referred to is Wollongong City Council.”

The instrument, showing the restriction, must be submitted to the Principal Certifying Authority for endorsement prior to the issue of the final Occupation Certificate and the use of the development.

- 81** The developer must make compensatory provision for the trees required to be removed as a result of the development. In this regard, ten (10) 25 litre container mature plant stock shall be placed in appropriate locations within property boundary of the site. The suggested species are *Acmena smithii*.

82 Positive Covenant – On-Site Detention Maintenance Schedule

A positive covenant shall be created under the Conveyancing Act 1919, requiring the property owner(s) to undertake maintenance in accordance with the Construction Certificate approved On-Site Stormwater Detention System and Maintenance Schedule (DA2009/1153).

The instrument, showing the positive covenant must be submitted to the Principal Certifying Authority for endorsement prior to the issue of the final Occupation Certificate and the use of the development.

Operational Phases of the Development/Use of the Site

83 Dust monitoring

The applicant must produce an interim dust monitoring report after 6 months and a final report after one year and submit these reports to Council. The monitoring must be conducted by a qualified air pollution consultant and the report must produce statistical analysis of data and interpretation of the dust monitoring results.

- 84 **Air Pollution/Dust**
Dust emission from concrete block or brick crushing must be controlled as not to be a nuisance and impact on the surrounding properties. This can be controlled by water spray or similar technique. At the end of crushing activities the crusher must be sorted and fine particulates must be removed and stockpiled in a confined area out of the wind which is liable to generate dust.
- The premises must be maintained in a condition which minimises and prevents the emission of dust from the premises.
- 85 **Stormwater Quality**
Overflow from the water recycling basin into the receiving water way must not contain any trace of oil and grease, suspended particulates and organic matter.
- 86 **Contaminated Waste**
All recyclable material received on the site must meet the criteria of NSW DECCW. This must be supported by validation certificates.
- 87 **Storage of machinery combustible products and lubricants**
Diesel oil, and engine lubricant must be kept in roofed location within a bounded area.
- 88 **Noise monitoring**
If Council receives a noise complaint from the nearest affected residents during the operation of crushers, shakers, associated machinery and trucks then applicant must submit an acoustic report prepared by a member of AAS or AAAC to ensure the site operations are complying with the noise criteria and DECCW's NSW Industrial Noise Policy.
- 89 **Restricted Hours of Operation**
The hours of operation for the development shall be restricted to Mondays to Saturdays 6am to 6pm. No work is to take place on Sundays or Public Holidays. Any alteration to the approved hours of operation will require separate Council approval.
- 90 **No Display of Goods and Materials Outside Premises**
The placement of any cabinet, display stand, racks or any other means of displaying goods, whether or not for sale shall not be located on any property boundary, road reserve or outside the premises.
- 91 **Fire Safety Measures**
All new and existing fire safety measures shall be maintained in working condition, at all times.
- 92 **Noise Restrictions on Industrial Development**
The noise ($L_{Aeq} (15min)$) emanating from industrial developments must not exceed 5 dB(A) above the background noise level ($L_{A90} (15min)$) of the area at any boundary of the land.
- 93 The applicant must not cause or permit the emission of offensive odours from the premises.
- 94 **Loading/Unloading Operations/Activities**
All loading/unloading operations are to take place at all times wholly within the confines of the site.

ADDITIONAL CONDITIONS RESULTING FROM MODIFICATION REQUEST

Operational Phases of the Development/Use of the Site

- 95 **Restriction on Use**
The processing capacity of the facility must not exceed more than 29,999 tonnes per year at any time. The proponent must maintain a processing log for the facility at all times and this log is to be made available to Council upon request. **Added—Modification A**
- 96 **Stockpile**
The stock pile of organic matter on site must not exceed 2500 m³ at any time. **Added—Modification A**
- 97 **Odour**
The proposed shredding and composting of the plant material can generate offensive odour.

