

Development Consent

Section 4.16 of the Environmental Planning and Assessment Act 1979

As delegate of the Minister for Planning, I approve the Development Application referred to in Schedule 1, subject to the conditions specified in Schedule 2.

These conditions are required to:

- prevent, minimise, or offset adverse environmental impacts;
- set standards and performance measures for acceptable environmental performance;
- require regular monitoring and reporting; and
- provide for the ongoing environmental management of the development



Anthony Witherdin
Director
Key Sites Assessments

Sydney

28 November 2022

File: DA 22/6729

SCHEDULE 1

Application Number:	DA 22/6729
Applicant:	Sydney Boathouse
Consent Authority:	Minister for Planning
Site:	21 James Craig Road, Rozelle (Lot 29 DP 1151746 and Lot 5 DP 1209992)
Development:	New marine diesel dispenser with associated structures

DEFINITIONS

Advisory Notes	Advisory information relating to the consent but do not form a part of this consent
Applicant	Sydney Boathouse, the person having the benefit of this consent from time to time, or any person carrying out any of the development to which this consent applies
AS	Australian Standard published by Standards Australia International Limited and means the current standard which applies at the time the relevant work is undertaken
AHD	Australian Height Datum
BC Act	<i>Biodiversity Conservation Act 2016</i>
CCC	Community Consultative Committee
CCS	Community Communication Strategy
Certifier	A council or person registered as a registered certifier under the <i>Building and Development Certifiers Act 2018</i>
CEMP	Construction Environmental Management Plan
Conditions of this consent	Conditions contained in Schedule 2 of this document
Construction	The demolition and removal of buildings or works, the carrying out of works for the purpose of the development, including site establishment works, relocation of utilities, earthworks, and erection of buildings and other infrastructure permitted by this consent
Construction Certificate	A certificate to the effect that building work completed in accordance with specified plans and specifications or standards will comply with the requirements of the EP&A Regulation
Council	Inner West Council
CPTED	Crime Prevention Through Environmental Design Assessment
CWMP	Construction Waste Management Sub-Plan
Day	The period from 7 am to 6 pm on Monday to Saturday, and 8 am to 6 pm on Sundays and Public Holidays
Demolition	The destruction and removal of buildings, sheds and other structures on the site.
Department	NSW Department of Planning and Environment
Development	The development approved pursuant to this consent, as defined in Condition A2 and as modified by the conditions of this consent
Environment	Includes all aspects of the surroundings of humans, whether affecting any human as an individual or in his or her social groupings
EPA	NSW Environment Protection Authority
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
EPL	Environment Protection Licence under the <i>Protection of the Environment Operations Act 1997</i>
Feasible	Means what is possible and practical in the circumstances
Incident	An occurrence or set of circumstances that causes or threatens to cause material harm and which may or may not be or cause a non-compliance <i>Note: "material harm" is defined in this consent</i>
Land	Has the same meaning as the definition of the term in section 1.4 of the EP&A Act
Material harm	Is harm that: <ul style="list-style-type: none"> involves actual or potential harm to the health or safety of people or to the environment that is not trivial, or results in actual or potential loss or property damage of an amount, or amounts in aggregate, exceeding \$10,000, (such loss includes the reasonable costs and expenses that would be incurred in taking all reasonable and practicable measures to prevent, mitigate or make good harm to the environment)

