

Attachment 7 - Draft Conditions

The development proposed is Integrated Development and approval is required from the approval bodies listed below:

Department of Planning and Environment - Water Management Act 2000

Pursuant to s91 - authorisation under the Water Management Act 2000 - General Terms of Approval issued by the Department of Planning and Environment dated 11 October 2023 as attached shall form part of this Notice of Determination.

Reason:

To satisfy the requirements of the legislation.

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

1. Approved Plans and Supporting Documentation

Development must be carried out in accordance with the following approved plans and supporting documentation (stamped by Council), except where the conditions of this consent expressly require otherwise.

Plan No	Revision No	Plan Title	Drawn By	Dated
1458-HC-SYN-01	A	Existing conditions	Hychem	25.10.22
1458-HC-SYN-02	A	Typical Details	Hychem	25.10.22
542508_0001	A	Raw Materials Handling General Arrangements	Hychem	30.05.23
542508_0002	A	Raw Materials Handling General Arrangements	Hychem	30.05.23
542508_0003	A	Raw Materials Handling General Arrangements	Hychem	30.05.23
542508_0004	A	Raw Materials Handling General Arrangements	Hychem	30.05.23
542508_0005	A	Raw Materials Handling General Arrangements	Hychem	30.05.23
542508_0006	A	Raw Materials Handling General Arrangements	Hychem	30.05.23
542508_0007	A	Raw Materials Handling General Arrangements	Hychem	30.05.23
542508_0008	A	Raw Materials Handling General Arrangements	Hychem	30.05.23
542508_0009	A	Raw Materials Handling General Arrangements	Hychem	30.05.23
542508_0010	A	Raw Materials Handling General Arrangements	Hychem	30.05.23
542508_0011	A	Raw Materials Handling General Arrangements	Hychem	30.05.23
542508_0012	A	Raw Materials Handling General Arrangements	Hychem	30.05.23

542508_0013	A	Raw Materials Handling General Arrangements	Hychem	30.05.23
542508_0014	A	Raw Materials Handling General Arrangements	Hychem	30.05.23
542508_0015	A	Raw Materials Handling General Arrangements	Hychem	30.05.23
542508_0016	A	Raw Materials Handling General Arrangements	Hychem	30.05.23
542508_0017	A	Raw Materials Handling General Arrangements	Hychem	30.05.23
542508_0018	A	Raw Materials Handling General Arrangements	Hychem	30.05.23
542508_0019	A	Raw Materials Handling General Arrangements	Hychem	30.05.23
542508_0020	A	Raw Materials Handling General Arrangements	Hychem	30.05.23

Document Title	Version No	Prepared By	Dated
Allans Creek Remediation Concept Landscape Revegetation Plan	1	Bluescope	29 August 2023
Arboricultural Report for Allans Creek remediation works	1	Moore Trees	30 January 2023

In the event of any inconsistency between the approved plans and the supporting documentation, the approved plans prevail. In the event of any inconsistency between the approved plans and a condition of this consent, the condition prevails.

Note: An inconsistency occurs between an approved plan and supporting documentation or between an approved plan and a condition when it is not possible to comply with both at the relevant time.

Reason:

To ensure all parties are aware of the approved plans and supporting documentation.

General Conditions

2. Tree Retention/Removal

This consent permits the removal of all trees as indicated on the Arborist Report by Moore Trees Dated 30 January 2023]. No other trees shall be removed without prior written approval of Council.

Reason:

To ensure satisfaction of legislation.

3. Compliance with the Building Code of Australia (BCA)

Building work must be carried out in accordance with the requirements of the BCA.

Reason:

To ensure the development is built in accordance with the Building Code of Australia.

4. Construction Certificate

A Construction Certificate must be obtained from Council or a Registered Certifier prior to work commencing.

A Construction Certificate certifies that the provisions of Part 3 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 have been satisfied,

including compliance with all relevant conditions of Development Consent and the Building Code of Australia.

