

MINUTES

of a meeting of the
Bayside Local Planning Panel
held in the Committee Room, Botany Town Hall
Corner of Edward Street and Botany Road, Botany
on **Tuesday 28 May 2019 at 6.00 pm**

Present

Robert Montgomery, Chairperson
Ross Bonthorne, Independent Expert Member
Robert Furolo, Independent Expert Member
Patrick Ryan, Community Representative

Also Present

Luis Melim, Manager Development Services
Fausto Sut, Manager Governance & Risk
Marta Gonzalez-Valdes, Coordinator Development Assessment
Pascal Van De Walle, Coordinator Development Assessment
Ben Latta, Coordinator Development Assessment
Lincoln Lawler, Senior Development Assessment Planner
Patrick Nash, Senior Development Assessment Planner
Petra Blumkaitis, Senior Development Assessment Planner
Suhradam Patel, IT Technical Support Officer
Anne Suann, Governance Officer

The Chairperson opened the meeting in the Botany Town Hall Committee Room at 6.06 pm.

1 Acknowledgement of Traditional Owners

The Chairperson affirmed that Bayside Council respects the traditional custodians of the land, elders past and present and future leaders, on which this meeting takes place, and acknowledges the Gadigal and Bidjigal Clans of the Eora Nation.

2 Apologies

There were no apologies received.

3 Disclosures of Interest

There were no disclosures of interest.

3.1 Bayside Local Planning Panel Meeting 28 May 2019 - Declaration of Interest Forms - Signed - Redacted

Attachments

- 1 Bayside Local Planning Panel 28 May 2019 - Declaration of Interest Forms - Signed - Redacted

4 Minutes of Previous Meetings

4.1 Minutes of the Bayside Local Planning Panel Meeting - 14 May 2019

Decision

That the Bayside Local Planning Panel notes that the Minutes of the Bayside Local Planning Panel meeting held on 14 May 2019 have been confirmed as a true record of proceedings by the Chairperson of that meeting.

5 Reports – Planning Proposals

Nil

6 Reports – Development Applications

6.1 DA-18/1161 - 31 Albert Street, Botany

An on-site inspection took place at the property earlier in the day.

Decision

That this item be deferred to allow the applicant the opportunity to amend the design of the proposed development considering the following matters:

- The development, as designed, presents a façade to the street which is inconsistent with the established streetscape in that the ground floor is dominated by two double garages, the building setback from the street is less than surrounding properties and the upper level balconies present as enclosed rooms.

Name	For	Against
Robert Montgomery	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Robert Furolo	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Ross Bonthorne	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Patrick Ryan	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Reasons for the Panel's Determination

- The Panel acknowledges that the site may be capable of a development of this scale, however is severely constrained by the narrow frontage to Albert Street.
- The Panel considers that an appropriate design for this site would address the following elements:
 - Reconsideration of garages – in particular, single garage doors would be more in keeping with the established streetscape, would reduce the amount of hard paving within the front setback and would present opportunities for greater landscaping of the front gardens.
 - Reconsideration of the front facing balconies to reduce their visual dominance and bulky appearance.
 - Provide paved walkways from the street frontage to the front porches as required by the Development Control Plan.
- The amount of landscaping and deep soil zone is not entirely clear on the submitted plans. This is to be clarified by the applicant.
- The Panel considers that reconfiguration of the provision of parking could be achieved either by tandem garages or alternative options.

6.2 DA-17/1249 - 1 Baker Street, Banksmeadow

An on-site inspection took place at the property earlier in the day.

The following people spoke:

- Adnan Voloder, Planning & Development Manager, (NSW & ACT), Boral Land & Property Group, Boral Resources (NSW) Pty Ltd, spoke for the officer's recommendation and responded to the Panel's questions.
- Phillip Henschke, Todoroski Air Sciences, spoke for the officer's recommendation and responded to the Panel's questions.
- Terry Lawrence, Transport and Urban Planning, spoke for the officer's recommendation and responded to the Panel's questions.

Determination

- 1 That Development Application 2017/1249 for Designated and Integrated Development - Expansion of the existing concrete batching plant through the construction of additional infrastructure at the Botany Concrete Batching Plant to increase production from 90,000m³ to a maximum capacity of 200,000m³ of concrete product (500,000 tonnes per annum) is **APPROVED** subject to the conditions listed in the attached Schedule 1.
- 2 That any objectors be notified of the determination made by the Bayside Local Planning Panel.

Name	For	Against
Robert Montgomery	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Robert Furolo	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Ross Bonthorne	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Patrick Ryan	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Reason for the Panel's Determination

- 1 The applicant has adequately responded to the matters raised by the previous Panel in relation to off-site intersection improvements and air quality.
- 2 The Panel agrees with the officer's assessment as contained within the report.
- 3 The matters in relation to traffic are satisfied by condition 5 (which has been agreed by the applicant) which restricts the production of the plant to the existing 90,000m³ per annum until the intersection of Baker Street and Wentworth Avenue is signalised and the intersection of Page Street and Wentworth Avenue is upgraded.

6.3 DA-18/1173 - 1 Beauchamp Road, Banksmeadow

An on-site inspection took place at the property earlier in the day.

The following people spoke:

- Adam Bishop, Environmental Consultant, speaking on behalf of the applicant, Holcim (Australia) Pty Ltd, spoke for the officer's recommendation and responded to the Panel's questions.
- Cyril Giraud, speaking on behalf of the applicant, Holcim (Australia) Pty Ltd, spoke for the officer's recommendation and responded to the Panel's questions.

- Tom Wheatley, traffic consultant, speaking on behalf of the applicant, Holcim (Australia) Pty Ltd, spoke for the officer's recommendation and responded to the Panel's questions.

Determination

- 1 That Development Application DA-2018/1173 for Designated and Integrated Development for the construction of a temporary and then permanent concrete batching plant (concrete works), aggregate/materials and distribution facility at 1 Beauchamp Road, Banksmeadow, is **APPROVED** subject to the conditions listed in the attached Schedule 1.
- 2 That the submitters be advised of the Bayside Local Planning Panel's decision.

Name	For	Against
Robert Montgomery	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Robert Furolo	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Ross Bonthorne	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Patrick Ryan	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Reason for the Panel's Determination

- The Panel agrees with the officer's assessment and recommendation.
- The Panel is of the view that the site location and access to rail services is ideally suited to the proposed concrete batching plant.
- The additional conditions relating to noise and air quality will ensure that consistent controls are applied to all industrial activities within the area.
- The Panel acknowledges the concerns raised by Randwick City Council in their letter dated 28 May 2019 in relation to potential traffic impact of heavy vehicle movements associated with the development and concern about transporting dangerous goods. The Panel notes that these issues have been satisfactorily resolved by the applicant. In particular, the consent limits traffic movements to RMS controlled roads. It is noted that Perry Street (opposite the site within Randwick LGA) is load limited to 3.5 tonnes which would prohibit use by heavy vehicles associated with the development.

The Chairperson closed the meeting at 7:35 pm.

Certified as true and correct.

Robert Montgomery
Chairperson

3.1 Attachment - Bayside Local Planning Panel Meeting 28 May 2019 - Declaration of Interest Forms - Signed - Redacted



Declaration of Interest - Bayside Local Planning Panel Meeting 28/05/2019

Item	Description	Declaration of Interest
6.1	DA-18/1161 - 31 Albert Street, Botany	In relation to this matter, I declare that I have: no known conflict of interest <input checked="" type="checkbox"/> or an actual ¹ <input type="checkbox"/> , potential ² <input type="checkbox"/> or reasonably perceived ³ <input type="checkbox"/> conflict of interest as detailed in the attached document.
6.2	DA-17/1249 - 1 Baker Street, Banksmeadow	In relation to this matter, I declare that I have: no known conflict of interest <input checked="" type="checkbox"/> or an actual ¹ <input type="checkbox"/> , potential ² <input type="checkbox"/> or reasonably perceived ³ <input type="checkbox"/> conflict of interest as detailed in the attached document.
6.3	DA-18/1173 - 1 Beauchamp Road, Banksmeadow	In relation to this matter, I declare that I have: no known conflict of interest <input checked="" type="checkbox"/> or an actual ¹ <input type="checkbox"/> , potential ² <input type="checkbox"/> or reasonably perceived ³ <input type="checkbox"/> conflict of interest as detailed in the attached document.
Name (please print) <u>ROBERT MONTGOMERY</u>		Signature <u>[Redacted]</u>
		Date <u>28.5.19</u>

Please enter the details of any conflict of interest on the back of this page.




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Name (please print) <u>Robert Furcolo</u>		Signature <u>[Redacted Signature]</u> Date <u>28.5.2019</u>

Please enter the details of any conflict of interest on the back of this page.



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Name (please print) <u>ROSA BONTORNE</u>		Signature  28/5/19

Please enter the details of any conflict of interest on the back of this page.



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Name (please print) <u>Bethick Ryan</u>		Signature <u>[Redacted]</u>
		Date <u>28.5.2019</u>

Please enter the details of any conflict of interest on the back of this page.

Attachment 1**Schedule 1 – Conditions of Consent****Premises: 1 Baker Street, Banksmeadow DA No: 2017/1249****PART B - GENERAL CONDITIONS**

- 1 The development is to be carried in accordance with the plans and documentation listed below, except where amended by other conditions of this consent:

Drawing No.	Author	Dated/Received
The Project (Site) - Figure 6	Element Environment	21 December 2017
The Project ((elevations) – Figure 7	Element Environment	21 December 2017
Transport Routes – Figure 9	Element Environment	21 December 2017
Environmental Impact Statement dated 16 March 2016	Element Environmental	21 December 2017
Traffic and Transport Impact Assessment dated 23 November 2017 Ref 16167r1 and supplementary report dated 14 August 2018	Transport and Urban Planning Pty Ltd	Various
Noise and vibration Impact Assessment dated November 2017	Wilkinson Murray	21 December 2017
Air Quality Assessment dated 30 November 2017 Job Number 16090607 and supplementary report dated 16 April 2019.	Todoroski Air Sciences Pty Ltd	Various.
Acid Sulfate Soil Management Plan dated June 2017	Environmental Compliance Services	21 December 2017
Surface Water, Groundwater and Flooding Assessment Report Ref 166532 Dated December 2017	Northrop	21 December 2017
Arboricultural Impact Assessment dated 6 November 2017, Revision 1	Urban Tree Management	21 December 2017

Drawing No.	Author	Dated/Received
Landscape Plans DA- SP – 03 titled landscape plan and SP 01 Site Analysis dated 7.12.17 issue A (2 Plans)	Mansfield Urban	21 December 2017
Risk Assessment and Evaluation dated 15 December 2017	Arriscar	21 December 2017
Phase 1 Environmental Site Assessment	Environmental Compliance Services	21 December 2017
Phase 2 Environmental Site Assessment	Cleanaway Industrial Solutions	21 December 2017

No construction works (including excavation) shall be undertaken prior to the issue to the Construction Certificate.

- 1A The applicant will not carry out any development the subject of DA 2017/1249 without first giving Council seven days' notice of its intention to do so.
- 2 This location lies within an area defined in schedules of the Civil Aviation (Buildings Control) Regulations which limit the height of structures to 15.24 metres above existing ground height (AEGH) without prior approval of the Civil Aviation Safety Authority.

The application sought approval for the PROPERTY DEVELOPMENT to a height of 35.0 metres Australian Height Datum (AHD).

In my capacity as Airfield Design Manager and an authorised person of the Civil Aviation Safety Authority (CASA) under Instrument Number: CASA 229/11, in this instance, I have no objection to the erection of this development to a maximum height of 27.0 metres AHD.

The approved height is inclusive of all lift over-runs, vents, chimneys, aerials, TV antennae, construction cranes etc.

Should you wish to exceed this height a new application must be submitted.

Should the height of any temporary structure and/or equipment be greater than 15.24 metres AEGH, a new approval must be sought in accordance with the Civil Aviation (Buildings Control) Regulations Statutory Rules 1988 No. 161.

Construction cranes may be required to operate at a height significantly higher than that of the proposed development and consequently, may not be approved under the Airports (Protection of Airspace) Regulations.

Sydney Airport advises that approval to operate construction equipment (ie cranes) should be obtained prior to any commitment to construct.

- 3 Development is to be carried out in accordance with the approved Operational Management Plan and its Annexures. Any amendments to the Operational Management Plan or its Annexures may only be made with the prior written approval of Council.
- 4 This Consent relates to land in Lot 1 DP 602703 and, as such, building works must not encroach on to adjoining lands or the adjoining public place.
- 5 This approval only permits the following maximum production capacity:
- (a) Unsignalised intersection of Baker Street and Wentworth Ave
- (i) a maximum production capacity of 90,000m³ of concrete per year, and
- (ii) a maximum vehicle movement of

	Type and Size of vehicles e.g. Class 6	Number of each type of vehicle	Vehicle movements per day e.g. In / Out = 2 trips
Employee (private)	1 Class 4 - Cars 2 3 4	13	13 x 2 = 26
Company	1 Class 4 - Agitator trucks 2 Class 8 - Cement tankers 3 Class 8 - Aggregate 4 5 6 7	11	4 x 6 max = 66 3 x 2 = 6 12 x 2 = 24
Delivery / Courier / Container	1 Class 4 - Visitors 2 Class 3 - deliveries 3 4 5 6 7		3 x 2 = 6 1 x 2 = 2

- (b) Signalised intersection of Baker Street and Wentworth Ave and upgrade of Page Street and Wentworth Ave.
- (i) A maximum production capacity of 200,000m³ of concrete per year
- (ii) a maximum truck movement (one way) as follows:

Truck type and number of loads	Proposed operations		
	Average per day	Peak per day	Peak per hour
Aggregate truck	50	94	12
Cement tanker	10	19	3
Agitator truck	133	250	33
Trucks transporting concrete waste	2	4	1

6

- (a) All building work must be carried out in accordance with the requirements of the Building Code of Australia;
- (b) The buildings prior to the use and occupation must contain Category 1 fire safety provisions; and
- (c) Pursuant to Clause 94 of the Environmental Planning and Assessment Regulations 2000, the whole of the site and buildings must be protected by hydrant installations, the design and installation of which must satisfy AS2419.1 – 2005.

7 The consent given does not imply that works can commence until such time that:

- (a) Detailed plans and specifications of the building have been endorsed with a Construction Certificate by:
 - (i) The consent authority; or
 - (ii) An accredited certifier; and
- (b) The person having the benefit of the development consent:
 - (i) Has appointed a principal certifying authority (**PCA**); and
 - (ii) Has notified the consent authority and the Council (if the Council is not the consent authority) of the appointment; and
 - (iii) The person having the benefit of the development consent has given at least 2 days notice to the council of the persons intention to commence the erection of the building.

CONDITIONS IMPOSED BY AN EXTERNAL AUTHORITY

8 The following conditions are imposed by Ausgrid:

- (a) Any work undertaken near Overhead Power lines needs to be done in accordance with WorkCover Document ISSC 23 "Working Near Overhead Power Lines" -Ausgrid Network Standards -Ausgrid Electrical Safety Rules;
- (b) The location of underground cables by using Dial Before You Dig and comply with the requirements of Ausgrids Network Standard 156: Working Near or Around Underground Cables before any excavation works are undertaken;
- (c) Existing Ausgrid easements, leases and/or right of way must be maintained at all times to ensure 24 hour access. No temporary or permanent alterations to this property tenure can occur without written approval from Ausgrid. For further details refer to Ausgrid's Network Standard 143.
- (d) The developer is required to make a formal submission to Ausgrid by means of a duly completed Preliminary Enquiry and/ or Connection Application form, to allow Ausgrid to assess any impacts on its infrastructure and determine the electrical supply requirements for the development (eg. whether a substation is required on site).

- (e) The developer is to ensure that the proposed works do not contravene Ausgrid's technical standards and statutory requirements, in regards to the safe and reliable operation of Ausgrid's network.
- 9 The following conditions are imposed by **Water NSW**:
- (a) A Water Supply Work Approval from WaterNSW must be obtained prior to commencing dewatering activity on the proposed site. Please complete an Application for approval for water supply works, and/or water use.
 - (b) An application for a Water Supply Works Approval will only be accepted upon receipt of supporting documentation, and payment of the applicable fee (see Application fees for New or amended Works and/or Use Approvals). The information required for the processing of the water supply work application may include preparation of a dewatering management plan. Please refer to checklist attached.
 - (c) If approved, the Approval will be issued for a period of up to 24 months to cover the dewatering requirements during the construction phase. It will include conditions to ensure that impacts are acceptable and that adequate monitoring and reporting procedures are carried out. The Approval will be issued subject to the proponent meeting requirements of other agencies and consent authorities. For example, an authorisation by either Sydney Water or the local Council, depending where the water will be discharged. If contaminants are likely, or are found to be present in groundwater, and are being discharged to stormwater, including high salinities, a discharge licence under the Protection of the Environment Operations Act 1997 (NSW) may also be required.
 - (d) WaterNSW prefers "tanking" (ie. total water proofing below the seasonal high water table) of basement excavations, and avoids the ongoing extraction of groundwater after the initial construction phase. It is also advised to adopt measures to facilitate movement of groundwater post construction (eg. a drainage blanket behind the water-proof membrane).
 - (e) If the basement is not "tanked", the proponent will require a Water Access Licence (WAL) and need to acquire groundwater entitlements equivalent to the yearly ongoing take of groundwater. Please note: Acquiring groundwater entitlements could be difficult, and may cause delay in project completion. If a WAL is required, please complete an Application for a new water access licence with a zero share component.

New South Wales – Environmental Protection Authority

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Water Management

- (a) The proponent must implement erosion and sediment control measures to prevent pollution of waters in accordance with the Soils and Construction: Managing Urban Stormwater (2004) - 'the Blue Book'.
- (b) All stormwater quality management controls installed at the premises, during both construction and operation, must be inspected:

- (i) regularly during normal construction hours
 - (ii) daily during rainfall events
 - (iii) within 24 hours of the cessation of a rainfall event causing run off to occur from the premises.
- (c) The proponent must keep written records of all observations and actions made in relation to the above inspections, including any works undertaken to repair and/or maintain stormwater management controls.

Noise and Vibration Impacts

- (d) All works and activities undertaken at the premises must be undertaken in a manner that will minimise noise and vibration impacts at sensitive receivers.
- (e) • Noise generated at the premises should not exceed the project specific noise goals defined in 'Table 5-3 — Project-Specific Amenity Criteria', 'Table 5-4 — Project-Specific Noise Limits' and 'Section 5.2 — Sleep Disturbance Criteria' of the Noise and Vibration Impact Assessment prepared by Wilkinson Murray Pty Limited (report number 16340, November 2017).
- (f) If noise emissions exceed the identified project specific noise goals, the proponent must investigate the cause of the exceedance and implement all reasonable and feasible measures to avoid a repeat of the exceedance.
- (g) A post-commissioning report produced by an independent organisation that is eligible for membership with the Association of Australian Acoustic Consultants must be provided to the NSW Environment Protection Authority within 3 months of the premises commencing operations, to validate that the site is operating within the established noise goals in the document titled Noise and Vibration Assessment, Wilkinson Murray Pty Limited (report number 16340, November 2017).

Air Quality

- (h) The proponent must not cause or permit the emission of any offensive odour from the premises
- (i) The premises must be maintained in a condition which minimises or prevents the emission of dust from the premises.
- (j) Activities that occur in or on the premises are to be carried out in a manner that minimises the generation of dust from the premises.
- (k) The proponent must prepare and implement an Air Quality Management Plan (AQMP), the AQMP must include, but is not limited to:
 - (l) Proactive and reactive management strategies;
- (m) A Site Specific benchmarking of best management practice particulate emission controls
 - (i) Key Performance indicators for emission controls;
 - (ii) Monitoring methods, including location, frequency and location;

- (iii) Response mechanisms;
 - (iv) Responsibilities, and
 - (v) Record keeping and compliance.
- (n) An Environment Protection licence is required before the operation of the plant.