Minister	NSW Minister for Planning (or delegate).
Mitigation	Activities associated with reducing the impacts of the development prior to or during those impacts occurring
NCC	National Construction Code means the current standard which applies at the time the relevant work is undertaken, published by the Australian Building Codes Board.
Non-compliance	An occurrence, set of circumstances or development that is a breach of this consent
Operation	The carrying out of approved land uses upon completion of construction
Owner	Means the registered proprietor of the Property from time to time.
PA	Means a planning agreement within the meaning of the term in section 7.4 of the EP&A Act.
Planning Secretary	The Planning Secretary under the EP&A Act (or delegate).
Reasonable	Means applying judgement in arriving at a decision, taking into account: mitigation benefits, costs of mitigation versus benefits provided, community views, and the nature and extent of potential improvements.
Registered Surveyor	A person who is registered with the Board of Surveying and Spatial Information
RtS	The Applicant's response to issues raised in submissions received in relation to the application for this development consent under the EP&A Act.
RRFI	The Applicant's response to requests for information from the Department in relation to the application for this development consent under the EP&A Act.
SEE	Statement of Environmental Effects prepared by Urban Perspective (on behalf of Sydney Boathouse) dated 4 January 2022.
Sensitive Receiver	Residence, education institution (e.g. school, university, TAFE college), health care facility (e.g. nursing home, hospital), religious facility (e.g. church) and children's day care facility.
Site	The land identified in Schedule 1
TfNSW	Transport for NSW
Work(s)	Any physical work to construct or facilitate the construction of the development, including low impact work and environmental management measures.

SCHEDULE 2

PART A ADMINISTRATIVE CONDITIONS

OBLIGATION TO MINIMISE HARM TO THE ENVIRONMENT

- A1. In addition to meeting the specific performance measures and criteria in this consent, all reasonable and feasible measures must be implemented to prevent, and if prevention is not reasonable and feasible, minimise, any material harm to the environment that may result from the construction and operation of the development.

TERMS OF CONSENT

- A2. The development must only be carried out:
- (a) in compliance with the conditions of this consent;
 - (b) in accordance with all written directions of the Planning Secretary;
 - (c) in accordance with the approved plans in the table below:

Architectural drawings prepared by Complete Petro-Chem Consulting Services			
Drawing Number	Rev	Name of Plan	Date
Q4187 BB2	B	Diesel fuel delivery installation over water	21 July 2021

Technical Report	Reference	Author	Date
Statement of Environmental Effects	-	Urban Perspectives (on behalf of Sydney Boathouse)	4 January 2022

- A3. Consistent with the requirements in this consent, the Planning Secretary may make written directions to the Applicant in relation to
- (a) the content of any strategy, study, system, plan, program, review, audit, notification, report or correspondence submitted under or otherwise made in relation to this consent, including those that are required to be, and have been, approved by the Planning Secretary; and
 - (b) the implementation of any actions or measures contained in any such document referred to in Condition A3(a).
- A4. The conditions of this consent and directions of the Planning Secretary prevail to the extent of any inconsistency, ambiguity or conflict between them and a document listed in Condition A2. In the event of an inconsistency, ambiguity or conflict between any of the documents listed in Condition A2, the most recent document prevails to the extent of the inconsistency, ambiguity or conflict.

LIMITS ON CONSENT

- A5. This consent will lapse five years from the date the consent is published on the NSW planning portal unless the works associated with the development have physically commenced.
- A6. Only vessels registered at, stored at, or to be stored at the site and locally based vessels from Rozelle Bay, are permitted to visit or stop at the site for the purposes of refuelling between the hours specified in **Condition F3**.

PRESCRIBED CONDITIONS

- A7. The Applicant must comply with all relevant prescribed conditions of development consent under Part 6, Division 8A of the EP&A Regulation.

LEGAL NOTICES

- A8. Any advice or notice to the consent authority must be served on the Planning Secretary at the Planning Secretary Address for Service.

EVIDENCE OF CONSULTATION

- A9. Where conditions of this consent require consultation with an identified party, the Applicant must:
- (a) consult with the relevant party prior to submitting the subject document to the Planning Secretary for information or approval; and
 - (b) provide details of the consultation undertaken including:

- (i) the outcome of that consultation, matters resolved and unresolved; and
- (ii) details of any disagreement remaining between the party consulted and the Applicant and how the Applicant has addressed the matters not resolved.

STRUCTURAL ADEQUACY

A10. All new buildings and structures, and any alterations or additions to existing buildings and structures, that are part of the development, must be constructed in accordance with the relevant requirements of the NCC.

