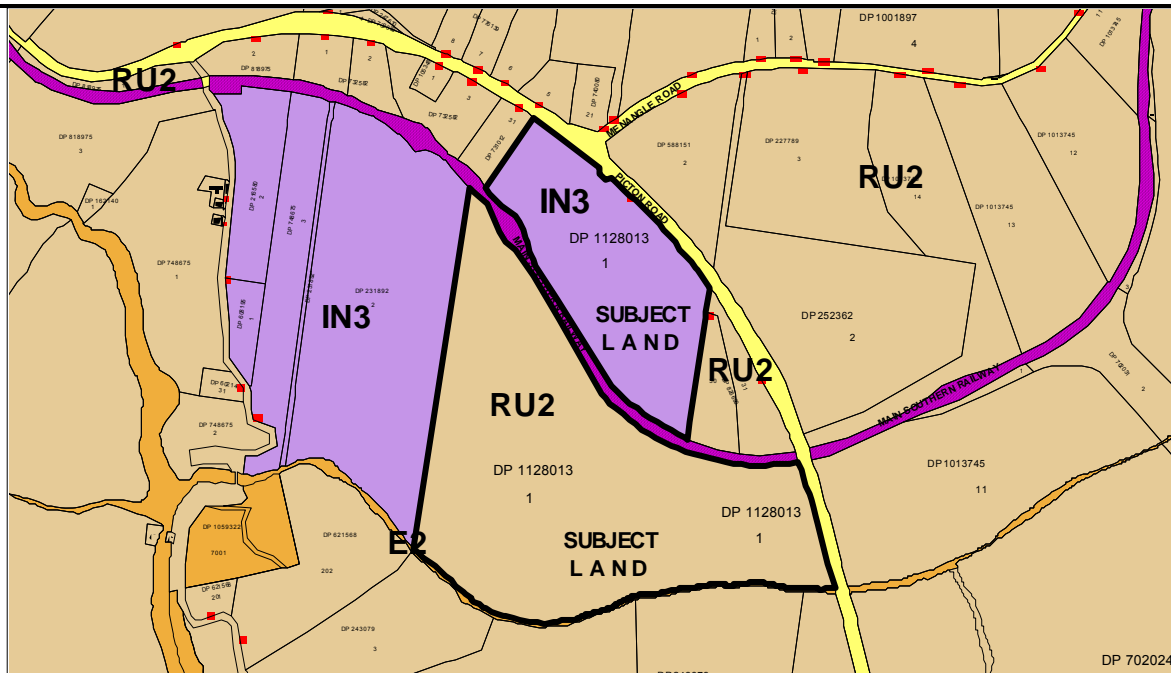


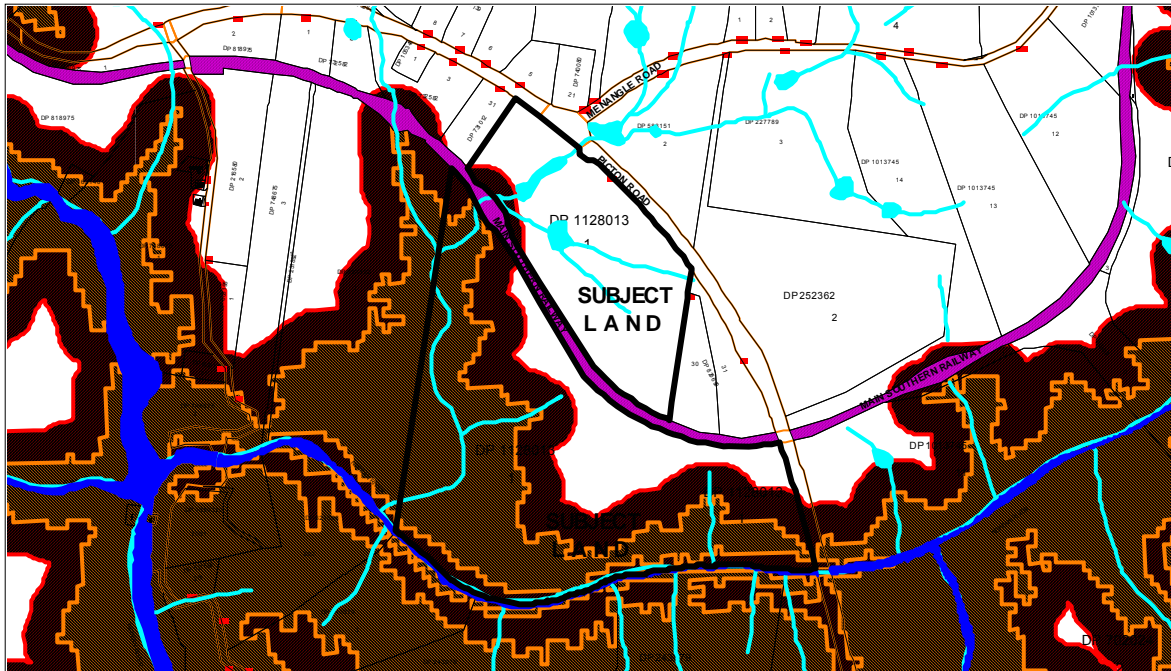
Report to the South West Sydney Regional Planning Panel