Dangerous Goods and Chemical Transport, Storage and Handling

- (o) The proponent must ensure that environmental risks associated with the storage, processing and handling of hazardous materials and dangerous goods are minimised. Storage and handling of any dangerous goods must be undertaken in accordance with the most up-to-date version of The Storage and Handling of Dangerous Goods Code of Practice. The current version as at the date of this letter is 2005 and it can be viewed online at:

http://www.safework.nsw.gov.au/data/assets/pdf_file/0005/50729/storage-handling-dangerousgoods-1354.pdf

- (p) The type, quantity and location of all dangerous goods, chemicals and waste should be easily identified by site personnel, and included in relevant environmental management plans/documentation for the premises.
- (q) The proponent must develop and implement effective controls for the storage, processing and handling of materials at the premises. These controls should include operating and maintaining bunds or spill containment systems where necessary to minimise the risk of pollution from potential spills and leaks. Information on bunding and spill management can be found online at:

<http://www.epa.nsw.gov.au/mao/bundingspill.htm>

Management Plans and Record Keeping

- (r) All written records must be:
- (i) in a legible form, or in a form that can readily be reduced to a legible form;
 - (ii) kept for at least 4 years after the monitoring or event to which they relate took place; and
 - (iii) produced in a legible form to any authorised officer of the EPA who asks to see them.
- (s) Prior to the commencement of any construction works, an appropriately qualified person must prepare a detailed Construction Environment Management Plan ("CEMP"), which includes, but is not necessarily limited to:
- (i) dust (air quality) management strategy
 - (ii) procedures for validation of imported fill material and the proposed means of disposing overburden
 - (iii) waste and materials re-use on-site

- (iv) community response and management procedure outlining the course of action to be undertaken following receipt of a complaint
- (v) Chemical Handling and Dangerous Goods Management Plan
- (vi) Pollution Incident Response Management Plan
- (vii) Noise Management Plan

Roads and Maritime Services

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- (a) A Construction Traffic Management Plan detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control should be submitted to Council for approval prior to the issue of a Construction Certificate.
- (b) A Road Occupancy Licence (ROL) should be obtained from Transport Management Centre for any works that may impact on traffic flows on the state road network during construction activities. A ROL can be obtained through <https://myrta.com/oplinc2/pages/security/oplincLogin.jsf>
- (c) All works and signposting associated with the subject development shall be at no cost to Roads and Maritime.

CONDITIONS WHICH MUST BE SATISFIED PRIOR TO THE ISSUE OF ANY CONSTRUCTION CERTIFICATE

- 12 Prior to the issue of any Construction Certificate, the applicant shall provide an Operational Management Plan to the written satisfaction of Council's Manager Development Services to address the following matters:

(A) Traffic Management Plan

The Traffic Management Plan is to include provisions to the effect that:

- (a) no trucks servicing the site are to be parked on the road. Employee vehicles are also to be parked on site.
- (b) allocating responsibility to the site manager to ensure that no trucks servicing the site will be parked on the road;
- (c) provision is to be made for any truck drivers collecting or delivering to the site that are not employees of Boral. Details to provided of:
 - (i) a provision in any contract with such drivers requiring each driver and contracting company to be bound by the Plan of Management;
 - (ii) a requirement for each driver to undergo site induction and read the Plan of Management and agree to comply with it before servicing the site;
 - (iii) disciplinary measures for contractor truck drivers where they do not meet the requirements of the Plan of Management or conditions of consent including termination of services for continual breaches;

- (d) provision for the relevant procedures under the dust management plan including water spraying of trucks carrying raw material to ensure dust emissions are avoided.
- (e) maintenance of site haulage and delivery records (section 5.2) for at least 5 years and provision for such records to be made available to Council on request.
- (f) the traffic management plan is to attach and incorporate the requirements of approved traffic report in Condition 1 and other relevant conditions of consent including maximum capacity and truck movements from the site.
- (g) the Truck Management Plan is to specify the maximum length and dimensions of the vehicles to be used. No vehicles are to exceed the dimensions specified as a B-Double vehicle with an overall length of 19.56mm.
- (h) The traffic management plan requires education to all staff and drivers on the maximum capacity and maximum truck movements permitted each day.
- (i) The Traffic Management Plan will require records of all truck movements to and from the site to be kept on a daily basis and shall be made immediately available to any Council officer upon request

(B) Operational Management Plan

The Operational Management Plan is to incorporate details of how buildings are to be maintained including details of how each building can be accessed for maintenance. The operational management plan must not be inconsistent and /or incorporate any requirement under any other management plan required by this consent.

(C) Noise Management Plan

The Noise Management Plan is to include:

- (a) incorporate a reference to the requirements of conditions 130 and 140 of these conditions;
- (b) Incorporate the maximum truck movement numbers
- (c) the noise levels are to comply with Council's night time levels of LAeq 40dB(A) when assessed on any residential property.
- (d) how restrictions will be imposed on the use of air braking or jake brakes at night time on site, on Anderson Street or Baker Street (including at the intersection with Wentworth Avenue).

(D) Dust Management Plan

The dust management plan is to address the following matters:

- (i) Details of the management of deliveries of raw material to the site including but not limited to the use of water sprays to ensure that there is no emission of airborne dust or fine particles from the delivery trucks or storage areas as a consequence of the delivery process.

Examples of detail required includes location of water sprays, frequency and time period of use, area of application, and collection of runoff. Provision is also to be made for the supervision of each delivery by staff on site to ensure that this occurs. Documentation of this is also to be included.

- (ii) Installation, monitoring and maintenance of a high efficiency fabric filter particle collection system to be installed on each silo and maintained for the life of the development. Details of the maintenance program including records of maintenance to be kept on site for at least 5 years. Such records are to be made available to Council upon written or oral request.
- (iii) Further detail is to be provided within the plan of management plan to ensure that it is tailored to the specific development, including a plan of the plant identifying locations for each of the dust management practices and performance metrics identified in the amended Air Quality Report dated 16 April 2019
- (iv) Within 6 months of commencement of operations, independent proof of performance monitoring of the fine particle, including PM_{2.5} emissions, from these silo will be performed by a suitably qualified and experienced independent NATA accredited testing authority. Measures should also be included to demonstrate review measures that are to be implemented in the event that emissions which fail to meet EPA requirements or the requirements of these conditions of consent occur. Maintenance of records or monitoring for a period of at least 5 years and provision to Council on request.
- (v) Further details as to how any dust will be prevented from being tracked on to any public road including but not limited to:
 - (i) details as to how the road surfaces on the site will be maintained and cleaned (frequency, responsibility and measures to be used);
 - (ii) a review mechanism to ensure that measures are amended and improved to Council's satisfaction in the event that any dust is tracked on to the road;
 - (iii) emergency procedures such as the sweeping of the public road in the event that dust is tracked from the site.
- (v) Further details as to how any dust will be prevented from being tracked on to any public road including but not limited to:
 - (i) details as to how the road surfaces on the site will be maintained and cleaned (frequency, responsibility and measures to be used);
 - (ii) a review mechanism to ensure that measures are amended and improved to Council's satisfaction in the event that any dust is tracked on to the road;

- (iii) emergency procedures such as the sweeping of the public road in the event that dust is tracked from the site.
- (vi) Details of measures to be employed for the concrete recycling/reclamation system so as to ensure that there is no resulting emission of dust or tracking of excess and waste products off site.
- (vii) DMP is to provide that the use of the premises shall not give rise to air impurities in contravention of the *Protection of the Environment Operations Act and Regulation (Clean Air)*. Waste gases and dusts released from the premises shall not cause a public nuisance nor be hazardous or harmful to human health or the environment.
- (viii) **Cumulative Impact of Air Emissions**

All emissions and the cumulative ground level impact of those emissions shall not exceed those levels specified in the National Environment Protection Measure (Ambient Air) and the Approved Methods for Modelling and Assessment of Air Pollutants in New South Wales (2016).
- (ix) DMP is to outline potential sources of particulate emission from this proposed concrete batching works which include:
 - Paved trafficked areas;
 - Stockpiles of sand and aggregate;
 - Overhead bins;
 - Conveyor belts and raw materials transfer;
 - Aggregate weigh bins;
 - Cement and fly-ash receivals, transfer and storage;
 - Silo over-fill protection and emergency shut-down;
 - Silo discharge to weigh hopper
- (x) DMP is to address measures to address the majority of dust emissions from the site with the following inclusions:

Silos

The applicant is to provide all necessary construction details including manufacturer's specifications of the provision and construction of a high efficiency fabric filter particle collector to be installed on each silo. These collectors will provide 100 % collection efficiency of particles less than 2.5 micron EAD and greater than 1.0 micron EAD. The manufacturer's specification will include type of fabric and configuration of coating or membrane, air to cloth ratio or filtration velocity, filter area, pressure drop, fabric cleaning pulse pressure, pulse rate and warrant the collection efficiency.

Metrics

All metrics or measurements of performance presented in DMP will be recorded for inspection by Council as required.

- (xi) Details of a complaints register which is to require recording details of complaint, complainant, and means by which complaint has been addressed.

Development is to be carried out in accordance with the documents lodged and approved under this condition.

13 Further amended plans and documents

Prior to the issue of any construction certificate, the applicant is to submit amended plans and documents to the written satisfaction of Council's Manager Development Services addressing the following matters:

- (a) Final plans showing details for all buildings including the facades, roofs, windows, doors landings and stairs generally as shown on the approved developmental application plans, prior to issue of the construction certificate. The final plans, and any necessary accompanying documentation, shall have sufficient detail to demonstrate how all parts of the buildings can be accessed for maintenance, including the cement storage silos proximate to the northern boundary of the site.
- (b) Final plans including acoustic mitigation measures identified on the plans
- (c) A final schedule of materials and colours.
- (d) Detailed design to comply with the stormwater and groundwater measures to address the issues including but not limited to:
 - (i) plans to demonstrate that the underground stormwater reuse tank shall be constructed as a fully tanked structure to prevent the ingress of potentially contaminated groundwater into the reuse system.
 - (ii) Design of the managed aquifer recharge system to Council's satisfaction.
- (f) detailed landscape plans consistent with the requirements of these conditions of consent;
- (g) all lighting details are to be submitted to Council to establish that they will not result in unsatisfactory light spill contrary to the controls in *AS4282-1997 Control of the obtrusive effects of outdoor lighting*;
- (h) certification from a suitably qualified traffic engineer is to be provided to confirm that the engineering/architectural plans meet the parking, manoeuvrability and swept path requirements of relevant Australian standards and accommodate the swept paths within the traffic report and addendums as referenced in Condition 1.

Development is to be carried out in accordance with the plans and documents approved pursuant to this condition.

- 14 Prior to the issue of any Construction Certificate a report shall be provided by a suitably qualified acoustical consultant/engineer, who is eligible for membership of the Australian Acoustic Society (AAS) and/or be a member of a firm which is a member of the AAAC, confirming the required noise control measures specified in the Development Application documentation and any other measures to ensure compliance with the noise requirements have been incorporated into the proposed development and identified on the construction certificate plans.
- 15 Prior to the issue of any Construction Certificate, the applicant is to provide all necessary construction details including manufacturer's specifications to the Council's written satisfaction of the provision and construction of a high efficiency fabric filter particle collector to be installed on each silo. These collectors will provide 100 % collection efficiency of particles less than 2.5 micron EAD and greater than 1.0 micron EAD. The manufacturer's specification will include type of fabric and configuration of coating or membrane, air to cloth ratio or filtration velocity, filter area, pressure drop, fabric cleaning pulse pressure, pulse rate and warrant the collection efficiency. Details should include a detailed maintenance program for the life of the development. These filters are to be installed and maintained in good working order and the development is to be carried out in accordance with the details approved under this condition.
- 16 The applicant must prior to the issue of the Construction Certificate, pay the following fees:
- (a) Development Control:.....\$3,081.00;
 - (b) Footpath Crossing Deposit:\$148,200.00 ;
 - (c) Section 94 Contribution\$57,000.00
- 17 A Footpath Reserve Restoration Deposit of \$148,200.00 shall be paid to Council prior to the issue of a construction certificate. This is to cover repair of any damages, or other works to be done by Council. This includes construction, removal, or repair as required to: kerb and guttering, existing or new driveways; paved areas and concrete footpaths. Where the Deposit is in the form of a Bank Guarantee, this shall be provided on Council's Bank Guarantee Form. If payment is made after the end of the financial year, the amount shall be adjusted in accordance with Council's adopted fees and charge.
- 18 The payment of the following monetary contributions in accordance with Council's Section 94A Contributions Plan 2016:
- Total = \$57,000.00 (this is 1% of the value of works)
- This results in a total contribution of \$57,000.00 to be paid to Council prior to the issue of the Construction Certificate. The Section 94 Contribution fees are subject to annual review and the current rates are applicable for the financial year in which your consent is granted. If you pay the contribution in a later financial year you will be required to pay the fee applicable at the time.
- 19 Prior to the issue of the Construction Certificate, the required Long Service Levy payable under Section 34 of the Building and Construction Industry Long Service Payments Act 1986 must be paid. The Long Service Levy is payable at 0.35% of the total cost of the development, however this is a State Government fee and can change without notice.

- 20 Prior to the issue of any Construction Certificate, at the proposed point of construction site entry, photographic survey showing the existing conditions of Council's infrastructure shall be submitted to Council and Principal Certifying Authority.
- The survey shall detail the physical conditions and identify any existing damage to the roads, kerbs, gutters, footpaths, driveways, street trees, street signs and any other Council assets fronting the property and extending to a distance of 50m from the development. Failure to do so may result in the applicant/developer being liable for any construction related damages to these assets. Any damage to Council's infrastructure during the course of this development shall be restored at the applicant's cost.
- 21 Prior to the issue of the Construction Certificate, the applicant shall contact "Dial Before You Dig on 1100" to obtain a Service Diagram for, and adjacent to, the property. The sequence number obtained from "Dial Before You Dig" shall be forwarded to Principal Certifying Authority. Any damage to utilities/services during the course of this development will be repaired at the applicant's expense.
- 22 Prior to the release of the Construction Certificate, a plan (written and/or diagrammatic) shall be submitted and approved by the Engineering and Regulatory Services Department, showing the method of access of building materials and plant to the property, and storage location on the property during construction and shall include all existing structures.
- 23 Prior to the release of the Construction Certificate, the following required section(s) are to be submitted to and approved by Council:
- (a) All driveways/access ramps/vehicular crossings shall conform to Australian Standards AS 2890.2 and Council requirements;
 - (b) All service vehicles shall enter the property front in front out;
 - (c) The applicant shall provide 24 car parking spaces (including 1 disabled space) that must be clearly linemarked and signposted as per the manoeuvring and parking plan approved in accordance with these conditions;
 - (d) Prior to increasing annual production above 90,000m³, the applicant shall provide an additional 8 car parking spaces on the site (total 32 spaces).
 - (e) The applicant shall provide a plan demonstrating how all concrete agitator trucks will be parked onsite at times when the plant is not operational. The plan is to provide for the parking spaces to be clearly linemarked and signposted to Council's satisfaction to reflect the availability of car spaces and to ensure that there is no off site parking and clearly marked spaces (e.g. dotted lines and markings).
- 24 Prior to the release of the Construction Certificate, the following required section(s) are to be submitted to and approved by Council:
- (a) A minimum of one (1) disabled car parking spaces shall be provided and clearly marked as per Australian Standards AS 2890.6 and Council requirements or an access report provided to justify why one disabled space is not required to the approval of the Principal Certifying Authority, and

- (b) All off street disabled parking shall have access to all relevant areas and the adjacent road(s) as per Australian Standards AS 2890.6 and Council requirements.
- 25 Prior to the issue of the Construction Certificate, design certification, prepared by a suitably qualified engineer shall be submitted to Principal Certifying Authority certifying the parking arrangement, loading/unloading area and vehicle access shown on the construction plans have been designed in accordance with AS 2890.1, AS 2890.2 and Austroads.
- 26 Prior to the issue of the construction certificate, a suitable qualified engineer is to certify that the structure can withstand the forces of floodwater, scour, debris and buoyancy in a 1% AEP flood event.
- 27 Prior to the issue of the construction certificate the drawings shall be amended to indicate that all building materials shall be flood resistant, or flood compatible to a height of 500mm above the 1% AEP flood, or flow level. All internal electrical switches, power points or similar utilities liable to flood damage shall be set at a minimum of 500mm above the 1% AEP flood, or flow level. Details shall be provided and approved prior to the issue of a construction certificate.
- 28 Prior to the issue of any Construction Certificate, detail design and construction plans in relation to stormwater management and disposal system for the development shall be submitted to the PCA for approval.

(The detail drawings and specifications shall be prepared by a suitably qualified and experienced civil engineer and to be in accordance with Council's Development Control Plan 'Stormwater Management Technical Guidelines', AS/NSZ 3500 – Plumbing and Drainage Code, Sydney Water regulations and the BCA. All drawings shall correspond with the approved architectural plans.)

The plans shall incorporate but not be limited to the following:

- (a) Any proposed new inlet pits or the reconstruction of existing Council inlet pits shall have a minimum 2.4 metre lintel and a steel galvanised grate.
- 29 Prior to the issue of the Construction Certificate, the applicant shall obtain a compliance certificate for the design of stormwater management system of the development from an Accredited Certifier (stormwater management facilities design compliance).
- 30 A qualified practitioner, with a certificate of attainment in NWP331A Perform Conduit Evaluation, shall undertake a closed circuit television (CCTV) inspection and then report on the existing condition of Council's Stormwater Infrastructure located along the length of the site boundaries fronting Baker and Anderson Streets. The camera and its operation shall comply with the following:
- (a) The internal surface of the drainage pipe/culvert shall be viewed and recorded in a clear and concise manner;
- (b) The CCTV camera used shall be capable to pan, tilt and turning at right angles to the pipe axis over an entire vertical circle to view the conduit joints;
- (c) Distance from the manholes shall be accurately measured, and

- (d) The inspection survey shall be conducted from manhole to manhole.

The written report, together with a copy of the digital video footage of the pipeline shall be submitted to Council prior to the commencement of any works. A written acknowledgment shall be obtained from Council (attesting to this condition being appropriately satisfied) and submitted to the Principal Certifying Authority.

Note: If the existing pipe is full of debris preventing the effective inspection of the pit and pipe system, the contractor shall clear the pipe to a degree where CCTV inspection is possible at the applicants expense.

- 31 Prior to the issue of the Construction Certificate, structural drawings shall show all the footings for buildings and/or other structures located adjacent to easements and/or Council drainage pipes shall be located outside of Council's easement. Footings shall extend to at least 100mm below the invert of the Council's pipe unless the footings are to be placed on competent bedrock. If there is no pipe within the easement, a 1.8 metres depth is to be assumed for the future pipe. Design certification, prepared by a qualified structural engineer, shall be submitted to PCA, showing the above requirements have been complied with.
- 32 Any underground rainwater reuse tank (stormwater reuse tank) shall be tanked to prevent the ingress of potentially contaminated groundwater into the reuse system. Details of this shall be provided to Council prior to the issue of any Construction Certificate.
- 33 To ensure that utility authorities and Council are advised of any effects to their infrastructure by the development, the applicant shall:
- (a) Carry out a survey of all utility and Council services within the site including relevant information from utility authorities and excavation if necessary to determine the position and level of services;
 - (b) Negotiate with the utility authorities (eg AusGrid, Sydney Water, Telecommunications Carriers and Council in connection with:
 - (i) The additional load on the system; and
 - (ii) The relocation and/or adjustment of the services affected by the construction.
- Any costs in the relocation, adjustment or support of services as requested by the service authorities, beneficiaries and Council are to be the responsibility of the developer.
- 34 When any water in any below ground rainwater (stormwater) storage tank is to be reused onsite and is acting as the first flush volume capture, a risk assessment must be undertaken on the on-site stormwater reuse system and proposed uses in accordance with 'Australian Guidelines for Water Recycling: Managing Health and Environmental Risks (Phase 2) – Stormwater Harvesting and Reuse' (2009) to determine if any treatment to protect the health and environment for onsite reuse is required.

