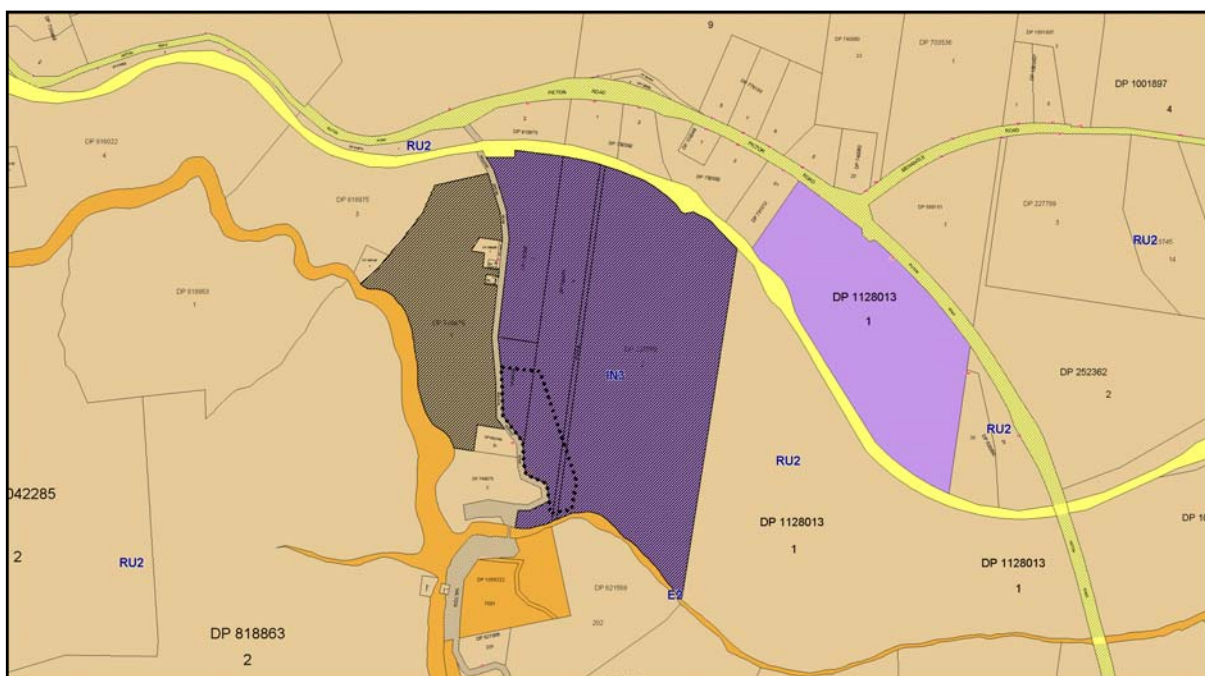
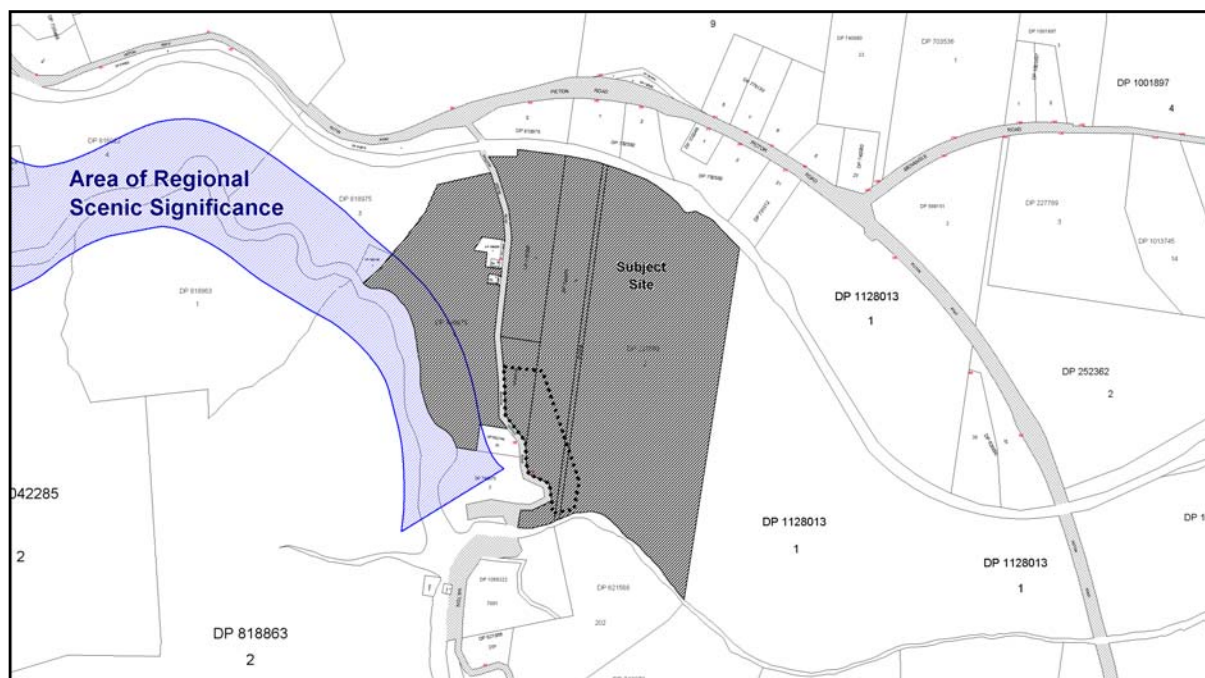


Map 3: Bushfire Prone Land as Certified by Commissioner of NSW Rural Fire Service



Map 4: Draft Wollondilly Local Environmental Plan, 2009 – Land Use Zones



EXECUTIVE SUMMARY

This report concerns Development Application No. 010.2010.00000921.001 for a proposed transport terminal to move freight (aggregate) from rail to road at Maldon Bridge Road, Maldon.

The application is reported to the Joint Regional Planning Panel because it is a designated development and because it has a capital investment value greater than \$10 million.

The subject application was notified to adjoining and nearby land owners and advertised in accordance with Section 79 of the Environmental Planning and Assessment Act, 1979. One submission was received from Campbelltown Council indicating that they *raise no objection to the proposal*.

There have not been any disclosures of political donations made in regard to this application.

It is recommended that the application be approved subject to conditions including a deferred commencement condition.

CONSULTATION

The subject Development Application has been referred to the following external and internal parties for comment/approval:

External Parties	Outcome
Department of Planning	The application was referred to the NSW Department of Planning. Verbal advice was provided indicating that they department found no need to make comment on the proposal. A commitment was made to provide written advice to this effect, however it had not been received at the time this report was composed.
Mines Subsidence Board	The Mine Subsidence Board have issued General Terms of Approval and a copy of this advice is attached to this report.
Roads and Traffic Authority	The RTA have concurred with the application and a copy of their letter is attached to this report.
NSW Police	The police have indicated that they <i>have no objections to the proposal</i> .
Sydney Water	Sydney Water raised no objections to the proposal but indicated that a Section 73 Certificate under the Sydney Water Act, 1994, should be required as a condition of consent.

Internal Parties	Outcome
Development Engineer	Application supported, subject to conditions of consent.
Building Surveyor	No objections were raised.
Health Officer	Application supported, subject to conditions of consent.
Environment Officer	Application supported, subject to conditions of consent.
Strategic Planner	No objections were raised.

PROPOSAL

1.1 Description of site and surrounding area

The site is located within the locality of Maldon, south east of the Village of Picton. It comprises six (6) allotments and has frontages to Maldon Bridge Road and the Southern Railway. The total area of the allotments is approximately 94 hectares, though the development only involves a small proportion of the site (10%-20%) of its total area.

The site contains an existing cement plant that was identified as an item of heritage significance in Wollondilly Local Environmental Plan, 1991. The plant includes numerous conveyors, silos, buildings, roads, rail lines and other infrastructure. This includes rail sidings from the main southern line and numerous access points to Maldon Bridge Road.

The site also contains some vegetation and escarpments to Stonequarry Creek and the Nepean River. These vegetation, riparian and escarpment areas are largely contiguous and coexistent and are located around the southern and south-western extremities of the land.

1.2 Description of Development

As summarised in the Environmental Impact Assessment prepared by AECOM, it is proposed to *establish a rail terminal with a total capacity of up to 1.75 million tonnes per annum to receive quarry products by rail, initially from Peppertree Quarry at Marulan South for despatch by truck to the Sydney market. In the future the terminal may be used by other quarries in the Boral network. The rail terminal and associated facilities would include:*

- *Reinstatement and extension of one of the existing rail sidings on the site, connecting to the Main Southern Railway.*
- *Establishing a stockpile area and aggregate handling facility to the south of the Boral Cement Plant.*
- *Erection of conveyors and modifications to an existing rail unloading facility/dump station.*
- *Construction of a truck parking area, weighbridge and amenities facilities.*
- *Installation of other associated infrastructure including site lighting, stormwater management structures and utility connections (all from the existing Boral Cement Plant supply).*
- *An upgrade to the Maldon Bridge Road/Picton Road intersection.*
- *Improvements to the existing safety measures at the Maldon Bridge Road level crossing.*

The terminal would have an operating capacity of 380 truck movements per day.

