**ATTACHMENT 5 - Draft Conditions of Consent**

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| **NOTICE OF DETERMINATION OF DEVELOPMENT APPLICATION**  |
| **Issued under Section 4.16 of the Environmental Planning and Assessment Act 1979** |
| The development application described below has been determined: |
| **Proposal** | Conversion of a decommissioned 12 MW steam turbine blower machine into a 12 MW steam turbine/alternator and ancillary works |
| **Location** | Pt Lot 1 DP 606434  |
|  | Five Islands Road PORT KEMBLA NSW 2505 |

Consent has been granted subject to the following conditions:

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.

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| **Plan No** | **Revision No** | **Plan Title** | **Drawn By** | **Dated** |
|  |  | No.23 Turbo Alternator Location  |  |  |
| 548646 | C | No.2 Blower StationNo.23 Turbo AlternatorTurbine23 Turbine and AlternatorArrangement | Peter Ellsmore & Associates | 13.07.23 |
| 548532 | M | No.2 Blower StationNo.23 Turbo AlternatorStructures23TA Transformer Layout Plan and Sections | Peter Ellsmore & Associates | 07.07.23 |
| 548566 | L | No.2 Blower StationNo.23 Turbo AlternatorFoundationsProposed Cable Room and Cable TunnelCable Tunnel and Pit – General Arrangement | Peter Ellsmore & Associates | 28.06.23 |
| 548567 | L | No.2 Blower StationNo.23 Turbo AlternatorFoundations23TA Transformer Cable Room and TunnelCable Pit - Arrangement | Peter Ellsmore & Associates | 29.06.23 |
| 548531 | K | No.2 Blower StationNo.23 Turbo AlternatorStructuresProposed Transformer LayoutGeneral Arrangement – Plan and Elevation | Peter Ellsmore & Associates | 31.05.23 |
| DA001 | A | No.2 Blower StationNo.23 Turbo AlternatorGeneralCouncil Development Application General Arrangement | Bluescope  | 06.07.23 |

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**

1. **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.

1. **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.

**Before the Issue of a Construction Certificate**

1. **Flood Level Requirements**

The following requirements shall be reflected on the Construction Certificate plans, prior to the release of the Construction Certificate:

1. Any new portions of the building/structures (including electrical and mechanical equipment) below the 1% AEP flood level plus 0.5 metres (freeboard) shall satisfy the requirements for ‘Flood Compatible Materials', as listed in Appendix B: Flood Compatible Materials of Chapter E13 of the Wollongong DCP2009. Where materials are proposed and not listed in Appendix B of Chapter E13 of the Wollongong DCP 2009, relevant documentation from the manufacturer shall be provided demonstrating that the materials satisfy the definition of ‘flood compatible materials’ as stated in Chapter E13 of the Wollongong DCP 2009.
2. The proposed structures shall be designed to withstand the forces of floodwater, debris and buoyancy up to and including the 1% AEP flood level plus 0.5 metres (freeboard).

Reason:
To comply with Council's Development Control Plan.

**Before the Commencement of Building Work**

1. **Appointment of Principal Certifier**

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

1. appoint a Principal Certifier and notify Council in writing of the appointment irrespective of whether Council or a Registered Certifier is appointed; and
2. 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.

**While Building Work is Being Carried Out**

1. **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.

1. **Open Excavations - Green and Golden Bell Frogs**

If green and golden bell frogs are found at any time during the demolition, excavation or construction phases of the development, work shall cease immediately, and a qualified zoologist experienced in the identification and management of the green and golden bell frog shall be contacted and a report of the find made to Environment Line (telephone 131 555).

Reason:
To satisfy the requirements of the legislation.

1. **Site Management**

Stockpiles of sand, gravel, soil and the like must be located to ensure that the material does not spill onto the road pavement and is not placed in drainage lines or watercourses and cannot be washed into these areas.

Reason:
To comply with Council's Development Control Plan.

1. **Replacement Vegetation**

Any trees removed to enable the construction of the underground cable duct must be replaced with compensatory planting within the Port Kembla Steelworks in accordance with BlueScope’s Vegetation Management Plan (MA-ENV-02-08).

Reason:
To comply with Council's Development Control Plan

**Before the Issue of an Occupation Certificate**

1. **Structural Soundness Certification**

The submission of a report from a suitably qualified and experienced structural engineer to the Principal Certifier is required, prior to the issue of the Occupation Certificate and commencement of use. This report is required to verify that the structures constructed as part of the development can withstand the forces of floodwater, debris and buoyancy up to and including the 1 % AEP flood level plus 0.5 metres (freeboard).

Reason:
To comply with Council's Development Control Plan.

1. **Site Emergency Response Flood Plan**

A Site Emergency Response Flood Plan shall be prepared by an appropriate consulting engineer and submitted to the Principal Certifier prior to the issue of an Occupation Certificate and commencement of use.

Reason:
To comply with Council's Development Control Plan.

**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.