Notes:

- *Under Part 6 of the EP&A Act, the Applicant is required to obtain construction and occupation certificates for the proposed building works.*
- *Part 8 of the EP&A Regulation sets out the requirements for the certification of the development.*

OPERATION OF PLANT AND EQUIPMENT

A11. All plant and equipment used on site, or to monitor the performance of the development must be:

- (a) maintained in a proper and efficient condition; and
- (b) operated in a proper and efficient manner.

APPLICABILITY OF GUIDELINES

A12. References in the conditions of this consent to any guideline, protocol, Australian Standard or policy are to such guidelines, protocols, Standards or policies in the form they are in as at the date of this consent.

A13. However, consistent with the conditions of this consent and without altering any limits or criteria in this consent, the Planning Secretary may, when issuing directions under this consent in respect of ongoing monitoring and management obligations, require compliance with an updated or revised version of such a guideline, protocol, Standard or policy, or a replacement of them.

COMPLIANCE

A14. The Applicant must ensure that all of its employees, contractors (and their sub-contractors) are made aware of, and are instructed to comply with, the conditions of this consent relevant to activities they carry out in respect of the development.

COMPLIANCE REPORTING

A15. The Planning Secretary may require report(s) on compliance with all, or any part, of the conditions of Approval. The report(s) must meet the requirements of the Planning Secretary and be submitted within such period as the Planning Secretary may require.

PART B PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

LONG SERVICE LEVY

- B1. Prior to the issue of the first Construction Certificate, the Applicant must submit to the satisfaction of the Certifier details confirming payment of a Long Service Levy. For further information on the current levy rate and methods of payment, please contact the Long Service Payments Corporation Helpline on 131 441 or visit <https://www.longservice.nsw.gov.au/bci/levy/about-the-levy>.

STRUCTURAL DETAILS

- B2. Prior to the issue of the first Construction Certificate, the Applicant must submit to the satisfaction of the Certifier structural drawings prepared and signed by a suitably qualified practising Structural Engineer that demonstrates compliance with:
- (a) the relevant clauses of the NCC; and
 - (b) this development consent.

MECHANICAL PLANT NOISE MITIGATION

- B3. Prior to the issue of the first Construction Certificate, the Applicant must submit to the satisfaction of the Certifier details of noise mitigation measures for all mechanical plant (as detailed on relevant Construction Certificate drawings) and certification from an appropriately qualified acoustic engineer that the proposed measures will achieve compliance with the Noise Policy for Industry and other guidelines applicable to the development.

PART C PRIOR TO COMMENCEMENT OF WORKS

NOTIFICATION OF COMMENCEMENT

- C1. The Department must be notified in writing of the dates of commencement of physical work and operation at least 48 hours before those dates.
- C2. If the construction or operation of the development is to be staged, the Department must be notified in writing at least 48 hours before the commencement of each stage, of the date of commencement and the development to be carried out in that stage.

ACCESS TO INFORMATION

- C3. At least 48 hours before the commencement of construction until the completion of all works under this consent, or such other time as agreed by the Planning Secretary, the Applicant must:
 - (a) make the following information and documents (as they are obtained or approved) publicly available on its website:
 - (i) the documents referred to in condition A2 of this consent;
 - (ii) all current statutory approvals for the development;
 - (iii) all approved strategies, plans and programs required under the conditions of this consent;
 - (iv) regular reporting on the environmental performance of the development in accordance with the reporting arrangements in any plans or programs approved under the conditions of this consent;
 - (v) a comprehensive summary of the monitoring results of the development, reported in accordance with the specifications in any conditions of this consent, or any approved plans and programs;
 - (vi) a summary of the current stage and progress of the development;
 - (vii) contact details to enquire about the development or to make a complaint;
 - (viii) a complaints register, updated monthly;
 - (ix) audit reports prepared as part of any independent environmental audit of the development and the Applicant's response to the recommendations in any audit report;
 - (x) any other matter required by the Planning Secretary; and
 - (b) keep such information up to date, to the satisfaction of the Planning Secretary.
 - (c) address any other matter relating to compliance with the terms of this consent or requested by the Planning Secretary.

