

PART A

DEFERRED COMMENCEMENT CONDITIONS

1. Pursuant to s 4.16(3) of the *Environmental Planning and Assessment Act 1979*, the applicant must satisfy the following deferred commencement conditions of consent prior to this development consent becoming operative:
 - a. The applicant shall prepare an Operational Plan of Management dealing with the following:
 - (i) Site safety and security, including an Emergency Response Plan and site induction process for staff and suppliers and a process for users of the site, including appropriate signage.
 - (ii) Training of personnel / Workplace Health and Safety (WHS)
 - (iii) Management of Hazards including appropriate signage
 - (iv) Waste Management
 - (v) Operational Environment Plan of Management required by condition 8 of the Water NSW general terms of approval
 - (vi) Operational Site Management Plan (Appendix R to the EIS)
 - (vii) Operational Water Management Plan (Appendix Q to the EIS)
 - (viii) Construction, Air Quality Dust Management Plan
 - (ix) Stormwater Management Plan as required by Water NSW

The Operational Plan of Management shall not be inconsistent with any specific conditions set out in Part B or the general terms of approval issued by the NSW EPA or DPE Water.

- b. The Waste Management and Landscape Plan (1139/10-11\D 6 May 2023) shall be amended as follows:
 - (i) To ensure a clearance of 900mm is provided between the disabled car space and the office building of lot 14, Pikkat Drive Braemar
 - (ii) This will require a reduction of the front setback landscape area in this location by a maximum of 400mm
 - (iii) Suitable revised landscaping for this area shall be indicated on the plan to incorporate plant species and design of the raingarden to ensure appropriate plant species and the design and treatment of this space enhances the green space and act as additional screen and green buffer.
- c. Details of the vapour barrier proposed at the rear property boundary around the LPG tanks area in accordance with the Air Quality Risk Assessment prepared by Northstar Air Quality Pty Ltd, Dated 28 April 2023 shall be provided to Council for approval.

Evidence that will sufficiently enable Council to be satisfied as to the compliance of these matters must be submitted to Council within 12 months of the date of determination of this deferred commencement consent, failing which, this deferred development consent will lapse pursuant to s 4.53(6) of the *Environmental Planning and Assessment Act 1979*.

This development consent will not become operative until such time that the Council notifies the applicant in writing that the requirements of deferred commencement have been satisfied.

PART B

ADMINISTRATION CONDITIONS

1. Development Description

Development consent has been granted in accordance with this notice of determination for the purposes of the construction of an industrial building and a chemical storage facility development at 41-43 Pikkat Drive

Reason: *To confirm the use of the approved development.*

2. Development in Accordance with Plans and Documents

The development shall be implemented in accordance with the approved plans and supporting documents set out in the following table except where modified by any conditions of development consent.

Plan Title / Supporting Document	Reference / Version	Prepared By	Dated
Proposed Site Plan	1139, 03-11/ D	DNG Design	6 May 2023
Site Plan Lot 14	1139, 04-11/ D	DNG Design	6 May 2023
Site/landscape Plan Lot 13	1139, 05-11/D	DNG Design	6 May 2023
Floor Plan	1139, 06-11/D	DNG Design	6 May 2023
Floor Plan	1139, 07-11/D	DNG Design	6 May 2023
Elevations and Sections	1139, 08-11/D	DNG Design	6 May 2023
Roof Plan	1139, 09-11/D	DNG Design	6 May 2023
Waste Management Plan and Landscape Plan	1139, 10-11/D	DNG Design	As approved under Deferred Commencement Condition 1(b)
Schedule of Materials	1139, 11-11/D	DNG Design	6 May 2023
Driveway plan	210883, 2/13	DMC Consulting	29 August 2022
Pavement plan	210883, 3/13	DMC Consulting	29 August 2022
Drainage plan	210883, 4/13 B	DMC Consulting	8 May 2023
Erosion and sediment control plan	210883, 13/14	DMC Consulting	29 August 2022
Proposed site plan	HAZ-2719-GA01/6	HAZKEM	3 June 2021
Proposed site details	HAZ-2719-GA02/4	HAZKEM	3 June 2021
Tanker path layout – 19m LPG Tanker	HAZ-2719-GA03/4	HAZKEM	3 June 2021
Tanker path layout – 17m LPG Tanker	HAZ-2719-GA04/2	HAZKEM	3 June 2021
Serviced truck path	HAZ-2719-GA05/2	HAZKEM	3 June 2021
Risk screening document and preliminary hazard analysis	Rev 2	HAZKEM	April 2021
Environmental Impact Statement	Ref. 41-43PIKKATDRV-EIS-29-05-2023	Rein Warry & Co.	29 July 2023
Initial Waste management Plan	41-43PIKKATDRV-EIS-ANNX-A-WMPC	Rein Warry & Co.	29 May 2023
Air Quality Risk Assessment	23.1102.FR1V1	Northstar	28 April 2023
Phase 1 Preliminary Site Contamination Investigation	12351.01.PSCA	Getex	27 April 2023
Phase 2 Detailed Site Contamination Investigation	12351.01.TSCA	Getex	26 July 2023
Noise Impact Assessment	2685-AC-01-A	Broadcast Consulting	May 2023

3. Inconsistency Between Documents

In the event of any inconsistency between the conditions of this consent and the drawings/documents referred to above, the conditions of this consent shall prevail to the extent of the inconsistency.

Reason: *To ensure that the development is undertaken in accordance with the submitted plans and documents (as amended).*

4. Compliance with Building Code of Australia and insurance requirements under the Home Building Act 1989

(a) That the work must be carried out in accordance with the requirements of the National Construction Code.

Reason: *The condition is prescribed under Section 69 of the Environmental Planning and Assessment Regulation 2021.*

5. Erection of Signs

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

- (a) Showing the name, address and telephone number of the Principal Certifier (PC) 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 work site is prohibited.

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

Reason: *The condition is prescribed under Section 70 of the Environmental Planning and Assessment Regulation 2021.*

6. Compliance with Disability Discrimination Act 1992

This approval does not protect or guarantee against a possible claim of discrimination (intentional or unintentional) under the *Disability Discrimination Act 1992*, and the applicant/owner is therefore advised to investigate their liability under this Act.

Reason: *To inform of relevant access requirements for persons with a disability.*

Note: *Disability (Access to Premises - Buildings) Standards 2010 -As of 1 May 2011, if access is provided to the extent covered by this Standard, then such access cannot be viewed as unlawful under the Disability Discrimination Act 1992.*

7. Material and finishes

The material and finishes of the industrial building shall not be non-reflective.

CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF THE CONSTRUCTION CERTIFICATE

8. Excavation – ARTC

In accordance with the Environmental Impact Statement (EIS), any development must not involve excavation exceeding a depth of 2 metres or the utilisation of cranes that encroach upon the airspace within 25 metres of the neighbouring railway line.

9. Application for a Construction Certificate (Building Works)

The applicant shall apply to Council or an Accredited Certifier for a Construction Certificate to carry out the relevant building works in accordance with this consent. The details to be included in the application for a Construction Certificate are:

- (a) Architectural plans and building specifications complying with the National Construction Code (NCC) relevant Australian Standards, and the development consent and conditions.
- (b) If Council or a private accredited certifier issues the Construction Certificate, engineering details must be submitted for approval for all structural elements, including but not limited to, piers, footings, reinforced concrete slab, first floor joist layout, roof trusses, steel beams and the like. The details must be prepared by a qualified chartered professional practicing consulting structural engineer. Also a certificate from the engineer must be included certifying that the design fully complies with appropriate SAA Codes and Standards and the Building Code of Australia requirements.
- (c) Essential services plan outlining the existing and proposed fire safety measures.
- (d) Plans detailing the layout, extent and location of key components of any required Hydraulic Fire Safety System/s (Fire Hydrant and Fire Hose Reels) including Specifications that describe the basis for the design, installation and construction and identify the provisions of the BCA upon which the design of the system is based. The Plans and Specifications shall both be endorsed by a competent fire safety practitioner (CFSP) as complying with the relevant provisions of the Building Code of Australia (BCA).
- (e) Disabled access provisions to common and public areas in accordance with AS1428 Design for Access and Mobility and the Premises Code.
- (f) If an alternative solution to the “deemed to satisfy” provisions of National Construction Code is proposed, the following details must be lodged:
 - Performance requirements that the alternative solution intends to meet.
 - Assessment methods used to determine compliance with the performance requirements, including if and how each performance objective impacts on other requirements of the BCA; and
 - A statement about the person who prepared the alternate solution, indicating qualifications, experience, insurance details, and membership of an approved accreditation body.

Reason: A requirement under the provisions of the Environmental Planning and Assessment Act 1979.

Note: Construction work may only commence upon the issue of a Construction Certificate, appointment of a Principal Certifying Authority (PCA), and lodgement of Notice of Commencement.