JRPP No.	2011SYW130
DA No.	010.2011.00000714.001
Site	Lot 1 DP 1128013 330 Picton Road, Maldon
Proposal	Two (2) staged construction of an Industrial Activity: the erection of a Food Manufacturing Premises and Associated Infrastructure
Applicant	Allied Mills C/- Urbis

MAPS OF THE SUBJECT LAND



Map 1: Wollondilly Local Environmental Plan 2011



Map 2: Site constraints including topography, drainage lines and bushfire prone land

EXECUTIVE SUMMARY

Council is in receipt of an application seeking approval for a two (2) staged construction of an industrial activity: the erection of a Food Manufacturing Premises and Associated Infrastructure at Lot 1 DP 1128013, 330 Picton Road, Maldon.

The application is being reported to the Joint Regional Planning Panel (JRPP) for determination as the Capital Investment Value exceeds \$20,000,000.

The subject application was notified to adjoining and nearby landowners and advertised from 15 December 2011 to 1 February 2012 in accordance with Section 2.1 Advertising and Notification of Development Proposal from the Wollondilly Development Control Plan 2010 Volume 1 – General. No submissions were received.

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.

CONSULTATION

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

Integrated Development Considerations

Authority	Comments
NSW Office of Water	General Terms of Approval have been issued
Mines Subsidence Board	Conditional approval granted.

Referrals

Referral	Outcome
Development Engineer	Conditions are recommended.
Building Surveyor	Conditions are recommended.
Health Officer	Conditions are recommended

Environment Officer	Some minor concerns about weeds and the Scar Tree, conditions recommended
Disabilities Access	Conditions are recommended
Roads and Maritime Services	No issues with the access arrangements from the site
Tharawal	No response
Cubbitch Barta	Concerns with the location of the works in proximity to the Scar Tree Conservation Area

PROPOSAL

1.1 Description of site and surrounding area

The subject land is located on the southern side of Picton Road, adjacent the intersection of Picton and Menangle Roads.

The site is irregular in shape and has an area of 110.36 hectares.

There are three creek lines that traverse the area of land subject of this application. The creeks are third, fourth, fifth and sixth order streams.

The site contains an operating flour mill and associated infrastructure.

The Main Southern Railway divides the subject land into two portions. The area north of the rail corridor is zoned IN3 and is used for industrial purposes (being the flour mill) while the portion of land south of the rail corridor is zoned RU2 and is used for agricultural purposes, in this case grazing.

There are three properties north of the subject land and are separated from the subject land by Picton Road. Two of the properties contain dwelling houses. One of those allotments is being used for an agricultural purpose – in this case poultry. The third property contains a quarry.

There are two properties immediately east of the subject land, both containing a single dwelling house and outbuildings. Access to both properties is through the subject land. The land immediately west contains a dwelling house and outbuildings.

Within the immediate area, there is the Boral Cement Works, which is a large industrial activity. A chicken hatchery development is currently under construction at 205 Picton Road, Picton and approval has been granted for an aggregate rail interchange development for Boral. There are also some storage depot buildings and a go-kart track.

Within 100m of the site, there are two dwellings. Within 250m of the site, there are a total of five dwellings and within 500m, there are nine dwellings. However, two of the dwellings in the latter category are located south of the southern rural portion of the site.

The subject land is approximately 5.3 kilometres by road to the central business area of Picton.

1.3 Description of Development

Approval is sought for the following:

- Two staged construction of a purpose built factory building for the production and storage of food products.