PROTECTION OF PUBLIC INFRASTRUCTURE AND STREET TREES

- C4. Prior to the commencement of works, the Applicant must:
 - (a) consult with the relevant owner and provider of services that are likely to be affected by the development to make suitable arrangements for access to, diversion, protection and support of the affected infrastructure
 - (b) prepare a dilapidation report identifying the condition of all public infrastructure in the vicinity of the site (including roads, gutters and footpaths) and submit a copy of the dilapidation report to the Certifier, Planning Secretary and Council
 - (c) ensure all street trees directly outside the site not approved for removal are retained and protected in accordance with the applicable Australian Standards.

DEMOLITION

- C5. Demolition work must comply with *Australian Standard AS 2601-2001 The demolition of structures* (Standards Australia, 2001). The work plans required by AS 2601-2001 must be accompanied by a written statement from a suitably qualified person that the proposals contained in the work plan comply with the safety requirements of the Standard. The work plans and the statement of compliance must be submitted to the Certifier before the commencement of works.

CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN

- C6. Prior to the commencement of any earthwork or construction, a Construction Environmental Management Plan (CEMP) must be submitted to the Certifier. The CEMP must address, but not be limited to, the following matters where relevant:
 - (a) Details of:
 - (i) hours of work
 - (ii) 24 hour contact details of the site manager
 - (iii) traffic management
 - (iv) noise and vibration management
 - (v) management of dust and odour to protect the amenity of the neighbourhood

- (vi) stormwater control and discharge, including measures to ensure that sediment and other materials are not tracked onto the roadway by vehicles leaving the site
- (vii) contamination management, including any unexpected contamination finds protocol
- (viii) waste management.

COMPLIANCE

- C7. Prior to the commencement of any earthwork or construction, the Applicant must ensure that all of its employees, contractors (and their sub-contractors) are made aware of, and are instructed to comply with, the conditions of this consent relevant to activities they carry out in respect of the development.

PART D DURING CONSTRUCTION

APPROVED PLANS TO BE ON-SITE

- D1. A copy of the approved and certified plans, specifications and documents incorporating conditions of approval and certification must be kept on the site at all times and must be readily available for perusal by any officer of the Department, Council or the Certifier.

SITE NOTICE

- D2. A site notice(s) must be erected in a prominent position on the site for the purposes of informing the public of project details including, but not limited to the details of the Builder, Certifier and Structural Engineer. The notice(s) is to satisfy all, but not be limited to, the following requirements:
- (a) state the name, address and telephone number of the principal certifier for the work
 - (b) state the name of the principal contractor (if any), its address and 24-hour contact phone number for any inquiries, including construction/noise complaints
 - (c) state the approved hours of work
 - (d) state that unauthorised entry to the work site is prohibited
 - (e) the minimum dimensions of the notice are to measure 841 mm x 594 mm (A1) with any text on the notice to be a minimum of 30-point type size
 - (f) the notice is to be durable and weatherproof and is to be displayed throughout the works period
 - (g) the notice(s) is to be mounted at eye level on the perimeter hoardings/fencing.

HOURS OF CONSTRUCTION

- D3. Construction, including the delivery of materials or machinery to and from the site, may only be carried out between the following hours:
- (a) between 7am and 6pm, Mondays to Fridays inclusive; and
 - (b) between 8am and 1pm, Saturdays.
- D4. No work may be carried out on Sundays or public holidays.
- D5. Activities may be undertaken outside of these hours if required:
- (a) by the Police or a public authority for the delivery of vehicles, plant or materials; or
 - (b) in an emergency to avoid the loss of life, damage to property or to prevent environmental harm.
- D6. Notification of activities undertaken in the circumstances in Condition D5 must be given to affected residents before undertaking the activities or as soon as is practical afterwards.
- D7. Rock breaking, rock hammering, sheet piling, pile driving and similar activities may only be carried out between the following hours:
- (a) 9am to 12pm, Monday to Friday;
 - (b) 2pm to 5pm Monday to Friday; and
 - (c) 9am to 12pm, Saturday.