ASSESSMENT OF PROPOSAL

2.1 Section 79C Assessment – Matters for Consideration

2.1.1 Provisions of Relevant Environmental Planning Instruments

State Environmental Planning Policy No. 55 – Remediation of Land

The site is a contaminated site and is subject to Section 25 Notice No. 220 issued by the NSW EPA on 16 August 1990. This order relates to a deposit of asbestos on the site. The second direction in this notice provides that:

2. *All other work carried out on these premises (that is work that is not required by the terms of the notice) with the intention, or having the effect, of*
- (a) reducing the contaminated of the premises; or*
 - (b) restoring or rehabilitating the premises; or*
 - (c) removing, or disposing of, any soil, sand, rock, water or other solid or liquid material of any kind from the premises; or*
 - (d) would result in the disturbance of any chemically contaminated land on the premises*
- shall be carried out only after prior notice to the Commission and in accordance with an approval, in writing, given by the Commission (now NSW EPA).*

It is considered that, in the light of this order, the panel can be satisfied that the site is still contaminated. This being established, a preliminary contaminated site assessment was required to be submitted in accordance with the SEPP. This report was provided and was found satisfactory on assessment.

As the site is an EPA regulated site and it is considered that, if the proposal is otherwise satisfactory, the panel can rely on two consent conditions to address the requirements of the SEPP. The first would require the applicant to consult with the EPA prior to the issue of any Construction Certificate to ensure that the works do not require an approval as specified in Direction 2 of Section 35 Notice 220 issued under the Environmentally Hazardous Chemicals Act, 1985. The second would require a detailed assessment of the development area for contaminants and a site audit statement.

Sydney Regional Environmental Plan No 20—Hawkesbury-Nepean River

Relevant Provisions	Comment
3. Aims of the Plan <i>The aim of this plan is to protect the environment of the Hawkesbury-Nepean River system by ensuring that the impacts of future land uses are considered in a regional context.</i>	The proposal is not inconsistent with this objective. The application was advertised both locally and in a newspaper having state wide circulation and was notified to relevant adjoining Councils and the NSW Department of Planning.
6. Planning Policies and Recommended Strategies	

Relevant Provisions	Comment
<p>(1) Total catchment management</p> <p><i>Total catchment management is to be integrated with environmental planning for the catchment.</i></p>	<p>The proposal is not inconsistent with the principals of total catchment management.</p>
<p>(2) Environmentally sensitive areas</p> <p><i>The environmental quality of environmentally sensitive areas must be protected and enhanced through careful control of future land use changes and through management and (where necessary) remediation of existing uses.</i></p>	<p>The proposal does not involve work within the environmentally sensitive areas of the site.</p>
<p>(3) Water quality</p> <p><i>Future development must not prejudice the achievement of the goals of use of the river for primary contact recreation (being recreational activities involving direct water contact, such as swimming) and aquatic ecosystem protection in the river system. If the quality of the receiving waters does not currently allow these uses, the current water quality must be maintained, or improved, so as not to jeopardise the achievement of the goals in the future. When water quality goals are set by the Government these are to be the goals to be achieved under this policy.</i></p>	<p>Conditions are recommended to ensure water from the development is appropriately managed. The applicant has satisfactorily demonstrated that this can be achieved.</p>
<p>(4) Water quantity</p> <p><i>Aquatic ecosystems must not be adversely affected by development which changes the flow characteristics of surface or groundwater in the catchment.</i></p>	<p>Conditions are recommended to ensure that stormwater leaving the site is appropriately managed with regard to quantity and flow rates.</p>

Relevant Provisions	Comment
<p>(5) Cultural heritage</p> <p><i>The importance of the river in contributing to the significance of items and places of cultural heritage significance should be recognised, and these items and places should be protected and sensitively managed and, if appropriate, enhanced.</i></p>	<p>The proposal is considered satisfactory in this regard for the following reasons:</p> <ul style="list-style-type: none"> ▪ The development is similar in character to the existing cement works; ▪ The development is located behind the cement works when viewed from the nearby rail line and regional road and is far smaller in scale; ▪ In visual terms, the site will still be dominated by the cement works; and <p>The site ceased to be heritage listed on publication of Wollondilly Local Environmental Plan, 2011 on 23 February 2011. While the subject application needs to be assessed on the basis that the site is heritage listed, it is noteworthy that if the application had been lodged after 23 February 2011 heritage impacts would not have been a consideration.</p>
<p>(6) Flora and fauna</p> <p><i>Manage flora and fauna communities so that the diversity of species and genetics within the catchment is conserved and enhanced.</i></p>	<p>The proposal does not involve work within the environmentally sensitive areas of the site.</p>
<p>(7) Riverine scenic quality</p> <p><i>The scenic quality of the riverine corridor must be protected.</i></p>	<p>The proposal does not involve work within the riverine scenic areas of the site.</p>
11. Development controls	
<p>(4) Remediation of contaminated land</p>	<p>This clause provides that, if remediation works are required as part of the works for this development, separate development consent will be required. For this reason, It is recommended that an advisory note be added to any consent issued in this regard.</p>

Relevant Provisions	Comment
<p>(16) Land uses in riverine scenic areas</p> <p><i>(a) The need to prevent large scale, high density or visually intrusive development on waterfront land or on slopes and ridgetops which are visible from the river or the surrounding visual catchment. (This requires consideration of the proposed form and siting of buildings, of the colours and building materials used, and of landscaping.)</i></p> <p><i>(b) Whether the materials used in stabilising the banks are consistent with the scenic character of the area as described in the Scenic Quality Study.</i></p> <p><i>(c) Whether the development will damage the banks of the river or creeks.</i></p> <p><i>(d) Whether the development is adequately set back from the river.</i></p> <p><i>(e) Whether it is necessary and appropriate to increase public recreational and visual access to the river.</i></p> <p><i>(f) The need for conditions of consent to protect the scenic character, such as conditions requiring tree planting.</i></p> <p><i>(g) Whether any proposed works will improve scenic quality by repairing degradation.</i></p>	<p>The visual impact is considered to be satisfactory having regard to:</p> <ul style="list-style-type: none"> ▪ Its size and visual character; ▪ The landscape context of the existing cement works; ▪ The location in the landscape and topography; and <p>The clear established objectives and intended landscape character of the 4(a) Industrial Zone.</p>

Wollondilly Local Environmental Plan, 1991

Characterisation: Road Transport Terminal

Zone of land: Part 4(a) Industrial Zone and Part 1(a3) Rural "A3" Zone
Note: All works are proposed to take place on land within the 4(a) Industrial Zone

Permissibility: Permissible with consent in both of the subject zones

Zone objectives:

Objective	Comment
<p>Zone No. 1(a3) Rural "A3" Zone</p> <p><i>(a) to protect the agricultural potential of rural land and to prevent fragmentation of viable rural holdings,</i></p> <p><i>(b) to prevent inappropriate, premature and sporadic subdivisions and to ensure consolidation of urban areas so as to enhance the prospect of economic provision of services,</i></p>	<p>It is considered that these objectives are not relevant to the subject application as no works are proposed within the 1(a3) zone except for intersection works at Picton Road. The development of land within the adjoining 4(a) Industrial Zone for the proposed purpose and the associated road works will not hinder the attainment of any of these objectives.</p>

Objective	Comment
<p>(c) to prevent, on the fringe of urban areas, subdivision of land into small lots which would prejudice the proper layout of additional urban areas as a result of natural growth,</p> <p>(d) to retain the scenic quality and overall character of the land,</p> <p>(e) to encourage agricultural activities that are within the rural capability of the land.</p>	
<p>Zone No. 4(a) Industrial Zone</p> <p><i>To identify land to be set aside in strategic locations for business establishments and employment opportunities in industry other than industries of an offensive or hazardous nature.</i></p>	<p>It is considered that the development will contribute to business operations and employment opportunities in accordance with this objective. The proposed terminal is not an offensive or hazardous industry.</p>

Environmental Planning Assessment Model Provisions 1980 clauses under LEP Clause 7

Clause	Comment
<p>Applications in view of waterway, adjacent to arterial road, public reserve or land zoned as Open Space Cl.5 (1)</p> <p><i>The consent authority shall, in respect of an application under the Act for its consent or approval to the development of land within view of any waterway,... railway, ... take into consideration the probable aesthetic appearance of the proposed building or work or that land when used for the proposed purpose and viewed from that waterway,... railway.</i></p>	<p>The visual impact is considered to be satisfactory having regard to:</p> <ul style="list-style-type: none"> ▪ Its size and visual character; ▪ The landscape context of the existing cement works; ▪ The location in the landscape and topography; and ▪ The clear established objectives and intended landscape character of the 4(a) Industrial Zone.

