

ATTACHMENT 'A'

CONSENT CONDITIONS for the TERARA RURAL INDUSTRY DEVELOPMENT

General

1. This consent relates to Construction of a Single Storey Building for use as a Rural Industry involving the Handling, Treating, Processing and Packaging of Primary Produce for Distribution Off-Site, and the provision of On-Site Car Parking and Loading Area as illustrated on the following plans

- Sheet No. A01 Site Plan at 1:500 prepared by AM Design and Revised 24-Sep-2008;
- Sheet No. A02 Floor Plan at 1:100 prepared by AM Design and Revised 24-Sep-2008;
- Sheet No. A03 Elevations at 1:100 prepared by AM Design and Revised 24-Sep-2008;

specifications and supporting documentation stamped with reference to this consent, as modified by the following conditions. The development must be carried out in accordance with this consent.

Notes:

- *Any alteration to the plans and/or documentation shall be submitted for the approval of Council. Such alterations may require the lodgement of an application to amend the consent under s96 of the Act, or a fresh development application. No works, **other than those approved under this consent**, shall be carried out without the prior approval of Council.*
- *Where there is an inconsistency between the documents lodged with this application and the following conditions, the conditions shall prevail to the extent of that inconsistency.*

Occupation of Development

2. The development must not be occupied until all relevant conditions of development consent have been met or unless other satisfactory arrangements have been made with council (i.e. a security).

Use of Premises

3. In accordance with the provisions of Shoalhaven Local Environmental Plan 1985, the Rural Industrial Shed must not be used for any habitable purposes for the life of the development.

Notice of Commencement

4. Notice must be given to Council at least two (2) days **prior to the commencement of building work.**

Builders' Toilet

5. Before commencing building operations, a builder's water closet accommodation must be provided to Council's satisfaction.

A chemical toilet may be used on the site or alternatively the site may be provided with temporary closet accommodation connected to Council's sewer where sewer is available and operational.

Under no circumstances will pit toilets or similar be accepted by Council.

Construction Certificate

6. A Construction Certificate must be obtained from either Council or an Accredited Certifier **before any building work can commence.**

Implementation of Sedimentation and Erosion Controls

7. The relevant sedimentation and erosion controls required by this consent must be implemented prior to commencement of any work and maintained until the work is completed and the site stabilised.

Backflow Prevention

8. A cross connection and backflow prevention survey must be conducted for the proposed development in accordance with the National Plumbing and Drainage Code AS 3500. This survey shall be performed by a licensed plumber or other person authorised to conduct a survey for cross connection and backflow prevention. The written findings of this cross connection and backflow prevention survey must be lodged with Shoalhaven Water. The backflow prevention device must be installed appropriate for the hazard rating.

Waste Minimisation and Management

9. A Waste Minimisation and Management Plan (WMMP) must be prepared in accordance with Development Control Plan No. 93 – Waste Minimisation and Management. The WMMP must be approved by Council or an accredited certifier **prior to the issue of a Construction Certificate.**

Note: "Waste" has the same meaning as the definition of "Waste" in the Protection of the Environment Operations Act 1997.

Colour Schedule - Design

10. A schedule of the colour treatment for all elevations must be lodged with Council **prior to the issue of a Construction Certificate.** The proposed colours and materials must blend with the built and/or natural environment. In this regard:
 - (a) Exterior materials (excluding windows and other glazing) are to be non-reflective and of a texture and colour which blend with the existing surroundings;
 - (b) White, light grey or bright colours are not acceptable. The use of one of the darker colours such as Ironstone, Loft, Monument or Woodland Grey is acceptable;

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- (c) Metal roofing and wall cladding shall be pre-coloured at the manufacturing stage. Profile material cladding such as Customorb or Miniorb is acceptable;
- (d) Any water tanks shall be painted to match either the roof or walls, or a dark green or brown colour; and
- (e) The roof pitch must be designed to 30° to respond to the heritage aspect of Terara Village.

The colour schedule and roof pitch design may be approved by Council or an Accredited Certifier.