Note: Please note that if demolition works forms part of the extent of works approved in the same application, then demolition must not commence prior to the issue of a Construction Certificate

10.Appointment of Principal Certifier (PC)

No work shall commence in connection with this Development Consent until:

- (a) A Construction certificate for the building work has been issued by:
 - (i) the consent authority; or
 - (ii) an accredited certifier; and
- (b) the person having the benefit of the development consent has:
 - (i) appointed a Principal Certifier (PC) for the building work, and
 - (ii) notified the Principal Certifier (PC) that the person will carry out the building work as an owner-builder, if that is the case, and
- (b1) the Principal Certifier (PC) has, no later than 2 days before the building work commences:
 - (i) notified the Council of his or her appointment, and
 - (ii) notified the person having the benefit of the development consent of any critical stage inspections and other inspections that are to be carried out in respect of the building work, and
- (b2) the person having the benefit of the development consent, if not carrying out the work as an owner builder, has:
 - (i) appointed a principal contractor for the building work who must be the holder of a contractor licence if any residential building work is involved, and
 - (ii) notified the Principal Certifier (PC) of such appointment, and
 - (iii) unless that person is the principal contractor, notified the principal contractor of any critical stage inspections and other inspections that are to be carried out in respect of the building work, and
- (c) the person having the person having the benefit of the development consent has given at least 2 days' notice to the Council of the person's intention to commence the erection of the building.

Reason: *To ensure that there is certainty as to the consent applying to the land.*

11.Access for People with Disabilities

Access for people with disabilities shall be provided in accordance with the requirements of the Building Code of Australia, relevant Australian Standards and with regard to the *Disability Discrimination Act 1992*.

Prior to the issue of a Construction Certificate, the plans shall demonstrate compliance.

Note: *Disability (Access to Premises - Buildings) Standards 2010 - As of 1 May 2011, if access is provided to the extent covered by this Standard, then such access cannot be viewed as unlawful under the Disability Discrimination Act 1992.*

Reason: *To inform of relevant access requirements for persons with a disability.*

12.Section 68 Local Government Act 1993 Approvals

Prior to the issue of a Construction Certificate, an application under section 68 of the *Local Government Act 1993* shall be made to, and issued by, Wingecarribee Shire Council, for the following approvals:

- Carry out sewerage works
- Carry out water supply
- Carry out stormwater drainage works

Reason: *A requirement under the provisions of the Local Government Act 1993.*

13. Developer to provide photos of damage to Council property

The developer must provide Council and the PCA with photos of any damage of Council property adjoining the development prior to the issue of the Construction Certificate.

Photos should include any damage to footpaths, road furniture, landscaping/trees, drainage, water, sewer, kerb and gutter and road pavement and the like.

Failure to identify existing damage will result in all damage detected after completion of the building work being repaired at the developer/owners/proponents expense.

The construction supervisor is responsible to ensure that all contractors, sub-contractors, and delivery trucks use a designated access point to prevent damage to Council's property. Repairs to damaged Council property are to be carried out by the contractor/builder to Council's specification and supervision prior to issue of any Occupation Certificate.

Reason: *To ensure that Councils assets are protected.*

14. Section 138 Roads Act 1993 Approval

Where works are proposed within the road reserve, the developer must obtain approval from Council (as the Roads Authority and/or as required under Section 138 of the Roads Act 1993) before any works are undertaken. Works within the road reserve may include activities such as erect a structure, dig up or disturb the surface of a public road, remove or interfere with a structure, or any other activities as defined within the Roads Act 1993.

The following details must be submitted to Council in order to obtain the Section 138 approval:

A copy of approved design plans related to the development and proposed works to be undertaken.

Traffic Control Plan (TCP) to provide protection for those within and adjacent to the work site, including the travelling and pedestrian public. The TCP must comply with the Roads and Traffic Authority's manual "Traffic Control at Work Sites". Warning and protective devices shall comply with the provisions of AS1742.3 2002 Traffic Control Devices for Works on Roads. The plan must be prepared and certified by a person holding the appropriate Roads and Traffic Authority accreditation, a copy of which is to be submitted with the plan.

Insurance details Public Liability Insurance to an amount of \$20 million, to be held by applicant / contractor undertaking the works.

Where works are required within a Classified Road, the Developer must obtain the concurrence and / or the approval of the Roads and Maritime Services for engineering design plans, Traffic Control Plans and approvals under Section 138 of the Roads Act 1993.

Reason: *Statutory requirement.*

15. Construction Management Plan

To undertake development works including demolition, earthworks and construction a Construction Management Plan (CMP) is required to be submitted and approved by Council prior to issue of the Construction Certificate. The CMP shall indicate measures to be implemented to protect the environment as well as public health, safety and convenience. The CMP must include the following:

- a) of site security;
- b) Off street parking for employees, contractors and sub contractors.
- c) Site access for construction vehicles and equipment purposes.
- d) Public safety in the use of roads and footpaths where development activities adjoin such facilities.
- e) The storage and removal, on a regular frequency, of builder's rubble and waste by trade waste contractors.

- f) Provision for loading and unloading materials;
- g) Location of all building materials, structures, plant and equipment to be stored or placed within the construction site;
- h) How materials are to be loaded/unloaded and potential impact on Council infrastructure (including but not limited to footpaths and street trees)
- i) Public risk policies and management for all contractors' employees using or gaining access over public footpaths and roads.
- j) External lighting and security alarms proposed for the construction site.
- k) Firefighting measures to be available on site during development and construction.
- l) Sanitary amenities proposed on site during development and construction.
- m) Ensuring the safety of members of the public and Council staff who may have occasion to enter and be in attendance on the site;
- n) Details of management of storm water run off and the propose sediment and erosion control measures including the location of any rubble grids;
- o) Details of any air and dust management;
- p) Details of noise and vibration controls;
- q) Anticipated staging and duration of works
- r) Provision of Traffic Management Plan (TMP) and Traffic Control Plans (TCP)

Reason: *To ensure the safety, amenity and protection of public infrastructure and the environment.*

16. Detailed Stormwater Drainage System Design

Prior to the issue of the Construction Certificate, a detailed storm water hydraulic drainage plan for the disposal of storm water from the site, prepared in accordance with Council's Design Standards shall be submitted to Council and approved by Council's Development Engineer.

Should any changes be required to the approved storm water drainage plan, the amended design shall achieve equivalent performance standards in accordance with Design Specifications.

Note: Construction Certificate Approval does not include approval for works external to the property or civil works.

Where the proposed design extends beyond the property boundary, separate approval under Section 138 of the Roads Act 1993, must be obtained from Council prior to the commencement of works.

The applicant is advised to contact Council for clarification of proposed works for which approval under Section 138 of the Roads Act 1993 applies.

Reason: *To ensure adequate storm water management.*

17. Carpark Design - Site Servicing

The car park shall be designed to accommodate the turning movements of the largest vehicle servicing the development. The car park design shall incorporate the following:

- (a) The site shall accommodate the turning movements of 15-17m service vehicles.
- (b) Service vehicles shall manoeuvre into and out of the site in a forward direction.
- (c) The front overhang, and swept path made by the service vehicle shall not obstruct car park traffic or encroach onto parking spaces.
- (d) The vehicle swept path shall be reflected on the engineering design plans.
- (e) Loading and unloading of service vehicles shall be undertaken onsite with no intrusion onto the road system.
- (f) The footpath crossing shall be splayed from the property boundary to the kerb line to accommodate the swept path made by the service vehicle.

Reason: *To ensure that the car parking area is constructed to Council requirements.*

18. Off Street Parking Provision

- a. Ten (10) off-street car parking spaces suitably marked in accordance with the approved plans (unless elsewhere specified) shall be provided. Each space shall have minimum dimensions in accordance with Australian Standard AS2890.1 Off Street Car Parking.

Details shall be submitted to the Accredited Certifier prior to the issue of a Construction Certificate showing compliance with this condition.

Reason: *To ensure adequate parking and access.*

19. Erosion and Sediment Control Plan

An Erosion and Sediment Control Plan shall be prepared in accordance with "Landcom's Blue Book" for sedimentation and erosion control plan by a suitably qualified person, and approved by Council prior to issue of the Construction Certificate.

The Erosion and Sediment Control Plan shall include scaled drawings and detailed specifications which can be referred to onsite by project management staff or project construction supervisor. Items to be shown on the Plan shall include:

- (a) Locality of the site, a north point and scale.
- (b) Existing contours of the site including catchment area boundaries and indications of direction of fall.
- (c) Location of and basic description of existing vegetation.
- (d) Diversion of uncontaminated up slope run off around the disturbed sites.
- (e) Location of significant natural areas requiring special planning or management including waters, floodplains, seasonally wet areas, areas prone to ponding/water logging, unstable slopes etc.
- (f) Nature and extent of earthworks, including cut and fill roadworks.
- (g) Location of all soil and material stockpiles.
- (h) Location of site access, proposed roads and other impervious areas.
- (i) Existing and proposed drainage patterns.
- (j) Location and type of proposed erosion and sediment control measures.
- (k) Site rehabilitation proposals, including final contours.
- (l) Time of placement of sediment controls.
- (m) Staging of works and how the plan is to be implemented for each stage or activity on site.
- (n) Maintenance schedule.