Note: The Certifier must cause notice of its determination to be given to the consent authority, and to the Council, by forwarding to it, within two (2) days after the date of the determination, the plans and documentation referred to in Section 13 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021.

Reason:

To satisfy the requirements of the legislation.

5. Controlled Activity Approval

The attached GTA issued by the Department of Planning and Environment—Water do not constitute an approval under the *Water Management Act 2000*. The development consent holder must apply to the department for a Controlled Activity approval after consent has been issued by Council and before the commencement of any work or activity.

Reason:

To satisfy the requirements of the legislation.

6. Development Contributions

In accordance with Section 4.17(1)(h) of the Environmental Planning and Assessment Act 1979 and the Wollongong City Wide Development Contributions Plan (2022), a monetary contribution of \$6,840.00 (subject to indexation) must be paid to Council towards the provision of public amenities and services, prior to the release of any associated Construction Certificate.

This amount has been calculated based on the proposed cost of development and the applicable percentage levy rate.

The contribution amount will be indexed quarterly until the date of payment using Consumer Price Index; All Groups, Sydney (CPI) based on the formula show in the Contributions Plan.

To request an invoice to pay the contribution go to www.wollongong.nsw.gov.au/contributions and submit a contributions enquiry. The following will be required:

- Application number and property address.
- Name and address of who the invoice and receipt should be issue to.
- Email address where the invoice should be sent.

A copy of the Contributions Plan and accompanying information is available on Council's website www.wollongong.nsw.gov.au.

Reason:

To ensure the development contributes to the provision of local infrastructure, through the payment of development contributions.

Before the Issue of a Construction Certificate

7. Environmental Management Plan

The submission of a detailed Environmental Management Plan which addresses but is not limited to, the following issues:

- a. Introduction.
- b. Project Description.

This section should include:

- i. Timing and duration of works.
 - ii. location of work sites offices, compounds, stockpiles and refuelling areas.
 - iii. a description of the site and surrounds and location of environmentally sensitive areas.
- c. Objectives of the CEMP.

This section should state what the CEMP is trying to achieve.

d. Context of the CEMP.

This section should specify how the CEMP fits into the planning process of the project.

e. Planning Project Environmental Actions.

f. Environmental Impact Assessment (EIA) Obligations.

This section should identify all EIA documentation related to this project.

g. Environmental Aspects.

This section should reference or describe the aspects and impacts associated with the construction activities. Each impact should be assigned a risk ranking of low, medium or high. Control measures should be selected for all impacts ranked as medium or high. Low risk impacts should be monitored to ensure that they do not increase.

h. Legal and Other Requirements.

This section should detail the legislative requirements of the work, and all other specifications.

i. Supplementary Environmental Plans.

These include:

- i. Erosion and Sediment Control Plan (ESCP) or Soil and Water Management Plan (SWMP).
- ii. Note: Requirements for ESCPs and SWMPs are provided in "Managing Urban Stormwater: Soils and Construction" Landcom, 2004.
- iii. Noise and Vibration Management Plan.
- iv. Landscaping and Revegetation Plan.
- v. Flora and Fauna Management Plan.
- vi. Traffic Management Plan/Traffic Control Plan (TCP).
- vii. Air Quality Management Plan.
- viii. Waste Management Plan.
- ix. Acid Sulfate Soil Management Plan (ASSMP).
- x. Indigenous and European Heritage Plan.
- xi. Contaminated Soil Management Plan.

j. Implementation.

k. On-site Structure and Responsibility.

This section should state the duties and responsibilities of all contractors and sub-contractors working on site and the relationship between these parties.

l. Training, Awareness and Competence.

This section should detail the environmental training that all site personnel are required to undertake. Environmental training should include:

- i. Knowledge and understanding of the CEMP.
- ii. Site induction, and may include:
 - Emergency response training.
 - Familiarisation with site environmental controls.

- Erosion and sediment control training.

m. Communication.

This section should include how the contractor plans to keep affected residents informed as to the nature and scope of works, the type of consultation and frequency. This section should identify and list details for relevant external stakeholders such as:

- EPA.
- NPWS.
- NSW Fisheries.
- DPE.
- Aboriginal Groups.
- Council.