Landscaping

11. The applicant must lodge a revised Landscape Plan with Council **prior to the issue of a Construction Certificate**. The revised plan must be prepared by a practicing, qualified landscape professional and must include the following details:

- (a) Revised planting for the northern, eastern and southern property boundaries such that the plantings are positioned no closer than at 5 metre centres so as to not impede the flow of floodwaters;
- (b) Provision of a shrub screen adjacent to the southern and eastern sides of the proposed building in order to soften its presentation to Terara Road and the Village;
- (c) Number and type of plants;
- (d) A shrub screen shall be established to provide for the privacy of the adjoining dwelling houses;
- (e) The planting of plant species listed on the Weeds Australia NSW weeds list (www.weeds.org.au) is prohibited for the life of the development; and,
- (f) Any new fencing of the property boundaries must be designed and constructed to be collapsible during major flood events. Open post and rail and three strand plain wire fencing need not be collapsible.

The plan may be approved by Council or an Accredited Certifier.

Water and/or Sewer Contributions

12. A Certificate of Compliance (CC) under Section 307 of Division 5 of Part 2 of Chapter 6 of the Water Management Act 2000 must be obtained to verify that all necessary requirements for matters relating to water supply and sewerage (where applicable) for the development have been made with Shoalhaven Water. A Certificate of Compliance shall be obtained from Shoalhaven Water after satisfactory compliance with all conditions as listed on the Development Application Notice and **prior to the issue of an Occupation Certificate**, Subdivision Certificate or Caravan Park Approval, as the case may be.

In the event that development is to be completed in approved stages or application is subsequently made for staging of the development, separate Compliance Certificates shall be obtained for each stage of the development.

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Where a Construction Certificate is required all conditions listed on the Shoalhaven Water Development Application Notice under the heading "PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE" must be complied with and accepted by Shoalhaven Water. The authority issuing the Construction Certificate for the development shall obtain written approval from Shoalhaven Water allowing a Construction Certificate to be issued. This shall also apply to approved staged developments.

Note: Relevant details, including monetary contributions (where applicable) under the Water Management Act 2000, are given on the attached Notice issued by Shoalhaven Water.

For further information and clarification regarding the above please contact Shoalhaven Water's Development Unit on (02) 4429 3111.

Engineering APPROVAL

13. Engineering design plans for all onsite works referred to in this Consent must be submitted to Council or an Accredited Certifier and approved **prior to the issue of a Construction Certificate**. Plans relating to works within the road reserve must be approved by the Council. Standard fees and charges apply and all work must be carried out in accordance with the approved plans.

All design and construction shall be in accordance with DCP 100 – Subdivision Code.

Note: Fees apply to the checking of engineering plans. Contact shall be made with Councils Development Engineer for a fee quote. All fees must be paid upon lodgement of the detailed engineering plans for checking.

Approval REQUIRED for work within the Road Reserve – Section 138 Roads Act

14. Prior to undertaking any works within the road reserve, the contractor must obtain the approval of Council under Section 138 of the Roads Act, 1993. The following details must be submitted to Council for in order to obtain the s.138 approval:
 - Pavement design
 - 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 RTA's manual – "Traffic Control at Work Sites". Warning and protective devices shall comply with the provisions of AS 1742.3 – 2002 Traffic Control Devices for Works on Roads. The plan must be prepared and certified by a person holding the appropriate RTA accreditation, a copy of which is to be submitted with the plan.
 - Insurance details

Stormwater Drainage Design

15. All internal drainage works shall be designed and constructed for a 1 in 10 year recurrence interval.

Flood Affection

16. The applicant shall ensure that the walls of the shed structure that are designed for failure are sufficiently secure so as not to cause harm downstream.

Flood Emergency Evacuation Plan

17. **Prior to issuing a Construction Certificate**, the applicant shall submit an appropriate consulting Engineer's Report demonstrating that permanent, fail-safe, maintenance-free measures are incorporated in the development to ensure that the timely, orderly and safe evacuation of people is possible from the area and that it will not add significant cost and disruption to the community or the State Emergency Services (SES).

In this regard, the Terara village and surrounding area is affected by floods and would be isolated in a 1% AEP flood event, with Terara Road under water to a depth of approximately 1.3 metres.

As a minimum, the following evacuation procedures shall be in place for the operation of the site:

Site Operation

- (a) The use of the subject site involves the employment of some people with disabilities and the site would not be operational in significant rainstorm events.