Clause	Comment
<p>Transport terminals - traffic considerations Cl.5 (3)</p> <p><i>The consent authority shall, in respect of an application under the Act for its consent or approval to development for the purpose of a transport terminal, take into consideration:</i></p> <p>(a) <i>(Repealed)</i></p> <p>(b) <i>the standard of the roads in the locality in relation to the size and the weight of the vehicles likely to use the transport terminal,</i></p> <p>(c) <i>traffic conditions and facilities generally in the vicinity of the approaches to the transport terminal,</i></p> <p>(d) <i>the means of ingress and egress,</i></p> <p>(e) <i>the provision on land (other than a public road) of space for the parking or standing of vehicles, and</i></p> <p>(f) <i>the layout of buildings on the site in relation to:</i></p> <p style="padding-left: 40px;">(i) <i>the provision of space for the parking and standing of vehicles,</i></p> <p style="padding-left: 40px;">(ii) <i>the provision of space for the loading, unloading or fuelling of vehicles, and</i></p> <p style="padding-left: 40px;">(iii) <i>the traffic facilities within the site.</i></p>	<p>The application has been assessed by the Roads and Traffic Authority of NSW and by Council engineers. In both cases it was found that the proposal is satisfactory subject to conditions of consent.</p>
<p>Preservation of trees Cl.8</p> <p><i>(1) Where it appears to the council that it is expedient for the purpose of securing amenity or of preserving existing amenity, it may, for that purpose and by resolution, make an order (hereinafter referred to as a tree preservation order) and may, by like resolution, rescind or vary any such order.</i></p>	<p>Council had an adopted Tree Preservation Order at the time the application was received. The tree removal proposed as a part of this application has been assessed and found satisfactory having regard to the development being contained within the part of the site that has already been heavily disturbed.</p>

Clause	Comment
<p>Off street loading etc. facilities Cl.13</p> <p><i>(1) Subject to this clause, the consent authority shall not consent to the erection or use of any building on land zoned for commercial or industrial purposes unless provision is made within the site area for loading and unloading facilities satisfactory to the consent authority.</i></p> <p><i>(2) If a building referred to in subclause (1) has access to a rear lane, the loading and unloading facilities shall be provided from that lane unless the consent authority is satisfied that the lane is inadequate for the purpose.</i></p> <p><i>(3) This clause does not apply to development being minor alterations to an existing building if, in the opinion of the consent authority, the size and shape of the land having regard to existing buildings render the provision of facilities in accordance with this clause impracticable.</i></p> <p><i>(4) Where in the opinion of the consent authority provision cannot be made in subclause (1) for loading and unloading, the consent authority may consent to the erection or use of a building subject to any conditions it may impose.</i></p>	<p>It is considered that the developments sole frontage to Maldon Bridge Road is satisfactory, subject to conditions of consent to require intersection treatments at the access point to the site and intersection with Picton Road. This would include the construction of a new roundabout at the Picton Road intersection.</p>
<p>Railway sidings Cl.24</p> <p><i>Nothing in the local environmental plan shall operate to prohibit the construction and use of any railway siding designed to serve lands in an industrial zone.</i></p>	<p>This is an enabling clause for the construction of railway sidings as proposed in this application. In this case, however, the clause has no work to do as the proposed transport terminal is permissible with consent.</p>
<p>Construction of dams Cl.29</p> <p><i>A person shall not construct a dam on any land except with the consent of the consent authority.</i></p>	<p>This clause establishes that the proposed stormwater treatment basins require development consent. These structures form part of the subject development application.</p>

Clause	Comment
<p>Services Cl.30</p> <p><i>The consent authority shall not grant its consent to the carrying out of any development on any land unless:</i></p> <p><i>(a) a water supply and facilities for the removal or disposal of sewage and drainage are available to that land, or</i></p> <p><i>(b) arrangements satisfactory to it have been made for the provision of that supply and those facilities.</i></p>	<p><u>Water Supply</u></p> <p>The application was referred to Sydney Water who raised no objection to the proposal subject to the imposition of a condition requiring a Section 73 Certificate.</p> <p><u>Wastewater Management</u></p> <p>The application has been considered by Council's Health Officer who raised no concerns with the proposed wastewater management arrangements.</p>
<p>Extractive industry, transport terminal Cl.32</p> <p><i>A person shall not erect or use a building or work or use land within a rural zone within 400 metres of a main or arterial road for the purposes of:</i></p> <p><i>(a) an extractive industry, or</i></p> <p><i>(b) a transport terminal,</i></p> <p><i>unless:</i></p> <p><i>(c) the building or work or land to be used is more than 90 metres from the alignment of a main or arterial road, and</i></p> <p><i>(d) there is no direct access from the land to a main or arterial road.</i></p>	<p>The proposal complies with this clause in that the access point to Maldon Bridge Road is more than 90 metres from Picton Road and there is no direct access to Picton Road.</p>

Wollondilly Local Environmental Plan, 1991 Clauses

Clause	Comment
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Clause	Comment
<p>Development within mine subsidence district (cl.20, 1-3)</p> <p><i>(1) This clause applies to land situated within an area which has been proclaimed as a Mine Subsidence District under section 15 (1) of the Mine Subsidence Compensation Act 1961.</i></p> <p><i>Note. Nothing in this clause affects any requirement under the Mine Subsidence Compensation Act 1961.</i></p> <p><i>(2) (Repealed)</i></p> <p><i>(3) In deciding whether consent should be granted to development on land to which this clause applies, the council must take into consideration:</i></p> <p><i>(a) the potential use of the land for mining purposes, and</i></p> <p><i>(b) whether coal resources will be sterilised by the proposed development and the measures, if any, to be taken to prevent that sterilisation, and</i></p> <p><i>(c) whether conditions to prevent the surface effects of mine subsidence should be imposed on the granting of consent to the carrying out of the development, and</i></p> <p><i>(d) whether granting concurrence to the carrying out of the development is likely to encourage development applications which, if granted, would be likely to sterilise coal resources.</i></p>	<p>The application was referred to the Mine Subsidence Board under the integrated development provisions of the Environmental Planning and Assessment Act, 1979, who have issued general terms of approval in regard to the development. For this reason it is considered satisfactory with regard to the provisions of this clause.</p>
<p>Supply of services zones 2(a), 2(d), 4(a) & 4(c) (cl.22)</p> <p><i>Notwithstanding any other provision of this plan, no development shall be carried out on an allotment of land within Zone No 2 (a), 2 (d), 4 (a) or 4 (c) unless the council is satisfied that a water supply can be provided to the allotment.</i></p>	<p>The application was referred to Sydney Water who raised no objection to the proposal subject to the imposition of a condition requiring a Section 73 Certificate.</p>

Clause	Comment
<p>Tree preservation (cl.27)</p> <p><i>A tree preservation order made and in force under this plan immediately before the appointed day shall be deemed to be a tree preservation order made by the council under clause 8 of the Environmental Planning and Assessment Model Provisions 1980 and may be rescinded or varied by the council in accordance with that clause.</i></p>	<p>Council had an adopted Tree Preservation Order at the time the application was received. The tree removal proposed as a part of this application has been assessed and found satisfactory having regard to the development being contained within the part of the site that has already been heavily disturbed.</p>
<p>Arterial road setbacks (cl.28, 1-4)</p> <p><i>(1) This clause applies to land within Zone No 1 (a1), 1 (a2), 1 (a3), 1 (c2), 5 (c1) or 5 (c2).</i></p> <p><i>(2) In this clause:</i> development does not include development for the purposes of access roads or landscaping or subdivision.</p> <p>narrow road means an arterial road less than 40 metres wide.</p> <p>wide road means an arterial road at least 40 metres wide.</p> <p><i>(3) Development of land with a frontage to a wide road for a purpose specified in Column 1 of the Table to this clause shall be set back at least the distance specified opposite that purpose in Column 2 of that Table. (For a road transport terminal 400m)</i></p> <p><i>(4) Development of land with a frontage to a narrow road for a purpose specified in Column 1 of the Table to this clause shall be set back at least the distance specified opposite that purpose in Column 3 of that Table. (For a road transport terminal 420m)</i></p>	<p>The proposal does not include any works other than works for the purpose of augmenting and upgrading public roads within the part of the site within Zone No. 1(a3). Accordingly, the proposal complies with these provisions.</p>

Clause	Comment
<p>Heritage items (cl.30, 1-2)</p> <p><i>(1) A person must not, in respect of a heritage item (a) demolish or alter the building or work, or (b) damage or move the relic, or (c) excavate for the purpose of exposing the relic, or (d) damage or despoil the place or tree, or (e) erect a building on or subdivide land on which the building, work or relic is situated or that comprises the place, or (f) damage any tree on land on which the building, work or relic is situated or on the land which comprises the place, except with the consent of the council.</i></p> <p><i>(2) The council must not grant consent to a development application required by subclause (1) unless it has taken into consideration the extent to which the carrying out of the proposed development would affect the heritage significance of the item and any stylistic or horticultural features and its setting.</i></p>	<p>The proposal is considered satisfactory in this regard for the following reasons:</p> <ul style="list-style-type: none"> ▪ The development is similar in character to the existing cement works; ▪ The development is located behind the cement works when viewed from the nearby rail line and regional road and is far smaller in scale; ▪ In visual terms, the site will still be dominated by the cement works; and ▪ The site ceased to be heritage listed on publication of Wollondilly Local Environmental Plan, 2011 on 23 February 2011. While the subject application needs to be assessed on the basis that the site is heritage listed, it is noteworthy that if the application had been lodged after 23 February 2011 heritage impacts would not have been a consideration.
<p>Land subject to bushfire hazards (cl.36)</p> <p><i>The council shall not consent to subdivision of or to the erection of a building on the land to which this plan applies which, in the opinion of the council is subject to bushfire hazards, unless it has made an assessment of:</i></p> <p><i>(a) whether adequate provision has been made for access to the land for fire fighting vehicles, fire breaks, reserves and fire radiation zones, and</i></p> <p><i>(b) in the case of a subdivision of land, whether the depth of any allotments to be created by the subdivision which would adjoin a perimeter road is adequate, and</i></p> <p><i>(c) the design of any proposed dwelling-house in relation to bushfire hazard.</i></p>	<p>The proposal has been assessed in accordance with <i>Planning for Bushfire Protection, 2006</i>. It has been found that the proposal is generally consistent with the objectives of these guidelines and, in particular, incorporates adequate asset protection area and defensible space.</p>

Clause	Comment
<p>Development of unsewered land (cl.45)</p> <p><i>The council must not consent to the carrying out of development on unsewered land unless the applicant demonstrates that the land is capable of supporting the development having regard to the capability of the soil for effluent disposal and buffer distances to watercourses and drainage depressions.</i></p>	<p>The application has been considered by Council's Health Officer who raised no concerns with the proposed wastewater management arrangements.</p>

2.1.2 Any Draft Environmental Planning Instrument

Draft Wollondilly Local Environmental Plan, 2009

This plan would not provide any impediment to the proposal in the form of a prohibition or development standard. The proposal is consistent with the objectives of the new plan and the proposed IN3 and RU2 zones in which the site would be located.