Staging would be undertaken as follows:

Fit Out Stage	Details	Timing
1	Construction of building, associated road infrastructure and initial service infrastructure provision	9 month construction
2	Production line 2 (internal) and completion of supporting services	12 months following construction and opening
3	Production line 3 (internal)	5 to 10 years NOTE: consent is not sought for this component at this time

Future expansion has been incorporated into the design of the development. Any expansion of the outside building is illustrated on the plans. Approval is also sought for the following:

- Earthworks to accommodate a suitable building pad
- Stormwater management works
- Servicing infrastructure including liquefied petroleum gas (LPG) storage and water storage facilities
- A sewage treatment plant
- Hard and soft landscaping.
- Stormwater infrastructure
- Key support infrastructure including electrical, gas connections, internal roads, pedestrian links between the development and the flour mill development, car parking, loading and unloading facilities.

This development would operate independently of the flour mill but an above ground gantry would provide flour from the mill to the manufacturing area for the production of food products.

Access to the site would be via the existing driveway off Picton Road which services the flour mill. However, a new internal road would branch off from the existing driveway.

The applicant provides the following details on the proposed development:

a) Proposed Factory

“The proposed development comprises a purpose built factory that will be used for the manufacture (involving mixing of raw ingredients and cooking processes) and frozen storage of food products.

The factory building will include the following areas:

- *Production area: The primary component of the factory building and occupying the central portion of the building. The production area will accommodate production equipment including mixers, conveyor belts, baking ovens and the like. Internal fit out*

details (machinery to be installed and layout) will be determined at detailed design stage. Indicative details are shown on the architectural drawings.

- *Storage freezers: Finished goods will be transferred from the production area and stacked within the storage freezers located at the eastern side of the building.*
- *Flour silos: Located in the south west corner of the building the flour silos will be used for the storage of flour transferred directly from the adjacent mill via an overhead gantry.*
- *Administration offices and staff amenities: Located along the southern side of the factory building within a two storey annex. Staff facilities will be accommodated at ground floor level. Offices and meetings rooms will be located above.*
- *Receiving and dispatch docks: Attached to the northern and southern ends of the factory building respectively. The docks comprise covered structures attached to the main building frame.*

The factory building has a gross floor area of approximately 10,619sqm. It comprises a steel framed structure measuring approximately 226m x 53.5m and has a ridge height of 15m.

The flour silos will be the tallest element of the proposal, being approximately 17m in height (considerably lower in height than the existing silos on site which measure 30m (five silos facing Picton Road) and 45 metres (18 silos facing the Main Southern Railway).

The principle ingredient for the manufacturing process (i.e. flour) will be sourced from the adjoining mill via an overhead gantry connected directly to the silos. The mill and factory will however, operate independently of each other.

The building frame will be clad by metallic insulated panelling which will be modulated to provide articulation to the exterior of the building. Translucent panels will be used to provide natural light within the facility. The colour scheme has been designed to enhance the general appearance of the site.”

b) Construction

“The proposed building and associated road infrastructure will be constructed in a single stage. It is anticipated that construction will take approximately 9 months...”

c) Internal Fit Out

“The internal fit out of the building will be staged with new product lines being introduced over three stages in response to demand. The factory will be fitted out progressively and will not reach full capacity until Stage 3 (expected 5-10 year timeframe). The assessment of the proposal (Section 5) has been based on the impacts associated with Stage 3 of the proposal, when the development will operate at full capacity and therefore presents a worst case scenario.

The potential for the future expansion of the proposed building has been incorporated into the design of the scheme. Any expansion of the building outside the building envelope illustrated on the architectural plans would be the subject of a separate DA.”

d) Access and movement

“The existing internal road system will be retained and access to the site will continue to be from Picton Road.

The proposal includes:

- *Internal circulation: Changes to the configuration of the existing access off Picton Road and the internal access road are not proposed. The new building will share the internal access road which provides two-way circulation for the existing mill. The access is also used by the two adjacent dwellings to the north east of the site and for occasional access by Rail*
- *Track. Existing access arrangements for these users will remain unchanged. This existing internal road will be retained and connected to new road infrastructure which will allow one way circulation around the proposed factory.*
- *Car park: Parking will be accommodated at grade immediately to the south of the proposed building. 34 car parking spaces and two disabled car spaces will be provided.*
- *Pedestrian links: Pedestrian access between the factory and mill will be provided although movement between the two buildings is expected to be limited.”*

e) Excavation Works

“The proposal involves some limited excavation to facilitate the development of the new building and access road. Excavation to depths of up to 4.5m below existing surface level will be undertaken.”