Should this risk assessment require further treatment of the harvested stormwater to protect health and safety prior to reuse in the plant, the treatment of harvested stormwater for onsite reuse shall be appropriate for the main pollutants of concern from the activities in the development, being sediments (including cement, sand and

aggregates), chemical admixtures, fuels and lubricants and shall address the exposure risk. The details installation and management of any treatment system shall be incorporated into an Operational Environmental Management Plan (OEMP).

Details of this shall be provided to Council for concurrence prior to the issue of any construction certificate.

- 35 A detailed construction Traffic Management Plan for the pedestrian and traffic management of the site and Baker and Anderson Streets during construction shall be prepared and submitted to the relevant road authority (Council or Roads and Maritime Services) for approval. The plan shall:

- (a) be prepared by a suitably accredited consultant;
- (b) nominate a contact person who is to have authority without reference to other persons to comply with instructions issued by Council's Traffic Engineer or the Police, and
- (c) if required, implement a public information campaign to inform any road changes well in advance of each change. The campaign may be required to be approved by the Traffic Committee;

Note: Any temporary road closure shall be confined to weekends and off-peak hour times and is subject to Council's Traffic Engineer's approval. Prior to implementation of any road closure during construction, Council shall be advised of these changes and Traffic Control Plans shall be submitted to Council for approval. This Plan shall include times and dates of changes, measures, signage, road markings and any temporary traffic control measures.

- 36 Prior to issue of any Construction Certificate, a Dilapidation Report of the immediate adjoining properties and public infrastructure (including Council and public utility infrastructure) shall be prepared by a Practising Structural / Geotechnical Engineer and submitted to Council. The report shall include records and photographs of the adjoining properties that will be impacted by the development:

- a) Prior to commencement of any works on-site, a dilapidation report of the immediate adjoining properties and public infrastructure (including Council and public utility infrastructure) shall be prepared by a qualified person and submitted to Council. The report shall include records and photographs of the all properties immediately adjoining the site;
- b) In relation to Council's infrastructure, the report shall include at the proposed point of construction site entry, photographic survey showing the existing conditions of Council's infrastructure. The survey shall detail the physical conditions and identify any existing damage to the roads, kerbs, gutters, footpaths, driveways, street trees, street signs and any other Council assets fronting the property and extending to a distance of 50m from the development.
- c) Prior to commencement of the surveys, the applicant/ owner shall advise (in writing) all property owners of buildings to be surveyed of what the survey will entail and of the process for making any future claim regarding property damage. A copy of this communication shall be submitted to Council.
- d) The applicant shall bear the cost of all restoration works to buildings/ structures and public infrastructure that has been damaged during the course the

demolition, site clearing and site remediation works. Any damage to buildings/structures, infrastructures, roads, lawns, trees, gardens and the like shall be fully rectified by the applicant/developer, at the applicant/developer's expense.

- e) A copy of the dilapidation report together with the accompanying photographs shall be given to all immediately adjoining properties owners and public utility authorities, including Council;
- f) A second dilapidation report, including a photographic survey shall then be submitted no later than one month after the completion of all works identifying all damage that has occurred as a result of the construction and the rectification works required. A copy of the second dilapidation report together with the accompanying photographs shall be given to Council, public utilities authorities and all adjoining properties owners.

(Note: Prior to commencement of the surveys, the applicant/ owner of the development shall advise (in writing) all property owners of buildings to be surveyed of what the survey will entail and of the process for making a claim regarding property damage. A copy of this information shall be submitted to Council.)

37 A Construction Management Program shall be submitted to, and approved in writing by the Council prior to the issue of a Construction Certificate. The program shall detail:

- (a) The proposed method of access to and egress from the site for construction vehicles, including access routes through the Council area and the location and type of temporary vehicular crossing for the purpose of minimising traffic congestion and noise in the area, with no access across public parks or public reserves being allowed;
- (b) The proposed phases of construction works on the site and the expected duration of each construction phase;
- (c) The proposed order in which works on the site will be undertaken, and the method statements on how various stages of construction will be undertaken;
- (d) The proposed manner in which adjoining property owners will be kept advised of the timeframes for completion of each phase of development/construction process;
- (e) The proposed method of loading and unloading excavation and construction machinery, excavation and building materials, formwork and the erection of any part of the structure within the site. Wherever possible mobile cranes should be located wholly within the site;
- (f) The proposed areas within the site to be used for the storage of excavated materials, construction materials and waste containers during the construction period;
- (g) The proposed method/device to remove loose material from all vehicles and/or machinery before entering the road reserve, any run-off from the washing down of vehicles shall be directed to the sediment control system within the site;
- (h) The proposed method of support to any excavation adjacent to adjoining properties, or the road reserve. The proposed method of support is to be

- designed and certified by an Accredited Certifier (Structural Engineering), or equivalent;
- (i) Proposed protection for Council and adjoining properties, and
 - (j) The location and operation of any on site crane. Please note that a crane may require prior approval from Sydney Airports Corporation’;
 - (k) The location of any Construction Zone (if required) approved by Council’s Traffic Committee, including a copy of that approval.
- 38 Stockpiles are not permitted to be stored on Council property (including nature strip) unless prior approval has been granted. In addition stockpiles of topsoil, sand, aggregate, soil or other material shall be stored clear of any drainage line or easement, natural watercourse, kerb or road surface.
- 39 Building and demolition operations such as brickcutting, washing tools or paint brushes, and mixing mortar shall not be performed on the roadway or public footway or any other locations which could lead to the discharge of materials into the stormwater drainage system.
- 40 All disturbed areas shall be stabilised against erosion within 14 days of completion, and prior to removal of sediment controls.
- 41 Building, demolition and construction works not to cause stormwater pollution and being carried out in accordance with Section 2.8 of Council’s Stormwater Pollution Control Code 1993. Pollutants such as concrete slurry, clay and soil shall not be washed from vehicles onto roadways, footways or into the stormwater system. Drains, gutters, roadways and access ways shall be maintained free of sediment. Where required, gutters and roadways shall be swept regularly to maintain them free from sediment.
- 42 **Note:** The Applicant may be liable to prosecution under the Environmental Planning and Assessment Act 1979 for a breach of an approval condition, or under the Protection of the Environment Operations Act 1997, if its employees, agents or sub-contractors allow sediment, including soil, excavated material, building materials, or other materials to be pumped, drained or allowed to flow to the street, stormwater pipes or waterways. The Applicant shall ensure that its employees, agents or sub-contractors understand and maintain sediment control measures.
- 43 Council’s warning sign for soil and water management must be displayed on the most prominent point on the building site, visible to both the street and site workers. The sign must be displayed throughout construction. A copy of the sign is available from Council.

CONDITIONS WHICH MUST BE SATISFIED PRIOR TO THE COMMENCEMENT OF ANY WORKS

44 Project Arborist

A suitably qualified project arborist (AQF level 5 or greater) is to be engaged to advise on compliance with conditions of consent relating to the protection of trees at the site and to supervise the installation and maintenance of tree protection measures and arboricultural monitoring program required by this consent and the approved

arboricultural impact assessment. Evidence of engagement of a project arborist is to be submitted to and approved by Council.

- 45 This Consent shall not preclude the demolisher from giving notice to other statutory authorities, such as Sydney Water Corporation, WorkCover, etc.

- 46 All surface runoff from the site shall pass through a pollution control device capable of removing sediment and other pollutants prior to entering the public stormwater system. The design must be in compliance with EPA First Flush Principles.

Details of the pollution control device shall be submitted to Council for approval. If physical works are required on site, a Construction Certificate is to be obtained prior to any works commencing. A copy of Council's approval letter is to be submitted to the PCA to demonstrate that this condition has been satisfied.

- 47 In order to ensure that trees indicated for retention in the approved arborist report are protected during construction, and its health and structural stability ensured, the following is required :

- (a) Trees to be retained are to be tagged with clearly visible marking tape at a height of approx. 2 metres from ground and numbered with the corresponding number in the Approved Arboricultural Impact Assessment Report prepared by Urban Tree Management, revision 1 dated 6 November and received by Council on 21 December 2017 (**Arborist's Report**);
- (b) Prior to commencing demolition/any works the trees are to be physically protected by fencing underneath the canopy dripline using 1.8 metre high chainwire fence to form the Tree Protection Zone (TPZ). The fence shall remain in place until construction is complete;
- (c) The area within *the* fencing of is required to be mulched with leaf mulch to a depth of 100mm and a temporary automatic drip irrigation installed to operate for the entire demolition and construction phase. The system must operate a minimum of twice weekly for 30 minutes;
- (d) Subject to the Arborist's Report, if the project arborist is of the opinion that there is insufficient space to erect fencing in a particular area, as required under, wrap the trunk with hessian or carpet underlay to a height of 2.5 metres or to the tree's first lateral branch, whichever is greater, and affix timber palings around the tree with strapping or wire (not nails);
- (e) Before any works commence on site, the Applicant is required to contact Council for an inspection and/or provide photographic evidence of the fenced TPZ's, mulch and irrigation system. Council approval is required prior to the commencement of any work.

- 48 Prior to commencement of any works, application(s) shall be made to Council's Customer Services Counter and obtained the following approvals and permits on Council's property/road reserve under the *Roads Act 1993* and *Local Government Act 1993* **as appropriate**:

(It should be noted that any works shown within Council's road reserve or other Council Lands on the development approval plans are indicative only and no approval for these works is given until this condition is satisfied.)

- (a) Permit to erect hoarding on or over a public place, including Council's property/road reserve;
 - (b) Permit to construct works, place and/or store building materials on footpaths, nature strips;
 - (c) Permit to install temporary ground anchors in public land;
 - (d) Permit to discharge ground water to Council's stormwater drainage system;
 - (e) Permit for roads and footways occupancy (long term/ short term);
 - (f) Permit to construct vehicular crossings, footpaths, kerbs and gutters over road reserve;
 - (g) Permit to open road reserve area, including roads, footpaths, nature strip, vehicular crossing or for any purpose whatsoever, such as relocation / re-adjustments of utility services;
 - (h) Permit to place skip/waste bins on the footpath and/or nature strip, and
 - (i) Permit to use any part of Council's road reserve or other Council lands.
- 49 For any water from site dewatering to be permitted to go to the stormwater, the water must meet ANZECC 2000 Water Quality Guidelines for Fresh and Marine Water for the 95% protection trigger values for marine water. The results of all testing must be completed by a NATA accredited laboratory.
- All laboratory results must be accompanied by a report prepared by a suitably qualified person indicating the water meets these guidelines and is acceptable to be released into council's stormwater system. If it is not acceptable, details of treatment measures to ensure that the water is suitable for discharge to council's stormwater shall be provided in this report.
- Reports shall be provided to council prior to discharge of any groundwater to the stormwater system.
- 50 To ensure that relevant engineering and water quality provisions are met during the period of dewatering for construction, prior to any water from site dewatering to be permitted to go to council's stormwater system a permit to discharge to the stormwater shall be obtained from Council. If discharging into Council's stormwater system, dewatering shall not commence until this is issued by Council.
- 51 A Soil and Water Management Plan (SWMP) shall be prepared in accordance with the Landcom Managing Urban Stormwater – Soils and Construction 4th Edition (2004). All management measures recommended and contained within the Soil and Water Management Plan (SWMP) shall be implemented in accordance with the Landcom Managing Urban Stormwater – Soils and Construction 4th Edition (2004). This plan shall be implemented prior to commencement of any site works or activities. All controls in the plan shall be maintained at all times during construction. A copy of the SWMP shall be kept on-site at all times and made available to Council Officers on request.
- 52 The vehicular entry/exits to the site must be protected from erosion and laid with a surface material which will not wash into the street drainage system or watercourse.

- 53 Erosion and sediment control devices shall be installed and functioning prior to the commencement of any demolition, excavation or construction works upon the site in order to prevent sediment and silt from site works (including demolition and/or excavation) being conveyed by stormwater into public stormwater drainage system, natural watercourses, bushland and neighbouring properties. In this regard, all stormwater discharge from the site shall meet the legislative requirements and guidelines including the Protection of the Environment Operations Act 1997.

These devices shall be maintained in a serviceable condition AT ALL TIMES throughout the entire demolition, excavation and construction phases of the development and for a minimum one (1) month period after the completion of the development, where necessary.

- 54 Prior to commencement of any works in the public domain area, written approval shall be obtained from Council's engineer to ensure the engineering drawings of the civil works in public domain area (including road reserve) is satisfactory.

- 55 Where any shoring is to be located on or is supporting Council's property, or any adjoining private property, engineering drawings certified as being adequate for their intended purpose by an appropriately qualified and practising engineer, showing all details, including the extent of encroachment and the method of removal (or any other method) and de-stressing of shoring elements, shall be submitted with the Construction Certificate to the PCA along with Council's (or other) consent if the works intrude on Council's (or other) property.

56 **Demolition and Construction Air Quality Management Plans**

A Construction Management Program shall be submitted to, and approved in writing by the Council prior to the commencement of any works. The program shall detail:

- (a) The proposed phases of demolition and construction works on the site and the expected duration of each construction phase, potential for such works to emit dust or fumes and proposed mitigation measures,
- (b) The proposed order in which works on the site will be undertaken, and the method statements on how various stages of construction and associated air quality management will be undertaken,
- (c) The proposed areas within the site to be used for the storage of excavated materials, construction materials and waste containers during the construction period and associated dust management plan,
- (d) The proposed method/device including dust control measures to remove loose material from all vehicles and/or machinery before entering the road reserve. If a wet control measure is used then any run-off from the washing down of vehicles shall be directed to the sediment control system within the site,
- (e) The proposed method of dust control and vehicle emissions during any excavation adjacent to adjoining properties, or the road reserve. The proposed method of control/mitigation is to be designed and certified by an Accredited Certifier or equivalent,
- (f) Proposed air quality impacts protection during both demolition and construction for Council and adjoining properties,

DURING WORKS

57

- (a) The applicant shall conduct all construction and related deliveries wholly on site. If any use of Council's road reserve is required then separate applications are to be made at Council's Customer Services Department;
- (b) Construction operations such as brick cutting, washing tools or brushes and mixing mortar shall not be carried out on public roadways or footways or in any other locations which could lead to the discharge of materials into the stormwater drainage system or onto Council's lands;
- (c) Hosing down or hosing/washing out of any truck (concrete truck), plant (eg concrete pumps) or equipment (eg wheelbarrows) on Council's road reserve or other property is strictly prohibited. Fines and cleaning costs will apply to any breach of this condition;
- (d) Pavement surfaces adjacent to the ingress and egress points are to be swept and kept clear of earth, mud and other materials at all times and in particular at the end of each working day or as directed by Council's Engineer;
- (e) Shaker pads are to be installed at the entry/exit points to the site to prevent soil material leaving the site on the wheels of vehicles and other plant and equipment.
- (f) Council nature strip shall be maintained in its current state at all times during construction works.

58 **Air quality associated with construction operations**

- (a) The applicant shall conduct all construction works and any related deliveries/activities including dust emitted shall be wholly contained within the site.
- (b) Construction operations such as brick cutting, washing tools or brushes and mixing mortar shall not be carried out on park/road reserve or in any other locations which could lead to the discharge of materials which may dry out and turn to an airborne emission,
- (c) Hosing down or hosing/washing out of any truck (concrete truck), plant (eg concrete pumps) or equipment (eg wheelbarrows) shall be wholly contained within the site's waste water management system,
- (d) To minimize any tracked dust or dust emissions pavement surfaces adjacent to the ingress and egress points are to be swept and kept clear of earth, mud and other materials at all times and in particular at the end of each working day or as directed by Council's Engineer.

59 Inspections must be conducted by Council's Engineer at the following occasions:

- (a) Formwork inspection of driveway layback prior to laying of concrete;
- (b) Formwork inspection of Council's kerb and gutter prior to laying of concrete;
- (c) Formwork inspection of Council's footpath prior to laying of concrete;

- (d) Inspection of Council's stormwater pit prior to concrete pour / backfill;
 - (e) Inspection of stormwater pipe / culvert prior to backfill;
 - (f) Inspection of road pavement prior to and following laying of new asphalt;
 - (g) Final inspection of driveway layback;
 - (h) Final inspection of Council's kerb and gutter;
 - (i) Final inspection of Council's footpath;
 - (j) Final inspection of Council's stormwater inlet pits, and
 - (k) Final inspection of new road pavement.
- 60 Results of the monitoring (if required) of any field parameters such as soil, groundwater, surface water, dust or noise measurements shall be made available to Council Officers on request throughout the construction works and any remediation works.
- 61 Any new information that comes to light during demolition or construction which has the potential to alter previous conclusions about site contamination and remediation must be notified to Council and the accredited certifier immediately. All work on site shall cease until the council is notified and appropriate measures to assess and manage the contamination in accordance with any relevant NSW EPA adopted guidelines have been completed by, and in accordance with recommendations of, an appropriately qualified and experienced environmental consultant.
- 62 The management of potential and actual acid sulfate soils shall be conducted in accordance with all recommendations within the 'Acid Sulfate Soil Management Plan – Boral Concrete – 1 Baker Street, Banksmeadow NSW 2019' completed by Environmental Compliance Services dated June 2017.
- 63 For any water from site dewatering to be permitted to go to the stormwater system, the water must meet ANZECC 2000 Water Quality Guidelines for Fresh and Marine Water for the 95% protection trigger values for Marine Water. All testing must be completed by a NATA accredited laboratory. All laboratory results must be accompanied by a report prepared by a suitably qualified and experienced person indicating the water is acceptable to be released into Councils stormwater system. If it is not acceptable, details of treatment measures to ensure that the water is suitable for discharge to council's stormwater shall be provided in this report. Reports shall be provided to council prior to discharge of any groundwater to the stormwater system. Prior to any water from site dewatering to be permitted to go to council's stormwater system a permit to discharge to the stormwater shall be obtained from Council. Dewatering shall not commence until this is issued by Council.
- 64 During construction, care must be taken to protect Council's infrastructure, including street signs, footpath, kerb, gutter and drainage pits etc. Protecting measures shall be maintained in a state of good and safe condition throughout the course of construction. The area fronting the site and in the vicinity of the development shall also be made safe for pedestrian and vehicular traffic at all times. Any damage to Council's infrastructure (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub-contractors, concrete delivery vehicles shall be fully repaired in accordance with Council's specification and AUS-SPEC at no cost to Council.

- 65 During construction, it is the full responsibility of the Applicant and their contractors to:
- (a) Ascertain the exact location of the Council drainage infrastructure traversing the site in the vicinity of the works; and
 - (b) Take full measures to protect the in-ground Council drainage system, and
 - (c) Ensure dedicated overland flow paths are satisfactorily maintained through the site.

All proposed structures and construction activities shall be located clear of Council drainage pipes, drainage easements and/or watercourses on the site. Trunk or dedicated overland flow paths shall not be impeded or diverted by fill or structures unless otherwise approved by Council. In the event of a Council drainage pipeline being uncovered during construction, all work in the vicinity of this area shall cease and the PCA and Council shall be contacted immediately for advice. Any damage caused to a Council drainage system must be immediately repaired in full as directed, and at no cost to Council.

- 66 During demolition, construction and deliveries, access to the site shall be available in all weather conditions. The area shall be stabilised and protected from erosion to prevent any construction-related vehicles (including deliveries) tracking soil materials onto street drainage system/watercourse, Council's lands, public roads and road-related areas. Hosing down of vehicle tyres shall only be conducted in a suitable off-street area where wash waters do not enter the stormwater system or enter Council's land.

- 67 Soil and sedimentation controls are to be put in place prior to commencement of any work on site. The controls are to be maintained in effective working order during construction.