In the light of an otherwise satisfactory proposal, it is considered that the draft plan provides no basis for a recommendation for refusal of the application.

2.1.3 Any Voluntary Planning Agreement

No voluntary planning agreements apply to the site or this proposal.

2.1.4 Any Development Control Plan

Agricultural Lands Development Control Plan

This plan applies to land within Zone No. 1(a3) Rural "A3" Zone. The only works proposed to take place within this zone are road works augmenting the existing public road system. In this instance the subject development control plan contains no provisions of relevance to the application.

Development Control Plan No. 7 – Off Street Car Parking

This plan does not contain any prescriptive rate of car parking provision for this type of development. It is considered, however, that the proposed 17 spaces and 1 accessible space will be adequate as the development appears to have a capacity of only 3 office staff and 12 truck parking spaces.

Development Control Plan No. 20 – Industrial Development

Relevant Provisions	Comment
<p>4.1 Building setbacks</p> <p><i>Setbacks for buildings sited or erected on industrial zoned land are:</i></p> <p><i>Arterial roads: 30 metres</i> <i>Other roads: 10 metres</i> <i>Rear boundaries: 5 metres</i> <i>Side boundaries: 3 metres</i></p> <p><i>Setback areas may be used for car parking, landscaping and storage of materials.</i></p>	<p>The proposal complies with all setbacks listed in this control.</p>
<p>4.3 Site Coverage and Floor Space Ratio</p> <p><i>The floor space ratio shall not exceed 1:1 with a maximum site coverage of 50%.</i></p>	<p>The proposed development is well short of both the 1:1 FSR and 50% total site coverage controls prescribed by this clause.</p>

Relevant Provisions	Comment
<p>4.4 Car Parking</p> <p><i>Off-street car parking requirements for industrial and ancillary developments/uses are outlined in Development Control Plan No.7 – off Street Car Parking.</i></p> <p><i>All developments are to conform with the requirements of this plan.</i></p>	<p>As discussed under the earlier assessment of the proposal under Development Control Plan No. 7, it is considered that the proposal is satisfactory in this regard.</p>
<p>4.5 Access</p> <p><i>Access to industrial developments must be efficient and safe. No vehicular or pedestrian access will be permitted to an arterial road.</i></p>	<p>The proposed access arrangements have been assessed and found satisfactory subject to conditions of consent. No direct access to Picton Road is proposed.</p>
<p>4.6 Water Supply</p> <p><i>All development in the industrial zones, or changes of use from one industry to another, requires a developer services certificate from the Sydney Water Board... The concurrence of the Water Board is required for the storage of additional water on site.</i></p>	<p>Conditions are recommended in this regard.</p>
<p>4.7 Open Storage Areas</p> <p><i>The use of unbuilt upon areas for storage of goods and materials is permitted subject to the following controls:</i></p> <ul style="list-style-type: none"> ▪ <i>Any open storage areas must be screened from view of roadways.</i> ▪ <i>They must be of suitable construction to prevent damage to surface areas.</i> ▪ <i>Open storage areas are not permitted forward of the building line or on side or rear areas adjoining roadways.</i> 	<p>The proposal complies with these controls.</p>

Relevant Provisions	Comment
<p>4.8 Landscape Treatment</p> <p><i>The objectives of landscaping treatment for industrial development are:</i></p> <ul style="list-style-type: none"> ▪ <i>Landscaping which enhances the industrial areas;</i> ▪ <i>Planting in scale with the height and bulk of the building;</i> ▪ <i>The screening of the less desirable aspects of industrial developments;</i> ▪ <i>Landscaping which requires minimum maintenance.</i> 	<p>Conditions are recommended to ensure compliance in this regard.</p>
<p>4.8 Landscape Treatment (continued)</p> <p><i>Council's (landscaping) standards are:</i></p> <ul style="list-style-type: none"> ▪ <i>A minimum 2.5 metres wide landscape strip exclusive of kerbs at borders across the frontage of the site (excluding accessways)</i> ▪ <i>Landscaping throughout the parking area to visually improve the area where appropriate.</i> ▪ <i>Landscape strips are to be an integral part of the site including mounding which ties in with the levels (existing or design) at the boundaries. The strip is to be planted with mature trees, shrubs and ground covers and mulched with pine flake/bark. Hard edging is to be provided to retain the mulch, to enable mowing if necessary and to protect the landscaping from damage by vehicles.</i> 	<p>Conditions are recommended to ensure compliance in this regard.</p>
<p>4.9 Loading and vehicular entry</p> <p><i>Loading doors, vehicle entries, etc., to a factory building shall not be provided on any street elevation of the building.</i></p>	<p>The proposal complies with this control.</p>

Relevant Provisions	Comment
<p>4.10 Fencing</p> <p><i>Fences within industrial areas will be considered on their merits taking into account the following objectives:</i></p> <ul style="list-style-type: none"> ▪ <i>To ensure that the impact of fences on the street scene and public places is minimised.</i> ▪ <i>To allow reasonable enclosure of yard areas for privacy and security.</i> ▪ <i>To ensure the safe movement of vehicles is not impaired at gateways and street intersections.</i> ▪ <i>To protect drainage easements from the effect of fencing.</i> ▪ <i>To ensure that adjoining owners are not adversely affected by the fencing of front yards.</i> <p><i>The height of fencing within industrial areas forward of the building line may exceed 1.5 metres.</i></p>	<p>The existing security fencing to the site is considered satisfactory in this regard.</p>
<p>4.11 Disposal of effluent</p> <p><i>In areas that are unsewered, effluent disposal is to be by means of a septic tank/pump out system.</i></p> <p><i>Where sewer is available connections for amenities and trade waste are to comply with the requirements of the Water Board.</i></p>	<p>The application has been considered by Council's Health Officer who raised no concerns with the proposed wastewater management arrangements.</p>

Development Control Plan No. 21 – Earth Dams

This plan provides a number of technical controls on earth dams. It is considered appropriate to achieve compliance with this plan through the imposition of consent conditions and suitable conditions are recommended in this regard.

Development Control Plan No. 36 – Development in Rural Areas

This plan applies to land within Zone No. 1(a3) Rural "A3" Zone. The only works proposed to take place within this zone are road works augmenting the existing public road system. In this instance the subject development control plan contains no provisions of relevance to the application.

2.1.5 The Likely Impacts of That Development

The Environmental Impact Statement has thoroughly addressed the potential impacts on the natural and built environments as well as the foreseeable social and economic impacts. Subject to conditions of consent, no adverse impacts are anticipated. It is, however, recommended that the Operation Environmental Management Plan come back to Council for approval prior to the commencement of the consent. It was not considered appropriate to require the applicant to have

this prepared before they had the security of a development consent. A deferred commencement condition is recommended in this regard.

2.1.6 The Suitability of the Site for the Development;

Relevant Site Constraints	Comment
Contamination	The site is regulated by the NSW EPA. Conditions are recommended to ensure consultation with this agency occurs before works commence.
Slope and significant vegetation	The proposal does not involve work within the environmentally sensitive areas of the site.
Riparian land	The proposal does not involve work within the riparian areas of the site.
Road Access	Subject to conditions of consent to require road augmentation, the road access is considered satisfactory having regard to the advice of the Roads and Traffic Authority of NSW and Council Engineers.

2.1.7 Any Submissions Made in Accordance With This Act or The Regulations;

Form of Exhibition: Advertised as designated development
Submissions Received: One (1) from an adjoining Council

Consideration of submissions:

The submitter raised no concerns with or objection to the proposal.

2.1.8 The Public Interest

At the conclusion of the assessment of this application the only point of concern with regard to the public interest is the impact of traffic on Picton Road. It has already been noted in this report that both the Roads and Traffic Authority of NSW and Council Engineers have concluded that the proposal is satisfactory, subject to conditions of consent.

This being said, there has been considerable public concern regarding the safety of Picton Road generally. Indeed, the elected body of Wollondilly Shire Council have made the following resolution concerning this application:

- 1. That Council ... make a submission to the Joint Regional Planning Panel following further evaluation of the traffic impacts of the proposal, and***
- 2. That Council note particularly the issue of the intersection of Picton Rd and Menangle Rd and the intersection of Picton Rd and the Hume Hwy.***

It has been concluded by Council and RTA engineers that the impacts of the development on the intersection of Picton Road and Menangle Road do not warrant refusal of the application or any intersection augmentation. This result is supported from a planning perspective as any conditions to require road works would need to have a close nexus to the proposal. In the case of the Picton Road and Menangle Road intersection this does not appear to be the case. The intersection of Picton Road and the Hume Highway is a matter for the RTA as both roads are under their control.

2.2 Section 91 Assessment – Integrated Development

2.2.1 Section 12 – Mine Subsidence Compensation Act, 1961

The endorsement of the Mine Subsidence Board was submitted with the application. The application is, therefore, not an “Integrated Development” in this regard.