This section should also detail the procedures for the notification of complaints and identify the person responsible for its maintenance and follow up action.

n. Emergency Planning and Response.

This section should detail the procedure to be followed in the event of an environmental emergency. An environmental emergency is any event that causes or has the potential to cause environmental damage. The procedure needs to include:

- The names of key emergency response personnel.
- Personnel responsibilities and contact details.
- Contact details for emergency services (ambulance, fire brigade, spill clean up services).
- The location of on-site information on hazardous materials, including SDSs and spill containment material.
- The procedure to follow to minimise/control the emergency.
- Procedures for notifying the Superintendent, the public and/or EPA.

Emergency Response Contacts should be listed in table form.

o. Auditing and Monitoring.

p. Environmental Action Monitoring.

This section should detail how all environmental actions identified in Section 2 are going to be monitored and verified. This section should also detail or refer to a procedure to ensure that all monitoring results that exceed set criteria are acted on quickly and that the appropriate regulatory authorities are notified.

q. Auditing.

This section should detail audit criteria, frequency and scope.

r. Non-Conformance and Corrective and Preventive Action.

This section should state how these items should be addressed.

s. Review of CEMP.

This section should detail the procedure and frequency of reviewing the CEMP and how those using it will be aware of changes.

t. Appendix 1 - Environmental Action Table.

The Environmental Action Table should provide sufficient information to ensure effective and efficient on-site environmental management. The Environmental Actions Table

should include all environmental actions that were identified in Section 2.0 of the CEMP. The Environmental Actions Table must clearly convey what action is required, when it needs to be done and who is supposed to do it.

u. **Appendix 2 - Environmental Action Monitoring Table.**

This section should detail how all of the environmental actions listed in Appendix 1 are going to be monitored and verified. The monitoring must clearly convey what monitoring is required, when the monitoring is to take place and who is to do it.

Reason:

To ensure ongoing protection of the environment and neighbourhood amenity.

8. Before the Issue of a Construction Certificate - Methods to Control Soil and Sediments

Details outlining the methods to control soil and sediments likely to be blown or washed off-site from disturbed areas during the demolition, excavation and construction phases of the development shall be submitted to the Principal Certifier (and Council in the event that Council is not the Principal Certifier), prior to the issue of the Construction Certificate.

Reason:

To ensure ongoing protection of the environment and neighbourhood amenity.

9. Watercourse Approved Works - Controlled Activity Approval

The submission of documentary evidence to the Principal Certifier is required prior to the issue of the Construction Certificate confirming that a controlled activity approval under Section 91 of the Water Management Act 2000 has been obtained from the Department of Planning and Environment (DPE) for the proposed works. Evidence that the construction details approved by DPE are consistent with the details provided on the Construction Certificate plans, must be provided prior to the release of the Construction Certificate.

Reason:

To satisfy the requirements of the legislation.

Before the Commencement of Building Work

10. Before the Commencement of Building Work - Inspection of Erosion and Sediment Control Measures

Prior to the commencement of any works, the approved erosion and sediment control measures must be implemented by the contractor, and inspected and approved by the PCA prior to the commencement of any other site works. The erosion and sediment measures must be maintained for the life of the construction period and until runoff catchments are stabilised.

Reason:

To ensure ongoing protection of the environment and neighbourhood amenity.

11. 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 and maintenance of silt curtain) is to be initiated prior to the commencement of any works and maintained throughout the demolition, excavation and construction phases of the development.

Reason:

To ensure ongoing protection of the environment and neighbourhood amenity.

12. Sediment Control Measures

The developer must ensure that sediment-laden runoff from the site is controlled at all times subsequent to commencement of construction works. All sediment control measures, including the silt curtain, must be maintained at all times and checked for adequacy at the conclusion of each day's work.

Reason:

To ensure ongoing protection of the environment and neighbourhood amenity.