f) Stormwater Management

“A stormwater concept plan and accompanying stormwater management plan have been prepared by TTW and are included at Appendix H. The proposed stormwater system consists of pits, swale drains, culverts and pipe systems. The key features of the system are as follows:

- *Modification of the existing on-site water detention basin.*
- *Roof water will be collected in roof gutters and transferred to down pipes connecting to the in-ground drainage system.*
- *Road and pavement stormwater will be collected in kerbs and drained to stormwater pits connected to the in-ground drainage system which discharges into bioswales adjacent to the perimeter roads.*
- *In-ground stormwater pits will be fitted with pollution control devices.”*

g) Erosion and Sediment Control

“Erosion and sediment control measures will be undertaken during the construction phase in accordance with the requirements of Landcom’s Managing Urban Stormwater: Soils and Construction (refer to Appendix H)”.

h) Salinity Management

“Soil and ground water salinity conditions have been investigated. Soils were found to be slightly saline to very saline. Groundwater is considered to be very saline”.

i) Utility Services

“The existing infrastructure and utility services within the site will be extended and modified to service the new development.”

j) Gas Supply

The gas storage tanks would be located ~30m east of the nearest parking space and ~35m from the proposed facility. The storage area is located ~150m from the closest property boundary.

The applicant has advised:

“Natural gas is not available to the site LPG will therefore be used to supply gas to the facility. 7.5kL storage cylinders will be accommodated within the site on a hard stand area immediately to the south of the proposed loading area. The LPG enclosure comprises a 3m high aluminium louver enclosure.

Six storage cylinders will be initially introduced to service Stage 1 of the development with capacity for a further six (total of 12 holding 90,000L) cylinders to be introduced to meet the demands of Stages 2 and 3 of the proposed development.

A preliminary hazard analysis has been undertaken to assess the risks associated with LPG storage on the site. To maximise safety the following measures are recommended:

- *All flanges are to be fitted with spiral wound gaskets to minimise the potential for large gas leaks.*
- *Air operated isolation valves are to be installed at the LPG loading / transfer point, on each liquid loading valve to the vessel and on the gas outlet line on each vessel/*
- *A “poly-flow” tube fire detection system (a linear system) pressurised with air on all lines and valves in the system around the tank.”*

k) Water Supply

“Water consumption in Stage 1 of the proposed development is estimated to be 82,000 litres per day. An additional 82,000 litres per day will be required to support Stages 2 and 3. To meet this demand a stainless steel water storage tank (capacity for 300,000 litres) will be installed. The tank will be connected to the existing Sydney Water main located in Picton Road. The location of the proposed tanks is illustrated on the architectural drawings (Appendix B)”.

l) Electrical Supply

“Electrical upgrades are proposed to facilitate the proposed development. A staged approach to the electrical servicing requirements of the new factory will be taken in line with the staged fit out of the building. New infrastructure will be introduced as the use of the factory intensifies through the introduction of new product lines.

The electrical power needs of Stage 1 of the proposed development can be met by the existing 11kV switchboard available to the site.

Electrical upgrades will be required to support Stages 2 and 3 of the proposed development. A new substation will be introduced”.

m) Landscape Concept

“Landscaping is intended to supplement existing screen planting to restrict its visual appearance when viewed from Picton Road.”

n) Liquid Waste

The site does not have access to mains line sewer. Waste water will therefore be managed be treated on site and disposed of by an on-site effluent system which includes an effluent irrigation area (with the capacity to sustain flows of 60,000 litres from the waste water treatment plant per day) combined with a wet weather storage facility with the capacity for a further 670 kilolitres per day.

The Preliminary Hazard Analysis provided the following details

▪ *Brief Description of the Proposed Food Manufacturing Premises*

“The facility will be used for food production and will use ovens that will be fired by liquefied petroleum gas (LPG). The ovens are fired by LPG which is stored in 12 x 7,500 L (4,350 kg) L tanks. The LPG is delivered to site by 20,000 L roads tankers, which unload the LPG to the storage tanks using a flexible hose. The gas is let down from the tank pressure (about 860 kPa) to feed the ovens at a pressure of around 150 to 200 kPa. Oven burners are fitted with burner management systems (BMS) which monitor the flame in the oven/boiler and in the event flameout occurs, the gas is automatically isolated, preventing unfired gas feed to the oven/boiler.