2.2.2 Section 138 – Roads Act, 1993

The proposal was referred to the Roads and Traffic Authority of NSW as integrated development. The RTA has, in accordance with their standard practice, elected to ignore the provisions of the Environmental Planning and Assessment Act, 1979, and issue concurrence rather than General Terms of Approval. As the Roads and Traffic Authority of NSW do not issue GTAs it is considered necessary to accept the concurrence advice instead of them.

2.2.3 Section 43 – Protection of the Environment Operations Act, 1997

The proposal has been assessed by the NSW Department of Environment Climate Change and Water who have formally advised that a license under the Protection of the Environment Operations Act, 1997, will not be required.

2.3 Section 94A Assessment

Date of Lodgement	15 December 2010
Relevant Contributions Plan	2010 Plan
Cost of Development	\$11 800 000

Description	Levy	Condition Required
Non-residential development with proposed cost exceeding \$200,000.	1.0%	YES

ATTACHMENTS

1. Advice of concurrence from the Roads and Traffic Authority of NSW;
2. Advice of concurrence from Mine Subsidence Board;
3. Advice from NSW Department of Environment, Climate Change and Water;
4. Plans of the proposal

RECOMMENDATION

A. That Development Application No. 010.2010.00000921.001 for a proposed transport terminal to move freight (aggregate) from rail to road at Lot: 1 DP: 608195, Lot: 1 & 3 DP 748675, Lot: 1 & 2 DP: 231892 and Lot: 2 DP: 216580, located at Maldon Bridge Road, Maldon, be determined by the granting of development consent subject to the following conditions of consent including a deferred commencement condition:

‘Deferred Commencement’ consent has been granted to the Application in accordance with the provisions of Section 80(3) of the Environmental Planning and Assessment Act 1979 (As Amended). This consent will become valid and may be acted upon subject to the meeting of the following requirements:

- (i) Provision of an Operation Environmental Management Plan to the satisfaction of Council incorporating the recommendations of the reports annexed to the Environmental Impact Assessment prepared by AECOM and submitted in respect of Development Application No. 010.2010.00000921.001.**
- (ii) Evidence being submitted to Council indicating that the Australian Rail Track Corporation are satisfied with the design of the proposed railway siding.**

NOTE:

- 1. Nothing in this Deferred Commencement consent permits the commencement of any works or development as proposed in this application until the receipt of a valid development consent from Council.**
- 2. This deferred commencement consent will lapse if the above requirement has not been satisfied within five (5) years of the date the deferred commencement consent was determined. Additionally, this consent will lapse unless the development is physically commenced within five (5) years of the date the deferred commencement consent was determined**
- 3. Following compliance with the above conditions of Deferred Commencement Consent, written confirmation of Consent will be forwarded to you from Council.**
- 4. Once the consent is valid, the development will also be subject to the following conditions outlined below.**

1. COMPLIANCE

These conditions are imposed to ensure that the development is carried out in accordance with the conditions of consent and the approved plans to Council’s satisfaction.

- (1) Development Consent is granted for a transport terminal to move freight (aggregate) from rail to road at Lot: 1 DP: 608195, Lot: 1 & 3 DP 748675, Lot: 1 & 2 DP: 231892 and Lot: 2 DP: 216580, located at Maldon Bridge Road, Maldon**

- (2) Unless permitted by another condition of this consent, there shall be no tree clearing unless the vegetation is:

- (a) Within the footprint of an approved building, access driveway or other structure; or
- (b) Within three (3) metres of the footprint of an approved building; or
- (c) preventing the achievement of safe batters to proposed fill areas.

In this condition **Tree Clearing** has meaning as described in Clause 5.9 (3) of Wollondilly Local Environmental Plan 2011.

- (3) Development shall take place in accordance with the endorsed plans 270-5447-M, prepared by Boral Construction Materials Division and submitted in respect of Development Application No. 010.2010.00000921.001, except where varied by the following conditions:
- (4) Development shall take place in wholly accordance with the recommendations of Operation Environmental Management Plan approved in accordance with the deferred commencement condition of this consent.
- (5) Prior to the commencement of any construction activity on the site or the issue of any Construction Certificate for works within the site the applicant shall consult with the NSW EPA and shall provide evidence to the Principal Certifying Authority from the EPA that the works are satisfactory with regard to the existing Section 35 EHC Act Order No. 220 dated 16/08/1990.
- (6) Prior to the commencement of any construction activity on the site or the issue of any Construction Certificate for works within the site the applicant shall provide a Site Audit Statement under the Contaminated Land Management Act, 2008, indicating that the site is suitable for the proposal to the Principal Certifying Authority.

2. INTEGRATED DEVELOPMENT

These conditions have been imposed to ensure that the development is carried out in accordance with the requirements of other Approval Authorities:

- (1) The attached General Terms of Approval issued by the Mine Subsidence Board are included as conditions of this Consent.

3. DEMOLITION

These conditions have been imposed to ensure that the demolition of buildings is carried out with regard to public and environmental safety.

- (1) All demolition works shall be undertaken by a licensed demolisher who is registered with Work Cover NSW. Details shall be submitted to the Principal Certifying Authority prior to the commencement of demolition works.
- (2) Any demolition works involving asbestos removal must comply with all legislative requirements including the *Code of Practice for the Safe Removal of Asbestos (2nd Edition – National Occupational Health and Safety Commission) [NOHSC:2002(2005)]*, WorkCover NSW and NSW Department of Environment and Climate Change (DECC) requirements.

- (3) Demolition shall be carried out to Australian Standard AS2601-2001 – The Demolition of Structures including provision for:
 - Appropriate security fence or builders hoarding shall be installed to prevent public access to the demolition works
 - Induction training for onsite personnel
 - Management of asbestos, contamination and other hazardous materials
 - Dust control
 - Disconnection of gas and electrical supply
 - The demolition shall not hinder pedestrian or vehicle mobility in the locality
- (4) During demolition the control of water pollution and leachate, including the cleaning of vehicle tyres in accordance with the Protection of the Environment Operations Act, 1997.
- (5) The demolition by induced collapse, the use of explosives or onsite burning is not permitted.
- (6) During demolition works all materials and equipment shall be kept entirely within the site and not on adjoining property, footpaths and roads.
- (7) Fire fighting services onsite shall be maintained at all times during demolition works.
- (8) Certification is to be provided by the Demolition Contractor that the demolition work has been carried out in accordance with the above conditions. Such certification is to be provided to the Principal Certifying Authority prior to the issue of any Construction Certificate.

4. BUILDING DESIGN

These conditions have been imposed to ensure that the appearance/construction of building works complies with the aims and objectives of Council's relevant Development Control Plans, Policies and relevant Statutory Regulations.

- (1) The buildings shall incorporate earthy colours. Pale or patterned brickwork, or multi-coloured or bright reflective roofs shall not be used.
- (2) The buildings shall comply with the Disability (Access to Premises - Buildings) Standards 2010 in respect of accessibility for people with a disability.
- (3) All plumbing and drainage works shall be carried out in accordance with the New South Wales Plumbing & Drainage Code of Practice and Australian Standard AS3500 except where otherwise provided in the Local Government Act 1993 and the Local Government (General) Regulation, 2005.

5. CONSTRUCTION GENERAL

These conditions have been imposed to ensure that all construction work is undertaken to an approved standard and related approvals.

- (1) Construction, earthworks or placement of site sheds shall not commence, prior to the issue of a Construction Certificate by the Principal Certifying Authority.
- (2) Toilet facilities are to be provided, at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site. These facilities are to be provided prior to the commencement of any works and:

- (a) Must be a standard flushing toilet; and
- (b) Must be connected:
 - (i) to a public sewer, or
 - (ii) if connection to a public sewer is not practicable, to an accredited sewage management facility approved by the Council, or if connection to a public sewer or an accredited sewage management facility is not practicable, to some other sewage management facility approved by the Council.

In this condition:

Accredited sewage management facility means a sewage management facility to which Division 4 of Part 2 of the *Local Government (General) Regulation 2005* applies, being a sewage management facility that is installed or constructed to a design or plan the subject of a certificate of accreditation referred to in clause 41 of the Regulation.

Approved by the Council means the subject of an approval in force under Division 4 of Part 2 of the *Local Government (General) Regulation 2005*.

Sewage Management Facility has the same meaning as it has in the *Local Government (General) Regulation 2005*.

- (3) Prior to the issue of any construction certificate, sufficient information must be forwarded to the Principal Certifying Authority illustrating compliance with the relevant provisions of the Building Code of Australia. Where Council is to be the PCA Council's Development Services Section may be contacted between 8:00am and 10:00am Monday to Friday on 02 4677 1100 if further clarification is required.
- (4) An appropriate fence preventing public access to the site shall be erected for the duration of construction works.
- (5) All excavation and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards.

All excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property.

- (6) If the soil conditions require it:
 - (a) Retaining walls associated with the erection or demolition of a building or other approved methods of preventing movement of the soil must be provided; and
 - (b) Adequate provision must be made for drainage.
- (7) Council records indicate that the site has previously undergone land filling. The site soil type shall be classified by a suitably qualified engineer. The footing system shall be designed accordingly and full details of the soil classification and footing design shall be provided to the Principal Certifying Authority prior to the release of any Construction Certificate.