Evacuation Procedures

- (b) During heavy rains, the site shall not be operational and employees shall be advised not to report to work on such occasions;
- (c) Should heavy rains occur during operation on the site, then employees shall be taken home or to a predetermined safe site;
- (d) Employees shall be advised not to report for work during flood periods; and,
- (e) Alternative premises shall be provided for employees in the event that the site is closed due to heavy rain or flooding.
- (f) To the extent that evacuation of employees is required, such evacuation shall be undertaken in accordance with a specific set of procedures that would be implemented for each individual person to ensure that the particular employee was evacuated to a safe area;
- (g) In the event that a significant flood occurs in the Shoalhaven River, the site shall be evacuated and shall become non-operational when riverbank overflow occurs. Such a measure would ensure that the subject site is evacuated long before the land is inundated and whilst the site is still classified as low hazard.
- (h) Where possible, on-site vehicles shall be relocated before the site is inundated in a 1% AEP flood event.

Primary Evacuation Route

- (i) The first option evacuation route shall be to the west along Terara Road to the flood-free area at Nowra, approximately 1,700 metres from the subject site. This evacuation route is relatively clear and is bitumen sealed with good sight distances.

Secondary Alternative Route

- (j) the subject site may be evacuated along Millbank Road to flood-free land at Greenwell Point Road at a distance of 3,700 metres.

Approval of the Emergency Evacuation Plan

- (k) The Flood Evacuation Plan must be approved prior to commencement of the use of the property.

Building Code of Australia

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

Note: This condition is prescribed under the Environmental Planning and Assessment Regulation 2000.

Road Reserve, Footpath & Gutters

- 19. The kerb, gutter and footpath adjoining the site shall be kept clear of soil, litter and debris.

Soil and Water Management

- 20. All practical measures must be taken to ensure erosion and subsequent sediment movement off-site does not occur. In particular:

- (a) A silt fence or equivalent must be provided downhill from the cut and fill area (or any other disturbed area);
- (b) The fence must be regularly inspected and cleaned out;
- (c) The fence must be repaired as necessary;
- (d) All collected silt must be disposed of to the satisfaction of the Principal Certifying Authority (PCA);
- (e) Unnecessary disturbance of the site (e.g. excessive vehicular access) must not occur;
- (f) All cuts and fills must be stabilised or revegetated as soon as possible after the completion of site earthworks;
- (g) The relevant sedimentation and erosion controls required by this consent must be maintained until the work is completed and the site stabilised.
- (h) All the above requirements must be implemented to the satisfaction of the Principle Certifying Authority (PCA).

Work Hours

- 21. To limit the impact of the development on adjoining owners, *all* construction and operational work shall be restricted to the hours of 7.00am to 6.00pm Monday to Friday and 8.00am to 3.00pm Saturdays. No construction work shall take place on Weekends or Public Holidays without the further consent of Council.

Waste Minimisation and Management

22. All waste must be contained within the site during construction and then be recycled in accordance with the approved Waste Minimisation and Management Plan (WMMP) or removed to an authorised waste disposal facility. No waste shall be placed in any location or in any manner that would allow it to fall, descend, blow, wash, percolate or otherwise escape from the site.

Compliance with the WMMP shall be demonstrated by the retention of relevant receipts. These must be submitted to Council, upon request.

Colour Schedule

23. The building(s) must be constructed in accordance with the approved schedule of colours and building materials and finishes.

Landscaping

24. All landscaping must be carried out in accordance with the approved Landscape Plan.

Rural Access – Driveway Crossing Pavement

25. a) A bitumen sealed driveway crossing with 200mm minimum compacted pavement thickness shall be constructed 6 metres wide (minimum) at the property boundary and splayed at the pavement edge-line in accordance with Council's Plan SC 263734 (generally in accordance with Type 2 - Fig. D.19 of DCP100). The bitumen driveway crossing shall be constructed from the existing edge of bitumen and extend to the property. Council's Subdivision Manager or his nominee shall inspect and approve the work in accordance with DCP 100.

b) A partial embayment at the Nobblers Lane entrance shall be provided to reduce potential conflict with local traffic.