Reason: *To minimise soil erosion and sediment movement during construction.*

20. Light Spillage

Measures to ensure that no additional light "spillage" is created from the approved development into existing or nearby residences, shall be provided to the satisfaction of Council prior to issue of Construction Certificate.

Reason: *To ensure no reduction in residential amenity.*

21. Long Service Levy Payments

The payment of a long service levy as required under part 5 of the *Building and Construction Industry Long Service Payments Act 1986*, in respect to this building work, and in this regard, proof that the levy has been paid, is to be submitted to Council prior to the issue of a Construction Certificate. Council acts as an agent for the Long Services Payment Corporation and the levy may be paid at Councils Office.

Reason: *Statutory requirement*

22. Section 7.12 Contributions (formerly Section 94A)

Under section 7.12 of the Environmental Planning and Assessment Act 1979 (as amended), Council has satisfactorily determined that Development Contributions are applicable to this development consent, as the development is likely to require the provision of or increase the demand for public amenities and public services within the Wingecarribee Local Government Area.

The following Wingecarribee Shire Council Developer Contributions Plan is applicable to the Development:

- Section 7.12 Contributions Plan

A Developer Charges - Notice of Payment is attached to the back of this consent and outlines monetary contributions and unit rates applicable at the time of issue of this consent. The contributions listed in the Notice of Payment must be paid prior to the release of a Construction Certificate.

All contributions are indexed quarterly in accordance with upward movements in the Producer Price Index (Tables 15. Output of the General Construction Industry, Index Numbers and Percentage Changes - Index Number; Non-residential Building Construction (3020) New South Wales) as published by the Australian Bureau of Statistics (www.abs.gov.au <<http://www.abs.gov.au>>); Section 25J(4) of the *Environmental Planning and Assessment Regulation 2000*; and Council's Developer Contributions Plans.

Copies of the Contributions Plans are available at Wingecarribee Shire Council's Administration building Moss Vale or are available for download from Council's website www.wsc.nsw.gov.au <<http://www.wsc.nsw.gov.au>>.

Reason: *To retain a level of service for the existing population and to provide the same level of service to the population resulting from new developments.*

23. Water Management Act - Certificate of Compliance

A Certificate of Compliance under Division 5 of Part 2 of Chapter 6 of the *Water Management Act 2000* shall be obtained **prior to the issue of a Construction Certificate**.

Note: *Section 64 of the Local Government Act 1993 authorises Council to issue Certificates of Compliance under Section 306 of the Water Management Act 2000. Section 64 of the Local Government Act 1993 also authorises Council to impose pre-conditions to the issuing of Certificates of Compliance.*

As a precondition to the issuing of a Certificate of Compliance Council requires the payment of Developer Charges **prior to the issue of a Construction Certificate** as prescribed by Wingecarribee Shire Council's Development Servicing Plans:

- Water Supply Development Servicing Plan;
- Sewerage Development Servicing Plan; and
- Stormwater Development Servicing Plan.

A developer Charges - Notice of Payment is attached to the back of this consent and outlines monetary contributions and unit rates applicable at the time of issue of this consent.

The water, sewer and stormwater headworks levies are indexed quarterly in accordance with upward movements in the Consumer Price Index (All Groups, Sydney) as published by the Australian Bureau of Statistics (www.abs.gov.au <<http://www.abs.gov.au>>); and Council's Development Servicing Plans.

Copies of Development Servicing Plans are available at Wingecarribee Shire Council's Administration building Moss Vale or are available for download from Council's website www.wsc.nsw.gov.au <<http://www.wsc.nsw.gov.au>>.

The Water and Sewerage Development Servicing Plans (DSP's) were adopted by Council and came into effect on 15 September 2017. The Stormwater DSP was adopted on 9 November 2010 and came into effect on 8 December 2010. The current charges under these Plans are listed as follows:

CPI Period	Water DSP	Sewer DSP	Stormwater DSP
To 30 th April 2024	\$13,036.76	\$12,638.68	\$307.35

Note: The charges shown above are amounts applicable during the stated time period. These amounts will be subject to adjustment quarterly in accordance with upward movements in the Consumer Price Index (CPI) once they become operational. The CPI is published quarterly by the Australian Bureau of Statistics, www.abs.gov.au <<http://www.abs.gov.au>>.

Note: The charges shown above are amounts applicable during the stated time period. These amounts will be subject to adjustment quarterly in accordance with upward movements in the Consumer Price Index (CPI) once they become operational. The CPI is published quarterly by the Australian Bureau of Statistics, www.abs.gov.au <<http://www.abs.gov.au>>.

Should new DSP's be prepared, it is possible that the charges may increase significantly. Draft DSP's must be advertised by Council for a period of 30 days prior to adoption.

Note: *Payment of the above charges is to be by BANK CHEQUE OR CASH and is to be accompanied by the attached sheet entitled "Notice of Payment - Developer Charges & Section 94". Should the Applicant pay by personal or company cheque the plans subject to this approval will not be available for collection until cheque has been honoured (i.e., a minimum of 10 days).*

Compliance Certificate

Compliance Certificate fees, in accordance with Council's Revenue Policy are as follows and shall be paid prior to the issue of a **Construction** Certificate:-

Water \$255 + Sewer \$255 + Stormwater \$255 = \$765

Prior to final release, you will need to contact Council's Infrastructure Services Division for an inspection to ensure that Council will accept the infrastructure constructed. In response the Manager of Water and Sewer will specify requirements which will have to be met.

In the case of subdivision, the title plan of subdivision will not be certified and released by Council until the *Water Management Act 2000* charges have been paid and/or secured and the approval of Council has been obtained for all works related to this infrastructure.

In the case of other forms of development, the Construction Certificate will not be issued until the *Water Management Act 2000* charges have been paid and/or secured and the approval of Council has been obtained.

Reason: *To retain a level of service for the existing population and to provide the same level of service to the population resulting from new developments.*

CONDITIONS TO BE SATISFIED PRIOR TO THE COMMENCEMENT OF WORK

24. Approval Required for Work within Road Reserve Section 138 Roads Act 1993

Prior to any works being undertaken within the road reserve, the Developer must obtain approval from Council (as the Roads Authority and / or as required under Section 138 of the Roads Act 1993). Works within the road reserve may include activities such as erect a structure, dig up or disturb the surface of a public road, remove or interfere with a structure, or any other activities as defined within the Roads Act 1993.

The following details must be submitted to Council in order to obtain the Section 138 approval:

A copy of the approved development plans and proposed works to be undertaken.

Plans and adequate documentation which validate that the required works are in accordance with Councils Engineering Plans and Specifications and relevant standards.

Traffic Control Plan (TCP) to provide protection for those within and adjacent to the work site, including the travelling and pedestrian public. The TCP must comply with the Roads and Traffic Authority's manual "Traffic Control at Work Sites". Warning and protective devices shall comply with the provisions of AS1742.3 2002 Traffic Control Devices for Works on Roads. The plan must be prepared and certified by a person holding the appropriate Roads and Traffic Authority accreditation, a copy of which is to be submitted with the plan.

Insurance details Public Liability Insurance to an amount of \$20 million, to be held by applicant / contractor undertaking the works.

Advice: Where works are required within a Classified Road, the Developer must obtain the concurrence and / or the approval of the Roads and Traffic Authority for engineering design plans, Traffic Control Plans and approvals under Section 138 of the Roads Act 1993.

Reason: *Statutory requirement.*

25. Construction Certificate

No work shall commence until a:

- (a) Construction Certificate is obtained from either the Wingecarribee Shire Council or an Registered Certifier; and
- (b) Construction Certificate lodged with Council obtained from a Registered Certifier (together with associated plans and documents) - a fee applies for this service.

Reason *Statutory requirement.*

26. Appointment of Principal Certifier (PC)

No work shall commence in connection with this Development Consent until:

- a) A Construction certificate for the building work has been issued by:
 - i) the consent authority; or
 - ii) a Principal Certifier (PC); and
- b) the person having the benefit of the development consent has:
 - i) appointed a Principal Certifier (PC) for the building work, and
 - ii) notified the Principal Certifier (PC) that the person will carry out the building work as an owner-builder, if that is the case, and

- (b1) the Principal Certifier (PC) has, no later than 2 days before the building work commences:
- (i) notified the Council of his or her appointment, and
 - (ii) notified the person having the benefit of the development consent of any critical stage inspections and other inspections that are to be carried out in respect of the building work, and
- (b2) the person having the benefit of the development consent, if not carrying out the work as an owner builder, has:
- (i) appointed a principal contractor for the building work who must be the holder of a contractor licence if any residential building work is involved, and
 - (ii) notified the Principal Certifier (PC) of such appointment, and
 - (iii) unless that person is the principal contractor, notified the principal contractor of any critical stage inspections and other inspections that are to be carried out in respect of the building work, and
- c) the person having the person having the benefit of the development consent has given at least 2 days' notice to the Council of the person's intention to commence the erection of the building.