The controls are to be designed and installed in accordance with the Soil and Water Management for Urban Development Guidelines produced by the Southern Sydney Regional Organisation of Council. Copies of the guidelines are available from Council.

- 68 During construction, the applicant shall ensure that all works and measures have been implemented in accordance with approved Erosion and Sediment Control Plan, Traffic Management Plan and Construction Management Plan at all times.

- 69 All works carried out on the public roads shall **only** be inspected and approved by Council's engineer. Documentary evidence of compliance with Council's requirements shall be obtained prior to proceeding to the subsequent stages of construction, encompassing not less than the following key stages:

- (a) Initial pre-construction on-site meeting with Council's engineers to discuss concept and confirm construction details, traffic controls and site conditions/constraints prior to commencement of the construction of the civil works associated with the road widening;
- (b) Prior to connection to the existing Council's stormwater drainage system;
- (c) Prior to placement of concrete (kerb and gutter, footpath, ramp, and vehicular crossing);

- (d) Final inspection;

Council's inspection fee will apply to each of the above set inspection key stages. Additional inspection fees may apply for additional inspections required to be undertaken by Council.

70 The following shall be complied with:

- (a) A sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:
 - (i) Stating the unauthorized entry to the work site is prohibited;
 - (ii) Showing that unauthorized entry to the work site is prohibited;
 - (iii) The Development Approval number; and
 - (iv) The name of the Principal Certifying Authority including an after hours contact telephone number;
- (b) Any such sign is to be removed when the work has been completed.

71 Toilet facilities are to be provided at or in the vicinity of the work site on which work involves:

- (a) Erection of the building being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site;
- (b) Each toilet provided:
 - (i) must be standard flushing toilet; and,
 - (ii) must be connected:
 - (1) to a public sewer; or
 - (2) if connection to a public sewer is not practicable to an accredited sewerage management facility approved by the Council; or,
 - (3) if connection to a public sewer or an accredited sewerage management facility is not practicable to some other sewerage management facility approved by the Council.
- (c) The provisions of toilet facilities in accordance with this clause must be completed before any other work is commenced.

72 If an excavation associated with the proposal extends below the level of the base of the footings of a building on an adjoining allotment of land or the common boundary fence the person causing the excavation to be made:

- (a) Must preserve and protect the building/ fence from damage; and
- (b) If necessary, underpin and support such building in an approved manner;
- (c) Must at least be 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of the

intention to do so to the owner of the adjoining allotment of land and, furnish particulars of the excavation to the owner of the building being erected or demolished;

- (d) Any retained existing structures and or services on this and adjoining properties are not endangered during any demolition excavation or construction work associated with the above project. The applicant is to provide details of any shoring, piling, or underpinning prior to the commencement of any work. The construction shall not undermine, endanger or destabilise any adjacent structures.
- (e) If the soil conditions required it:
 - (i) Retaining walls associated with the erection of a building or other approved methods of preventing movement or other approved methods of preventing movement of the soil must be provided, and
 - (ii) Adequate provision must be made for drainage.

73 The following shall be complied with during construction:

- (a) Construction Noise
 - (i) Noise from construction activities associated with the development shall comply with the NSW Environment Protection Authority's Interim Construction Noise Guideline and the Protection of the Environment Operations Act 1997. At residential boundaries the "Noise affected RBL + 10 dB" limit shall apply – not the highly affected 75 dB(A) limit.
- (b) Time Restrictions
 - (i) Monday to Friday 07:00am to 06:00pm
 - (ii) Saturday 08:00am to 04:00pm
 - (iii) No Construction to take place on Sundays or Public Holidays.
- (c) Silencing

All possible steps should be taken to silence construction site equipment.

74 All possible and practicable steps shall be taken to prevent nuisance to the inhabitants of the surrounding neighbourhood from wind-blown dust, debris noise and the like.

75 Throughout the construction period, Council's warning sign for soil and water management shall be displayed on the most prominent point of the building site, visible to both the street and site workers. A copy of the sign is available from Council's Customer Service Counter.

76 The construction of the premises shall not give rise to the transmission of vibration to any affected residential premises that exceeds the acceptable vibration dose values for intermittent vibration set out in Table 2.4 vibration of the DEC's "Assessing Vibration: a technical guideline" dated February 2006.

77 The land to which this consent relates must be fenced and enclosed to protect the entry or access to the land and demolition site by unlawful persons.

- (a) The fencing must be in place before the demolition commences, and
 - (b) Must remain in place during the construction of the development.
- 78
- (a) All materials excavated from the site (fill or natural) shall be classified in accordance with the NSW Environment Protection Authority (EPA) f Guidelines 2014 prior to being disposed of to a NSW approved landfill or to a recipient site;
 - (b) To prevent contaminated soil being used onsite, all imported fill shall be certified Virgin Excavated Natural Material and shall be validated in accordance with the EPA approved guidelines to ensure that it is suitable for the proposed development. Imported fill should be accompanied by documentation from the supplier, which certifies that the material is suitable for the proposed land use.
- 79
- Any material containing asbestos found on site during the demolition process shall be removed and disposed of in accordance with:
- (a) SafeWork NSW requirements. An appropriately licensed asbestos removalist must complete all asbestos works if they consist of the removal of more than 10m² of bonded asbestos and/or any friable asbestos;
 - (b) Protection of the Environment Operations Act 1997;
 - (c) Protection of the Environment Operations (Waste) Regulation 2014;
 - (d) NSW Environment Protection Authority Waste Classification Guidelines 2014.
- 80
- To prevent contaminated soil being used onsite and to ensure that it is suitable for the proposed land use, all imported fill shall be appropriately certified material and shall be validated in accordance with the:
- (a) Any EPA approved guidelines; and
 - (b) Protection of the Environment Operations Act 1997; and
 - (c) Protection of the Environment Operations (Waste) Regulation 2014.
- All imported fill shall be accompanied by documentation from the supplier which certifies that the material has been analysed and is suitable for the proposed land use.
- 81
- The principal contractor or owner builder must install and maintain water pollution, erosion and sedimentation controls in accordance with:
- (a) The Soil and Water Management Plan;
 - (b) “Managing Urban Stormwater - Soils and Construction” (2004) Landcom (‘The Blue Book’); and
 - (c) Protection of the Environment Operations Act 1997.

- 82 Hazardous and/or intractable wastes arising from the demolition or construction processes shall be removed and disposed of in accordance with the requirements of the relevant statutory authorities, together with the relevant regulations, including:
- (a) The Work Health and Safety Act 2011 (NSW);
 - (b) The Work Health and Safety Regulation 2011;
 - (c) WorkCover Construction Work Code of Practice July 2014.
- 83 At all times during works:
- (a) The works shall not give rise to air impurities in contravention of the Protection of the Environment Operations Act 1997 and shall be controlled in accordance with the requirements of this Act;
 - (b) Liquid and solid wastes generated on the site shall be collected, transported and disposed of in accordance with the Protection of the Environment Operation Act 1997. Records shall be kept of all liquid and solid wastedisposals from the site, and be made available to Council Officers on request;
 - (c) The works shall be conducted in a manner which does not pollute water as defined by the Protection of the Environment Operations Act. Treated overflow or other discharge shall not cause pollution of the council's stormwater system in accordance with the Protection of the Environment Operations Act 1997. Management of the site shall be undertaken in accordance with measure outlined in the Operational Environmental Management Plan (OEMP);
 - (d) The operations of the premises shall be conducted in such a manner as not to interfere with or materially affect the amenity of the neighbourhood by reason of noise, vibration, odour, fumes, vapour, steam, soot, ash, dust, particulate matter, waste water, waste products or other impurities which are a nuisance or injurious to health.
 - (e) Waste gases released from the premises shall not cause a public nuisance nor be hazardous or harmful to human health or the environment.
- 84 The operation and maintenance of the first flush system shall be undertaken in accordance with the NSW EPA current version of the "Stormwater First Flush Pollution" guidelines on their website at <http://www.epa.nsw.gov.au/mao/stormwater.htm>. The first-flush stormwater detention basin and its ancillaries shall be inspected after every rainfall event to check for any blockage in the drainage outlet. Such blockages, if any, shall be cleared immediately. "Rainfall event" is any rain that produces or causes run-off. This area is to be appropriately fenced to ensure safety.
- 85 During construction, the applicant shall ensure that all works and measures have been implemented in accordance with approved Traffic Management Plan and Construction Management Plan at all times.
- 86 In order to ensure that all trees to be retained are protected during construction, and its health and structural stability ensured, the following is required:
- (a) Engage the project arborist required to be appointed in accordance with these conditions, for all protective, pruning and maintenance work to these trees;

- (b) The Applicant shall comply with the recommendations and requirements and management plan contained within the Arborist's Report;
- (c) All trees are to be protected in accordance with AS 4970 : 2009 – Protection of Trees on Development Sites. Council will not support the removal of tree # 9 at any time and measure must be employed to ensure its health and stability during construction/works;
- (d) All detailed Construction Certificate plans shall show trees to be protected and the TPZ;
- (e) Except as provided in the Arborist's Report, all TPZ's as well as the Council nature strip are a "No-Go" zone. Except as provided in the Arborist's Report, there shall be no access, no stockpiling, storage or sorting of waste or building materials, no construction work, no concrete mixing, strictly no washing down of concrete mixers or tools, no chemicals mixed/disposed of, no excavation or filling, no service trenching in the TPZs. Any unavoidable work within the fenced zone shall be under the direction of Council's Tree Officer or the Project Arborist;
- (f) Where unavoidable foot access is required in the TPZ, provide temporary access with timber sheets to minimise soil compaction, spillage or root damage;
- (g) Specific engineering design of the driveway on Baker and Anderson Streets has been undertaken to ensure suitable levels without compromising tree health or structural stability via root pruning;
- (h) Excavation within the TPZ of any tree shall be carried out manually using hand tools to minimise root damage or disturbance, unless otherwise approved by the project arborist;
- (i) Tree roots 35mm in diameter or greater that require pruning shall be pruned only under the direction of Council's Tree Officer or the project arborist after a site inspection so as not to unduly impact or stress the tree;
- (j) Ensure that there is no damage to the canopy, trunk or root system (including the surrounding soil) of any tree that is to be retained. There shall be no canopy pruning unless approval has been granted by Council's Tree Officer under separate application via a tree pruning application. Approved pruning shall be undertaken by a qualified Arborist in accordance with AS 4373. Any masonry boundary fencing or walls shall be of piers or bridged construction to minimise damage to major or structural tree roots. Trench or strip footings are not permitted. If a tree root 35mm diameter or greater is in the location of a pier and the root cannot be cut without compromising the tree (must be obtained after Council or project arborist inspection and advice), the pier will need to be relocated and the root bridged;
- (k) There shall be no walls retaining or otherwise, pavements, change in levels, trenching for new subsurface utilities or the location of new overhead services within the primary root zone or canopy of any tree to be retained. Any such structures in close proximity to trees must accommodate tree roots without damage or pruning.

- (l) All waste concrete and debris shall be removed from tree bases and areas to be landscaped on the site at the completion of works to minimise soil contamination;
- (m) The Applicant shall undertake any tree maintenance/remedial pruning as required by the Project Arborist at the completion of construction

If there is any contravention of these tree preservation conditions, or a tree was found to be damaged (including roots), in decline, dead or pruned without permission, then Council may claim all or part of the lodged Tree Preservation Bond prior to its release as well as require remedial pruning work. Epicormic growth is evidence of root damage.

CONDITIONS WHICH MUST BE SATISFIED PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE

- 87 Prior to use and occupation of the building an Occupation Certificate must be obtained under Section 109C(1)(c) and 109M of the Environmental Planning and Assessment Act 1979.
- 88 Prior to the issue of an Occupation Certificate, the applicant/developer shall fully rectify buildings/ structures and public infrastructure that been damaged during the course of the demolition and construction, at the applicant/developer's expense, to the written satisfaction of Council.
- 89 Prior to the issue of the Occupation Certificate a final fire safety certificate must be prepared and issued to Council. This certificate must state that each essential fire safety measures specified in the current fire safety schedule for the building to which the certificate relates:
 - (a) has been assessed by a properly qualified person;
 - (b) was found when assessed to be capable of performing to a standard not less than that required by the current fire safety schedule for the building for which the certificate is issued; and
 - (c) the date of assessment which must be within the period of 3 months prior to the date on which the final fire safety certificate is issued;

Note:

- (i) The choice of person to carry out the assessment is up to the owner of the building;
- (ii) The person who carries out the assessment:
 - (1) must inspect and verify the performance of each fire safety measure being assessed; and,
 - (2) must test the operation of each new item of equipment installed in the building premises that is included in the current fire safety schedule for the building;
- (iii) As soon as is practicable after a final fire safety certificate is issued the owner of the building to which it relates:

- (1) must cause a copy of the certificate (together with a copy of the current fire safety schedule to be given to the Commissioner of the New South Wales Fire & Rescue; and,
 - (2) must cause a further copy of the certificate (together with a copy of the current fire safety schedule) to be prominently displayed in the building.
- 90 Any damage not shown in the photographic survey submitted to Council before site works have commenced will be assumed to have been caused by the site works (unless evidence is provided to prove otherwise). All damage as a result of site works shall be rectified at the applicant's expense to Council's satisfaction, prior to the release of the damage deposit.
- 91 Vehicles shall enter and exit the site in a forward direction at all times. A plaque with minimum dimensions 300mm x 200mm shall be permanently fixed to the inside skin of the front fence, or where there is no front fence a prominent place approved by the Principal Certifying Authority, stating the following: "Vehicle shall enter and exit the site in a forward direction at all times".
- 92 Prior to completion of the building works, a full width vehicular entry is to be constructed to service the property. Any obsolete vehicular entries are to be removed and reconstructed with kerb and gutter. This work may be done using either a Council quote or a private contractor. There are specific requirements for approval of private contractors.
- 93 The minimum habitable/commercial floor level shall be constructed 500mm above the 1% Annual Exceedance Probability (A.E.P) flood. The floor level shall be certified by a registered surveyor prior to pouring of floor slab or installation of flooring.
- 94 The drainage system shall be constructed in accordance with the approved drainage plans and any amendments in red. All stormwater drainage plumbing work shall comply with the NSW Code of Practice: Plumbing and Drainage and Australian Standard AS3500.
- 95 All footpath, or road and drainage modification and/or improvement works to be undertaken in the road reserve shall be undertaken by Council, or by a Private Licensed Contractor subject to the submission and approval of a Private Contractor Permit, together with payment of all inspection fees. An estimate of the cost to have these works constructed by Council may be obtained by contacting Council on 9562 1670. The cost of conducting these works will be deducted from the Footpath Reserve Restoration Deposit, or if this is insufficient the balance of the cost will be due for payment to Council upon completion of the work.
- 96 Any driveway works to be undertaken in the footpath reserve by a private contractor requires an "Application for Consideration by a Private Contractor" to be submitted to Council together with payment of the application fee. Works within the footpath reserve must not start until the application has been approved by Council.
- 97 Prior to the issue of the Occupation Certificate, all acoustic mitigation measures as recommended in the approved acoustic reports and the referred to in the approved noise management plan are to be installed. Certification is to be provided to the written satisfaction of Council's Manager Development Services from a suitably qualified acoustical consultant/engineer who is eligible for membership of the Australian

Acoustic Society (AAS) and/or be a member of a firm which is a member of the AAAC, that the mitigation measures have been installed and are compliant. Certification is also to be provided to the PCA (if an alternative PCA is appointed).

98 Prior to the issue of the Occupation Certificate;

- (a) If required as a consequence of the development, all services (Utility, Council, etc) within the road reserve (including the footpath) shall be relocated/adjusted to match the proposed/existing levels as required by the development; and

the applicant is responsible for the installation and protection of all Council's regulatory/parking/street signs fronting the property. Any damaged or missing street signs as a consequence of the development and associated construction works shall be replaced at full cost to the applicant.

99 Prior to the issue of the Occupation Certificate, the internal road network, truck access roadway, off-street parking area, truck loading/unloading area and truck queuing and waiting area shall be provided and clearly designated, sign posted and line marked. Signage and line marking shall comply with the current version of Australian Standards.

Documentation from a practising civil engineer shall be submitted to the Principal Certifying Authority certifying that the internal road network, truck access roadways, off-street parking area, truck loading/unloading area and truck queuing and waiting area have been constructed generally in accordance with the approved construction plan(s) and comply with AS2890.1 and AS2890.2 requirements.

100 Prior to the issue of the Occupation Certificate;

- (a) the construction of the stormwater drainage system of the proposed development shall be completed generally in accordance with the approved stormwater management construction plan(s), Council's '*Guidelines for the Design of Stormwater Drainage Systems within City of Botany Bay*', AS 3500 and BCA; and
- (b) documentation from a practicing civil engineer shall be submitted to the Principal Certifying Authority certifying that the stormwater drainage system has been constructed generally in accordance with the approved stormwater management construction plan(s) and accepted practice.

101 Prior to the issue of the Occupation Certificate, all 24 off-street parking areas bays shown on the plans approved pursuant to this consent and internal roadways are to be sealed with hard standing all weather materials or approved alternatives to Council's satisfaction. All car parking bays shall be maintained for the life of the development.

102 Prior to the issue of the Occupation Certificate, the applicant shall obtain compliance certificates for the construction and compliance of the stormwater management system of the development from the following categories of Accredited Certifier:

- (a) Accredited Certifier (stormwater management facilities construction compliance); and
- (b) Accredited Certifier (stormwater compliance).

103 Written certification from a structural engineer with chartered status shall be submitted to Council and Principal Certifying Authority to certify that all footings for buildings and

/or structures adjacent to Council's stormwater drainage lines and/or easement have been constructed outside of Council's drainage easement and at least 100mm below the invert of the Council's stormwater drainage pipes unless the footings are placed on competent bedrock.

- 104 Prior to the issue of the Occupation Certificate, the redundant vehicular crossing, together with any necessary works shall be removed and the footpath, nature strip and kerb and gutter shall be reinstated in accordance with Council's specification.
- 105 Prior to issue of the Occupation Certificate, all civil works required in public domain area (including kerb and guttering, footpath paving, stormwater construction, landscaping, line marking and signage) shall be completed to Council's satisfaction. The following documentation shall be submitted to the PCA attesting this condition has been appropriately satisfied.
- (a) Written confirmation / completion certificate obtained from Council's engineer to show the completion of civil works in the public domain area.
 - (b) Inspection reports (formwork and final) obtained from Council's engineer to ensure inspection have been carried out to the civil works in the public domain area.
 - (c) all services (Utility, Council, etc) within the road reserve (including the footpath) shall be relocated/adjusted to match the proposed/existing levels as required by the development.
- 106 At the completion of all construction works, a qualified practitioner, with a certificate of attainment in NWP331A Perform Conduit Evaluation, shall undertake a closed circuit television (CCTV) inspection and then report on the condition of any newly constructed public stormwater infrastructure and Council's existing Stormwater Infrastructure on Baker and Anderson Streets.

The camera and its operation shall comply with the following:

- (a) The internal surface of the drainage pipe/culvert shall be viewed and recorded in a clear and concise manner;
- (b) The CCTV camera used shall be capable to pan, tilt and turning at right angles to the pipe axis over an entire vertical circle to view the conduit joints;
- (c) Distance from the manholes shall be accurately measured, and
- (d) The inspection survey shall be conducted from manhole to manhole.

The written report, together with a copy of the digital video footage of the pipeline shall be submitted to Council for review. Any damage to the culvert/pipeline since the commencement of construction on the site shall be repaired in full to the satisfaction of Council. A written acknowledgement shall be obtained from Council (attesting this condition being appropriately satisfied) and submitted to the Principal Certifying Authority.