INCIDENT NOTIFICATION, REPORTING AND RESPONSE

- D8. The Department must be notified in writing to compliance@planning.nsw.gov.au immediately after the Applicant becomes aware of an incident. The notification must identify the development (including the development application number and the name of the development if it has one), and set out the location and nature of the incident.
- D9. Subsequent notification must be given and reports submitted in accordance with the requirements set out in Appendix 1.

NON-COMPLIANCE NOTIFICATION

- D10. The Department must be notified in writing to compliance@planning.nsw.gov.au within seven days after the Applicant becomes aware of any non-compliance. The Certifier must also notify the Department in writing to compliance@planning.nsw.gov.au within seven days after they identify any non-compliance.
- D11. The notification must identify the development and the application number for it, set out the condition of consent that the development is non-compliant with, the way in which it does not comply and the reasons for the non-compliance (if known) and what actions have been, or will be, undertaken to address the non-compliance.
- D12. A non-compliance which has been notified as an incident does not need to also be notified as a non-compliance.

SAFework REQUIREMENTS

- D13. To protect the safety of work personnel and the public, the work site must be adequately secured to prevent access by unauthorised personnel, and work must be conducted at all times in accordance with relevant SafeWork requirements.

IMPLEMENTATION OF MANAGEMENT PLANS

- D14. The Applicant must ensure the requirements of the Construction Environmental Management Plan-required by Part B of this consent-and the management measures detailed in the Statement of Environmental Effects prepared by Urban Perspective (on behalf of Sydney Boathouse) dated 4 January 2022 are implemented during construction.

CONSTRUCTION NOISE LIMITS

- D15. The development must be constructed to achieve the construction noise management levels detailed in the Interim Construction Noise Guideline (DECC, 2009). All feasible and reasonable noise mitigation measures must be implemented and any activities that could exceed the construction noise management levels must be identified and managed in accordance with the management and mitigation measures identified in the approved CNVMP.
- D16. The Applicant must ensure construction vehicles (including concrete agitator trucks) do not arrive at the subject site or surrounding residential precincts outside of the construction hours of work outlined under this consent.
- D17. The Applicant must implement, where practicable and without compromising the safety of construction staff or members of the public, audible movement alarms of a type that would minimise noise impacts on surrounding noise sensitive receivers.
- D18. The Applicant must ensure that any work generating high noise impact (i.e. work exceeding a NML of LAeq 75dBA) as measured at any sensitive receiver is only undertaken in continuous blocks of no more than 3 hours, with at least a 1 hour respite between each block of work generating high noise impact, where the location of the work is likely to impact the same receivers. For the purposes of this condition 'continuous' includes any period during which there is less than 1 hour respite between ceasing and recommencing any of the work the subject of this condition.
- D19. Any noise generated during construction of the development must not be offensive noise within the meaning of the Protection of the Environment Operations Act 1997 or exceed approved noise limits for the site.

VIBRATION CRITERIA

- D20. Vibration caused by construction at any residence or structure outside the Site must be limited to:
- (a) for structural damage, the latest version of DIN 4150-3 (1992-02) Structural vibration - Effects of vibration on structures (German Institute for Standardisation, 1999);
 - (b) for human exposure to vibration, the evaluation criteria set out in the *Environmental Noise Management Assessing Vibration: a Technical Guideline* (Department of Environment and Conservation, 2006) (as may be updated or replaced from time to time).
- D21. Vibratory compactors must not be used within 30 metres of residential or heritage buildings unless vibration monitoring confirms compliance with the vibration criteria specified above. These limits apply unless otherwise outlined in the project specific CNVMP required by this consent.