Reason: *To ensure that there is certainty as to the consent applying to the land.*

27. Notice of Commencement

No work shall commence until a notice of commencement form has been submitted (form will be attached with issue of a Construction Certificate or Subdivision Works Certificate or available from Council's website), giving the Principal Certifier (PC):

- (a) Not less than two (2) days' notice of the date on which it is proposed to commence work associated with this Development Consent;
- (b) Details of the appointment of a Principal Certifier (PC) (either Wingecarribee Council or another Accredited Certifier)
- (c) Details of the Principal Contractor or Owner Builder.
 - Name
 - Builders Licence Number or Owner Builder Permit Number
 - Principal Contractor Company Name
 - Principal Contractor ABN
 - Address of Principal Contractor or Owner Builder
 - Email Address
- (d) Copy of the HBCF Insurance Certificate (if residential building works exceed \$20,000) or Owner Builder Permit;
- (e) Details demonstrating compliance with development consent conditions relevant prior to commencement of the development been satisfied.

Reason: *Statutory requirement.*

Advice: *Attached Notice of Commencement form to be completed.*

28. Fencing of the Construction Site

A temporary hoarding or temporary construction site fence must be erected between the work site and adjoining lands before the works begin and must be kept in place until after the completion of the works if the works:

- (a) could cause a danger, obstruction or inconvenience to pedestrian or vehicular traffic, or
- (b) could cause damage to adjoining lands by falling objects, or

(c) involve the enclosure of a public place or part of a public place.

Reason: *To ensure that the safety of the public is not compromised.*

29. Developer to advise of damage to Council property

The developer must advise Council of any damage to property controlled by Council which adjoins the site including kerbs, gutters, footpaths, walkways, reserves, street trees, drainage pits and the like, prior to commencement of any work on the site. Failure to identify existing damage will result in all damage detected after completion of the building work being repaired at the developer/owners/proponents expense.

The construction supervisor is responsible to ensure that all contractors, sub-contractors, and delivery trucks use a designated access point to prevent damage to Council's property. Repairs to damaged grass verges, concrete footpath, kerb and gutter, street trees, drainage pits are to be carried out by the contractor/builder to Council's specification and supervision prior to occupation of the development.

Reason: *Public safety.*

30. Erosion and Sediment Control

Erosion and sediment control measures (as per the approved Erosion and Sediment Control Plan) shall be installed prior to the commencement of works.

Reason: *To ensure that sediment does not leave the site as a result of the construction of the development.*

31. Maintenance of the Site

All materials and equipment shall be stored wholly within the work site.

Waste materials (including excavation, demolition and construction waste materials) shall be managed on the site and then disposed of at a waste management facility.

Any run-off and erosion control measures required shall be maintained within their operating capacity until the completion of the works to prevent debris escaping from the site into drainage systems, waterways, adjoining properties and roads.

During construction:

- (a) all vehicles entering or leaving the site shall have their loads covered, and
- (b) all vehicles, before leaving the site, shall be cleaned of dirt, sand and other materials, to avoid tracking these materials onto public roads.

At the completion of the works, the work site shall be left clear of waste and debris.

Reason: *Environmental amenity.*

32. Set Out Survey

The development shall be set out by a Registered Land Surveyor to ensure the correct location on the site in accordance with the approved site plan prior to the commencement of works.

Reason: *To ensure compliance with the approved plans.*

CONDITIONS TO BE SATISFIED DURING THE CONSTRUCTION PHASE

33. Approved Plans to be available on site

Endorsed Council approved plans, specifications, documentation and the consent shall be made available on site at all times during construction.

Reason: *To ensure compliance with approved plans.*

34. Imported 'Waste-derived' Fill Material

The only waste derived fill material that may be received at the development site is:

- Virgin excavated natural material (VENM) within the meaning of the *Protection of the Environment Operations Act 1997* (POEO); or
- Any other waste-derived material the subject of a resource recovery exemption under clauses 91 & 92 of the *Protection of the Environment Operations (Waste) Regulation 2014* that is permitted to be used as fill material

Note: *Any waste-derived fill material the subject of a resource recovery exemption received at the development site must be accompanied by documentation as to the material's compliance with the exemption conditions and must be provided to the Principal Certifier (PC)*

The application of waste-derived material to land is an activity that may require a licence under the *Protection of the Environment Operations Act 1997*. However, a licence is not required if the only material applied to land is virgin excavated natural material or waste-derived material that is the subject of a resource recovery exemption under clauses 91 & 92 of the *Protection of the Environment Operations (Waste) Regulation 2014*.

Resource recovery exemptions are available on the NSW EPA website at <http://www.epa.nsw.gov.au/waste/>.

Reason: *To ensure that imported fill is of an acceptable standard for environmental protection purposes.*

35. Structure not to be built over easements/infrastructure.

No portion of any structure shall be erected over any existing sillage or stormwater disposal drains, easements, sewer mains, or proposed sewer mains.

Reason: *To protect infrastructure.*

36. Ground Levels

Natural ground levels shall not be altered or adjusted other than shown on the approved plans or where varied by the conditions of consent without the prior consent of Council.

Finished ground levels shall be graded away from the buildings and adjoining properties must achieve natural drainage. The concentrated flows are to be dispersed down slope or collected and discharged to an approved storm water drainage system.

Reason: *To ensure that natural drainage of the property and adjoining properties is not affected.*

37. Vehicular Access Point - Construction and Delivery Vehicles

A suitable entry point shall be nominated on site and utilised by construction and delivery vehicles. This entry point is to be located so that the possibility of damage to Council's property is minimised during construction. The access point shall be surfaced with all-weather materials of a minimum of 40 mm in

size. Ballast or crushed gravel (minimum of 40mm rock) for the full width of the kerb from the edge of the road to the property boundary.

Reason: *To reduce the possibility of damage to public property.*

38. Earthworks, retaining walls and structural support

Any earthworks (including any structural support or other related structure for the purposes of the development):

- (a) must not cause a danger to life or property or damage to any adjoining building or structure on the lot or to any building or structure on any adjoining lot, and
- (b) must not redirect the flow of any surface or ground water or cause sediment to be transported onto an adjoining property, and
- (c) that is fill brought to the site-must contain only virgin excavated natural material (VENM) as defined in Part 3 of Schedule 1 to the *Protection of the Environment Operations Act 1997*, and
- (d) that is excavated soil to be removed from the site-must be disposed of in accordance with any requirements under the *Protection of the Environment Operations (Waste) Regulation 2005*.

Any excavation must be carried out in accordance with Excavation Work: Code of Practice (ISBN 978-0-642-785442), published in October 2013 by Safe Work Australia.

Reason: *Structural safety.*

39. Damage to Adjoining Properties

All precautions shall be taken to prevent any damage likely to be sustained to adjoining properties. Where damage occurs to adjoining property all necessary repair or suitable agreement for necessary repairs shall be undertaken by the applicant in consultation with, and with the consent of, the affected property owner.

Reason: *Structural safety.*

40. Building Operations

Building operations such as brick cutting, washing tools or brushes and mixing mortar are not permitted on public roadways or footways or in any other locations which could lead to the discharge of materials into the storm water drainage system.

Reason: *To ensure that building materials are not washed into storm water drains.*

41. Maintenance of the site

All materials and equipment shall be stored wholly within the work site.

Waste materials (including excavation, demolition and construction waste materials) shall be managed on the site and then disposed of at a waste management facility.

Any run-off and erosion control measures required shall be maintained within their operating capacity until the completion of the works to prevent debris escaping from the site into drainage systems, waterways, adjoining properties and roads.

During construction:

- (a) all vehicles entering or leaving the site shall have their loads covered, and
- (b) all vehicles, before leaving the site, shall be cleaned of dirt, sand and other materials, to avoid tracking these materials onto public roads.

At the completion of the works, the work site shall be left clear of waste and debris.

Reason: *Environmental amenity.*

42.Excavations and Backfilling

All excavations and backfilling associated with the erection or demolition of a building shall be executed safely and in accordance with appropriate professional standards properly guarded and protected to prevent them from being dangerous to life or property.

Reason: *To ensure the safety of life and property.*

43.Approved hours of Construction/Demolition

Construction/demolition activities shall be limited to the following hours:

DAY	HOURS
Monday to Saturday	7:00am to 5:00pm
Sunday	Nil
Public Holidays	Nil

Reason: *To ensure that the amenity of the surrounding area is not compromised as a result of the construction of the proposal.*

Note: *Any variation to these hours shall require Council consent via the lodgement of an application under section 4.55 of the Environmental Planning and Assessment Act 1979.*

44.Temporary Onsite Toilet

Toilet facilities shall be available or provided at the work site prior to the commencement of works and must be maintained until the works are completed at a ratio of one toilet plus one additional toilet for every 20 persons employed at the site.