- 107 Prior to the issue of any Occupation Certificate, the applicant shall carry out the following works:

- (a) On Baker St, adjacent to development, reconstruct existing kerb and gutter for the full length of the property in accordance with Council's Infrastructure Specifications, if shown to be damaged in the second dilapidation report required by these conditions;
- (b) On Anderson St, adjacent to development, reconstruct existing kerb and gutter for the full length of the property in accordance with Council's Infrastructure Specifications, if shown to be damaged in the second dilapidation report required by these conditions;
- (c) On Baker St, adjacent to development, construct new footpath as per Council's Infrastructure and Landscape Architect specifications;
- (d) On Anderson St, adjacent to development, construct new footpath as per Council's Infrastructure and Landscape Architect specifications;
- (e) On both Baker St and Anderson Street, adjacent to the development, reconstruct the stormwater inlet pit(s) with minimum 2.4metre lintel and a steel galvanised grate in accordance with Council's Infrastructure Specifications, in the event of the following:
 - (i) those works are shown to be required in the engineering plans approved as part of the construction certificate; or
 - (ii) any damage is caused to the stormwater inlet pit is caused during construction as shown in the second dilapidation report required by these conditions.
- (f) On both Baker St and Anderson St, for the portion of those streets fronting the development site, pavement reconstruction and/or repairs shall be carried out as follows to the extent necessary to repair any damage caused during construction as identified in the second dilapidation report to meet Council's standards for local roads suitable for heavy vehicles in industrial areas, being 220mm MILL & FILL (2 Layers of 85AC20, top layer of 50AC14).

Written approval of Council is to be obtained for the proposed pavement design and repairs.

- 108 Prior to the issue of the Occupation Certificate, a restriction on Use of Land and Positive Covenant(s) shall be imposed on the development. The following covenants shall be imposed under Section 88(E) of the Conveyancing Act 1919 and lodged with the NSW Land and Property Information:

- (a) Restriction on Use of Land for Stormwater Quality Improvement Device. Refer to Appendix E of the SMTG for suggested wording.

- 109 Prior to the issue of the Occupation Certificate, a Certificate of Survey from a Registered Surveyor shall be submitted to the Principal Certifying Authority showing all the building structures are wholly located within the property boundary.

- 110 Prior to the issue of the Occupation Certificate, any electrical kiosk, fire booster assembly or similar utilities must be located in an unobtrusive or concealed but accessible location away from entrances to the property and preferably not within the landscaped street setbacks. The utilities must be screened by a built screen enclosure

and/or. The location of, and screening treatment surrounding these utilities is to be approved by Council's Landscape Architect prior to their installation.

- 111 Prior to the issue of the Occupation Certificate, the Applicant is to remove the street trees nominated as such for the proposed driveway crossovers at their own expense. The trees may only be removed after the Construction Certificate has been issued and removal shall be undertaken by the Applicant at their own expense. A qualified Arborist with their own public liability insurance must be engaged. All work is to take place on the Council road reserve with the appropriate safety and directional signage implemented to ensure public safety and access otherwise road and footpath closures require a Council Road Occupancy Permit. A Dial-Before-You-Dig enquiry is required prior to stump grinding the trunk and shall occur without damage to Council infrastructure or underground services/utilities. Council will take no responsibility for any damage incurred to persons, property or services during the tree removal works.
- 112 A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained prior to the issue of the Occupation Certificate. Application must be made through an authorised Water Servicing Coordinator. Please refer to "Your Business" section of Sydney Water's web site at www.sydneywater.com.au then the "e-developer" icon or telephone 132092. Following application a "Notice of Requirements" will detail water and sewer extensions to be built and charges to be paid. Please make early contact with the Coordinator, since building of water / sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.
- 113 To retain soil and mulch finishes and in pedestrian/parking areas, a raised concrete edge shall be installed around landscape areas/planter beds to contain soil and mulch finishes from spilling out onto adjoining pavements and to keep vehicles out of landscaped areas. The edge shall be raised a minimum of 150mm above the adjoining pavement. Timber retaining edges are unsuitable. Existing retaining masonry walls/edges shall be repaired and made good. Edges shall be maintained in good structural order and appearance at all times
- 114 Concrete wheel stops shall be installed in all car spaces adjoining garden beds in accordance with Council specifications and Australian Standard AS/NZS 2890.1:2004 prior to the issue of an Occupation Certificate to prevent overhang and vehicle damage to garden beds.
- 115 Landscaping shall be installed in accordance with the approved landscape plan and shall include the following:
- (a) A greater density of tree planting (small, medium and large) within the Baker Street setback, Tree densities based on species however 3m for small trees, 4-7m for medium trees and 8-12 metres for large trees. Understorey screen shrubbery is still required
 - (b) The landscaped areas on the property shall be installed in accordance with the approved landscape documentation and the conditions of consent;
 - (c) An experienced Landscape Contractor shall be engaged by the proponent to undertake the landscaping work and shall be provided with a copy of both the approved landscape drawing and the conditions of approval to satisfactorily construct the landscape. The contractor shall be engaged weekly for a minimum period of 26 weeks from final completion of landscaping for maintenance and

defects liability, replacing plants in the event of death, damage, theft or poor performance. After that time regular and ongoing maintenance is required.

- 116 At the completion of landscaping on the site, the Applicant is required to obtain a Certificate of Compliance from the Landscape Consultant to certify that the landscaping has been installed in accordance with the approved landscape plan. The Certificate is to be submitted to the Council prior to the issue of an Occupation Certificate.
- 117 To ensure satisfactory growth and maintenance of the landscaping, a fully automatic drip irrigation system is required in all landscape areas, installed by a qualified landscape contractor. The system shall provide full coverage of all planted areas with no more than 300mm between drippers, automatic controller and backflow prevention device and shall be connected to a recycled water source, where provided. Irrigation shall comply with both Sydney Water and Council requirements as well as Australian Standards, and be maintained in effective working order at all times.
- 118 A minimum of) One (1) new street trees, min. height 1.6 metres and pot size 75 litre, shall be installed in the Anderson and Baker Street nature strip as replacement for street trees removed:
- (a) The nominated tree for Baker Street is Lillypilly (*Syzygium australe*) Trees shall be installed by a qualified landscape contractor and sourced from a reputable nursery that grows to the Australian Standard;
 - (b) The Applicant is required to obtain a Council inspection of new street tree planting stock prior to planting;
 - (c) A Dial-Before-You-Dig enquiry is required prior to all tree planting;
 - (d) The trees shall be planted in accordance with Council's Street Tree Masterplan and include a water holding additive and fertiliser, and is to be mulched with leaf mulch to a depth of 100mm. The trees are to be double staked; and
 - (e) Council is not liable for any damage to infrastructure of services with the planting of new street trees.
- 119 Prior to the issue of an occupation certificate the applicant is to provide evidence to Council's satisfaction of installation of the approved high efficiency fabric filter particle collector to be installed on each silo.

CONDITIONS WHICH MUST BE SATISFIED DURING THE ONGOING USE OF THE DEVELOPMENT

- 120 The stormwater drainage system (including all pits, pipes, absorption, detention structures, treatment devices, detention systems and rainwater tanks) shall be regularly cleaned, maintained and repaired in accordance with the maintenance schedule submitted to Council to ensure the efficient operation of the system from time to time and at all times. The system shall be inspected on a monthly basis to determine whether there is any blockage, silt, debris, sludge and the like in the system. In the event of potential blockage this material shall be removed. All solid and liquid waste that is collected during maintenance shall be disposed of in a manner that complies with the appropriate Environmental Guidelines.
- 121 The 24 off-street parking bays as shown on the approved plans shall be made available at all times during business hours for staff and visitors.

122

- (a) The operations of the site must at all times fully comply with the requirements of the Operational Management Plan for the site; and

At all times the site operator must implement an effective Emergency Response Management Plan in the event of any on site or off site situations that may arise.

123

The maximum number of staff on the site at any one time is limited to a maximum of 32 employees. Any additional staff employed on-site shall be subject to Council's written consent.

124

The operation of the site and movements of vehicles shall comply with the following requirements:

- (a) The maximum size and dimensions of vehicle accessing the site shall be limited to the vehicle dimensions as a B-Double vehicle with an overall length of 19.56m and height of 3415mm.
- (b) The movement of all commercial heavy vehicles shall be restricted to the following:
- (i) Enter and exit the site via the following designated traffic route:
- (1) Wentworth Avenue - Baker Street;
- (c) No commercial vehicles shall be allowed to queue, wait and stop within 250m of the vehicle access points of the site. All trucks must enter the site and queue on site. There is to be no parking of commercial heavy vehicles on the public road.
- (d) All vehicles shall enter and exit the site in a forward direction;
- (e) All manoeuvring movements of vehicles shall be carried out wholly within the site and vehicle manoeuvring area shall be kept clear at all times;
- (f) All vehicles shall be parked in the marked parking bays and all parking bays on-site shall be set aside for parking purpose only and shall not be used for storage of goods or machinery;
- (g) Any gate at the vehicular entrance of the site shall be left open during the operation hours;
- (h) All loading and unloading of vehicles in relation to the use of the premises shall only be carried out in the dedicated loading area. No deliveries to the premises/site shall be made direct from a public places, public streets or any road related areas (eg. footpath, nature strip, road shoulder, road reserve, public carpark, service station etc);
- (i) Under no circumstance shall vehicles queue on public places, public streets or any road related area (eg. footpath, nature strip, road shoulder, road reserve etc) prior to entering the site;
- (j) The occupier shall ensure that any person employed on the premises shall park their vehicles, if any, in the employee parking area provided. No employee shall be permitted to park on a common driveway, public streets or any road related

areas (eg. footpath, nature strip, road shoulder, road reserve, public carpark etc).

- 125 No signs or advertising which require consent shall be installed or displayed at the property without a development application being lodged with Council and consent thereto being given by Council.
- 126
- (a) The use of the premises shall not give rise to air impurities in contravention of the *Protection of the Environment Operations Act 1997* and shall be controlled in accordance with the requirements of this Act.
 - (a) Liquid and solid wastes generated on the site shall be collected, transported and disposed of in accordance with the *Protection of the Environment Operation Act 1997*. Records shall be kept of all liquid and solid waste from the site, and be made available to Council Officers on request.
 - (b) The operation of the premises shall be conducted in a manner which does not pollute water as defined by the Protection of the Environment Operations Act. Treated overflow or other discharge shall not cause pollution of the council's stormwater system in accordance with the Protection of the Environment Operations Act 1997. Management of the site shall be undertaken in accordance with measure outlined in the Operational Environmental Management Plan (OEMP).
 - (c) The operations of the premises shall be conducted in such a manner as not to interfere with or materially affect the amenity of the neighbourhood by reason of noise, vibration, odour, fumes, vapour, steam, soot, ash, dust, particulate matter, waste water, waste products or other impurities which are a nuisance or injurious to health.
- 127 Discharge from the approved wash bay must meet the following requirements:
- (a) The floor must be sealed and graded to an internal drainage point, so that all wastewater and surface spillage is directed and drains to the approved treatment and disposal point;
 - (b) The wash bay is to be roofed and bunded so that all uncontaminated stormwater from the roof areas and uncovered areas, are directed away from the bay;
 - (c) The roof to the wash bay roof must be a minimum height of 2.5 m;
 - (d) A bund must be constructed and maintained around the perimeter of the bay. The bund is to be protected from the entry of external surface waters, by either; a minimum 2% change in grade; or combination of a minimum 2% grade change and a grated drainage system;
 - (e) All uncontaminated stormwater/rainwater must be directed to the dedicated stormwater drainage systems;
 - (f) The collection pit shall be a minimum of 1000 litres;
 - (g) A *Permission to Discharge Trade Wastewater* certificate issued by Sydney Water must be obtained prior to the approval of the development.

- 128 Sufficient supplies of appropriate absorbent materials shall be kept on site to recover any liquid spillage. Liquid spills shall be cleaned up using dry methods, by placing absorbent material on the spill, and sweeping or shovelling the material into a secure bin. Absorbent materials used to clean up spills shall be disposed of to an appropriately licensed waste facility.
- 129 Should the external fabric of the building(s), walls to landscaped areas and like constructions be subject to graffiti or like vandalism, then within seven (7) days of this occurrence, the graffiti must be removed and the affected surface(s) returned to a condition it was in before defilement.
- 130 Acoustic conditions
- (a) Vehicle trips and movements are not to exceed those stipulated in this consent
 - (b) No heavy vehicles associated with the development are to access the site via Ocean Street.
 - (c) Heavy vehicles associated with the development are not to use air braking or jake brakes at night time on site, on Anderson Street or Baker Street (including at the intersection with Wentworth Avenue).
 - (d) All acoustic mitigation measures referred to in the noise management plan approved under these conditions are to be installed prior to the issue of an occupation certificate.
 - (e) The use of the premises shall not give rise to any of the following:
 - (i) Offensive noise as defined in the Protection of the Environment Operations Act 1997 and the Protection of the Environment Operations Act (Noise Control Regulation) 2000
 - (ii) The operation of all equipment, vehicle movements and unloading/loading operations occurring on the site shall not give rise to an equivalent continuous (LAeq) sound pressure level at any point on any residential property greater than 5dB(A) above the existing background LA90 level (in the absence of the noise under consideration).
 - (iii) The operation of all equipment, vehicle movements and unloading/loading operations occurring on the site when assessed on any residential property shall not give rise to a sound pressure level that exceeds LAeq 50dB(A) day time, LAeq 50 dB(A) in the evening, and LAeq 40dB(A) night time.
 - (iv) The operation of all equipment, vehicle movements and unloading/loading operations occurring on the site when assessed on any neighbouring commercial/industrial premises shall not give rise to a sound pressure level that exceeds LAeq 65dB(A) day time/night time. For assessment purposes, the above LAeq sound levels shall be assessed over a period of 10-15 minutes and adjusted in accordance with EPA guidelines for tonality, frequency weighting, impulsive characteristics, fluctuations and temporal content where necessary.

- (g) Within 6 months of the commencement of operations on the site, the operator is to submit a report to Council's satisfaction from a suitably qualified independent acoustic engineer approved by the Council. The engineer must be eligible for membership of the Australian Acoustical Society (AAS) and/or be a member of a firm which is a member of the AAAC. The independent consultant cannot have previously been involved with advising on the development for the proponent/operator or been a member of a firm that has advised on the development for the proponent/operator. The report is to audit compliance with all of the acoustic requirements referred to in paragraph (e) and (f) above. The report is to be based on readings taken at any affected receiver. Certification is to be provided from the engineer that the date of those readings was not disclosed to the operator and no prior warning of the audit monitoring was given. Costs of the report is to be borne solely by the operator.
- (h) In the event that the independent acoustic auditor identifies a non-compliance with the requirements in paragraph (e) above, the operator is to include recommendations within the report to Council's written satisfaction which in the opinion of the auditor will ensure that any breach of the requirements within paragraph (e) above are addressed.
- (i) Any recommendations to ensure acoustic compliance within paragraph (e) and (f) above are to be implemented immediately. Within 28 days of implementation of the recommended noise controls the operator is to submit to Council's satisfaction a further report from the independent auditor certifying that the measures have addressed the non-compliance having regard to measurements conducted at any affected receivers.

Note: This condition does not authorise development (e.g. the erection of acoustic walls) that would otherwise require development consent under the *Environmental Planning and Assessment Act 1979*. Any such consent must be obtained and in the intervening period the operator must take other measures (e.g. reduction in truck movements or ceasing of 24 hour operation) to ensure that the acoustic requirements are satisfied.

131 Air quality conditions

- (a) Within 6 months of commencement of operations, independent proof of performance monitoring of the fine particle, including PM_{2.5} emissions, from the silos is to be performed by a suitably qualified and experienced independent NATA accredited testing authority. Details are to be submitted to Council.
- (b) The use of the premises shall not give rise to air impurities in contravention of the *Protection of the Environment Operations Act and Regulation (Clean Air)*. Waste gases and dusts released from the premises shall not cause a public nuisance nor be hazardous or harmful to human health or the environment.
- (c) All emissions and the cumulative ground level impact of those emissions shall not exceed those levels specified in the National Environment Protection Measure (Ambient Air) and the Approved Methods for Modelling and Assessment of Air Pollutants in New South Wales (2016).

132 Traffic conditions relating to Baker Street, Page Street and Wentworth Avenue Intersection

This condition applies until such time as the installation of traffic signals at the intersection of Baker Street and Wentworth Avenue together with the upgrade of Page Street and Wentworth Avenue.

- (a) All heavy vehicles associated with the development (including trucks operated by contractors not employed by the operator) are to turn left only out of Baker Street into Wentworth Street.

133 Any intruder alarms shall be fitted with a timing device in accordance with the requirements of AS2201 - 2008 Intruder Alarm Systems.

- 134
- (a) Ongoing maintenance of the nature strip shall be undertaken by the occupier/owner. Maintenance includes mowing, watering, the removal of weeds and rubbish and maintaining an even coverage of grass at all times;

The landscaped areas on the property shall be maintained in accordance with any approved landscape plan and the conditions of development approval at all times. The landscaped areas shall be maintained in a clean and tidy state and with a dense, even coverage of plants to Council's satisfaction at all times.

135 The existing and future owners (Registered Proprietor) of the property will be responsible for the operation and maintenance of the detention system.

The Registered Proprietor will:

- i) permit stormwater to be temporarily detained by the system;
- ii) keep the system clean and free of silt, rubbish and debris;
- iii) maintain, renew and repair the whole or parts of the system so that it functions in a safe and efficient manner; and in doing so complete the same within the time and in the manner specified in written notice issued by the Council;
- iv) carry out the matters referred to in paragraphs (ii) and (iii) at the proprietor's expense;
- v) not make alterations to the system or elements thereof without prior consent in writing of the Council.
- vi) permit the Council or its authorised agents from time to time upon giving reasonable notice (but at any time and without notice in the case of emergency) to enter and inspect the land for compliance with the requirement of this clause;
- viii) comply with the terms of any written notice issued by the Council in respect to the requirements of this clause within the time stated in the notice.

136 All wastewater and stormwater treatment devices (including drainage systems, sumps and traps) shall be regularly maintained in order to remain effective. All solid and liquid wastes collected from the device shall be disposed of in accordance with the Protection of the Environment Operations Act, 1997.

- 137 Any lighting on the site shall be designed so as not to cause nuisance to other residences in the area or to motorists on nearby roads, and to ensure no adverse impact on the amenity of the surrounding area by light overspill. All lighting shall comply with *AS4282-1997 Control of the obtrusive effects of outdoor lighting*.
- 138 All trucks servicing the development are to park on the site. No trucks are to park in Anderson or Baker Street or surrounding local roads.
- 139 No lighting shall be affixed to, or directed to the cement storage silos near the northern boundary of the site.
- 140 On an annual basis from the issue of an Occupation Certificate the operator is to submit an acoustic audit report meeting all of the requirements within Condition 130, with verification that all the required noise control measures are installed and have been maintained to the satisfaction of the auditor. This requirement applies without exception for a period of 3 years following the issue of an Occupation Certificate. Thereafter the annual audit report is to be carried out by the operator on request of the Council.