Odour suppression facilities must be available on the premises at all time. An interim report on odour monitoring results for a period of 6 month from the commencement of the proposed activity must be prepared and submitted Council's Environmental Strategy and Planning Division for review.

Added—Modification A

98 Water Pollution

Stormwater runoff from the premises must be directed into sediment pond to allow the particulate and organic contaminant to settle prior to discharge into the receiving system.

- a) Concentration of the suspended solids at the discharge point must be less than 30 mg/L, Total Nitrogen (TN) and Total Phosphorous(TP) must comply with NZECC(2000) guidelines for 95% protection of aquatic ecosystems.
- b) Pond discharged into the receiving system must also be monitored for inorganic and heavy metals: aluminium (Al), antimony (Sb), arsenic (As), barium (Ba), boron (B), cadmium (Cd), chromium (Cr), copper (Cu), iron (Fe), lead (Pb), lithium (Li), manganese (Mn), mercury (Hg), nickel (Ni), selenium (Se), silver (Ag), zinc Zn).

Discharged water samples must be tested by a NATA accredited laboratory.

An annual report on monitoring results must be prepared and submitted to Environment and Strategy Planning Division for review. The report must include rainfall data and analytical certificates.

Added—Modification A

General Matters

99 Environment Protection Licence

A separate application for an Environment Protection Licence is required to be made to the NSW Environment Protection Authority prior to 31 July 2015.

Added—Modification D

100 Geotechnical

- a All earthworks including drainage and retaining wall construction is to be subject to Level 1 geotechnical supervision as defined in Australian Standard AS3798 Guidelines for Earthworks for Commercial and Residential Developments. Where necessary amendments are to be made to the designs during construction based on supplementary geotechnical advice given during the supervision to ensure that the completed works accommodates all encountered geotechnical constraints.
- b At the completion of engineering works and site remediation a works-as-executed geotechnical report is required to confirm satisfactory completion of works, to detail any residual geotechnical constraints on development and to make recommendations for development of the remediated site.

Added—Modification D

Prior to the issue of a Construction Certificate

101 Detailed Drainage Design

A detailed drainage design shall be submitted with the Construction Certificate documentation for the proposed development. This detailed drainage design shall be prepared by a suitably qualified civil engineer in accordance with Chapter E14 of Wollongong City Council's Development Control Plan 2009, conditions listed under this consent, and generally in accordance with the concept drainage plan by KF Williams, Drawing No. KF110816/C202, issue B dated 19 February 2015.

Added—Modification D

102 On Site Stormwater Detention - Design Criteria

The on-site stormwater detention facility must incorporate a minimum 900mm square lockable grate for access and maintenance purposes, provision for step irons where required, provision for safety, debris control screen and a suitably graded invert to prevent ponding and at least one side with a batter slope not steeper than 1 in 4. Also, details of the orifice plate including diameter of orifice and method of fixing shall be provided. These requirements shall be reflected on the Construction Certificate plans.

Added—Modification D

- 103 Orifice/Weir Calculations**
Orifice and weir calculations for the on-site detention facility must be provided to the Principal Certifying Authority for approval prior to the issue of the Construction Certificate.
Added Modification D
- 104 Designated Overland Flow Paths**
Details of each overland flow path located on the site shall be provided with the detailed drainage design. Each overland flow path shall be capable of catering for the 1 in 100 year storm event flows from the contributing catchment area, and where required, direct these flows to the on-site detention basin. The overland flow path shall be free of any vegetation and/or structures that are likely to impede natural overland flow, or make provision for such obstructions, so there will be no adverse flood impacts upon the subject and adjoining properties. Full Manning's calculations shall be provided on the capacity of each overland flow path. These requirements shall be reflected on the Construction Certificate plans and supporting documentation.
Added—Modification D
- 105 Stormwater Outlets**
Stormwater outlets to the watercourse shall be oriented in the direction of natural flow of the receiving watercourse. Stormwater outlet scour protection measures shall be designed giving regard to maximum outlet discharges and bank full discharges in the receiving watercourse. These requirements shall be reflected on the Construction Certificate plans and supporting documentation.
Added—Modification D
- 106 Disabled Space**
Each disabled person's parking space must comply with the current relevant Australian Standard AS2890.6 – Off-street parking for people with disabilities. This requirement shall be reflected on the Construction Certificate plans.
Added—Modification D
- 107 Passing Bay**
A 24 metre long passing bay is to be provided in the southern portion of the site between the bridge and the road reserve. The passing bay must be designed to allow a 19 metre articulated vehicle to pull in and out of this bay to allow other vehicles to pass on the access road. The passing bay is to be constructed as hardstand with appropriate signage indicating its location and purpose to drivers. This requirement shall be reflected on the Construction Certificate plans.
Added—Modification D
- 108 Bushfire Attack Levels (BAL)**
New construction shall comply with the requirements for BAL 19 Australian Standard AS3959-2009 'Construction of buildings in bush fire-prone areas' and section A3.7 Addendum Appendix 3 of 'Planning for Bush Fire Protection'.