Each toilet shall:

- (a) be a standard flushing toilet connected to a public sewer, or
- (b) have an on-site effluent disposal system approved under the *Local Government Act 1993*, or
- (c) be a temporary chemical closet approved under the *Local Government Act 1993*.

Reason: *To ensure that there are appropriate facilities on-site for construction workers.*

45.Engineering Inspections by Council

24 hours prior to the covering of the following works, Council shall be notified by the licensed builder, owner builder or licensed plumber/drainer that the following works are ready for inspection:

- (a) Works in relation to road reserves, footpath, kerb and gutter, road shoulder and drainage within public lands or road reserves.

- (b) Final inspection of footpath, driveway, stormwater and utility construction works within the road reserve.

46. Stormwater Construction

The applicant shall provide adequate storm water drainage infrastructure (pits/pipes/open channels/detention storage) for the conveyance of storm water passing through the site from upstream, and sourced from the development to a discharge outlet to be approved by Council. The point of discharge shall be clearly depicted and the legal right to discharge at that point to be justified. Status of the point of discharge is to be made clear (i.e. provision of drainage easements).

Reason: *To assist in the prevention of erosion of the site from storm water.*

47. Stormwater Discharge

All stormwater runoff from the development shall be collected within the property and discharged to an approved stormwater management system.

Reason: *To ensure that stormwater is appropriately disposed of.*

48. Erosion and Sediment Control Plan Compliance

All site works shall be carried out in accordance with the approved Erosion and Sediment Control Plan. Implementation of the Erosion and Sediment Control Plan shall be supervised by personnel with appropriate qualification and experience in erosion and sediment control.

Note: In the event of non-compliance with the approved plan, Council Officers have the ability to issue Penalty Notices, being an on the spot fine and/ or orders.

Reason: *To ensure that the environment is protected.*

49. Prevention of Nuisance

All possible and practical steps shall be taken to prevent nuisance to the inhabitants of the surrounding neighbourhood from windblown dust, debris and noise during the demolition, excavation and building works.

Reason: *Health and amenity.*

50. Construction Management Plan

All development activities and traffic movements shall be carried out in accordance with the approved Construction Management Plan.

All controls in the Plan shall be maintained at all times. A copy of the Plan must be kept on site at all times and made available to the Accredited Certifier and Council on request.

Reason: *Compliance with condition of consent.*

51. Waste Management

The provision of a metal waste skip with self-closing lid or secure covering on-site for the duration of the construction to ensure that all wastes are contained on the site. The receptacle shall be emptied periodically to reduce the potential for rubbish to leave the site.

Sorting of waste materials shall occur on site in accordance with the approved Waste Management Plan.

Reason: *To ensure that all wastes generated from the construction of the development are contained on the site.*

52. Utility Services

If the work requires alteration to, or the relocation of, utility services on, or adjacent to, the lot on which the work is carried out, the work is not complete until all such works are carried out.

Reason: *To ensure that utilities are provided appropriately to the development.*

53. Environmental Management

- a. The recommendations provided in the *Noise Impact Assessment*, prepared by Acoustic Dynamics dated 6 July 2020 shall be implemented during construction.
- b. Mitigation measures that are outlined in the Air Quality Risk Assessment Prepared by NorthStar dated 28 April 2023 shall be implemented during construction.

Reason: *To protect the environmental amenity.*

CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF AN INTERIM OR FINAL OCCUPATION CERTIFICATE

54. Safety Measure

A marked pedestrian crossing leading to the building's designated entry/access points from the rear carpark shall be provided prior to the issue of Occupation Certificate.

Reason: *To minimise any pedestrian conflict with the rear car parking area.*

55. Outdoor lighting

External security lighting and external movement sensors at the entrance of the site from Pikkat Drive which shall be provided. No lighting and diffusers are to be directed upwards more than 90 degrees and comply with the relevant Australian Standards.

Reason: *To minimise any poorly designed and improperly located external lighting.*

56. Maintenance Schedule

Water & maintenance schedules including drip irrigation and mulching details are to be provided prior to Occupation Certificate.

Reason: *To maintain the landscaping on the subject site.*

57. Landscaping

Barriers, such as logs, kerb and guttering or low fencing, shall be provided around landscaping to prevent vehicles from damaging plantings prior to Occupation Certificate.

Reason: *To maintain the landscaping on the subject site.*

58.Design

All outside storage areas (S1 and S2) shall be appropriately screened from view from roads and public places by a landscape or lattice screening barrier prior to Occupation Certificate.

Reason: To comply with the development control.

59.Landscaping

The landscaping will incorporate Australian native trees and shrubs (as per Appendix 9 of the DCP) prior to Occupation Certificate

Reason: To comply with the development control

60.Building Design

No external service or plumbing conduits, other than down pipes for roof water shall be visible from any public place prior to Occupation Certificate.

Reason: To comply with the development control

61.Occupation Certificate

In accordance with Section 6.9 of the *Environmental Planning and Assessment Act 1979*, an application for an Occupation Certificate, shall be made on completion of the works and the relevant application fee paid. All works specified in the development consent and approved Construction Certificate plans shall be completed and all development consent conditions complied with prior to the issue of the Occupation Certificate.

The Principal Certifier (PC) is required to be satisfied, amongst other things, that:

- All required inspections (including each applicable mandatory critical stage inspection) have been carried out; and
- Any preconditions to the issue of the certificate required by a development consent have been met.

Reason: To comply with the provisions of the Environmental Planning and Assessment Act 1979

Note: A person must not commence occupation or use (or change of use where an existing building) of the whole or any part of a new building (within the meaning of Section 6.10 of the Environmental Planning and Assessment Act 1979 unless an Occupation Certificate has been issued in relation to the building or part.

62. Section 138 Roads Act Final

The applicant is to ensure that the works associated with the Section 138 approval for this development be completed and inspected by Council prior to the issue of any Occupation Certificate.

Reason: To ensure that the development is completed as per this consent and the approved plans.

63. Section 68 Local Government Act Final

The applicant is to ensure that the works associated with the Section 68 approval for this development be completed and inspected by Council prior to the issue of any Occupation Certificate.

Reason: To ensure that the development is completed as per this consent and the approved plans,

64. Council Property

The applicant shall rectify any damage to Council property (including footpaths, road furniture, landscaping/trees, drainage, water, sewer, kerb and gutter, road pavement and the like) as a result of the development, prior to the issue of any Occupation Certificate at no cost to Council.

Reason: *To ensure that Council's assets are protected.*

65. Identification Survey

An identification survey prepared by a Registered Land Surveyor shall be submitted to the Principal Certifying Authority prior to the issue of any Occupation Certificate to demonstrate that all buildings and structures have been constructed entirely within the allotment boundary and in accordance with the approved plans.

Reason *To ensure compliance with the approved plans.*

66. Creation of Easements

The creation or obtaining by the applicant of the following easements, at the applicant's expense and prior to issue of the Occupation Certificate for the development:

- Easement over sewer mains 3m wide in favour of Council.

67. Vehicle Access (Commercial)

Access to the site shall be provided by means of a vehicle crossing as per Standard Drawing SD108 and SD123 and approved by Council prior to the issue of the Occupation Certificate. A copy of the Standard Drawing can be obtained from Council's offices.

Reason: *To ensure that the driveway is constructed to Council's standard specification.*

68. Fire Safety Certificate

A final Fire Safety Certificate shall be obtained in accordance with Part 4, Division 1 of the Environmental Planning and Assessment Regulation 2021, prior to the issue of the Occupation Certificate for the building.

A copy of the Fire Safety Certificate and Fire Safety Schedule shall be:

- Forwarded to Wingecarribee Shire Council;
- Forwarded to the Fire Commissioner; and
- Prominently displayed in the building.

Reason: *To ensure the safety of the building.*

69. Works as Executed Drainage Diagram

The applicant shall submit to Council a copy of the works as executed plans for the both internal and external drainage (Sewer Service Diagram) prior to the issue of an Occupation Certificate. These plans shall be drawn to scale including all relevant details in accordance with the requirements of the NSW Fair Trading. The requirements of the Plumbing Act are to be complied with also in this regard.

Reason: *So that Council may ensure that the construction is in accordance with Council's requirements, and so that a permanent record of the drainage details may be held by Council, to assist in future maintenance.*

70.National Plumbing and Drainage Code

All plumbing and drainage shall comply with the requirements of Australian Standard AS3500 "National Plumbing and Drainage Code" and the relevant New South Wales Amendments.

Reason: To comply with legislation.

71.Emergency Response Plan

An Emergency Response Plan shall be prepared by a suitable qualified specialist which will document all the procedures to prevent and manage all types of emergencies. The Plan shall include but not be limited to the following;

- systems and infrastructure to manage incidents (for example, spills, explosions or fire) that may occur at the premises or that may be associated with activities that occur at the premises and which are likely to cause harm to the environment.
- appropriate measures to protect the environment during these emergencies such as on-site containment measures for fire water and communication strategies that involves reporting of any incidents to appropriate regulatory authorities.
- Communication measures and appropriate staff training in incident identification and management.