Attachment 2**Schedule 1 – Conditions of Consent****Premises: 1 Beauchamp Road, Banksmeadow DA No: 2018/1173****GENERAL CONDITIONS**

- 1 The development is to be carried in accordance with the plans and documentation listed below, except where amended by other conditions of this consent:

No.	Author	Dated/Received
Notes SY18118-G002 Revision A	pitt&sherry	Dated: 10 September 2018 Received: 14 February 2018
Stage 3 – Equipment Index SY18118-G003 Revision B	pitt&sherry	Dated: 1 November 2018 Received: 14 February 2018
Staging Plan Stage 0 and Stage 1 SY18118-G005 Revision B	pitt&sherry	Dated: 1 November 2018 Received: 14 February 2018
Staging Plan Stage 2 and Stage 3 SY18118-G006 Revision B	pitt&sherry	Dated: 1 November 2018 Received: 14 February 2018
Stage 0 Site Plan – Sheet 1 SY18118-C001 (Rev C) Revision B	pitt&sherry	Dated: 24 May 2019 Received: 24 May 2019
Stage 0 Site Plan – Sheet 2 SY18118-C002 (Rev B) Revision A	pitt&sherry	Dated: 24 May 2019 Received: 24 May 2019
Stage 0 Elevations SY18118-C021 (Rev B) Revision A	pitt&sherry	Dated: 24 May 2019 Received: 24 May 2019
Stage 1 Site Plan – Sheet 1 SY18118-C101 (Rev C) Revision B	pitt&sherry	Dated: 24 May 2019 Received: 24 May 2019
Stage 1 Site Plan – Sheet 2 SY18118-C102 (Rev B) Revision A	pitt&sherry	Dated: 24 May 2019 Received: 24 May 2019
Stage 1 B-Double Turning Paths SY18118-C111 Revision A	pitt&sherry	Dated: 10 September 2018 Received: 14 February 2018
Stage 1 Concrete Aggitator Turning Paths SY18118-C112	pitt&sherry	Dated: 10 September 2018 Received: 14 February 2018

No.	Author	Dated/Received
Revision A		
Stage 1 Aggregate Tipper Turning Paths SY18118-C113 Revision A	pitt&sherry	Dated: 10 September 2018 Received: 14 February 2018
Stage 1 Elevations SY18118-C121 (Rev B) Revision A	pitt&sherry	Dated: 24 May 2019 Received: 24 May 2019
Stage 2 Site Plan – Sheet 1 SY18118-C201 Revision B	pitt&sherry	Dated: 1 November 2018 Received: 14 February 2018
Stage 2 Site Plan – Sheet 2 SY18118-C202 Revision A	pitt&sherry	Dated: 10 September 2018 Received: 14 February 2018
Stage 2 Elevations SY18118-C221 Revision A	pitt&sherry	Dated: 10 September 2018 Received: 14 February 2018
Stage 2 B-Double Turning Paths SY18118-C212 Revision A	pitt&sherry	Dated: 10 September 2018 Received: 14 February 2018
Stage 2 Concrete Aggitator Turning Paths SY18118-C213 Revision A	pitt&sherry	Dated: 10 September 2018 Received: 14 February 2018
Stage 3 Site Plan – Sheet 1 SY18118-C301 Revision A	pitt&sherry	Dated: 10 September 2018 Received: 14 February 2018
Stage 3 Car Park Turning Paths SY18118-C315 Revision A	pitt&sherry	Dated: 10 September 2018 Received: 14 February 2018
Site Section Long Sections – Site CL SY18118-C401 Revision A	pitt&sherry	Dated: 10 September 2018 Received: 14 February 2018
Site Sections Cross Sections – Sheet 1 SY18118-C451 Revision A	pitt&sherry	Dated: 10 September 2018 Received: 14 February 2018
Site Sections Cross Sections – Sheet 2 SY18118-C452 Revision A	pitt&sherry	Dated: 10 September 2018 Received: 14 February 2018
Site Sections Cross Sections – Sheet 3 SY18118-C453	pitt&sherry	Dated: 10 September 2018 Received: 14 February 2018

No.	Author	Dated/Received
Revision A		
Site Sections Cross Sections – Sheet 4 SY18118-C454 Revision A	pitt&sherry	Dated: 10 September 2018 Received: 14 February 2018
Site Sections Cross Sections – Sheet 5 SY18118-C455	pitt&sherry	Dated: 10 September 2018
Revision A		Received: 14 February 2018
Site Sections Cross Sections – Sheet 6 SY18118-C456 Revision A	pitt&sherry	Dated: 10 September 2018 Received: 14 February 2018
Site Sections Cross Sections – Sheet 7 SY18118-C457 Revision A	pitt&sherry	Dated: 10 September 2018 Received: 14 February 2018
Site Sections Cross Sections – Sheet 8 SY18118-C458 Revision A	pitt&sherry	Dated: 10 September 2018 Received: 14 February 2018
Environmental Impact Statement	pitt&sherry	Dated: August 2018 Received: 18 September 2018
Stage 1 – Alternate Car Parking 9021-R-19368-AR-DG- 063	Holcim	Dated: 19 February 2019 Received: 19 February 2019
Construction Methodology	Holcim	Dated: 19 June 2018 Received: 18 September 2018
Risk Assessment and Evaluation Report	Pitt&sherry	Dated: 4 December 2018 Received: 6 February 2019
Groundwater Impact Assessment	Hibbs & Associates Pty Ltd	Dated: September 2018 Received: 18 September 2018
Detailed Site Investigation	Hibbs & Associates Pty Ltd	Dated: August 2018 Received: 18 September 2018
Geotechnical and Contamination Investigation Report	GHD	Dated: July 2018 Received: 18 September 2018
Air Quality Impact Assessment	Todoroski Air Sciences	Dated: 6 September 2018 Received: 18 September 2018
Noise and Vibration Assessment	Muller Acoustic Consulting	Dated: July 2018 Received: 18 September 2018
Traffic and Transport Impact Assessment	Bitzios Consulting	Dated: 20 November 2018 Received: 22 November 2018

- 2 No construction works shall be undertaken prior to the issue to the Construction Certificate.

- 3 This Consent relates to land in Lot 20 DP 1231202, Lot 1 DP 512040, and Lot 1 DP 1006865 and, as such, building works must not encroach on to adjoining lands or the adjoining public place.
- 4 This approval does not provide development consent for the construction of the rail siding and associated aggregate unloading facility.
- 5 All building work must be carried out in accordance with the requirements of the Building Code of Australia;
- 6 All required Environmental Protection Licenses (as determined by the NSW EPA) must be attained at the appropriate times.
- 7 Stage 1 operations are restricted to a maximum concrete production rate of up to 700m³/day.
- 8 Stage 2/3 operations are restricted to a maximum annual concrete production of 220,000m³/year.
- 9 The construction and on-going operation of the premises shall adhere to the requirements of all Environmental Management Plans required by O10.1 of the NSW EPA General Terms of Approval.
- 10 The consent given does not imply that works can commence until such time that:
 - (a) Detailed plans and specifications of the building have been endorsed with a Construction Certificate by:
 - (i) The consent authority; or
 - (ii) An accredited certifier; and
 - (b) The person having the benefit of the development consent:
 - (i) Has appointed a principal certifying authority (PCA); and
 - (ii) Has notified the consent authority and the Council (if the Council is not the consent authority) of the appointment; and
 - (iii) The person having the benefit of the development consent has given at least 2 days notice to the council of the persons intention to commence the erection of the building.

CONDITIONS IMPOSED BY AN EXTERNAL AUTHORITY

- 11 The following conditions imposed by NSW EPA are as follows and must be complied with:

General Terms of Approval

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 DA2018/1173 submitted to Bayside Council on 18 September 2018;
- any environmental impact statement relating to the development, including the document prepared by pitt&sherry titled "Concrete Plant and Rail Depot, Banksmeadow NSW, Environmental Impact Statement, August 2018"; and
- all additional documents supplied to the EPA in relation to the development.

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.

P1. Location of Monitoring/Discharge Points and Areas

P1.1 The following points in the table are identified in these general terms of approval for the purposes of the monitoring and/or the setting of limits for discharges of pollutants to water from the point. EPA Identification Number	Type of Monitoring	Type of Discharge	Description of Location
Point 1	Water Quality Monitoring	Discharge from sediment basin	Outlet of sediment basin at north-west corner of premises

Concentration Limits

- L1.2** For each monitoring/discharge point specified in the table/s below (by a point number), the concentration of a pollutant discharged at that point must not exceed the concentration limits specified for that pollutant in the table.
- L1.3** Where a pH quality limit is specified in the table, the specified percentage of samples must be within the specified ranges.

L1.4 To avoid any doubt, this condition does not authorise the pollution of waters by any pollutant other than those specified in the tables/s. Pollutant	Units of Measure	Concentration Limit

Total Suspended Solids (TSS)	Mg/L	50mg/L
pH	pH	pH between 6.5 and 8.5
Oil or Grease	Nil	No visible oil or grease

L2. Waste

L2.1 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.

L2.2 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.

L3. Noise Limits

Hours of Operation

L3.1 All construction work at the premises must only be conducted between:

- a) 7:00am and 6:00pm Monday to Friday;
- b) 8:00am and 1:00pm Saturday; and
- c) not be undertaken on Sunday or public holidays.

L3.2 This condition does not apply to the delivery of material outside the hours of operation permitted by condition L3.1, 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.

L3.3 The hours of operation specified in conditions L3.1 and L3.2 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.

L3.4 All feasible and practicable noise mitigation measures shall be implemented to minimise noise impacts from the development. If noise exceeds the project noise trigger level, as described in the Noise Policy for Industry (EPA, 2017) the proponent shall investigate, establish the reason and implement all additional feasible and practicable measures.

Operating Conditions

O1. Activities must be carried out in a competent manner

O1.1 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;
- b. and the treatment, storage, processing, reprocessing, transport and disposal of waste generated by the activity.

O2. Maintenance of Plant and Equipment

O2.1 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.

O3. Dust

O3.1 Activities occurring at the premises must be carried out in a manner that will minimise emissions of dust from the premises.

O3.2 Trucks entering and leaving the premises that are carrying loads must be covered at all times, except during loading and unloading.

O3.3 An Air Quality Management Plan (AQMP) must be prepared and implemented prior to the commencement of project operations. The plan must set out the measures used to minimise air emissions from the premises and must include, as a minimum:

- a. Measures to manage dust from all sources. Control measures should focus on (but not be limited to) managing dust from:
 - receiving, handling, processing and reprocessing of materials,
 - stockpiles; and
 - hardstand areas.
- b. Key performance indicators(s);
- c. Monitoring method(s);
- d. Location, frequency and duration of monitoring;
- e. Record keeping;
- f. Response mechanisms; and
- g. Compliance reporting.

O4. Stormwater/Sediment Control - Construction Phase

O4.1 An Erosion and Sediment Control Plan (ESCP) must be prepared and implemented during the construction phase of the development. 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 ESCP should be prepared in accordance with the requirements for such plans outlined in *Managing Urban Stormwater: Soils and Construction*.

O5. Stormwater/Sediment Control - Operation Phase

O5.1 A Stormwater Water Management Plan (SWMP) must be prepared and implemented prior to the commencement of project operations. The SWMP must detail an appropriate water quality monitoring and reporting regime, with reference to the Australian and New Zealand guidelines for fresh and marine water quality: Volume 1 (2000). The SWMP should include:

- details of how and when stormwater will be tested prior to discharge;
- the location of proposed sampling points, including justification for the locations that demonstrates that the samples collected will be representative of the water being discharged;
- details of proposed sampling criteria and trigger levels;
- details of actions that will be taken in the event of exceedances of identified trigger values for specified pollutants in water proposed to be discharged from the site; and
- who will be responsible for ensuring water sampling is undertaken as per the SWMP.

O6. Noise

O6.1 All work and activities must be undertaken in a manner that will minimise noise and vibration impacts at sensitive receivers.

O6.2 The proponent must ensure that all feasible and practicable noise mitigation measures are implemented in accordance with the Interim Construction Noise Guidelines (DECC, 2009). If noise exceeds the project noise trigger level the proponent must investigate, establish the reason for the exceedance and implement all additional feasible and practicable measures.

O6.3 For the purposes of determining the noise generated at the premises the modification factors in Fact Sheet C of the Noise Policy for Industry (EPA, 2017) must be applied, as appropriate, to the noise levels measured by the noise monitoring equipment.

O6.4 A Noise and Vibration Management Plan (NVMP) must be prepared and implemented prior to the commencement of project construction and operation. The NVMP should include:

- Project specific noise goals;
- A description of the measures that will be employed to minimise noise and vibration impacts to nearby sensitive receivers during operation and construction; and

- A noise monitoring plan of one (1) years duration to validate the modelled noise impacts.

07. Waste Management - Operational

- 07.1** The proponent must ensure that any liquid and/or non liquid waste generated and/or stored at the premises is assessed and classified in accordance with the EPA's Waste Classification Guidelines.
- 07.2** All activities at the premises must be carried out in a manner that will prevent waste from polluting waters.
- 07.3** The proponent must provide facilities to ensure the collection storage and disposal of waste generated at the premises so that it does not pollute waters.

08. Dangerous Goods/Chemical Management

- 08.1** The proponent must ensure that environmental risks associated with the storage, procession and handling of hazardous materials and dangerous goods are minimised. Storage and handling of any dangerous goods must be undertaken in accordance with The Storage and Handling of Dangerous Goods Code of Practice, 2005 which can be viewed online at:
http://www.workcover.nsw.gov.au/_data/assets/pdf_file/0019/17074/storage-handling-dangerous-goods-1354.pdf
- 08.2** The type, quantity and location of all dangerous goods, chemicals and waste needs to be easily identified by site personnel and included in subsequent management plans/documentation for the premises.
- 08.3** Effective controls need to be implemented and maintained in the storage, processing and handling of materials at the premises. These controls should also include operating and maintaining bunds or spill containment systems where necessary to minimise the risk of pollution from potential spills and leaks. Information on bunding and spill management can be found online at:
<http://www.epa.nsw.gov.au/mao/bundingspill.htm>

09. Pollution Incident Response Management Plan

- 09.1** A Pollution Incident Response Management Plan (PIRMP) needs to be developed for the premises (due to the premises requiring an EPA licence) which needs to follow requirements set out in the EPA's Environmental Guidelines: Preparation of Pollution Incident Response Management Plans which can be viewed online at:
<http://www.environment.nsw.gov.au/resources/legislation/201200227egpreppirmp.pdf>
- 09.2** The proponent should note and be aware of its responsibility to notify each relevant authority of any pollution incident, in accordance with Section 148 of the Protection of the Environment Operations Act 1997. This includes notifying the authorised relevant authority, which in this instance is likely to be the EPA. The PIRMP should detail incident triggers and notification protocols so that compliance with section 148 of the Protection of the Environment Operations Act 1997 is achieved.

O10. Environmental Management Plan

O10.1 An appropriately qualified person must prepare an Environmental Management Plan (EMP) for both construction and operational phases of the development. The plan should include but need not be limited to:

- Air Quality Management Plan
- Water Management Plan (inclusive of stormwater and wastewater)
- Operational Waste Management Plan
- Chemical Handling and Dangerous Goods Management Plan
- Noise and Vibration Management Plan
- Pollution Incident Response Management Plan
- Community Engagement Plan outlining the course of action to be undertaken following receipt of a complaint

The EMP must be submitted to the Director Sydney Industry PO Box 668 Parramatta NSW 2124 or metro.regulation@epa.nsw.gov.au before any construction works or operations take place.

M1 Monitoring Records

M1.1 The results of any monitoring required to be conducted by the EPA's general terms of approval, or a licence under the Protection of the Environment Operations Act 1997, in relation to the development or in order to comply with the load calculation protocol, must be recorded and retained as set out in conditions M1.2 and M1.3.

M1.2 All records required to be kept by the licence must be:

- in a legible form, or in a form that can readily be reduced to a legible form;
- kept for at least 4 years after the monitoring or event to which they relate took place; and
- produced in a legible form to any authorised officer of the EPA who asks to see them.

M1.3 The following records must be kept in respect of any samples required to be collected: the date(s) on which the sample was taken;

- the time(s) at which the sample was collected;
- the point at which the sample was taken; and
- the name of the person who collected the sample.

M2. Requirement to Monitor Concentration of Pollutants Discharged

M2.1 For each monitoring/discharge point or utilisation area specified (by a point number), the licensee must monitor (by sampling and obtaining results by analysis) the concentration of each pollutant specified in Column 1. The licensee must use the sampling method, units of measure, and sample at the frequency, specified opposite in the other columns:

Pollutant	Units of measure	Frequency	Sampling Method
Total Suspended Solids (TSS)	mg/L	24 hours prior to discharge	Grab sample
pH	pH	24 hours prior to discharge	Grab sample
Oil and Grease	Nil	24 hours prior to discharge	Grab sample

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.

12 The following conditions imposed by **Sydney Water** are as follows:

- a) The approved plans must be submitted to the Sydney Water Tap in™ online service to determine whether the development will affect any Sydney Water sewer or water main, stormwater drains and/or easement, and if further requirements need to be met. *The Sydney Water Tap in™ online self-service replaces our Quick Check Agents as of 30 November 2015.*

The Tap in™ service provides 24/7 access to a range of services, including:

- building plan approvals
- connection and disconnection approvals
- diagrams
- trade waste approvals
- pressure information
- water meter installations
- pressure boosting and pump approvals
- changes to an existing service or asset, e.g. relocating or moving an asset.

Sydney Water's Tap in™ online service is available at:

<https://www.sydneywater.com.au/SW/plumbingbuildingdeveloping/building/sydney-water-tap-in/index.htm>

- b) A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water. It is recommended that applicants apply early for the certificate, as there may be water and sewer pipes to be built and this can take some time. This can also impact on other services and building, driveway or landscape design. Application must be made through an authorised Water Servicing Coordinator. For help either visit www.sydneywater.com.au > Plumbing, building and developing > Developing > Land development or telephone 13 20 92.

If you require any further information, please contact the Growth Planning and Development Team at urbangrowth@sydneywater.com.au.

- c) Where proposed development works are in close proximity to a Sydney Water easement, the developer may be required to carry out additional works to facilitate their development in order to not encroach within the Sydney Water easement. Easements are not to be built over or encroached in without the consent of Sydney Water.

13 The following conditions imposed by **RMS** are as follows:

- a) A strip of land has previously been dedicated as Public Road by private subdivision (DP1231202), along the Beauchamp frontage of the subject property, as shown by yellow colour on the attached Aerial "X". All buildings and structures, together with any improvements integral to the future use of the site are to be wholly within the freehold property (unlimited in height or depth), along the Beauchamp Road boundary.
- b) 'No Right Turn' restrictions from Beauchamp Road shall be implemented from 0600 to 1000 and 1500 to 1900 Monday to Friday. Signage shall be at no cost to Roads and Maritime.
- c) In order to facilitate right turn movements outside peak periods (0600 to 1000 and 1500 to 1900 Monday to Friday) a full time 'No Stopping' zone is to be implemented along the entire frontage on the north-west side of Beauchamp Road from Perry Street to Denison Street and a full time 'No Stopping' zone is to be implemented for 100 metres on the south-east frontage of Beauchamp Road on the approach to Perry Street.

In addition, the existing bus zone on the south-east side of Beauchamp Road is to be relocated on the departure side of the intersection. The precise location of the bus zone shall be confirmed and approved by Sydney Buses and Roads and Maritime.

All signage and works shall be at no cost to Roads and Maritime.

- d) The proponent shall submit a Heavy Vehicle Management Plan to be reviewed and approved by Council.

- e) All vehicles are to enter and leave the site in a forward direction.
 - f) All vehicles are to be wholly contained on site before being required to stop.
 - g) The developer shall be responsible for all public utility adjustment/relocation works, necessitated by the above work and as required by the various public utility authorities and/or their agents.
 - h) A Construction Traffic Management Plan detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control should be submitted to Council for approval prior to the issue of a Construction Certificate.
 - i) All demolition and construction vehicles are to be contained wholly within the site and vehicles must enter the site before stopping. A construction zone will not be permitted on Beauchamp Road.
- 14 The following conditions imposed by SACL are as follows:
- a) This location lies within an area defined in schedules of the Civil Aviation (Buildings Control) Regulations which limit the height of structures to 15.24 metres above existing ground height (AEGH) without prior approval of the Civil Aviation Safety Authority.
 - b) The application sought approval for the PROPERTY DEVELOPMENT to a height of 38.0 metres Australian Height Datum (AHD).
 - c) In my capacity as Airfield Design Manager and an authorised person of the Civil Aviation Safety Authority (CASA) under Instrument Number: CASA 229/11, in this instance, I have no objection to the erection of this development to a maximum height of 38.0 metres AHD.
 - d) The approved height is inclusive of all lift over-runs, vents, chimneys, aerials, TV antennae, construction cranes etc.
 - e) Should you wish to exceed this height a new application must be submitted.
 - f) Should the height of any temporary structure and/or equipment be greater than 15.24 metres AEGH, a new approval must be sought in accordance with the Civil Aviation (Buildings Control) Regulations Statutory Rules 1988 No. 161.
 - g) Construction cranes may be required to operate at a height significantly higher than that of the proposed development and consequently, may not be approved under the Airports (Protection of Airspace) Regulations.
 - h) Sydney Airport advises that approval to operate construction equipment (ie cranes) should be obtained prior to any commitment to construct.