AIR QUALITY

- D22. The Applicant must take all reasonable steps to minimise dust generated during all works authorised by this consent. During construction, the Applicant must ensure that:
- (a) exposed surfaces and stockpiles are suppressed by regular watering;
 - (b) all trucks entering or leaving the site with loads have their loads covered;
 - (c) trucks associated with the development do not track dirt onto the public road network;
 - (d) public roads used by these trucks are kept clean; and
 - (e) land stabilisation works are carried out progressively on site to minimise exposed surfaces.

EROSION AND SEDIMENT CONTROL

- D23. All erosion and sediment control measures must be effectively implemented and maintained at or above design capacity for the duration of the construction works and until such time as all ground disturbed by the works have been stabilised and rehabilitated so that it no longer acts as a source of sediment. Erosion and sediment control techniques, as a minimum, are to be in accordance with the publication *Managing Urban Stormwater: Soils & Construction (4th edition, Landcom, 2004)* commonly referred to as the 'Blue Book'.

NO OBSTRUCTION OF PUBLIC WAY

- D24. The public way must not be obstructed by any materials, vehicles, refuse skips or the like, under any circumstances. Non-compliance with this requirement may result in the issue of a notice by the Planning Secretary to stop all work on site.

CONTACT TELEPHONE NUMBER

- D25. The Applicant must ensure that the 24-hour contact telephone number is continually attended by a person with authority over the works for the duration of the development.

COVERING OF LOADS

- D26. All vehicles involved in the excavation and / or demolition process and departing from the site with materials, spoil or loose matter must have their loads fully covered before entering the public roadway.

VEHICLE CLEANSING

- D27. Prior to the commencement of work, suitable measures are to be implemented to ensure that sediment and other materials are not tracked onto the roadway by vehicles leaving the Site. It is an offence to allow, permit or cause materials to pollute or be placed in a position from which they may pollute waters.

PART E PRIOR TO OCCUPATION OR COMMENCEMENT OF USE

NOTIFICATION OF OCCUPATION

- E1. The Department must be notified in writing at least one month prior occupation or commencement of use.
- E2. If the occupation or use of the development is to be staged, the Department must be notified in writing at least one month before the commencement of the occupation of each stage, of the date of commencement of the occupation of the relevant stage.

OPERATIONAL VESSEL REFUELLING PLAN

- E3. Prior to the occupation or commencement of use, the Applicant must prepare an Operational Vessel Refuelling Plan for the development and submit it to the Certifier and Planning Secretary. The Operational Vessel Refuelling Plan (OVRP) must:
 - (a) be prepared in consultation with the EPA;
 - (b) include the relevant environmental criteria to be used in the day-to-day management of volatile organic compounds (VOC/odour) and describe the handling, storage and disposal of fuels, consistent with the *Protection of the Environment Operations Act 1997* and EPA Guidelines;
 - (c) include a mission statement;
 - (d) include VOCs/odour and water quality management strategies consisting of:
 - (i) objectives and targets;
 - (ii) risk assessment;
 - (iii) suppression improvement plan;
 - (iv) monitoring requirements including assigning responsibility (for all employees and contractors);
 - (v) communication strategy; and
 - (vi) system and performance review for continuous improvements.
 - (e) include a Spill management plan, including procedures that must be followed in the event of any spills
 - (f) outline how the Applicant will ensure all of its employees, contractors and sub-contractors are familiar with the OVRP and are properly trained to use the spill equipment
 - (g) include any relevant procedures outlined in the Sydney Boathouse Safe Operating Refuelling Procedure if not covered above.

FIRE SAFETY CERTIFICATION

- E4. Prior to occupation or commencement of use, a Fire Safety Certificate must be obtained for all the relevant Essential Fire or Other Safety Measures forming part of the development. A copy of the Fire Safety Certificate must be submitted to the relevant authority and Certifier and be prominently displayed in the building.