6. ENGINEERING & CONSTRUCTION SPECIFICATIONS

These conditions have been imposed to ensure that developments within the Shire are of a standard which is both safe and acceptable to Council and members of the public:-

- (1) All works are to be designed and carried out in accordance with Wollondilly Shire Council's adopted Design and Construction Specification.
- (2) Engineering design plans and stormwater drainage calculations, for all road and drainage construction, shall be submitted to the nominated Principal Certifying Authority. The plans must be approved prior to the issue of a Construction Certificate for any works associated with this development. All levels are to be reduced to Australian Height Datum. Road design parameters shall comply with the requirements of Council's Design Specifications.
- (3) Engineering Design Plans for the car parking area, loading area, accesses and stormwater drainage are to be submitted to and approved by the nominated principal certifying authority, prior to issue of a Construction Certificate for any works associated with this development.

Drainage calculations are to be carried out in accordance with "Australian Rainfall and Runoff" published by the Institution of Engineers Australia, and are to include a contoured catchment diagram and delineation of flow paths for storms of average recurrence interval of 1:100 years (1% AEP) where appropriate.

- (4) Where Council's Construction Specification require that density tests, beam tests or CBR tests be undertaken, the results shall be forwarded to Council within 7 days. A NATA registered laboratory shall carry out the tests. When testing for density, the Standard Compaction testing method is to be used.

Failure to submit test results may result in Council refusing to issue completion certificates and hence may result in additional works being required.

- (5) A defects liability period of twelve (12) months will apply from the date of issue of the Certificate of Practical Completion by Council and for Public Roads the twelve (12) months is dated from the date of registration of the road as public Road. A 10% maintenance bond, or a minimum of \$1,000, whichever is greater, is to be lodged in accordance with council's Construction Specification for all work that is to become the property of Council.
- (6) A certified "Works as Executed" plan from a Chartered Professional Engineer or Registered Surveyor is to be submitted to Council before the final inspection for the Certificate of Practical Completion. The "Works as Executed" plan must certify that the works have been constructed in accordance with the approved drawings and to the levels specified.
- (7) Council must be notified in writing, of the applicant's intention to commence construction at least seven (7) days prior to the commencement of said works.

- (8) A "Soil and Water Management Plan" (SWMP) that outlines the measures that will be taken to limit and contain sediment laden runoff during construction of both civil and building works shall be submitted to Council. The measures shall be in accordance with Council's Construction specification and the Department of Housing's "Blue Book". The plan is to be approved by the Principal Certifying Authority prior to the issue of any Construction Certificate. If the Building Construction Certificate is issued by a different Principal Certifying Authority than the Engineering Construction Certificate both Certifiers shall assess the plan as it relates to the works the subject of the Construction Certificate before them.
- (9) This consent authorises both engineering and building works to be undertaken. A separate Construction Certificate shall be issued for each category of works, that is, a separate Engineering Construction Certificate (for any on-site detention, inter-allotment drainage, public road works, etc) and a separate Building Construction Certificate (for all works relating to the erection and fit-out of a structure).

A CONSTRUCTION CERTIFICATE FOR THE CIVIL WORKS MUST BE ISSUED PRIOR TO THE ISSUE OF A BUILDING CONSTRUCTION CERTIFICATE WITH THE CERTIFIED PLANS OF THE CIVIL ENGINEERING WORKS ALSO INCORPORATED INTO THE BUILDING PLANS.

- (10) An Occupation Certificate shall not be issued until such time as all civil engineering works (such as public road works, stormwater drainage, on-site detention, private access road, etc), have reached practical completion and Certificate of Practical Completion of the civil works have been issued by the Principal Certifying Authority.
- (11) Engineer's Certification shall be provided to the Principal Certifying Authority for all civil works carried out within the private property prior to any occupation of the development or the issue of any Occupation Certificate.
- (12) Prior to any occupation of the development or the issue of any Occupation Certificate, a Certificate of Practical Completion for all civil works (road, access, drainage, on-site detention etc.) is to be submitted to the Principal Certifying Authority.

7. DRAINAGE/STORMWATER

These conditions have been imposed to ensure drainage/stormwater is appropriately managed.

- (1) Stormwater runoff from and through the property is to be appropriately managed so as to control nuisance, damage and hazard during storm events.
- (2) A drainage system shall be provided that ensures appropriate management of stormwater from the development. A drainage system shall be provided to collect and convey runoff from storms up to the 10% AEP to a point suitable for integration with a suitable natural or constructed stormwater drainage system. Defined overland flow paths shall be provided to safely convey runoff from storm events up to the 1% AEP.
- (3) The discharge of stormwater from the subdivision shall be carried to a point suitable for integration with either the natural or constructed stormwater drainage system. Any necessary amplification or upgrading of the downstream drainage system shall be carried out at no cost to Council, including the dedication of appropriate easements.
- (4) If stormwater management works are required within 40 metres of the top of bank of any watercourse, the Principal Certifying Authority shall not issue any Construction Certificate for JRPP (Sydney West Region) Business Paper – Item 1 – 14 July 2011 – 2011SYW017

those works until it has been provided with a Controlled Activity Approval from the NSW Office of Water.

8. CARPARKING/LOADING/ACCESS

These conditions have been imposed to:

- (a) Ensure that adequate provision is made for off street parking, appropriate to the volume and turnover of traffic generated by the development.**
- (b) Ensure that adequate manoeuvring space is provided for parking areas, loading bays and entry to facilities.**
- (1) A concrete vehicular footway crossing shall be provided at all locations where vehicles cross the footway.
- (2) Provision shall be made for vehicles to access and leave the site in a forward direction.
- (3) Seventeen (17) sealed car parking spaces and access thereto shall be provided for the proposed development. Such spaces are to measure not less than 2.6m x 5.5m and are to be designed and marked on the pavement in accordance with Development Control Plan No. 7 – Off Street Car Parking.
- (4) In addition to the car parking required by Condition 8(3) of this consent, one (1) car parking space shall be provided for people with mobility impairment in accordance Australian Standard AS2890.6 and the Disability (Access to Premises - Buildings) Standards 2010. These spaces shall have dimensions as required by AS2890.1 and shall be appropriately signposted and marked on the pavement.
- (5) Truck parking shall be provided in accordance with the approved plans.

9. PUBLIC ROADS

These conditions have been imposed to ensure all public road works required by the development are provided to an adequate standard.

- (1) Any footpath or road that is required to be opened to provide any services to this development shall not be opened or disturbed until a Road Opening Approval has been granted by Council. Any damage to the footpath, kerb and guttering or roadway shall be repaired at the full cost of the developer.
- (2) The person having the benefit of this consent shall, at no cost to Council or the Roads and Traffic Authority of NSW, construct and dedicate a roundabout intersection and the intersection of Picton Road and Maldon Bridge Road in accordance with the requirements of Council and the RTA.

NOTE: The RTA have provided the following comments on the plans provided in respect of the development application:

- (a) The proposed layout shall be designed in accordance with the RTA "Roundabouts – Geometric Design Method" and AUSTROADS Guide to Road Design Part 4B: Roundabouts.***

- (b) Splitter island entry arcs should direct vehicles into the correct circulating path of the roundabout.**
 - (c) The width of the entry lanes, exit lanes and the circulating roadway should be based on the design vehicle. Maldon Bridge Road and Picton Road east of the junction are 25.0m B-double routes therefore the left turn from Picton Road into Maldon Bridge Road and the right turn from Maldon Bridge Road into Picton Road must cater for a 25.0 B-double with all other turns catering for a 19.0m articulated vehicle.**
 - (d) The island between the left turn lane and the through lane for westbound traffic on Picton Road must be raised to physically separate the movements.**
 - (e) The width of the left turn slip lane is inadequate for the tracking of a 25.0m B-double. Turning templates indicate providing the necessary width will encroach on the adjacent property. The RTA however considers that modifications can be made to the roundabout design to accommodate it within the road reserve such as reducing the radius of the inscribed circle and slightly realigning the roundabout.**
 - (f) Turning paths for the appropriate vehicles should be applied to all turning movements.**
 - (g) Cross sections are required to ensure verges, table drains and batters can be contained within the road reserve.**
 - (h) When available profiles of kerbs and islands should be provided to ensure drainage problems are not created.**
 - (i) Contours of the design surface should also be created to ensure the crossfall of the circulating roadway does not exceed 4.0%.**
 - (j) Sight distance should be checked for all approaches.**
 - (k) Approach sight distance required to linemarking on all approaches.**
 - (l) Sight triangles for approach speeds in accordance with Fig.3.1 of AUSTROADS Guide to Road Design par 4B: Roundabouts should be provided to all approaches.**
 - (m) Any vegetation of the central island must be limited in height to 0.6m above the circulating roadway.**
- (3) The existing road pavement and seal along Maldon Bridge Road from the intersection with Picton Road to the southern side of the southern most access point of the development shall be tested by a geotechnical engineer to ascertain the existing pavement strength and where shown to be substandard in relation to additional traffic loadings, pavement strengthening shall be carried out. Details for this shall be included with the engineering plans. With the pavement strengthening being approved by Council prior to the issue of a Construction Certificate.
- (4) Plans of the road and intersections are to be submitted to the Council and NSW Roads and Traffic Authority for approval prior issue a Section 138 permit under the NSW Roads Act