Driveway and Car Parking

26. The internal driveway and car park shall include the following:
- (a) Car park shall be repositioned to the area adjacent and north of the proposed shed and the driveway extended to a loading area and must be designed in accordance with DCP18. The general car park and driveway layout shall be as shown on a revised Site Plan **to be submitted with the application for a Construction Certificate;**
 - (b) A minimum of three constructed car spaces must be provided on site in accordance with the approved Site Plan.
 - (c) The internal driveway and car park shall be constructed to an all-weather gravel standard, with a minimum compacted pavement thickness of 200mm. Areas of Driveway traversed by service vehicles shall be designed for expected vehicle loads.
 - (d) The internal driveway and car park is to be constructed flush with the existing surface levels so as not to affect the overland flow of stormwater runoff.

- (e) Reliable emergency vehicle access shall be provided that is capable of accommodating Ambulance, State Emergency Services (SES), Fire Brigade, Police and other Emergency Services during a 1% (1:100 year) Annual Exceedance Probability (AEP) flood event.

Discharge of Stormwater

27. Stormwater drainage works shall be designed and constructed to comply with the following engineering requirements:
- (a) The levels of the car park and landscaped areas adjacent to the building must be designed so as to prevent stormwater runoff from overland flows or pipe blockages from entering the building or having adverse effect on adjacent property/buildings.
 - (b) Roof water and Stormwater runoff from hardstand areas associated with the proposed building shall be drained to the proposed on-site stormwater re-use tanks. Tanks shall be designed with minimum storage capacity to detain runoff from the 1 in 10 year storm event. Overflow from the tank shall be conveyed by pipe-work and discharged to a grassed tail-out drain within the property.
 - (c) All drainage works within the site shall be designed and constructed for a 10 year average recurrence interval unless otherwise specified.

Stormwater Collection

28. The stormwater from the roof areas shall be collected and stored for re-use within the proposed rural industry and also within the agricultural activities to be undertaken on the site. Stormwater runoff from hard surfaces must be dispersed into drainage swales within the site.

Amenity – Noise

29. Noise generated by the activity must not:
- (a) Exceed 5dBA above the background noise level at the property boundary between the hours of 7am and 6pm (Monday to Saturday); and
 - (b) Be audible at the property boundary between the hours of 6pm and 8am (Monday to Saturday and all day Sunday and Public Holidays).

Fire Extinguisher

30. At least one Portable Fire Extinguisher, containing an extinguishing agent suitable for the risk being protected, must be installed within the building in accordance with Part E1.6 & Table E1.6 of the Building Code of Australia Volume One and AS 2444 "Portable Fire Extinguishers - Selection and Location".

Building Component

31. The Rural Industry shed building must be constructed of Flood Compatible Materials and in accordance with the recommendations contained in the Report on Structural Conditions for Flooding Incorporating Flood Assessment Report prepared by Geoff McVey Civil Engineer and dated March 2009. Ref. 08061.R.01.wpd. In this regard:

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- (a) all building components must be designed to withstand inundation up to 1% (1 in 100 years) Annual Exceedance Probability (AEP) flood event + 0.5m freeboard level with minimal affectation;
- (b) all materials below the FPL must be constructed from concrete, steel, treated timber or masonry; and,
- (c) Cladding must be structurally designed to collapse under extreme flooding.
- (d) Any building failure above 1:100 year Average Recurrence Interval (ARI) must be designed so as to ensure that floating debris does not cause a problem for downstream properties. Details to be submitted prior to the issue of a Construction Certificate.
- (e) Electrical and Mechanical Equipment - For dwellings constructed on flood liable land, the electrical and mechanical materials, equipment and installation must conform to the following requirements:
 - i. Main power supply - subject to the approval of the relevant power authority, the incoming main commercial power service equipment, including all metering equipment, is to be located above the Flood Planning Level. Means are to be available to easily disconnect the dwelling from the main power supply.
 - ii. Wiring - all wiring, power outlets, switches, e.t.c., must, to the maximum extent possible, be located above the Flood Planning Level. All electrical wiring installed below the Flood Planning Level must be suitable for continuous submergence in water and must contain no fibrous components. Only submersible-type splices are to be used below the Flood Planning Level. All conduits located below the Flood Planning Level are to be so installed that they will be self-draining if subjected to flooding.
 - iii. Equipment - All equipment installed below or partially below the Flood Planning Level must be capable of disconnection by a single plug and socket assembly.
 - iv. Reconnection - Should any electrical device and/or part of the wiring be flooded it must be thoroughly cleaned or replaced and checked by an approved electrical contractor before reconnection.