STRUCTURAL INSPECTION CERTIFICATE

- E5. Prior to the occupation or commencement of use, a Structural Inspection Certificate or a Compliance Certificate must be submitted to the Certifier. A copy of the Certificate with an electronic set of final drawings must be submitted to the Planning Secretary and the Council after:
 - (a) the site has been periodically inspected and the Certifier is satisfied that the structural works is deemed to comply with the final design drawings; and
 - (b) the drawings listed on the Inspection Certificate have been checked with those listed on the final Design Certificate/s.

UTILITY PROVIDERS

- E6. Prior to occupation or commencement of use, the Applicant must ensure any adjustment or augmentation of any public utility services including gas, water, sewer, electricity, street lighting and telecommunications, required as a result of the development, is completed to the satisfaction of the relevant authority.

ENVIRONMENTAL PERFORMANCE

- E7. Prior to the occupation or commencement of use, the Applicant is to provide documentation to the Certifier demonstrating the development has incorporated, and would operate in accordance with, the environmental sustainability objectives, measures and initiatives required under this consent.

PART F OCCUPATION AND ONGOING USE

ENVIRONMENT PROTECTION LICENCE

F1. The ongoing use of the premises must operate in accordance with Environment Protection Licence 12781.

OPERATIONAL VESSEL REFUELLING PLAN

F2. The development must operate in accordance with the Operational Vessel Refuelling Plan (refer to **Condition E3**).

HOURS OF OPERATION

F3. The hours of operation are limited to the following:

- (a) Monday to Saturday: 7:00am to 6:00pm
- (b) Sunday: 8:00 am to 4:00 pm

WATER QUALITY

F4. The Applicant shall comply with section 120 of the *Protection of the Environment Operations Act 1997* which prohibits the pollution of waters.

HAZARDS

F5. The Applicant shall store and handle all hazardous chemicals, dangerous goods, fuels and oils, strictly in accordance with:

- (a) All relevant Australian Standards, particularly AS 1940 and AS 1596
- (b) A minimum bund volume requirement of 110% of the volume of the largest single stored volume with the bund
- (c) The Dangerous Goods Code
- (d) DEC's technical bulletin on Bunding and Spill Management.

F6. The Applicant must ensure that spillage control equipment, such as absorbent pads and absorbent booms are available at all times and stored in a location where they can be employed quickly if any spills occur.

ANNUAL FIRE SAFETY STATEMENT

F7. During occupation and use, the Applicant must provide an annual fire safety statement to Council and the Commissioner of Fire and Rescue NSW in accordance with clause 177 of the EP&A Regulation.

FIRE SAFETY CERTIFICATION

F8. The development must operate in accordance with the Fire Safety Certificate obtained in accordance with this consent.

MAINTENANCE OF WASTEWATER AND STORMWATER TREATMENT DEVICE

F9. During occupation and ongoing use, the Applicant must ensure all wastewater and stormwater treatment devices (including drainage systems, sumps and traps, and on-site detention) are regularly maintained, to remain effective.

STORAGE AND HANDLING OF WASTE

F10. All waste collection services must be undertaken in accordance with this consent.

F11. Waste must not be placed for collection in a public place e.g. footpaths, roadways and reserves under any circumstances.

F12. Adequate provisions are to be made within the premises for the storage, collection and disposal of waste and recyclable materials.

NOISE CONTROL – MECHANICAL PLANT AND EQUIPMENT

F13. The operation of plant and equipment shall not give rise to an 'offensive noise' as defined in the *Protection of the Environment Operations Act 1997* and Regulations.

OPERATION OF PLANT AND EQUIPMENT

F14. All plant and equipment used in the development, or used to monitor the performance of the development must be:

- (a) maintained in a proper and efficient condition; and
- (b) operated in a proper and efficient manner.

ADVISORY NOTES

APPEALS

- AN1. The Applicant has the right to appeal to the NSW Land and Environment Court in the manner set out in the EP&A Act and the EP&A Regulation.