The construction requirements for BAL 19 Australian Standard AS3959-2009 'Construction of buildings in bush fire-prone areas' and section A3.7 Addendum Appendix 3 of 'Planning for Bush Fire Protection' shall be reflected on the Construction Certificate plans and supporting documentation for the endorsement of the Principal Certifying Authority prior to the issue of the Construction Certificate.

The windows, doors, screening, deck and stairs of Buildings A-C be upgraded to meet the requirements for BAL 19 Australian Standard AS3959-2009 'Construction of buildings in bush fire-prone areas' and section A3.7 Addendum Appendix 3 of 'Planning for Bush Fire Protection'. This requirement shall be reflected on the Construction Certificate plans.
Added—Modification D
- 109** The disabled access ramp(s) shall comply with the current relevant Australian Standard AS1428.1 – Design for Access and Mobility – Part 1 General Requirements for Access – Buildings. This requirement shall be reflected on the Construction Certificate plans.
Added—Modification D
- 110** Access for the disabled must be provided to the whole floor in accordance with AS1428.1 – Design for Access and Mobility – General Requirements for Access – New Building Work. This

requirement shall be reflected on the Construction Certificate plans.

Added—Modification D

- 111 Toilet facilities shall be provided for disabled persons in accordance with the design criteria in AS1428.1 – Design for Access and Mobility – General Requirements for Access – New Building Work. This requirement shall be reflected on the Construction Certificate plans.

Added—Modification D

- 112 The gradient for all disabled access ramps shall not exceed a maximum of one (1) (vertical) in fourteen (14) (horizontal) as per the requirements of Australian Standard AS1428.1 (2001) – Design for Access and Mobility – General Requirements for Access – New Building Work. The final design of the proposed disabled access ramps shall be reflected on the Construction Certificate plans.

Added—Modification D

- 113 The main entry point to the building shall be in accordance with the current relevant Australian Standard 1428.1 - 2001 Design for Access and Mobility - Part 1 General Requirements for Access - Buildings. The proposed pedestrian ramps within the car parking areas shall incorporate gradients (with suitable landing intervals) in accordance with the Australian Standard. The final design of the pedestrian ramps, including ramp gradients shall be reflected on the Construction Certificate plans.

Added—Modification D

Prior to Commencement of Works

114 **Asset Protection Zones**

At the commencement of building works and in perpetuity the property to the east of Buildings A - D for a distance of 16 metres shall be managed as an Asset Protection Zone (APZ) as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.

Added—Modification D

During Demolition, Excavation or Construction

115 **Above-ground Fuels Storage**

The above-ground fuel storage shall comply with the Hazardous and offensive development (SEPP 33) is required. When installing above-ground storage tanks, the following Australian Standards should be considered: AS1940–2004: Storage and handling of flammable and combustible liquids: Industry best practice prefers that provisions are made to contain any leak or spill from the tank storage facility and prevent it from contaminating the surrounding soil or entering a watercourse or drainage system.