1993. Copies of such permits are to be submitted to Council prior to release of any Construction Certificate.

- (5) A road pavement design and pavement thickness report, from a N.A.T.A. registered laboratory appointed by the applicant, in accordance with Council's Specification shall be forwarded to the Principal Certifying Authority a minimum of 7 working days prior to the inspection of exposed sub-grade for pavement thickness determination.
- (6) Prior to the Principal Certifying Authority issuing any Occupation Certificate, adjustments to public utilities and roads required as a result of the development shall be completed at the sole cost to the person having the benefit of this consent.
- (7) All road works in public roads must be sign posted in accordance with AS1742.3 and the Roads & Traffic Authority's "Traffic Control at Work Sites" Manual.
- (8) Street lighting shall be provided in accordance with relevant Australian Standards and in accordance with a plan prepared by an Endeavour Energy approved design consultant at the access points to the site associated with the development at the intersection of Maldon Bridge Road and Picton Road.
- (10) Road safety audits of the proposed roundabout and the existing intersection of Picton Road and Menangle Road shall be prepared to the satisfaction of Council and the Roads and Traffic Authority of NSW prior to the release of any Construction Certificate for this development. Any deficiencies identified in the audits shall be rectified prior to the release of any Occupation Certificate for the development. The cost of these works shall be borne entirely by the applicant.
- (11) Prior to the issuing of the construction certificate for any works with the Picton Road Reserve, the developer shall enter into a Works Authorisation Deed (WAD) with the RTA for those works.
- (12) The proposed access location shall have adequate Safe Intersection Sight Distance to the AUSTROADS standards in both directions, i.e. desirable 181m in both directions for a speed limit of 80km/h.
- (13) Landscaping and fencing should not restrict vehicular sight lines on Picton Road.
- (14) All roadworks, traffic control facilities and other works associated with this development, including any modifications required to meet RTA standards, will be at no cost to the RTA. All works shall be completed prior to occupation.
- (15) The RTA will be exercising its powers under Section 64 of the Roads Act, 1993 to become the roads authority for works on Picton Road, Given this, Section 138 consent under the Roads Act, 1993 shall be obtained from the RTA prior to construction.
- (16) The developer shall apply for, and obtain a Road Occupancy Licence (ROL) from the RTA Traffic Operations Unit (TOU) prior to commencing work within the classified road reserve or within 100m of traffic signals. The application will require a Traffic Management Plan (TMP) to be prepared by a person who is certified to prepare Traffic Control Plans. Should the TMP require a reduction of the speed limit, a Speed Zone Authorisation will also be required from the TOU. The developer shall submit the ROL application 10 business day period is dependant upon the RTA receiving an accurate and compliant TMP. Note: An approved ROL does not constitute an approval to commence works until an authorisation letter for the works has been issued by the RTA Project Manager.

10. EROSION AND SEDIMENT CONTROL

These conditions have been imposed to minimise the impact of the Development on the environment and on adjoining properties.

- (1) All disturbed areas are to be stabilised by turfing, mulching, paving or otherwise suitably stabilised within 30 days of completion.
- (2) Vehicle access is to be controlled so as to prevent tracking of sediment onto adjoining roadways, particularly during wet weather or when the site has been affected by wet weather.
- (3) Erosion and sediment control devices are to be installed prior to any construction activity on the site. These devices are to be maintained for the full period of construction and beyond this period where necessary.
- (4) Topsoil stripped from the construction site is to be stockpiled and protected from erosion until re-used during landscaping.

11. EARTH FILL

These conditions have been imposed to ensure the safe disposal of fill:

- (1) All filling on the site, including footpath areas, shall be compacted to not less than 95% Standard Compaction. A report on the site filling is to be submitted in accordance with Wollondilly Shire Council's Construction Specification by an appropriately qualified Geotechnical Engineer or Soil Scientist. Such a report shall be supported by a survey plan of the site indicating the areas filled and depth of fill in relation to the lot boundaries.
- (2) There shall be no encroachment onto adjoining lands by fill placed near boundaries.
- (3) Notice shall be provided to Council one or two business days prior to the commencement of land filling works and within two business days of the completion of such works.
- (4) Only fill characterised as VENM or ENM under the guidelines of the NSW Environmental Protection Authority may be used in this development. Copies of validation reports for all fill used shall be retained and presented to Council on request.
- (5) Where Council can not be satisfied that the fill is suitable for its proposed use with regard to potential contamination the filled area shall not be used and works in that area shall cease until the fill is validated to the satisfaction of a NSW EPA accredited Site Auditor.
- (6) Certification shall be provided to Council by a Registered Surveyor certifying that the development has complied with the conditions of this consent relating to the depth and extent of filling permitted on the site. The certification shall be provided within three (3) months of the completion of the development. If the development is not completed within three (3) years of the date of this consent then a surveyors report detailing the extent and depth of fill shall be submitted within the first three (3) years of the consent and annually thereafter until the development is completed.
- (7) Fill batters shall be limited to a maximum slope of 1 in 2 for batters greater than 0.6 metres in height unless supported by a geotechnical report prepared to the satisfaction of the Principal Certifying Authority. In the case of batters less than 0.6 metres in height the maximum slope shall be 1 in 4 unless supported by a geotechnical report prepared to the satisfaction of Principal Certifying Authority.

12. TRAFFIC MANAGEMENT & ROAD SAFETY

These conditions have been imposed to ensure that development works within the Shire are carried out in a safe manner which is acceptable to Council and members of the public.

- (1) A "Traffic Management Plan" that details suitable safety measures that will be implemented whenever work is being undertaken in the public road reserve shall be submitted to Council. The safety precautions are to be in accordance with the requirements of the RTA's *"Traffic Control at Work Sites"* manual. The plan is to be prepared and endorsed by a person with current RTA certification and provided to the Principal Certifying Authority before issue of Construction Certificate for development.
- (2) Prior to the Principal Certifying Authority issuing a Construction Certificate, the person having the benefit of this Consent shall submit plans and obtain approval from Council's Local Traffic Committee for any proposals for the construction of prescribed traffic control devices and traffic control facilities and all associated line marking and/or sign posting.

13. INSPECTIONS

These conditions have been imposed to ensure that construction works are undertaken to an approved standard.

- (1) Building works shall be inspected by the Principal Certifying Authority at critical stages of construction and at any other stage determined necessary by the Principal Certifying Authority to ensure they comply with the Building Code of Australia and associated approvals.
- (2) The engineering works shall be inspected by the Principal Certifying Authority at the following stages of construction to ensure they comply with Council's Construction Specification and associated approvals:
 - Prior to commencement of any construction work on the site, after erosion and sediment control and traffic control measures are implemented.
 - When drainage lines have been laid, jointed and bedded, prior to backfilling.
 - Prior to pouring of the drainage pits, when the formwork and steel is in place.
 - Prior to pouring of the road drainage culverts, when the formwork and steel is in place.
 - When roadworks have been excavated to subgrade, prior to placing of pavement.
 - When subsoil drainage lines have been excavated and drainage pipe laid prior to placing filter material.
 - After shaping and prior to topsoil/turf placement of overland flow paths.
 - When part of the pavement depth (as indicated by Council) has been placed.
 - During the roller test, which is to be carried out using a three point roller or approved equivalent.
 - A completion of pavement shaping, prior to priming.
 - At sealing (minimum 24 hours required after priming).
 - At completion of the preparation of kerb and guttering subgrade.
 - At completion of the preparation of all concrete layback gutter crossing subgrade.
 - Prior to pouring concrete for concrete footpath/cycleway, when formwork and steel is in place.
 - Prior to pouring vehicle crossing slabs, when formwork and steel is in place.
 - Prior to pouring concrete to driveway/car park slabs, when formwork and steel is in place.
 - At practical completion of works.
 - At final completion of works (minimum of 12 months after date of issue of practical completion certificate).

Note: It is the responsibility of the applicant or contractor to notify the Principal Certifying Authority when inspections are required. Failure to notify may lead to additional work being required prior to issue of inspection certificates. A minimum of 24 hours notice is required for inspections where Council is the Principal Certifying Authority.

- (3) Prior to the issue of a Construction Certificate for this development the following is required to be paid to Wollondilly Shire Council:
- Road Damage Inspection Fee (if development cost greater than \$5,000 and not paid at the time of lodgement of Development Application).

The amount to be paid shall be in accordance with Wollondilly Shire Council's adopted fees and charges at the time of payment.

- (4) If the Principal Certifying Authority notifies the site manager or other contractor that a work or works are unsatisfactory for any reason all works on the site shall cease until the matter is resolved to the satisfaction of the PCA.

14. SERVICES

These conditions have been imposed to ensure that an adequate level of services are provided for the development:

- (1) A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained.

Application must be made through an authorised Water Servicing Co-ordinator. Please refer to the Building Developing and Plumbing section of the web site www.sydneywater.com.au then refer to "Water Servicing Co-ordinator" under "Developing Your Land" or telephone 13 20 92 for assistance.

Following application a "Notice of Requirements" will advise of water and sewer infrastructure to be built and charges to be paid. Please make early contact with the Co-ordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.

A copy of Sydney Water's Notice of Requirements must be submitted to the Principal Certifying Authority prior to the Construction Certificate being issued.

The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to the issue of any Occupation Certificate for the development.

- (2) Wastewater generated by the development shall be disposed of via an onsite sewage management system. This system will be subject to an Approval to Install and an Approval to Operate under Section 68 of the Local Government Act, 1993. The system shall be designed, installed and operated in accordance with the endorsed wastewater management plan submitted in respect of this development application. No Occupation Certificate shall be issued in respect of this development prior to the Principal Certifying Authority being satisfied that this system has been installed.