The Plan shall be provided to the satisfaction of the Certifier and a copy provided to Council for their records.

72.Signage

Prior to the use of the chemical storage facility, signage and directional information must be installed to the satisfaction of the Certifier. This includes any necessary advisory signage and/or wayfinding and identification signage.

73.Rain Garden

The designated "rain garden" shall be regularly maintained through the life of the development.

Reason: To maintain the landscaping on the subject site and environmental amenity

CONDITIONS TO BE SATISFIED DURING THE OPERATION AND USE OF THE DEVELOPMENT

74.Service Vehicles

All vehicles servicing the site shall be parked wholly within the property boundaries of the subject site at all times.

Reason: To minimise street congestion.

75.Landscaping

No work associated with the ongoing use of the site is to take place within the landscaped area.

Reason: To maintain the landscaping on the subject site.

76.Annual Fire Safety Statement

Each year, the owner of a building to which an essential fire safety measure is applicable shall cause the Council to be given an annual fire safety statement for the building. Such a fire safety statement:

- (a) shall deal with each essential fire safety measure in the building premises; and
- (b) shall be given within twelve months after the last such statement was given, or if no such statement was given, within twelve months after a final fire safety certificate was first issued for the building.

As soon as practicable after a final fire safety certificate is issued, the owner of the building to which it relates:-

- (a) shall 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 and Rescue; and
- (b) shall cause a further copy of the certificate (together with a copy of the current fire safety schedule) to be permanently displayed in the building.

Reason: *To ensure compliance with fire safety requirements.*

77. Amenity

The approved use on the site shall be conducted in such a manner so as not to interfere with the amenity of the neighbourhood by reason of noise, smoke, smell, vibration, gases, vapours, dust, particulate matter or other impurities from the premises.

Reason: *To ensure that the amenity of neighbouring properties is not compromised.*

78. Maximum number of staff

There shall be a maximum of 10 staff on the premises at any one time.

79. Environmental Management

- a. The recommendations provided in the *Noise Impact Assessment*, prepared by Acoustic Dynamics dated 6 July 2020 shall be implemented and adhered to at all times.
- b. Mitigation measures that are outlined in the Air Quality Risk Assessment Prepared by Northstar dated 28 April 2023 shall be implemented and adhered to at all times.

80. Site Management

- a. The proposed Recycling Operating procedure for timber pallets shall be implemented and adhered to at all times.
- b. The proposed Recycling Operating procedure for Steel Gas Cylinders shall be implemented and adhered to at all times.
- c. The operator of the chemical storage facility shall develop a complaints management system and record details of all complaints received and the means of resolution of those complaints. The Complaints Register shall be made available on request.
- d. The proposed Amco barrier and Vapour barriers shall be regularly maintained and ensure they are in good working and physical order at all times.
- e. Filling of cylinders with Acetylene is not permitted at the site.
- f. Cylinder filling activities for LPG gas must only occur in the separate and designated area for this process (north-eastern portion of the site).

- g.** No batching plant is permitted on the site.
- h.** All equipment and machinery should be secured against vandalism outside of working hours.
- i.** The public way must not be obstructed by any materials, vehicles, refuse, skips or the like, under any circumstances.
- j.** A copy of the approved and certified plans, specifications and documentation shall be kept on site at all times and shall be available for perusal by any officer of Council.
- k.** All materials on site or being delivered to the site must be wholly contained within the site.

81. Waste Management

The Operational Waste Management Plan prepared by Rein Warry and Co. (Appendix Q to the EIS) shall be implemented and adhered to all times.

82. Driveway Access

The driveway along the frontage of lot 14 shall comprise the main access driveway to the site and will be utilised by all types of vehicles (5m – 17m) accessing / exiting the site. This driveway will also accommodate the access for customer vehicles entering the site.

The second driveway located along the frontage of lot 13 shall only be used by vehicles associated with proposed Gas Storages Distribution Facility (GSDF) operations, including semi-trailer trucks (19m) which will enter/exit the site to deliver gas supplies, as well as medium ridge trucks and Utes used as part of daily GSDF operations.

83. Hours of Operation

The hours of operation shall be:

Monday – Friday: 6am – 6pm

Saturday: 6am – 12pm

No activities to occur on Sunday or Public Holidays

84. Operational Plan of Management

The facility shall be operated at all times in accordance with the approved Operational Plan of Management as approved by Council under Deferred Commencement Condition 1(a).

Where there is a conflict with the Operational Plan of Management and specific conditions of this consent (including those required to be imposed by NSW EPA and/or DPE Water) those specific conditions shall prevail.

85. Concurrence WATERNSW

The development proposal is to comply with the General Terms of Approval issued by NSE Environment and Protection Authority (EPA) Planning and Environment-Water as follows.

**Water NSW's Concurrence Conditions
DA 23/0072; Lots 13 & 14 DP 1281907; 41-43 Pikkat Drive, Braemar**

General

1. The site layout and works shall be as specified in the Statement of Environmental Effects prepared by Lee Environmental Planning (dated December 2021) and shown on the Proposed Site Plan (Project No. HAZ02719, Drawing No. HAZ-2719-GA02, Issue 4, dated 12.10.21) prepared by Hazkem. No revised site layout, staging or external works that will have any impact on water quality, shall be permitted without the agreement of Water NSW.

Reason for Condition 1 - Water NSW has based its assessment under the State Environmental Planning Policy (Biodiversity and Conservation) 2021 on this version of the development.

Stormwater Management

2. All stormwater management measures shall be implemented as shown on the Drainage Plans and Details (Dwg No. 210883; Sheet Nos. 4, 12, 6, 7 and 10; Rev. A, dated 21/10/2022) prepared by D & M Consulting. Stormwater management measures shall include:
 - pits and pipes
 - oil and water separator
 - media cartridge filter (Hydrochannel or Water NSW endorsed equivalent), and
 - raingarden.
3. The carparking and trafficable areas shall be directed to a raingarden on the site via an oil-water separator or discharges to Council's stormwater infrastructure via media cartridge filters (Hydrochannel or Water NSW endorsed equivalent).
4. The raingarden shall also:
 - be designed consistent with *Adoption Guidelines for Stormwater Biofiltration Systems Version 2* (Payne *et al*, 2015, Melbourne, CRC for Water Sensitive Cities)
 - incorporate the following:
 - a minimum surface and filter area of 138 square metres
 - a filter media consisting of a clean sandy loam with a certified median particle diameter of 0.5 mm, a maximum orthophosphate concentration of 40 mg/kg and a maximum total nitrogen concentration of 400 mg/kg
 - be planted with appropriate deep-rooted, moisture-tolerant vegetation protected by rock mulch (grass and turf is not appropriate vegetation and organic mulch is not suitable)
 - direct all discharge and overflow to Council's stormwater infrastructure
 - be accessible by machinery to facilitate cleaning, monitoring, and maintenance of the structures
 - be constructed after all hardstand areas have been paved or sealed and all ground surfaces have been stabilised
 - be permanently protected from heavy vehicle damage by guardrails, castellated kerb, bollards, or similar structures, with a sign to be erected to advise of its nature and purpose in water quality management, and
 - be protected by sediment and erosion control measures during any construction and post-construction phase until the ground surface is re-vegetated or stabilised.

5. No truckwash water or other industrial wash-down water shall be discharged to the stormwater system without pre-treatment through an oil-water separator.
6. No variation to stormwater treatment or management that will have any impact on water quality shall be permitted without prior agreement of Water NSW.
7. A suitably qualified stormwater consultant or engineer shall certify in writing to Water NSW and Principal Certifying Authority (PCA) prior to the issuance of an Occupation Certificate that all stormwater management structures have been installed as per these conditions of consent and are in a functional state.

Operational Environmental Management Plan

8. An Operational Environmental Management Plan shall be prepared in consultation with Water NSW by a person with knowledge and experience in the preparation of such plans prior to the issuance of an Occupation Certificate. The Plan shall:
 - include details on the location, description, and nature of stormwater management structures such as pits, pipes, oil-water separator, raingarden, media cartridge filters (Hydrochannel or WaterNSW endorsed equivalent)
 - outline the responsibilities and detailed requirements for the inspection, monitoring and maintenance of all stormwater management structures, including the frequency of such activities
 - identify the individuals or positions responsible for inspection and maintenance activities including a reporting protocol and hierarchy, and
 - include checklists for recording inspections and maintenance activities, particularly for raingarden.
9. All stormwater treatment devices shall be monitored, maintained, and managed as per the Operational Environmental Management Plan.

Reason for Conditions 2 to 9 – To ensure appropriate stormwater treatment and quality control measures are designed, implemented, and maintained to achieve a sustainable neutral or beneficial impact on water quality, particularly during wet weather, over the longer term.