13. Erosion and sediment controls in place

Prior to the commencement of any works on site, including demolition, all erosion and sedimentation control measures are to be established in accordance with the requirements of the approved CEMP and detailed sediment and erosion control plan.

Reason:

To ensure ongoing protection of the environment and neighbourhood amenity.

14. Appointment of Principal Certifier

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

- a. appoint a Principal Certifier and notify Council in writing of the appointment irrespective of whether Council or a Registered Certifier is appointed; and
- b. notify Council in writing of their intention to commence work (at least two [2] days' notice is required).

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

Reason:

To satisfy the requirements of the legislation.

15. Signs On Site

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

- a. showing the name, address and telephone number of the Principal Certifier for the work, and
- b. showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
- c. stating that unauthorised entry to the worksite is prohibited.

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

Note: This does not apply in relation to building work or demolition work that is carried out inside an existing building that does not affect the external walls of the building.

Reason:

To satisfy the requirements of the legislation.

16. 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:

- a. a standard flushing toilet, and
- b. connected to either:
 - i. the Sydney Water Corporation Ltd sewerage system or
 - ii. an accredited sewage management facility or
 - iii. an approved chemical closet.

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

Reason:

To satisfy the requirements of the legislation.

17. Structural Engineer's Details

Structural Engineer's details for all structurally designed building works such as reinforced concrete footings, reinforced concrete slabs and structural steelwork must be submitted to the Principal Certifier, prior to the commencement of any works on the site.

Reason:

To ensure structural integrity.

18. Enclosure of the Site

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

Reason:

To ensure safety.

19. Notification to SafeWork NSW

The demolition licence holder who proposes demolition of a structure or part of a structure that is loadbearing or otherwise related to the physical integrity of the structure that is at least six (6) metres in height, involving load shifting machinery on a suspended floor, or involving the use of explosives must notify SafeWork NSW in writing at least five (5) calendar days before the work commences.

Reason:

To ensure safety.

20. Demolition Works

The demolition of the existing structures shall be carried out in accordance with Australian Standard AS 2601:2001: The Demolition of Structures or any other subsequent relevant Australian Standard and the requirements of SafeWork NSW.

No demolition materials shall be burnt or buried on-site. The person responsible for the demolition works shall ensure that all vehicles leaving the site carrying demolition materials have their loads covered and do not track soil or waste materials onto the road. Any unforeseen hazardous and/or intractable wastes shall be disposed of to the satisfaction of the Principal Certifier. In the event that the demolition works may involve the obstruction of any road reserve/footpath or other Council owned land, a separate application shall be made to Council to enclose the public place with a hoarding or fence over the footpath or other Council owned land.

Reason:

To satisfy the requirements of the legislation and Australian Standards.

21. 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.

Reason:

To protect neighbourhood amenity.

While Building Work is Being Carried Out

22. Copy of Consent in the Possession of Person carrying out Tree Removal

The Developer/Applicant must ensure that any person carrying out tree removal is in possession of this development consent and/or the approved landscape plan, in respect to the tree(s) which has/have been given approval to be removed in accordance with this consent.

Reason:

To satisfy the requirements of the legislation and DCP.

23. Excess Excavated Material - Disposal

Excess excavated material shall be classified according to the NSW Environment Protection Authority's Waste Classification Guidelines – Part 1: Classifying Waste (2014) prior to being

transported from the site and shall be disposed of only at a location that may lawfully receive that waste.

Reason:

To satisfy the requirements of the legislation and ensure ongoing protection of the environment.

24. While Building Work is Being Carried Out - Accordance with EPA licence

All works are to be undertaken in accordance with the requirements of *Environment Protection Licence 6092*.

Reason:

To satisfy the requirements of the legislation.

25. While Building Work is Being Carried Out - Accordance with Resource Recovery Orders

All works, including waste management and disposal, excavation and filling, are to be done in accordance the relevant Resource Recovery Orders.

Reason:

To satisfy the requirements of the legislation.