CONDITIONS WHICH MUST BE SATISFIED PRIOR TO THE ISSUE OF ANY CONSTRUCTION CERTIFICATE

- 15 Prior to the issue of any Construction Certificate, the applicant is to provide all necessary construction details including manufacturer's specifications to the Council's written satisfaction of the provision and construction of a high efficiency fabric filter particle collector to be installed on each silo. These collectors will provide 100 % collection efficiency of particles less than 2.5 micron EAD and greater than 1.0 micron EAD. The manufacturer's specification will include type of fabric and configuration of coating or membrane, air to cloth ratio or filtration velocity, filter area, pressure drop, fabric cleaning pulse pressure, pulse rate and warrant the collection efficiency. Details should include a detailed maintenance program for the life of the development. These filters are to be installed and maintained in good working order and the development is to be carried out in accordance with the details approved under this condition.
- 16 Prior to the issue of any Construction Certificate, detail design and construction plans in relation to stormwater management and disposal system for the development shall be submitted to the Principal Certifying Authority for approval. A copy of the detailed design plans shall be provided to Council where Council is not the Principal Certifying Authority. The Stormwater system must have provision for Onsite Detention, First Flush System and a Water Quality Improvement Device. The System must generally be prepared in accordance with The Concept Stormwater Management Plan Prepared by Pitt&Sherry Revision 03 Dated 09-01-2019.
- 17 Prior to the issue of any Construction Certificate, the approved plans must be submitted to Sydney Water Tap inTM online service to determine whether the development will affect any Sydney Water sewer or water main, stormwater drains and/or easement, and if further requirements need to be met.

Sydney Water's Tap inTM online service is available at:
<https://www.sydneywater.com.au/SW/plumbing-building-developing/building/sydney-water-tap-in/index.htm>

- 18 Prior to the issue of any Construction Certificate, a Flood Risk Management Plan, prepared by a qualified practicing Civil Engineer must be provided, The flood impacts on the site shall be assessed for the 100 year ARI storm events. The Plan must make provision for the following:
- (a) Recommendations on all precautions to minimise risk to personal safety of occupants and the risk of property damage for the total development.
 - (b) Types of materials to be used to ensure the structural integrity of the building to immersion and impact of velocity and debris.
 - (c) Flood warning signs/depth indicators for areas that may be inundated. (d) A flood evacuation strategy.
 - (e) On site response plan to minimise flood damage, demonstrating that adequate storage areas are available for hazardous materials and valuable goods above the flood level. (f) Specify the architectural and structural plans upon which the above recommendations have been incorporated.
- 19 Prior to the issue of any Construction Certificate, a suitably qualified engineer is to certify that the structure can withstand the forces of floodwater, scour, debris and buoyancy up to 1% AEP flood event. All internal electrical switches, power points or similar utilities liable to flood damage shall be set at a minimum of 500mm above the

- 1% AEP flood Event. Details and certification shall be provided to the Principal Certifier for Assessment and approval.
- 20 To ensure that environmental & health risks are minimized, prior to the issue of any Construction Certificate the applicant must submit details to Council demonstrating how the recommendations within the Detailed Site Assessment (DSI) shall be met, specifically:
- No groundwater shall be extracted for use during construction and operational phase as the area is declared as “groundwater extraction exclusion zone”. The groundwater quality assessment showed elevated concentrations of some pollutants exceeding SAC (heavy metals, CHCs and PFAS) therefore it should be handled and disposed fully if extracted for construction dewatering purposes.
 - An environmental management plan shall be prepared for the Project comprising of the following:
 - a) Unexpected Finds Protocol (UFP) to manage unexpected contamination, asbestos-containing materials and acid sulfate soils.
 - b) If required, details of planned extraction rates for construction dewatering purpose and procedures to handle and dispose of contaminated groundwater.
 - c) Whilst the risk of vapour intrusion into the proposed development is considered low, the ASC NEPM recommends soil vapour measurements for vapour intrusion when the depth to groundwater across the site is less than 2 m. Further investigation of the potential for vapour intrusion and exposure of construction and maintenance workers shall be undertaken once the details of the final landform have been confirmed and the extent of excavation into the contaminated areas has been defined. Any management measures required shall be incorporated into a Remediation Action Plan (RAP) and any Long-term Environmental Management Plan (EMP) as required. This shall form part of the development consent.
 - d) All management and mitigation measures for construction (S2-S9 and GW1-GW2) and operation (S10-S11 and GW3-GW4) of the concrete batching plant identified in the EIS dated August 2018 shall be met.
- 21 A detailed Landscape Plan shall be submitted to the satisfaction of the Certifying Authority prior to the issue of any Construction Certificate. The landscaped area at the front of the site shall be comprised of a minimum of 80% native plants. Locally indigenous species, as specified in Part 10 – Technical Guidelines for Landscaping on Development Sites, are to be incorporated where practical and suit the microclimate conditions. The landscape design shall incorporate a minimum of three (3) canopy trees, shrubs and groundcovers.
- 22 An operational waste management plan in accordance with the stated mitigation measures within Part 7.13.3 of the EIS must be submitted to the satisfaction of the Certifying Authority prior to the issue of any Construction Certificate.
- 23 Prior to the issue of any Construction Certificate a report shall be provided by a suitably qualified acoustical consultant/engineer, who is eligible for membership of the Australian Acoustic Society (AAS) and/or be a member of a firm which is a member of the AAAC, confirming the required noise control measures specified in the

Development Application documentation have been incorporated into the proposed development and identified on the construction certificate plans.

- 24 The applicant must prior to the issue of any Construction Certificate, pay the following fees:

- (a) Development Control: \$3,081.00
- (b) Builders Damage Deposit: \$22,541.33
- (c) Section 7.12 Contribution \$160,000.00

- 25 Prior to the issue of any Construction Certificate, the applicant shall lodge a Builder's Damage Deposit and Performance Bond of \$22,541.33(GST Exempt) by way of cash deposit or unconditional bank guarantee to Council against possible damage to Council's asset during the course of the building works and performance bond covering all public domain works. The deposit will be refunded subject to inspection by Council 12 months after the completion of all works relating to the proposed development and Final Occupational Certificate has been issued.

- 26 The payment of the following monetary contributions in accordance with Council's Section 94A Contributions Plan 2016:

Total cost of works = \$16,000,000.00

This results in a total contribution of \$160,000.00 to be paid to Council prior to the issue of any Construction Certificate. The Section 94 Contribution fees are subject to annual review and the current rates are applicable for the financial year in which your consent is granted. If you pay the contribution in a later financial year you will be required to pay the fee applicable at the time.

- 27 Prior to the issue of any Construction Certificate, the required Long Service Levy payable under Section 34 of the Building and Construction Industry Long Service Payments Act 1986 must be paid. The Long Service Levy is payable at 0.35% of the total cost of the development, however this is a State Government fee and can change without notice.
- 28 Prior to the issue of any Construction Certificate, at the proposed point of construction site entry, photographic survey showing the existing conditions of Council's infrastructure shall be submitted to Council and Principal Certifying Authority. The survey shall detail the physical conditions and identify any existing damage to the roads, kerbs, gutters, footpaths, driveways, street trees, street signs and any other Council assets fronting the property and extending to a distance of 50m from the development. Failure to do so may result in the applicant/developer being liable for any construction related damages to these assets. Any damage to Council's infrastructure during the course of this development shall be restored at the applicant's cost.
- 29 Prior to the issue of any Construction Certificate, the applicant shall contact "Dial Before You Dig on 1100" to obtain a Service Diagram for, and adjacent to, the property. The sequence number obtained from "Dial Before You Dig" shall be forwarded to Principal Certifying Authority. Any damage to utilities/services during the course of this development will be repaired at the applicant's expense.
- 30 Prior to the issue of any Construction Certificate, design certification, prepared by a suitably qualified engineer shall be submitted to Principal Certifying Authority certifying

the parking arrangements, swept paths and vehicle access shown on the construction plans have been designed in accordance with AS 2890.1, AS 2890.2 and Austroads.

- 31 The developer is required to make a formal submission to Ausgrid by means of a duly completed Preliminary Enquiry and/ or Connection Application form, to allow Ausgrid to assess any impacts on its infrastructure and determine the electrical supply requirements for the development (eg. whether a substation is required on site).
- 32 To ensure that utility authorities and Council are advised of any effects to their infrastructure by the development, the applicant shall:
- (a) Carry out a survey of all utility and Council services within the site including relevant information from utility authorities and excavation if necessary to determine the position and level of services;
 - (b) Negotiate with the utility authorities (eg AusGrid, Sydney Water, Telecommunications Carriers and Council in connection with:
 - (i) The additional load on the system; and
 - (ii) The relocation and/or adjustment of the services affected by the construction.

Any costs in the relocation, adjustment or support of services as requested by the service authorities, beneficiaries and Council are to be the responsibility of the developer.

- 33 Prior to issue of the Construction Certificate, a Dilapidation Report of the immediate adjoining properties and public infrastructure (including Council and public utility infrastructure) shall be prepared by a Practising Structural / Geotechnical Engineer and submitted to the Certifying Authority (and Council where it is not the PCA). The report shall include records and photographs of the adjoining properties that will be impacted by the development:
- a) Prior to commencement of any works on-site, a dilapidation report of the immediate adjoining properties and public infrastructure (including Council and public utility infrastructure) shall be prepared by a qualified person and submitted to Council. The report shall include records and photographs of the all properties immediately adjoining the site;
 - b) In relation to Council's infrastructure, the report shall include at the proposed point of construction site entry, photographic survey showing the existing conditions of Council's infrastructure. The survey shall detail the physical conditions and identify any existing damage to the roads, kerbs, gutters, footpaths, driveways, street trees, street signs and any other Council assets fronting the property and extending to a distance of 50m from the development.
 - c) Prior to commencement of the surveys, the applicant/ owner shall advise (in writing) all property owners of buildings to be surveyed of what the survey will entail and of the process for making any future claim regarding property damage. A copy of this communication shall be submitted to Council.
 - d) The applicant shall bear the cost of all restoration works to buildings/ structures and public infrastructure that has been damaged during the course the demolition, site clearing and site remediation works. Any damage to

buildings/structures, infrastructures, roads, lawns, trees, gardens and the like shall be fully rectified by the applicant/developer, at the applicant/developer's expense.

- e) A copy of the dilapidation report together with the accompanying photographs shall be given to all immediately adjoining properties owners and public utility authorities, including Council;
- f) A second dilapidation report, including a photographic survey shall then be submitted no later than one month after the completion of all works identifying all damage that has occurred as a result of the construction and the rectification works required. A copy of the second dilapidation report together with the accompanying photographs shall be given to Council, public utilities authorities and all adjoining properties owners.

(Note: Prior to commencement of the surveys, the applicant/ owner of the development shall advise (in writing) all property owners of buildings to be surveyed of what the survey will entail and of the process for making a claim regarding property damage. A copy of this information shall be submitted to Council.)

- 34 A Construction Management Program (including a Traffic Management Plan) shall be submitted to, and approved by the Certifying Authority prior to the issue of any Construction Certificate. A copy shall be forwarded to Council where it is not the PCA. The program shall detail:

- (a) The proposed method of access to and egress from the site for construction vehicles;
- (b) The proposed phases of construction works on the site and the expected duration of each construction phase;
- (c) The proposed order in which works on the site will be undertaken, and the method statements on how various stages of construction will be undertaken;
- (d) The proposed manner in which adjoining property owners will be kept advised of the timeframes for completion of each phase of development/construction process;
- (e) The proposed method of loading and unloading excavation and construction machinery, excavation and building materials, formwork and the erection of any part of the structure within the site. Wherever possible mobile cranes should be located wholly within the site;
- (f) The proposed areas within the site to be used for the storage of excavated materials, construction materials and waste containers during the construction period;
- (g) The proposed method/device to remove loose material from all vehicles and/or machinery before entering the road reserve, any run-off from the washing down of vehicles shall be directed to the sediment control system within the site;
- (h) The proposed method of support to any excavation adjacent to adjoining properties, or the road reserve. The proposed method of support is to be

designed and certified by an Accredited Certifier (Structural Engineering), or equivalent;

- (i) Proposed protection for Council and adjoining properties, and
- (j) The location and operation of any on site crane. Please note that a crane may require prior approval from Sydney Airports Corporation';
- (k) The location of any Construction Zone (if required) approved by Council's Traffic Committee, including a copy of that approval.

CONDITIONS WHICH MUST BE SATISFIED PRIOR TO THE COMMENCEMENT OF ANY WORKS

- 35 The Applicant must prepare and submit for the approval of Council a Construction Safety Study consistent with the Department of Planning's Hazardous Industry Planning Advisory Paper No.7, 'Construction Safety'. Construction must not commence until approval has been given by Council.

The study must:

- (i) be prepared in consultation with all affected owners or operators listed in the *Response to Submissions* (RTS) Appendix B Table 2 to sufficiently address construction risks within or in the vicinity of the development for works close to hazardous chemical pipelines; and
 - (ii) include an implementation program ensuring that all actions, recommendations or control measures from the study and RTS Appendix B will be implemented in a timely manner.
- 36 For any water from site dewatering to be permitted to go to the stormwater, the water must meet ANZECC 2000 Water Quality Guidelines for Fresh and Marine Water for the 95% protection trigger values for marine water. The results of all testing must be completed by a NATA accredited laboratory.

All laboratory results must be accompanied by a report prepared by a suitably qualified person indicating the water meets these guidelines and is acceptable to be released into council's stormwater system. If it is not acceptable, details of treatment measures to ensure that the water is suitable for discharge to council's stormwater shall be provided in this report.

Reports shall be provided to council prior to discharge of any groundwater to the stormwater system.

- 37 This Consent shall not preclude the applicant from giving notice to other statutory authorities, such as Sydney Water Corporation, WorkCover, etc.
- 38 Prior to commencement of any works, application(s) shall be made to Council's Customer Services Counter and obtained the following approvals and permits on Council's property/road reserve under the Roads Act 1993 and Local Government Act 1993 as appropriate:

(It should be noted that any works shown within Council's road reserve or other Council Lands on the development approval plans are indicative only and no approval for these works is given until this condition is satisfied.)

- (a) Permit to erect hoarding on or over a public place, including Council's property/road reserve;
 - (b) Permit to construct works, place and/or store building materials on footpaths, nature strips;
 - (c) Permit to install temporary ground anchors in public land;
 - (d) Permit to discharge ground water to Council's stormwater drainage system;
 - (e) Permit for roads and footways occupancy (long term/ short term);
 - (f) Permit to construct vehicular crossings, footpaths, kerbs and gutters over road reserve;
 - (g) Permit to open road reserve area, including roads, footpaths, nature strip, vehicular crossing or for any purpose whatsoever, such as relocation / re-adjustments of utility services;
 - (h) Permit to place skip/waste bins on the footpath and/or nature strip, and
 - (i) Permit to use any part of Council's road reserve or other Council lands.
- 39 A Soil and Water Management Plan (SWMP) shall be prepared in accordance with the Landcom Managing Urban Stormwater – Soils and Construction 4th Edition (2004). All management measures recommended and contained within the Soil and Water Management Plan (SWMP) shall be implemented in accordance with the Landcom Managing Urban Stormwater – Soils and Construction 4th Edition (2004). This plan shall be implemented prior to commencement of any site works or activities. All controls in the plan shall be maintained at all times during construction. A copy of the SWMP shall be kept on-site at all times and made available to Council Officers on request.
- 40 Erosion and sediment control devices shall be installed and functioning prior to the commencement of any demolition, excavation or construction works upon the site in order to prevent sediment and silt from site works (including demolition and/or excavation) being conveyed by stormwater into public stormwater drainage system, natural watercourses, bushland and neighbouring properties. In this regard, all stormwater discharge from the site shall meet the legislative requirements and guidelines including the Protection of the Environment Operations Act 1997.

These devices shall be maintained in a serviceable condition AT ALL TIMES throughout the entire demolition, excavation and construction phases of the development and for a minimum one (1) month period after the completion of the development, where necessary.

DURING WORKS

- 41 (a) The applicant shall conduct all construction and related deliveries wholly on site. If any use of Council's road reserve is required then separate applications are to be made at Council's Customer Services Department;

- (b) Construction operations such as brick cutting, washing tools or brushes and mixing mortar shall not be carried out on public roadways or footways or in any other locations which could lead to the discharge of materials into the stormwater drainage system or onto Council's lands;
 - (c) Hosing down or hosing/washing out of any truck (concrete truck), plant (eg concrete pumps) or equipment (eg wheelbarrows) on Council's road reserve or other property is strictly prohibited. Fines and cleaning costs will apply to any breach of this condition;
 - (d) Pavement surfaces adjacent to the ingress and egress points are to be swept and kept clear of earth, mud and other materials at all times and in particular at the end of each working day or as directed by Council's Engineer;
 - (e) Shaker pads are to be installed at the entry/exit points to the site to prevent soil material leaving the site on the wheels of vehicles and other plant and equipment.
 - (f) Council nature strip shall be maintained in its current state at all times during construction works.
- 42 Prior to the commencement of works, separate permits are required to be obtained and approved by Council for all works including but not limited to road opening, road and footpath closure, stand and operate a registered vehicle or plant, occupy road with unregistered item, work zone, hoarding, shoring support (anchoring), tower crane operation, public land access, temporary dewatering, and any excavation and works proposed to be undertaken on public land.
- 43 During Demolition, Excavation and Construction, care must be taken to protect Council's infrastructure, including street signs, footpath, kerb, gutter and drainage pits etc. Protecting measures shall be maintained in a state of good and safe condition throughout the course of construction. The area fronting the site and in the vicinity of the development shall also be made safe for pedestrian and vehicular traffic at all times. Any damage to Council's infrastructure (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub-contractors, concrete delivery vehicles) shall be fully repaired in accordance with Council's specification and AUS-SPEC at no cost to Council.
- 44 Results of the monitoring (if required) of any field parameters such as soil, groundwater, surface water, dust or noise measurements shall be made available to Council Officers on request throughout the construction works.
- 45 Any new information that comes to light during demolition or construction which has the potential to alter previous conclusions about site contamination and remediation must be notified to Council and the accredited certifier immediately.
- 46 Any remediation work must be carried out in accordance with:
- NSW Office of Environment and Heritage (OEH) 'Contaminated Sites – Guidelines for Consultants Reporting on Contaminated Sites';
 - NSW Environment Protection Authority (NSW EPA) guidelines under the Contaminated Land Management Act 1997; and
 - State Environmental Planning Policy 55 (SEPP55) – Remediation of Land.

- 47 To ensure that relevant engineering and water quality provisions are met during the period of dewatering for construction, prior to any water from site dewatering to be permitted to go to council's stormwater system a permit to discharge to the stormwater shall be obtained from Council. Dewatering shall not commence until this is issued by Council.
- 48 All materials excavated from the site (fill or natural) shall be classified in accordance with the NSW Environment Protection Authority (EPA) Waste Classification Guidelines (2014) prior to being disposed of to a NSW approved landfill or to a recipient site.
- 49 To prevent contaminated soil being used onsite and to ensure that it is suitable for the proposed land use, all imported fill shall be appropriately certified material and shall be validated in accordance with the:
- Office of Environment and Heritage (OEH) approved guidelines; and
 - Protection of the Environment Operations Act 1997; and
 - Protection of the Environment Operations (Waste) Regulation 2014.

All imported fill shall be accompanied by documentation from the supplier which certifies that the material has been analysed and is suitable for the proposed land use.