Occupation Certificate

32. An **Occupation Certificate** must be issued by the Principal Certifying Authority (PCA) before the building is used or occupied.

If Council is the appointed PCA for this project, a minimum of twenty four (24) hours' notice must be given to Council to make an inspection of the work.

Food Preparation

33. Any premises used for the preparation of food for sale to the general public shall comply with Council's Code for the Construction and Alteration of Food Premises, the Food Act 1989 and Food Regulation 2001.

Backflow Prevention

34. All individual, zone or containment backflow prevention devices appropriate to the hazard(s) identified in the cross connection and backflow prevention survey, and

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concurrent with Shoalhaven Water, shall be installed, tested and registered according to Shoalhaven Water's requirements. The developer/owner/occupier shall enter into an annual agreement for the testing of all backflow prevention devices installed.

Residential Use Not Approved

35. The Rural Industry building shall not be used for permanent human occupation or for any other residential purpose or habitable use for the life of the development;

Flood Awareness

36. In the interests of public safety and awareness, the applicant shall implement the following flood awareness measures:

- (a) Preparation, approval and the implementation of an Flood Emergency Evacuation Plan prior to the commencement of the use of the property;
- (b) The applicant shall obtain literature on flood liable land from Council and the NSW Department of Water and Energy;
- (c) The applicant shall locate signs around the site (and on the meter box) identifying the site as being located in a flood hazard area; and,
- (d) The applicant shall display the approved Flood Emergency Evacuation Plan in the meter box and make a copy of the plan available to all employees.

Site Servicing

37. To adequately service the development, the applicant shall provide a service bay capable of accommodating a "Pantech-sized" type truck. In this regard, the car park shall be amended to accommodate the turning movements of the largest vehicle that is expected to service the development. The car park design shall incorporate the following:

- (a) Service vehicles shall manoeuvre into and out of the site in a forward direction;
- (b) The front overhang, and swept path made by the Service vehicle shall not obstruct car park traffic or encroach onto parking spaces; and
- (c) Manoeuvring, loading and unloading of service vehicles shall be undertaken onsite with no intrusion onto the road system.

Registered for Food Inspections

38. The premises are required to be registered with Council's Development & Environmental Services Division for the purposes of food inspection. Application must be made submitting the appropriate form and fee prior to business operations commencing. (See attached application). This type of premises would come under the small goods/ mixed business food shop category, attracting a fee of \$115.00 (2008 financial year).

Site Management and Maintenance

39. The proprietor shall at all times be responsible for on-going site management and maintenance in accordance with the following:
- (a) loading and unloading in relation to the use of the premises must occur in the designated loading areas;
 - (b) goods or machinery must be stored, and all activities must occur, inside the building(s) and not in the car park or drive way areas;
 - (c) activity on the site must not appreciably impact upon the amenity of any adjoining property or tenancy by reason of the emission of noise, dust, fumes, odour, vibration, electrical interference or otherwise
 - (d) maintenance and replacement (if necessary) of all landscaping in accordance with the approved Landscape Plan;
 - (e) maintenance of all:
 - (i) vehicular movement areas including driveways, car parking, manoeuvring areas and line marking to the standard specified in this consent;
 - (ii) stormwater drainage pipes and systems to ensure efficient discharge of stormwater in accordance with the approved stormwater drainage plan;
 - (iii) buildings, fencing, signage/markings to the standards outlined in the development application and/or specified in this consent.

Effluent Pump-out

40. Effluent pump-out is available to the subject land at the full cost to the applicant. In this regard, the minimum service that shall be provided will be once every four (4) weeks. Pump-out procedure shall be carried out only during working hours from Monday to Friday.

Note to the Applicant

The applicant is advised to contact Mr Rob Moran of Council's Development and Environmental Services on Ph 4429 3407 in relation to effluent pump-out services.