26. While Building Work is Being Carried Out - New Information/Unexpected Finds

In the event that demolition and/or construction works cause the generation of odours or the uncovering of previously unidentified contaminants or hazardous materials, works must immediately cease and the Principal Certifying Authority and Council (in the event that Council is not the Principal Certifying Authority) must be notified in writing within seven (7) days and an appropriately qualified environmental consultant appointed to undertake an assessment of the potential contaminant and works required to make the site safe from potential human health and environmental harm.

Reason:

To satisfy the requirements of the legislation and Australian Standards.

27. While Building Work is Being Carried Out - Imported Fill Material

Any imported fill material brought onto the site shall be virgin excavated natural material as defined by the NSW Environment Protection Authority, that is natural material such as clay, gravel, sand, soil or rock fines that has been excavated or quarried from areas that are not contaminated with manufactured chemicals, or with process residues, as a result of industrial, commercial, mining or agricultural activities, and that does not contain sulfidic ores or soils, or any other waste including fragments or filaments of asbestos. A certificate from a suitably qualified environmental consultant confirming the fill material is not contaminated shall be submitted to Council for its records.

Reason:

To satisfy the requirements of the legislation.

28. While Building Work is Being Carried Out - Maintenance of erosion and sedimentation control measures

Daily inspection and maintenance of the erosion and sedimentation control measures shall be undertaken to ensure their effectiveness.

Daily inspection and maintenance of the Silt Curtain is to include:

1. Inspection for damage and ensuring the curtain is free of tears or gaps.
2. Ensuring the top of the barrier is above the water surface.
3. Ensuring the barrier is in the correct location to capture any sediment or debris from the site.
4. Checking all anchor points.
5. Check for any sediment build-up at the bottom of the curtain that may drag the curtain under. Remove and dispose of excess sediment if required.
6. Make any repairs or adjustments if necessary.

Reason:

To ensure ongoing protection of the environment.

29. While Building Work is Being Carried Out - Erosion and Sediment Control Measures

All erosion and sediment control measures are to be effectively implemented and maintained at or above design capacity for the duration of the construction works and until such time as the ground disturbed by the works has been stabilised and rehabilitated so that it no longer acts as source of sediment.

Reason:

To ensure ongoing protection of the environment and compliance with the legislation.

30. While Building Work is Being Carried Out - Building Operations Not to Discharge Pollutants or result in water pollution

Any works or activities associated with this approval shall not result in the discharge of pollutants, including silt or sediment, into the watercourse, or result in water pollution.

Reason:

To ensure ongoing protection of the environment and satisfy the requirements of the legislation.

31. Control of Access to Prevent Tracking of Sediment

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.

Reason:

To ensure ongoing protection of the environment.

32. Drains Maintained Free of Sediment

Drains, gutters, access ways and roadways must be maintained free of sediment and any other material. Gutters and roadways must be swept/scraped regularly to maintain them in a clean state.

Reason:

To ensure ongoing protection of the environment.

Before the Issue of an Occupation Certificate

33. Before the Issue of an Occupation Certificate - Decommissioning of sediment and erosion control measures at completion of works.

Prior to the decommissioning of the sediment and erosion control measures at the completion of works, the entire site shall be swept clean and any sediment that has accumulated at the sediment barriers is to be collected, removed from site and suitably disposed of.

Reason:

To satisfy the requirements of the legislation and ensure ongoing protection of the environment.

34. Before the Issue of an Occupation Certificate - Removal of Silt Curtain

Following the completion of works, the Silt Curtain shall be removed as follows, ensuring that any pollution risk is minimised as much as possible:

1. If excessive sediment or debris has accumulated or collected around the Silt Curtain, then remove the sediment and waste material prior to the barrier being removed, and dispose of appropriately.
2. Prior to removing the Silt Curtain, ensure the water within the enclosed area has achieved a suitable water quality and all sediment has been allowed to settle out.
3. Ensure there is no release of sediment or damage to the watercourse during the removal of the silt curtain.

Reason:

To ensure ongoing protection of the environment and satisfy the requirements of the legislation.

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.