- 50 During construction, care must be taken to protect Council's infrastructure, including street signs, footpath, kerb, gutter and drainage pits etc. Protecting measures shall be maintained in a state of good and safe condition throughout the course of construction. The area fronting the site and in the vicinity of the development shall also be made safe for pedestrian and vehicular traffic at all times. Any damage to Council's infrastructure (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub-contractors, concrete delivery vehicles shall be fully repaired in accordance with Council's specification and AUS-SPEC at no cost to Council.
- 51 During construction, the applicant shall ensure that all works and measures have been implemented in accordance with approved Erosion and Sediment Control Plan, Traffic Management Plan and Construction Management Plan at all times.
- 52 The following shall be complied with:
- (a) A sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:
 - (i) Stating the unauthorized entry to the work site is prohibited;
 - (ii) Showing that unauthorized entry to the work site is prohibited;
 - (iii) The Development Approval number; and
 - (iv) The name of the Principal Certifying Authority including an after hours contact telephone number;
 - (b) Any such sign is to be removed when the work has been completed.
- 53 Toilet facilities are to be provided at or in the vicinity of the work site on which work involves:

- (a) Erection of the building being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site;
 - (b) Each toilet provided:
 - (i) must be standard flushing toilet; and,
 - (ii) must be connected:
 - (1) to a public sewer; or
 - (2) if connection to a public sewer is not practicable to an accredited sewerage management facility approved by the Council; or,
 - (3) if connection to a public sewer or an accredited sewerage management facility is not practicable to some other sewerage management facility approved by the Council.
 - (c) The provisions of toilet facilities in accordance with this clause must be completed before any other work is commenced.
- 54 If an excavation associated with the proposal extends below the level of the base of the footings of a building on an adjoining allotment of land or the common boundary fence the person causing the excavation to be made:
- (a) Must preserve and protect the building/ fence from damage; and
 - (b) If necessary, underpin and support such building in an approved manner;
 - (c) Must at least be 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of the intention to do so to the owner of the adjoining allotment of land and, furnish particulars of the excavation to the owner of the building being erected or demolished;
 - (d) Any retained existing structures and or services on this and adjoining properties are not endangered during any demolition excavation or construction work associated with the above project. The applicant is to provide details of any shoring, piling, or underpinning prior to the commencement of any work. The construction shall not undermine, endanger or destabilise any adjacent structures.
 - (e) If the soil conditions required it:
 - (i) Retaining walls associated with the erection of a building or other approved methods of preventing movement or other approved methods of preventing movement of the soil must be provided, and
 - (ii) Adequate provision must be made for drainage.
- 55 The following shall be complied with during construction:
- (a) Construction Noise
 - (i) Noise from construction activities associated with the development shall comply with the NSW Environment Protection Authority's Interim Construction Noise Guideline and the Protection of the Environment

Operations Act 1997. At residential boundaries the “Noise affected RBL + 10 dB” limit shall apply – not the highly affected 75 dB(A) limit.

(b) Time Restrictions

- (i) Monday to Friday 07:00am to 06:00pm
- (ii) Saturday 08:00am to 01:00pm
- (iii) No Construction to take place on Sundays or Public Holidays.

(c) Silencing

All possible steps should be taken to silence construction site equipment.

- 56 All possible and practicable steps shall be taken to prevent nuisance to the inhabitants of the surrounding neighbourhood from wind-blown dust, debris, noise and the like.
- 57 Throughout the construction period, Council’s warning sign for soil and water management shall be displayed on the most prominent point of the building site, visible to both the street and site workers. A copy of the sign is available from Council’s Customer Service Counter.
- 58 The land to which this consent relates must be fenced and enclosed to protect the entry or access to the land and demolition site by unlawful persons.
- (a) The fencing must be in place before the demolition commences, and
 - (b) Must remain in place during the construction of the development.
- 59 Any material containing asbestos found on site during the demolition process shall be removed and disposed of in accordance with:
- (a) SafeWork NSW requirements. An appropriately licensed asbestos removalist must complete all asbestos works if they consist of the removal of more than 10m² of bonded asbestos and/or any friable asbestos;
 - (b) Protection of the Environment Operations Act 1997;
 - (c) Protection of the Environment Operations (Waste) Regulation 2014;
 - (d) NSW Environment Protection Authority Waste Classification Guidelines 2014.
- 60 The principal contractor or owner builder must install and maintain water pollution, erosion and sedimentation controls in accordance with:
- (a) The Soil and Water Management Plan;
 - (b) “Managing Urban Stormwater - Soils and Construction” (2004) Landcom (‘The Blue Book’); and
 - (c) Protection of the Environment Operations Act 1997.
- 61 Hazardous and/or intractable wastes arising from the demolition or construction processes shall be removed and disposed of in accordance with the requirements of the relevant statutory authorities, together with the relevant regulations, including:

- (a) The Work Health and Safety Act 2011 (NSW);
 - (b) The Work Health and Safety Regulation 2011;
 - (c) WorkCover Construction Work Code of Practice July 2014.
- 62 At all times during works:
- (a) The works shall not give rise to air impurities in contravention of the Protection of the Environment Operations Act 1997 and shall be controlled in accordance with the requirements of this Act;
 - (b) Liquid and solid wastes generated on the site shall be collected, transported and disposed of in accordance with the Protection of the Environment Operation Act 1997. Records shall be kept of all liquid and solid waste disposals from the site, and be made available to Council Officers on request;
 - (c) The works shall be conducted in a manner which does not pollute water as defined by the Protection of the Environment Operations Act. Treated overflow or other discharge shall not cause pollution of the council's stormwater system in accordance with the Protection of the Environment Operations Act 1997. Management of the site shall be undertaken in accordance with measure outlined in the Operational Environmental Management Plan (OEMP);
 - (d) The operations of the premises shall be conducted in such a manner as not to interfere with or materially affect the amenity of the neighbourhood by reason of noise, vibration, odour, fumes, vapour, steam, soot, ash, dust, particulate matter, waste water, waste products or other impurities which are a nuisance or injurious to health.
 - (e) Waste gases released from the premises shall not cause a public nuisance nor be hazardous or harmful to human health or the environment.
- 63 The operation and maintenance of the first flush system shall be undertaken in accordance with the NSW EPA current version of the "Stormwater First Flush Pollution" guidelines on their website at:
[ttp://www.epa.nsw.gov.au/mao/stormwater.htm](http://www.epa.nsw.gov.au/mao/stormwater.htm)
- The first-flush stormwater detention basin and its ancillaries shall be inspected after every rainfall event to check for any blockage in the drainage outlet. Such blockages, if any, shall be cleared immediately. "Rainfall event" is any rain that produces or causes run-off. This area is to be appropriately fenced to ensure safety.
- 64 During construction, the applicant shall ensure that all works and measures have been implemented in accordance with approved Traffic Management Plan and Construction Management Plan at all times.

CONDITIONS WHICH MUST BE SATISFIED PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE

- 65 Prior to the issue of an Occupation Certificate, An appropriate instrument in accordance with Council Specification must be registered on the title of the property, concerning the presence and ongoing operation of the On-Site Detention System and stormwater quality improvement device/s. A Works-as-Executed plan must be

submitted Council at the completion of the works, the plan must clearly illustrate dimensions and details of the site drainage and the On-Site Detention System and stormwater quality improvement device/s. The plan shall be prepared by a registered surveyor or an engineer. A construction compliance certification must be provided to verify, that the constructed stormwater system and associate works have been carried out in accordance with the approved plan(s), relevant codes and standards.

- 66 Prior to the issue of an Occupation Certificate, signs shall be displayed adjacent to onsite above ground storage systems shall be marked by the permanent fixing of a marker plate of minimum size 200 mm by 150 mm to the nearest permanent surface. The plate shall be non-corrosive metal or 4 mm thick laminated plastic that contains the following wording: "This is an onsite stormwater detention system that will pond water during heavy storms."
- 67 Prior to the issue of any Occupation Certificate, all parking and traffic signs and associated arrangement shall be implemented on Beauchamp Road to the satisfaction of the RMS.
- 68 An Air Quality Management Plan must be prepared in accordance with Part 9 – Dust Mitigation and Management within Air Quality Impact Assessment, dated 7 September 2018 and prepared by Todoroski Air Sciences. The operational dust mitigation options detailed in Table 9-1 must be implemented.
- 69 Prior to use and occupation of the building an Occupation Certificate must be obtained under Section 109C(1)(c) and 109M of the Environmental Planning and Assessment Act 1979.
- 70 The Applicant must develop and implement a comprehensive Emergency Plan and detailed emergency procedures for the development. The plan must include detailed procedures for the safety of all people outside and within the development who may be at risk. The plan must into account the potential impacts from Botany Industrial Park (BIP) or hazardous chemical pipelines and must be developed in consultation with BIP and hazardous chemical pipeline operators. The plan must be prepared in accordance with the Department of Planning's Hazardous Industry Planning Advisory Paper No. 1 'Emergency Planning'.

The Emergency Plan shall be submitted to the satisfaction of the Certifying Authority prior to the issue of an Occupation Certificate. A copy shall be forwarded to Council where it is not the PCA.

- 71 Prior to the issue of an Occupation Certificate, the applicant/developer shall fully rectify buildings/ structures and public infrastructure that been damaged during the course of the demolition and construction, at the applicant/developer's expense, to the written satisfaction of Council.
- 72 Prior to the issue of an Occupation Certificate a final fire safety certificate must be prepared and issued.
- 73 Any damage not shown in the photographic survey submitted to Council before site works have commenced will be assumed to have been caused by the site works (unless evidence is provided to prove otherwise). All damage as a result of site works shall be rectified at the applicant's expense to Council's satisfaction, prior to the release of the damage deposit.

- 74 Prior to the issue of an Occupation Certificate, all acoustic mitigation measures as recommended in the approved acoustic reports and the referred to in the approved noise management plan are to be installed. Certification is to be provided to the written satisfaction of the Certifying Authority from a suitably qualified acoustical consultant/engineer who is eligible for membership of the Australian Acoustic Society (AAS) and/or be a member of a firm which is a member of the AAAC, that the mitigation measures have been installed and are compliant. Certification is also to be provided to Council where it is not the PCA.
- 75 Prior to the issue of an Occupation Certificate, truck access, off-street parking area, truck loading/unloading area and truck queuing and waiting area shall be provided and clearly designated, sign posted and line marked. Signage and line marking shall comply with the current version of Australian Standards.
- Documentation shall be submitted to the Principal Certifying Authority certifying compliance with AS2890.1 and AS2890.2 requirements.
- 76 Prior to the issue of an Occupation Certificate, all off-street car parking bays shown on the plans approved pursuant to this consent shall be provided. All car parking bays shall be maintained for the life of the development.
- 77 Prior to issue of an Occupation Certificate, all civil works required in public domain area (including kerb and guttering, footpath paving, stormwater construction, landscaping, line marking and signage) shall be completed to Council's satisfaction. The following documentation shall be submitted to the PCA attesting this condition has been appropriately satisfied.
- (a) Written confirmation / completion certificate obtained from Council's engineer to show the completion of civil works in the public domain area.
 - (b) Inspection reports (formwork and final) obtained from Council's engineer to ensure inspection have been carried out to the civil works in the public domain area.
 - (c) All services (Utility, Council, etc) within the road reserve (including the footpath) shall be relocated/adjusted to match the proposed/existing levels as required by the development.
- 78 Prior to the issue of an Occupation Certificates, documentation from a practising civil engineer shall be submitted to the Principal Certifying Authority certifying that the stormwater drainage system has been constructed generally in accordance with the approved stormwater management construction plan(s) and all relevant standards.
- 79 Prior to the issue of an Occupation Certificate, a Certificate of Survey from a Registered Surveyor shall be submitted to the Principal Certifying Authority showing all the building structures are wholly located within the property boundary.
- 80 A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained prior to the issue of an Occupation Certificate.
- 81 Landscaping shall be installed in accordance with the approved landscape plan.
- 82 At the completion of landscaping on the site, the Applicant is required to obtain a Certificate of Compliance from the Landscape Consultant to certify that the landscaping has been installed in accordance with the approved landscape plan. The Certificate is

to be submitted to the satisfaction of the Certifying Authority prior to the issue of an Occupation Certificate.

CONDITIONS WHICH MUST BE SATISFIED DURING THE ONGOING USE OF THE DEVELOPMENT

- 83 The on-going operation of the premises shall adhere to the requirements of all Environmental Management Plans required by O10.1 of the NSW EPA General Terms of Approval.
- 84 The stormwater drainage system (including all pits, pipes, absorption, detention structures, treatment devices, detention systems and rainwater tanks) shall be regularly cleaned, maintained and repaired in accordance with the maintenance schedule submitted to Council to ensure the efficient operation of the system from time to time and at all times. The system shall be inspected on a monthly basis to determine whether there is any blockage, silt, debris, sludge and the like in the system. In the event of potential blockage this material shall be removed. All solid and liquid waste that is collected during maintenance shall be disposed of in a manner that complies with the appropriate Environmental Guidelines.
- 85 The off-street parking bays as shown on the approved plans shall be made available at all times.
- 86 The development is approved to operate 24 hours per day during all stages.
- 87 The maximum number of staff employed on-site for Stage 2 onwards shall not exceed 32 agitator drivers, 8 office/site staff and 5 casual staff. Any additional staff employed on-site shall be subject to Council's written consent.
- 88 The operations of the site must at all times fully comply with the requirements of all management plans/mitigation measures required by this consent.
- 89 The Applicant must ensure that the quantities of dangerous goods stored within the development or transported to and from the development remain below the screening threshold quantities listed in the Department of Planning's Applying SEPP 33 guideline (January 2011) at all times.
- 90 The Application must store and handle all chemicals, fuels and oils used on-site in accordance with:
- (a) The requirements of all relevant Australian Standards; and
 - (b) The NSW EPA's *Storing and Handling of Liquids: Environmental Protection – Participant's Handbook* if the chemicals are liquids.
- In the event of an inconsistency between the requirements of (a) and (b) above, the most stringent requirement shall prevail to the extent of the inconsistency.
- 91 The operation of the site and movements of vehicles shall comply with the approved Traffic Management Plan at all times.
- (a) No heavy vehicles shall utilise Perry Street to travel from or to the subject site. Any vehicles larger than a standard B99 vehicle is considered a heavy vehicle.

- (b) The movement of all commercial heavy vehicles shall be restricted to the designated heavy vehicle routes. The use of Perry Street is not permitted. The use of inbound Route 2 as identified in Figure 3.1 of the Traffic Impact Assessment report is not permitted as it involves use of roads located within NSW Ports property.
 - (c) No commercial vehicles shall be allowed to queue, wait and stop within 250m of the vehicle access points of the site. All trucks must enter the site and queue on site. There is to be no parking of commercial heavy vehicles on the public road.
 - (d) All vehicles shall enter and exit the site in a forward direction;
 - (e) All manoeuvring movements of vehicles shall be carried out wholly within the site and vehicle manoeuvring area shall be kept clear at all times;
 - (f) All vehicles shall be parked in the marked parking bays and all parking bays on-site shall be set aside for parking purpose only and shall not be used for storage of goods or machinery;
 - (g) Any gate at the vehicular entrance of the site shall be left open during the operation hours;
 - (h) All loading and unloading of vehicles in relation to the use of the premises shall only be carried out in the dedicated loading area. No deliveries to the premises/site shall be made direct from a public places, public streets or any road related areas (eg. footpath, nature strip, road shoulder, road reserve, public carpark, service station etc);
 - (i) Under no circumstance shall vehicles queue on public places, public streets or any road related area (eg. footpath, nature strip, road shoulder, road reserve etc) prior to entering the site;
 - (j) The occupier shall ensure that any person employed on the premises shall park their vehicles, if any, in the employee parking area provided. No employee shall be permitted to park on a common driveway, public streets or any road related areas (eg. footpath, nature strip, road shoulder, road reserve, public carpark etc).
- 92 No signs or advertising which require consent shall be installed or displayed at the property without a development application being lodged with Council and consent thereto being given by Council.
- 93
- (a) The use of the premises shall not give rise to air impurities in contravention of the *Protection of the Environment Operations Act 1997* and shall be controlled in accordance with the requirements of this Act.
 - (b) Liquid and solid wastes generated on the site shall be collected, transported and disposed of in accordance with the Protection of the Environment Operation Act 1997. Records shall be kept of all liquid and solid waste from the site, and be made available to Council Officers on request.
 - (c) The operation of the premises shall be conducted in a manner which does not pollute water as defined by the Protection of the Environment Operations Act. Treated overflow or other discharge shall not cause pollution of the council's stormwater system in accordance with the Protection of the Environment

Operations Act 1997. Management of the site shall be undertaken in accordance with measure outlined in the Operational Environmental Management Plans.

- (d) The operations of the premises shall be conducted in such a manner as not to interfere with or materially affect the amenity of the neighbourhood by reason of noise, vibration, odour, fumes, vapour, steam, soot, ash, dust, particulate matter, waste water, waste products or other impurities which are a nuisance or injurious to health.
- 94 Sufficient supplies of appropriate absorbent materials shall be kept on site to recover any liquid spillage. Liquid spills shall be cleaned up using dry methods, by placing absorbent material on the spill, and sweeping or shovelling the material into a secure bin. Absorbent materials used to clean up spills shall be disposed of to an appropriately licensed waste facility.
- 95 The use of the premises shall not give rise to any of the following:
- (i) Offensive noise as defined in the Protection of the Environment Operations Act 1997 and the Protection of the Environment Operations Act (Noise Control Regulation) 2000.
 - (ii) The operation of all equipment, vehicle movements and unloading/loading operations occurring on the site shall not give rise to an equivalent continuous (LAeq) sound pressure level at any point on any residential property greater than 5dB(A) above the existing background LA90 level (in the absence of the noise under consideration).
 - (iii) The operation of all equipment, vehicle movements and unloading/loading operations occurring on the site when assessed on any residential property shall not give rise to a sound pressure level that exceeds LAeq 50dB(A) day time, LAeq 50 dB(A) in the evening, and LAeq 40dB(A) night time.
 - (iv) The operation of all equipment, vehicle movements and unloading/loading operations occurring on the site when assessed on any neighbouring commercial/industrial premises shall not give rise to a sound pressure level that exceeds LAeq 65dB(A) day time/night time. For assessment purposes, the above LAeq sound levels shall be assessed over a period of 10-15 minutes and adjusted in accordance with EPA guidelines for tonality, frequency weighting, impulsive characteristics, fluctuations and temporal content where necessary.
- 96 The landscaped areas on the property shall be maintained in accordance with any approved landscape plan and the conditions of development approval at all times. The landscaped areas shall be maintained in a clean and tidy state and with a dense, even coverage of plants to Council's satisfaction at all times.
- 97 Any lighting on the site shall be designed so as not to cause nuisance to other residences in the area or to motorists on nearby roads, and to ensure no adverse impact on the amenity of the surrounding area by light overspill. All lighting shall comply with *AS4282-1997 Control of the obtrusive effects of outdoor lighting*.
- 98 All available staff parking shall remain onsite and be utilised by working staff associated with the subject site.
- 99 The owner requirements of all serviceable pipelines in the vicinity of the site shall be met.

100 Air quality conditions

- (a) Within 6 months of commencement of operations, independent proof of performance monitoring of the fine particle, including PM_{2.5} emissions, from the silos is to be performed by a suitably qualified and experienced independent NATA accredited testing authority. Details are to be submitted to Council.
- (b) The use of the premises shall not give rise to air impurities in contravention of the *Protection of the Environment Operations Act and Regulation (Clean Air)*. Waste gases and dusts released from the premises shall not cause a public nuisance nor be hazardous or harmful to human health or the environment.
- (c) All emissions and the cumulative ground level impact of those emissions shall not exceed those levels specified in the National Environment Protection Measure (Ambient Air) and the Approved Methods for Modelling and Assessment of Air Pollutants in New South Wales (2016).