Above-ground storage tanks should rest on a foundation which provides adequate support, without unacceptable or uneven settling. The net capacity of a compound must be at least the capacity of the largest tank. Section 5.8.3 of AS1940–2004 contains design and construction requirements that a compound and its associated bund should comply with. AS1692–2006: Steel tanks for flammable and combustible liquids: This standard specifies the requirements for the design and construction of commercial-grade low carbon steel tanks or stainless steel for the storage of flammable and combustible liquids.

Added—Modification D

116 **Lubricants Storage**

Lubricants shall be stored in tank as per the Australian Standards with integrated bunding facility. The bunding capacity of the tank shall comply with the NSW EPA Guidelines.

Added—Modification D

117 **Water and Utilities**

a) Water, electricity and gas are to comply with section 4.1.3 of 'Planning for Bush Fire Protection 2006'.

b) ~~With regard to to water~~ either, water mains application to Sydney Water is accepted and fire

hydrants are to be installed to comply with AS 2419.1 *Fire hydrant installations - System design, installation and commissioning* (Standards Australia 2005) or,

The development will need to be serviced by a static water supply to meet the PBP requirement for a minimum amount of 20,000 litres for firefighting purposes. The supply does not need to be dedicated to firefighting and can double as the potable water supply or other use such as irrigation. The water supply must be visible and readily accessible to fire fighting vehicles and a suitable connection for Rural Fire Service purposes must be made available (65 mm Storz fitting). The supply must be accessible to within 3 m by firefighting appliances. If an underground tank is considered, an access hole of 200 mm must be allowed for tankers to refill direct from the tank and a hardened ground surface to within 4 metres of the access hole supplied.

Added—Modification D

Prior to the Issue of the Occupation Certificate

118 Portable Fire Extinguishers

Prior to the issue of an Occupation Certificate, install portable fire extinguishers throughout the building where required, in accordance with AS2444 and provide certification for the installation.

Added—Modification D

119 Egress

Prior to the issue of an Occupation Certificate all exit doors must comply with Section D2 of the Building Code of Australia.

Added—Modification D

120 Handrail

Prior to issue of an Occupation Certificate, construct handrails where required in accordance with Part D2.17 of the BCA.

Added—Modification D

121 Disabled Access

Prior to issue of an Occupation Certificate, complete all works as identified in BCA Compliance Report prepared by Illawarra Building Certifiers dated 10 March 2015. The ramp from the disabled car space to the principal entrance and access throughout the buildings must comply with AS1428.1.

Added—Modification D

122 Bushfire – Compliance Certificate

A Compliance Certificate shall accompany any Occupation Certificate for Bushfire construction works as have been completed, verifying that the development has been constructed in accordance with the relevant Bushfire Attack Level (BAL) requirements of the Development Consent and Construction Certificate.

Added—Modification D

Operational Phases of the Development /Use of Site

123 Servicing of Machinery and Equipment

Any servicing of machinery/vehicles and equipment associated with the use must be carried out within the covered area of the workshop/equipment area.

Added—Modification D

124 Maintenance of Asset Protection Zone

The Inner Protection Area must be maintained at all times as follows:

- There shall be minimal fine fuel at ground level which could be set alight by a bushfire.
- Use of non combustible ground surfaces such as gravel roads, paved areas, in-ground pools, etc is acceptable.
- Lawn areas shall be maintained low cut and clear.
- Areas under fences, fence posts, gates and trees shall be raked and kept clear of fine fuel.