15. OCCUPATION & USE

These conditions have been imposed to ensure the development and associated activities/operation are acceptable in terms of the amenity of the neighbourhood and the public interest whilst maintaining its functional operation:

- (1) The structures shall not be occupied as a residence or domicile.
- (2) The disturbed areas surrounding the building work shall be reinstated to Council's satisfaction upon completion of the work.
- (3) Prior to occupation of the building or issue of an Occupation Certificate by the Principal Certifying Authority, it shall be serviced with a sewerage management facility (septic system) and have Approval to Operate the Septic System that has been approved by Wollondilly Shire Council.
- (4) The office shall be used in conjunction with the use of the premises and shall not be separately let or occupied.
- (5) The development shall not be occupied or used until an Occupation Certificate is issued by the nominated Principal Certifying Authority.

- (6) The maximum number of truck vehicle movements to and from the development each day shall be 380 movements. In this condition a **truck** is any light rigid or larger vehicle and a truck entering and then leaving the site is two movements.
- (7) The site shall not be used for the loading or unloading of B-Double or larger trucks.
- (8) Dust from the development shall be managed to ensure that no dust is permitted to leave the site.

16. LANDSCAPING

These conditions have been imposed to reduce the impact of any development activity on the landscape/scenic quality through vegetation works and maintenance.

- (1) A detailed landscape plan, drawn to scale by a person with horticultural qualifications or similar (such qualifications must be endorsed on the plans) shall be submitted to and approved by the Principal Certifying Authority prior to the release of the Construction Certificate. This plan must include the following:
 - (a) All existing and proposed site structures.
 - (b) All existing vegetation.
 - (c) Details of proposed earthworks including mounding, retaining walls and planter boxes.
 - (d) Location, number and type of proposed plant species
 - (e) Details of planting procedure and maintenance.
 - (f) Details of drainage and watering systems
 - (g) Provision of only native species that are endemic to the region.
 - (h) Details of compliance with the landscaping requirements of other conditions of this consent.

NOTE: By resolution of Council on 19 July 2010 all plants used in landscaping must be native species endemic to the area and the planting of conifers is not permitted.

- (2) Landscaping is to be installed in accordance with the approved Plan prior to the release of the occupation certificate. The landscaping must be maintained in accordance with the details provided on that Plan at all times.
- (3) Landscaping is to be provided in accordance with the following standards:
 - A minimum 2.5 metres wide landscape strip exclusive of kerbs at borders across the frontage of the development area excluding access ways and those parts of the development area being used only for stormwater management and treatment;
 - Landscaping throughout the parking area to visually improve the area and provide shade trees; and
 - Landscape strips are to be an integral part of the site including mounding which ties in with the levels (existing or design) at the boundaries. The strip is to be planted with mature trees, shrubs and ground covers and mulched with pine flake/bark. Hard edging is to be provided to retain the mulch, to enable mowing if necessary and to protect the landscaping from damage by vehicles.

17. EARTH DAMS

These conditions have been imposed to ensure all works are carried out in accordance with Development Control Plan 21 - Earth Dams (DCP21).

- (1) The slope of the embankment batter of all earth dams is to conform with the ratio of 3H:1V for both the upstream and downstream slopes.
- (2) The bywash of all earth dams are not to direct flows onto the downstream toe.
- (3) The bywash cut batter for all earth dams are to have a minimum steepness of 1.5:1.
- (4) The bywash of all earth dams are to be excavated 200mm below the top water level and backfilled with compacted topsoil and planted with a suitable holding grass such as kikuyu or couch. No trees or shrubs are to be planted in the bywash area.
- (5) The earth dams are to have a cut off trench which is to be taken down a minimum of 300mm into impervious soil and backfilled with suitable impervious material.
- (8) Upon completion of construction, the works shall be certified by a Geotechnical Engineer, a Registered Surveyor shall prepare work as executed plans, and a copy of all documents shall be submitted to Council for its records and to the Principal Certifying Authority for approval.

18. HEALTHY WATERWAYS

These conditions have been imposed in response to the adoption by Council of the Shire-Wide Stormwater Management Plan and current industry best practice.

- (1) The post development peak flow rate and total volume of the flow shall not be greater than the predevelopment flow conditions. A report certified by a qualified engineer shall be submitted to the PCA, including flow calculations, prior to the release of the Construction Certificate and demonstrating compliance with this condition.
- (2) Stormwater runoff from the site for storm events up to the 1 year ARI are to be treated to the water quality standards as identified in the *"Australian Runoff Quality – A guide to Water Sensitive Urban Design"* published by Engineers Australia. Litter and sediment pollution is to be treated to *Upper Nepean River Catchment Management Plan 1999* standards. Evidence that the proposed stormwater treatment system will achieve these guidelines is to be provided prior to the issue of the Construction Certificate.

19. SECTION 94A CONTRIBUTIONS

These conditions have been imposed in accordance with Section 94A of the Environmental Planning and Assessment Act, 1979.

- (1) A Section 94A Developer Contribution of \$118,000 shall be paid to Council. This contribution is calculated from Wollondilly Section 94 Contributions Plan, 2005 based on an estimated construction cost of \$11 800 000.

The amount to be paid is to be adjusted at the time of actual payment, in accordance with the provisions of the Wollondilly Development Contributions Plan 2010. The contribution is to be paid prior to the release of the Construction Certificate.

20. PRESCRIBED CONDITIONS UNDER THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979.

These conditions are imposed as they are mandatory under the Act.

(1) SIGNS TO BE ERECTED ON BUILDING, SUBDIVISION AND DEMOLITION SITES

(1) In accordance with Section 80A (11) of the Environmental Planning & Assessment Act, 1979, a sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:

- (a) Showing the name, address and telephone number of the Principal Certifying Authority for the work; and
- (b) Showing the name of the Principal Contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours; and
- (c) Stating that unauthorised entry to the work site is prohibited.

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

(3) This Clause does not apply in relation to building work, subdivision work or demolition work that is carried out inside an existing building that does not affect the external walls of the building.

(2) COMPLIANCE WITH BUILDING CODE OF AUSTRALIA

(a) For the purpose of Section 80A (11) of the Act, the following conditions are prescribed in relation to a Development Consent for development that involves any building work:

- (i) that the work must be carried out in accordance with the requirements of the Building Code of Australia;
- (ii) in the case of residential building work for which the Home Building Act 1989 requires there to be a contract of insurance in force in accordance with Part 6 of the Act, that such a contract of insurance is in force before any building work authorised to be carried out by the consent comments.

(b) This condition does not apply:

- (i) to the extent to which an exemption is in force under Clause 187 or 188 of the Environmental Planning & Assessment Regulation 2000, subject to the terms of any condition or requirement referred to in Clause 187(6) or 188(4); or
- (ii) to the erection of a temporary building.

21. ADVICES

- (1) During the course of construction, care must be taken to prevent damage to any public utility or other service and the applicant will be held responsible for any damage caused by him or his agents, either directly or indirectly. Any mains, services, poles, surface fittings etc., that require alterations shall be altered at the applicants expense and to the satisfaction of Council and the authority concerned.
- (2) The following service providers should be contacted before commencement of construction to establish their requirements:
 - Telstra (telephone) 1 800 768 396
 - Integral Energy (electricity) 131 002
 - AGL (gas) 131 245
 - Sydney Water (water & sewer) 132 092
- (3) The land is subject to the provisions of Wollondilly Tree Preservation Order, 2008. Under this order consent may be required for tree clearing beyond the limits set by this consent. If you intend to remove any vegetation you should make yourself familiar with the provisions of this order. The order may be viewed on Council's website at www.wollondilly.nsw.gov.au or at Council's offices at 62-64 Menangle Street, Picton.
- (4) **This Consent does not permit the commencement of construction unless a Construction Certificate has been issued. For details about obtaining a Construction Certificate contact Council's Development Services Section.**
- (5) The applicant is advised that Council reserves the right to restrict the days and hours of operation if considered necessary to prevent the emission of "offensive noise" as defined in the Protection of the Environment Operations Act, 1997.

Offensive noise means noise:

- (a) that, by reason of its level, nature, character or quality, or the time at which it is made, or any other circumstances:
 - (i) is harmful to (or is likely to be harmful to) a person who is outside the premises from which it is emitted; or
 - (ii) interferes unreasonably with (or is likely to interfere unreasonably with) the comfort or repose of a person who is outside the premises from which it is emitted; or
 - (b) that is of a level, nature, character or quality prescribed by the regulations or that is made at a time, or in other circumstances, prescribed by the regulations.
- (6) At all times work is being undertaken within the public road, adequate precautions shall be taken to warn, instruct and guide road users safely around the work site with a minimum of disruption.
 - (7) A Road Opening Permit must be obtained from Council before trenching or other excavation work is undertaken within the public road reserve. It is the responsibility of each contractor and/or subcontractor to obtain such a permit. The permit must be held on site and produced when requested by a Council Officer.

- (8) The developer and any contractor or sub-contractor used to carry out any work authorised by or out of this approval on Council owned or controlled land, is to carry the following insurance, copies of which are to be produced to Council upon request:
- Motor Vehicle Insurance (comprehensive or property damage) for all self propelled plant, as well as valid registration or RTA permit (Including CTP insurance). Primary producer's registration is not registration for use on Public Road construction work.
 - Workers Compensation Insurance.
 - Ten Million Dollar Public Liability Insurance.
- (9) A defects liability period of twelve (12) months will apply from the date of the issue of the certificate of practical completion by Council or, in the case of a public road, twelve (12) month from the registration of the road as a public road. A 10% maintenance bond or a minimum of \$1,000, whichever is greater, is to be lodged in accordance with Council's construction specification for work that is to become the property of Council.