Construction Activities

10. A Soil and Water Management Plan shall be prepared by a person with knowledge and experience in the preparation of such plans for all works required as part of the development. The Plan shall:
 - be based on the Erosion & Sediment Control Plan and Notes (Dwg No. 210883; Sheet Nos. 13 and 14; Rev. A, dated 21/10/2022) prepared by D & M Consulting
 - be prepared prior to the issuance of a Construction Certificate and be to the satisfaction of PCA
 - meet the requirements outlined in Chapter 2 of NSW Landcom's Soils and Construction: Managing Urban Stormwater (2004), and
 - include controls that prevent sediment or polluted water leaving the site or entering any stormwater drain or natural drainage system.
11. The Soil and Water Management Plan shall be implemented, and no works shall commence until effective erosion and sediment controls have been installed. The controls shall be regularly inspected, maintained, and retained until works have been completed and ground surface stabilised or groundcover re-established.

Reason for Conditions 10 & 11 - To manage adverse environmental and water quality impacts during the construction phase of the development and to minimise the risk of erosion, sedimentation and pollution within or from the site during this construction phase.

84. Concurrence EPA

The development proposal is to generally comply with the following plans/documents except where amended by recommendations below.

Protection of the Environment Operations Act 1997

General Terms of Approval - Issued



Notice No: 1630712

Attachment A - General Terms of Approval

Administrative conditions

A1. Information supplied to the EPA

A1.1 Except as expressly provided by these general terms of approval, works and activities must be carried out in accordance with the proposal contained in:

- the development application CNR-43461;
- any environmental impact statement for the Gas Supply and Distribution Facility proposed for 41-43 Pikkat Drive Braemer, prepared by Rein, Warry & Co, or any updated EIS relating to the development; and
- all additional documents supplied to the EPA in relation to the development, including all annexures to the EIS.

A2. Fit and Proper Person

A2.1 The applicant must, in the opinion of the EPA, be a fit and proper person to hold a licence under the *Protection of the Environment Operations Act 1997*, having regard to the matters in s.83 of that Act.

Limit conditions

L1. Pollution of waters

L1.1 Except as may be expressly provided by a licence under the Protection of the Environment Operations Act 1997 in relation of the development, section 120 of the Protection of the Environment Operations Act 1997 must be complied with in and in connection with the carrying out of the development.

L5. Waste

L5.1 The licensee must not cause, permit or allow any waste generated outside the premises to be received at the premises for storage, treatment, processing, reprocessing or disposal or any waste generated at the premises to be disposed of at the premises, except as expressly permitted by a licence under the Protection of the Environment Operations Act 1997.

L5.2 This condition only applies to the storage, treatment, processing, reprocessing or disposal of waste at the premises if it requires an environment protection licence under the *Protection of the Environment Operations Act 1997*.

L6. Hours of operation

L6.4 All construction work at the premises must only be conducted between 6:00am and 6:00pm Monday - Friday and between 6:00am and 12:00pm on Saturday. No construction work is to occur on Sunday or on Public Holidays.

L6.5 Activities at the premises, other than construction work, may only be carried on between 6:00am and 6:00pm Monday - Friday and between 6:00am and 12:00pm on Saturday. No activity is to occur on Sunday or on Public Holidays.

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L6.6 This condition does not apply to the delivery of material outside the hours of operation permitted by condition L6.4 or L6.5, if that delivery is required by police or other authorities for safety reasons; and/or the operation or personnel or equipment are endangered. In such circumstances, prior notification is provided to the EPA and affected residents as soon as possible, or within a reasonable period in the case of emergency.

L6.7 The hours of operation specified in conditions L6.4 and L6.5 may be varied with written consent if the EPA is satisfied that the amenity of the residents in the locality will not be adversely affected.

Operating conditions

01. Odour

01.1 The premises must be maintained in a condition which minimises or prevents the emission of odour from the premises.

02. Dust

02.1 Activities occurring at the premises must be carried out in a manner that will minimise emissions of dust from the premises.

05. Emergency response

05.1 A copy of the current version of the Pollution Incident Response Management Plan (PIRMP) for the premises must be kept at the premises.

Note: A PIRMP is required under Part 5.7A of the *Protection of the Environment Operations Act 1997* and its regulations. The PIRMP must document systems and procedures to deal with all types of incidents (e.g. spills, explosions or fire) that may occur at the premises or that may be associated with activities that occur at the premises and which are likely to cause harm to the environment. The PIRMP must be tested at least annually or following a pollution incident. All new licensees must prepare a PIRMP before commencing operations. Further information on PIRMPs can be found here:

<https://www.epa.nsw.gov.au/licensing-and-regulation/licensing/environment-protection-licences/pollution-incident-response-management-plans>

R1. Reporting conditions

R1.1 The applicant must provide an annual return to the EPA in relation to the development as required by any licence under the *Protection of the Environment Operations Act 1997* in relation to the development. In the return the applicant must report on the annual monitoring undertaken (where the activity results in pollutant discharges), provide a summary of complaints relating to the development, report on compliance with licence conditions and provide a calculation of licence fees (administrative fees and, where relevant, load based fees) that are payable. If load based fees apply to the activity the applicant will be required to submit load-based fee calculation worksheets with the return.

General Terms of Approval - Issued



Notice No: 1630712

E1. Special Conditions

E1 Environmental Obligations of Licensee (Works & Programs)

E1.1 While the licensee's premises are being used for the purpose to which the licence relates, the licensee must:

- a) Clean up any spill, leak or other discharge of any waste(s) or other material(s) as soon as practicable after it becomes known to the licensee or to one of the licensee's employees or agents.
- b) In the event(s) that any liquid and non-liquid waste(s) is unlawfully deposited on the premises, such waste(s) must be removed and lawfully disposed of as soon as practicable or in accordance with any direction given by the EPA.
- c) Provide all monitoring data as required by the conditions of this licence or as directed by the EPA.

E1.2 In the event of an earthquake, storm, fire, flood or any other event where it is reasonable to suspect that a pollution incident has occurred, is occurring or is likely to occur, the licensee (whether or not the premises continue to be used for the purposes to which the licence relates) must:

- a) make all efforts to contain all firewater on the licensee's premises,
- b) make all efforts to control air pollution from the licensee's premises,
- c) make all efforts to contain any discharge, spill or run-off from the licensee's premises,
- d) make all efforts to prevent flood water entering the licensee's premises,
- e) remediate and rehabilitate any exposed areas of soil and/or waste,
- f) lawfully dispose of all liquid and solid waste(s) stored on the premises that is not already securely disposed of,
- g) at the request of the EPA monitor groundwater beneath the licensee's premises and its potential to migrate from the licensee's premises,
- h) at the request of the EPA monitor surface water leaving the licensee's premises; and
- i) ensure the licensee's premises is secure.

E1.3 After the licensee's premises cease to be used for the purpose to which the licence relates or in the event that the licensee ceases to carry out the activity that is the subject of this licence, that licensee must:

- a) remove and lawfully dispose of all liquid and non-liquid waste stored on the licensee's premises; and
- b) rehabilitate the site, including conducting an assessment of and if required remediation of any site contamination.

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Mandatory Conditions for all EPA licences

Administrative conditions

Other activities

This licence applies to all other activities carried on at the premises, including:

- **Chemical storage**
- **Chemical production**

Operating conditions

Activities must be carried out in a competent manner

Licensed activities must be carried out in a competent manner.

This includes:

- a. the processing, handling, movement and storage of materials and substances used to carry out the activity; and
- b. the treatment, storage, processing, reprocessing, transport and disposal of waste generated by the activity.

Maintenance of plant and equipment

All plant and equipment installed at the premises or used in connection with the licensed activity:

- a. must be maintained in a proper and efficient condition; and
- b. must be operated in a proper and efficient manner.

Monitoring and recording conditions

Recording of pollution complaints

The licensee must keep a legible record of all complaints made to the licensee or any employee or agent of the licensee in relation to pollution arising from any activity to which this licence applies.

The record must include details of the following:

- the date and time of the complaint;
- the method by which the complaint was made;
- any personal details of the complainant which were provided by the complainant or, if no such details were provided, a note to that effect;
- the nature of the complaint;

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- the action taken by the licensee in relation to the complaint, including any follow-up contact with the complainant; and
- if no action was taken by the licensee, the reasons why no action was taken.

The record of a complaint must be kept for at least 4 years after the complaint was made.

The record must be produced to any authorised officer of the EPA who asks to see them.

Telephone complaints line

The licensee must operate during its operating hours a telephone complaints line for the purpose of receiving any complaints from members of the public in relation to activities conducted at the premises or by the vehicle or mobile plant, unless otherwise specified in the licence.

The licensee must notify the public of the complaints line telephone number and the fact that it is a complaints line so that the impacted community knows how to make a complaint.

This condition does not apply until 3 months after this condition takes effect.

Reporting conditions

Annual Return documents

What documents must an Annual Return contain?

The licensee must complete and supply to the EPA an Annual Return in the approved form comprising:

- a. Statement of Compliance; and
- b. Monitoring and Complaints Summary.