- Gutters, roofs and roof gullies shall be kept free of leaves and other debris.
- Verandahs, decks, carports, etc shall not be used to store combustible materials and shall be kept free of leaves and other debris.
- Areas within courtyards shall be maintained free of leaves and other debris.
- Reticulated or bottle gas services shall be installed and maintained in accordance with AS 1596.
- Gas cylinder relief valves shall be directed away from the building and away from any hazardous materials such as firewood, etc.
- Trees may be retained within the APZ where:
 - no part of the tree overhangs within 2 metres of any building.
 - the canopy is discontinuous such that tree crowns are separated by a minimum of 10 metres where the APZ adjoins tall open forest, open forest or low open forest.
 - the canopy is discontinuous such that tree crowns are separated by a minimum of 5 metres where the APZ adjoins woodland or other vegetation type.
 - they are smooth barked species or, if rough barked, shall be maintained free of decorticated bark and other ladder fuels (rough barked species are not encouraged).
 - a well-watered and maintained vegetable garden may be located within the IPA.
 - no part of a tree shall be closer to a power line than the distances set out in the current edition of "Planning for Bush Fire Protection".
 - the use of local native plants with features that minimise the extent to which they contribute to the spread of bush fires is encouraged within the above constraints.

Added—Modification D

125 **Storage Bins**

The configuration of the storage bins are to remain within the area identified as storage bins on the approved plans (Site Plan and Location Plan Sheet 1 and 2 of 11, prepared by DJ Design dated 14 April 2015). The storage bins are to be no greater than 2.4m in height and to be designed and operated so that all stored materials do not exceed the height of the bin wall or extend beyond the front of the bin wall.

Added—Modification D

Reasons

The reasons for the imposition of the conditions are:

- 1 To minimise any likely adverse environmental impact of the proposed development.
- 2 To ensure the protection of the amenity and character of land adjoining and in the locality.
- 3 To ensure the proposed development complies with the provisions of Environmental Planning Instruments and Council's Codes and Policies.
- 4 To ensure the development does not conflict with the public interest.

Notes

- 1 This consent becomes effective and operates from the date shown as "**Endorsement Date**" on the front page of this notice. This consent will lapse unless development is commenced within five (5) years from the endorsement date shown on this notice.
- 2 Section 97AA of the Environmental Planning and Assessment Act 1979 confers on an applicant who is dissatisfied with the determination of a consent authority, a right of appeal to the Land and Environment Court exercisable within six (6) months from the date of receipt of this notice.

- 3 This Modified Development Consent supersedes the consent originally given and any previous modification granted. Any references in this consent to “Building Application” or “Building Permit” are to be read as references to “Construction Certificate Application” and “Construction Certificate” pursuant to the provisions of Part 4A of the Environmental Planning and Assessment Act, 1979.
- 4 The holder of a development consent must also hold a current:
- a Construction Certificate under the provisions of the Environmental Planning and Assessment Act, 1979.
- 5 Where the consent is for building work or subdivision work, no temporary buildings may be placed on the site and no site excavation, filling, removal of trees or other site preparation may be carried out prior to the issue of a Construction Certificate and appointment of a Principal Certifying Authority.
- 6 A Tree Management Order has been proclaimed in the City of Wollongong. Under this order, no tree on the land the subject of this approval may be ringbarked, cut down, topped, lopped or wilfully destroyed except with the prior consent of Council which may be given subject to such conditions as Council considers appropriate. However, unless specified otherwise in this consent, those trees which are specifically designated to be removed on the plans approved under this consent or are within three (3) metres of an approved building footprint may be removed, provided that a Construction Certificate has been issued for the development the subject of this consent and a Principal Certifying Authority appointed.
- 7 In this consent the developer means the applicant for development consent and any person or corporation who carries out the development pursuant to that consent.
- 8 Council recommends that NSW Wildlife Information and Rescue Service (WIRES) be contacted (phone (02) 4285 5630) for assistance in relocating any native fauna prior to removal of any trees and bushland, authorised by this consent.
- 9 **Prolonged Rainfall Events**
The applicant is advised that under existing conditions and during prolonged rainfall events, flooding of the site may occur and it is in the applicant’s interest to take all necessary precautions to minimise the risk of property loss and/or damage.

This letter is authorised by

Vivian Lee
Senior Development Project Officer
Wollongong City Council
Telephone (02) 4227 7111

enc