OTHER APPROVALS AND PERMITS

- AN2. The Applicant must apply to the relevant authority for all necessary permits required to carry out the works authorised (and comply with) this consent, including but not limited to crane permits, road opening permits, hoarding or scaffolding permits, footpath occupation permits and/or any other approvals under section 68 (Approvals) of the *Local Government Act 1993* or section 138 of the *Roads Act 1993*.

RESPONSIBILITY FOR OTHER CONSENTS / AGREEMENTS

- AN3. The Applicant is solely responsible for ensuring that all additional consents and agreements are obtained from other authorities, as relevant.

DISABILITY DISCRIMINATION ACT

- AN4. This application has been assessed in accordance with the EP&A Act. No guarantee is given that the proposal complies with the *Disability Discrimination Act 1992*. The Applicant/owner is responsible to ensure compliance with this and other anti-discrimination legislation.
- AN5. The *Disability Discrimination Act 1992* covers disabilities not catered for in the minimum standards called up in the NCC which references *AS 1428.1 - Design for Access and Mobility*. AS1428 Parts 2, 3 & 4 provides the most comprehensive technical guidance under the *Disability Discrimination Act 1992* currently available in Australia.

COMMONWEALTH ENVIRONMENT PROTECTION AND BIODIVERSITY CONSERVATION ACT 1999

- AN6. The Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) provides that a person must not take an action which has, will have, or is likely to have a significant impact on a matter of national environmental significance (NES) matter; or Commonwealth land, without an approval from the Commonwealth Environment Minister.
- AN7. This application has been assessed in accordance with the EP&A Act. The determination of this assessment has not involved any assessment of the application of the Commonwealth legislation. It is the Applicant's responsibility to consult the Department of Agriculture, Water and Environment to determine the need or otherwise for Commonwealth approval and you should not construe this grant of approval as notification to you that the EPBC Act does not have application. The EPBC Act may have application and you should obtain advice about this matter. There are severe penalties for non-compliance with the Commonwealth legislation.

BUILDING PLAN APPROVAL

- AN8. You must have your building plans stamped and approved before any construction is commenced. Approval is needed because construction/building works can affect Sydney Water's assets (e.g. water, sewer and stormwater mains).

For further assistance please telephone 13 20 92 or refer to the Building over or next to assets page on the Sydney Water website (see plumbing, building and developing then building over or next to assets).

APPENDIX 1 INCIDENT NOTIFICATION AND REPORTING REQUIREMENTS

WRITTEN INCIDENT NOTIFICATION REQUIREMENTS

1. A written incident notification addressing the requirements set out below must be emailed to the Department at the following address: compliance@planning.nsw.gov.au within seven days after the Applicant becomes aware of an incident. Notification is required to be given under this condition even if the Applicant fails to give the notification required under this consent or; having given such notification, subsequently forms the view that an incident has not occurred.
2. Written notification of an incident must:
 - (a) identify the development and application number;
 - (b) provide details of the incident (date, time, location, a brief description of what occurred and why it is classified as an incident);
 - (c) identify how the incident was detected;
 - (d) identify when the Applicant became aware of the incident;
 - (e) identify any actual or potential non-compliance with conditions of consent;
 - (f) describe what immediate steps were taken in relation to the incident;
 - (g) identify further action(s) that will be taken in relation to the incident; and
 - (h) identify a contact person for further communication regarding the incident.
3. Within 30 days of the date on which the incident occurred or as otherwise agreed to by the Planning Secretary, the Applicant must provide the Planning Secretary and any relevant public authorities (as determined by the Planning Secretary) with a detailed report on the incident addressing all requirements below, and such further reports as may be requested.
4. The Incident Report must include:
 - (a) a summary of the incident;
 - (b) outcomes of an incident investigation, including identification of the cause of the incident;
 - (c) details of the corrective and preventative actions that have been, or will be, implemented to address the incident and prevent recurrence; and
 - (d) details of any communication with other stakeholders regarding the incident.