A copy of the form in which the Annual Return must be supplied to the EPA accompanies this licence. Before the end of each reporting period, the EPA will provide to the licensee a copy of the form that must be completed and returned to the EPA.

Period covered by Annual Return

An Annual Return must be prepared in respect of each reporting, except as provided below

Note: The term "reporting period" is defined in the dictionary at the end of this licence. Do not complete the Annual Return until after the end of the reporting period.

Where this licence is transferred from the licensee to a new licensee,

- a. the transferring licensee must prepare an annual return for the period commencing on the first day of the reporting period and ending on the date the application for the transfer of the licence to the new licensee is granted; and
- b. the new licensee must prepare an annual return for the period commencing on the date the application for the transfer of the licence is granted and ending on the last day of the reporting period.

Note: An application to transfer a licence must be made in the approved form for this purpose.

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Where this licence is surrendered by the licensee or revoked by the EPA or Minister, the licensee must prepare an annual return in respect of the period commencing on the first day of the reporting period and ending on

- a. in relation to the surrender of a licence - the date when notice in writing of approval of the surrender is given; or
- b. in relation to the revocation of the licence – the date from which notice revoking the licence operates.

Deadline for Annual Return

The Annual Return for the reporting period must be supplied to the EPA by registered post not later than 60 days after the end of each reporting period or in the case of a transferring licence not later than 60 days after the date the transfer was granted (the 'due date').

Notification where actual load can not be calculated

(Licences with assessable pollutants)

Where the licensee is unable to complete a part of the Annual Return by the due date because the licensee was unable to calculate the actual load of a pollutant due to circumstances beyond the licensee's control, the licensee must notify the EPA in writing as soon as practicable, and in any event not later than the due date.

The notification must specify:

- a. the assessable pollutants for which the actual load could not be calculated; and
- b. the relevant circumstances that were beyond the control of the licensee.

Licensee must retain copy of Annual Return

The licensee must retain a copy of the annual return supplied to the EPA for a period of at least 4 years after the annual return was due to be supplied to the EPA.

Certifying of Statement of Compliance and Signing of Monitoring and Complaints Summary

Within the Annual Return, the Statement of Compliance must be certified and the Monitoring and Complaints Summary must be signed by:

- a. the licence holder; or
- b. by a person approved in writing by the EPA to sign on behalf of the licence holder.

A person who has been given written approval to certify a Statement of Compliance under a licence issued under the Pollution Control Act 1970 is taken to be approved for the purpose of this condition until the date of first review this licence.

Notification of environmental harm

Note: The licensee or its employees must notify the EPA of incidents causing or threatening material harm to the environment immediately after the person becomes aware of the incident in accordance with the requirements of Part 5.7 of the Act

Notifications must be made by telephoning the EPA's Pollution Line service on 131 555.

The licensee must provide written details of the notification to the EPA within 7 days of the date on which the incident occurred.

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Written report

Where an authorised officer of the EPA suspects on reasonable grounds that:

- a. where this licence applies to premises, an event has occurred at the premises; or
- b. where this licence applies to vehicles or mobile plant, an event has occurred in connection with the carrying out of the activities authorised by this licence,

and the event has caused, is causing or is likely to cause material harm to the environment (whether the harm occurs on or off premises to which the licence applies), the authorised officer may request a written report of the event.

The licensee must make all reasonable inquiries in relation to the event and supply the report to the EPA within such time as may be specified in the request.

The request may require a report which includes any or all of the following information:

- a. the cause, time and duration of the event;
- b. the type, volume and concentration of every pollutant discharged as a result of the event;
- c. the name, address and business hours telephone number of employees or agents of the licensee, or a specified class of them, who witnessed the event; and
the name, address and business hours telephone number of every other person (of whom the licensee is aware) who witnessed the event, unless the licensee has been unable to obtain that information after making reasonable effort;
- d. action taken by the licensee in relation to the event, including any follow-up contact with any complainants;
- e. details of any measure taken or proposed to be taken to prevent or mitigate against a recurrence of such an event;
- f. any other relevant matters.

The EPA may make a written request for further details in relation to any of the above matters if it is not satisfied with the report provided by the licensee. The licensee must provide such further details to the EPA within the time specified in the request.

General conditions

Copy of licence kept at the premises or on the vehicle or mobile plant

A copy of this licence must be kept at the premises or on the vehicle or mobile plant to which the licence applies.

The licence must be produced to any authorised officer of the EPA who asks to see it.

The licence must be available for inspection by any employee or agent of the licensee working at the premises or operating the vehicle or mobile plant.

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Attachment B - Recommended Conditions of Approval

Stormwater/sediment control - Construction Phase

A Soil and Water Management Plan (SWMP) must be prepared and implemented. The plan must describe the measures that will be employed to minimise soil erosion and the discharge of sediment and other pollutants to lands and/or waters during construction activities. The SWMP should be prepared in accordance with the requirements for such plans outlined in *Managing Urban Stormwater: Soils and Construction*.

Stormwater/sediment control - Operation Phase

A Stormwater Management Scheme must be prepared for the development and must be implemented. Implementation of the Scheme must mitigate the impacts of stormwater run-off from and within the premises following the completion of construction activities. The Scheme should be consistent with the Stormwater Management Plan for the catchment. Where a Stormwater Management Plan has not yet been prepared the Scheme should be consistent with the guidance contained in *Managing Urban Stormwater: Council Handbook*.

85. Concurrence DPE WATER

The development proposal is to comply with the General Terms of Approval issued by the Department of Planning and Environment-Water as follows.



General Terms of Approval

for proposed development requiring approval under s89, 90 or 91 of the Water Management Act 2000

Reference Number:	IDAS-2023-10588
Issue date of GTA:	2 November 2023
Type of Approval:	Controlled Activity
Location of work/activity:	Lot 13, DP1281907, 41 PIKKAT DRIVE BRAEMAR 2575 Lot 14, DP1281907, 43 PIKKAT DRIVE BRAEMAR 2575
Waterfront Land:	Unnamed Tributary to Sheepwash Creek
DA Number:	DA 23/0072
LGA:	WINGECARRIBEE

The GTA issued by 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 of Planning and Environment-Water for the relevant approval **after development consent** has been issued by Council **and before** the commencement of any work or activity.

Condition Number	Details
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TC-G001	Before commencing any proposed controlled activity on waterfront land, an application must be submitted to Department of Planning and Environment-Water, and obtained, for a controlled activity approval under the Water Management Act 2000.
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TC-G002	A. This General Terms of Approval (GTA) only applies to the proposed controlled activity described in the plans and associated documents relating to Development Application DA 23/0072 provided by Council to Department of Planning and Environment-Water
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	B. Any amendments or modifications to the proposed controlled activity may render the GTA invalid. If the proposed controlled activity is amended or modified, Department of Planning and Environment-Water, must be notified in writing to determine if any variations to the GTA will be required.
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Civic Centre, Elizabeth St. Moss Vale, NSW 2577.
PO Box 141, Moss Vale. DX: 4961 Bowral.
Ph: (02) 4868 0888 Fax: (02) 4869 1203
wscmail@wsc.nsw.gov.au www.wsc.nsw.gov.au
Office Hours: Mon-Fri 8.30am - 4.30pm

Notice of Payment – Developer Charges & Section 7.12 & 64

11 April 2024

SCOTT LEE
33 HOLLY STREET
BOWRAL NSW 2576

Re: 23/0072
Lot 13 DP 1281907
Lot 14 DP 1281907
41 PIKKAT DRIVE BRAEMAR NSW 2575

Development Description: *General Industry - gas supply and refilling facility*

Water, Sewerage and Stormwater Headworks charges are levied under Section 64 of the Local Government Act and Section 306 of the Water Management Act 2000. Other contributions are levied under Section 7.11 of the Environmental Planning and Assessment Act 1979 and Council's Contributions Plans.

Contributions Levy	Units	Rate	Amount Payable	
Section 94A Plan		462000.00	\$0.01	\$4,620.00
S64 Sewer Compliance Certificate		1.00	\$255.00	\$255.00
S64 Stormwater Compliance Certificate		1.00	\$255.00	\$255.00
S64 Stormwater (Northern Gateway)		7.32	\$307.35	\$2,249.78
S64 Sewerage (Shirewide)		0.72	\$12,638.68	\$9,099.85
S64 Water Compliance Certificate		1.00	\$255.00	\$255.00
S64 Water (Shirewide)		0.72	\$13,036.76	\$9,386.47
Total				\$26,121.10

Payments must be either in the form of cash, bank cheque or credit card (credit cards subject to 1% surcharge. Amex and Diners not accepted).

IMPORTANT – The charges shown above are valid for payment until the date given below. After this period the charge will be indexed in accordance with the relevant Plan.

DATE CHARGES ARE VALID TO – 30th April 2024

Prepared by – *Andre Vernez*

Cashier Receipt No: _____

Total Paid: _____

Date Paid: _____