A number of minor chemicals are stored for cleaning and site maintenance (e.g. corrosives, aerosols, ink, etc.). These chemicals are stored in dangerous goods cabinets in minor quantities.”

o) Solid Waste

“A waste collection area has been incorporated into the proposed development at the western end of the proposed factory building. The storage of waste will be managed in accordance with Council’s Waste Minimisation and Management Guidelines. Waste will be collected three times per week.

Waste will be managed in accordance with the following objectives:

- *Maximise recovery of resources from waste.*
- *Minimise greenhouse gas emissions from waste disposal, collection and processing.*
- *Maximise gas capture from disposal of waste at landfill sites.”*

p) Signage

Although a business identification sign is shown on top of the fire escape facility, the applicant has advised that consent is not sought for any additional signage as part of this application.



Image from the Visual Impact Assessment Report showing the location of the proposed PAR Bake development and the existing flour mill facility.

ASSESSMENT OF PROPOSAL

2.1 Section 79C Assessment – Matters for Consideration

Instrument	Relevance	Instrument	Relevance
Wollondilly Local Environmental Plan 2011	X	Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River (no. 2 – 1997)	X
State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011		Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment	
Sydney Regional Environmental Plan No 9 Extractive Industries (No 2 - 1995)		State Environmental Planning Policy No 55 - Remediation of Land	X
State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004		State Environmental Planning Policy No 64 - Advertising and Signage	
State Environmental Planning Policy No 4 - Development without Consent and Miscellaneous Complying Development		State Environmental Planning Policy No 65 - Design Quality of Residential Flat Development	
State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004		State Environmental Planning Policy (Major Projects) 2005	X
State Environmental Planning Policy No 6 - Number of Storeys in a Building		State Environmental Planning Policy (Temporary Structures) 2007	
State Environmental Planning Policy No 10 - Retention of Low-Cost Rental Accommodation		State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007	

Instrument	Relevance	Instrument	Relevance
State Environmental Planning Policy No 21 - Caravan Parks		State Environmental Planning Policy (Infrastructure) 2007	X
State Environmental Planning Policy No 22 - Shops and Commercial Premises		State Environmental Planning Policy (Repeal of Concurrence and Referral Provisions) 2008	
State Environmental Planning Policy No 30 - Intensive Agriculture		State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.	
State Environmental Planning Policy No 33 - Hazardous and Offensive Development	X	State Environmental Planning Policy No 62 - Sustainable Aquaculture	
State Environmental Planning Policy No 44 - Koala Habitat Protection	X	State Environmental Planning Policy No 70 - Affordable Housing (Revised Schemes)	
State Environmental Planning Policy No 50 - Canal Estate Development		State Environmental Planning Policy (Affordable Rental Housing) 2009	

2.1.1 Provisions of Relevant Environmental Planning Instruments

State Environmental Planning Policy No. 55 – Remediation of Land

Section 7 Contamination and remediation to be considered in determining development application

Question	YES	NO
1. Is the proposal for residential subdivision or a listed purpose (the list provided in Table 1 of the contaminated land assessment guidelines)?	Proceed to Question 3	X Proceed to Question 2
2. Does the proposal result in a change of use (that is the establishment of a new use)?	X Proceed to Question 3	Assessment under SEPP 55 and DCP 46 not required.
3. Does the application proposed a new: <ul style="list-style-type: none"> Child care facility Educational use Recreational use Health care use Place of public worship Residential use in a commercial or industrial zone 	Proceed to Question 5	X Proceed to Question 4
4. Review the property file and conduct a site inspection of the site and surrounding lands. Is there any evidence that the land has been used for a listed purpose?	Proceed to Question 5	X Proposal satisfactory under SEPP 55 and DCP 46.
5. Is the proposed land use likely to have any exposure path to contaminants that might be present in soil or groundwater?	Request contaminated site assessment	Proposal satisfactory under SEPP 55 and DCP 46.

Comments: There is no information on the property file to suggest that previous land use activities have resulted in ground contamination.

A flour mill development is currently operating from the subject land and the assessment and subsequent approval of that development did not raise any issues with regard to site contamination.

Prior to the industrial rezoning of the land, it was used for agricultural purposes.

State Environmental Planning Policy (State and Regional Development) 2011

Clause	Consideration
<p>Schedule 1 State significant development—general</p> <p>3 Agricultural produce industries and food and beverage processing</p> <p>Development that has a capital investment value of more than \$30 million for any of the following purposes:</p> <p>(a) abattoirs or meat packing, boning or products plants, milk or butter factories, fish packing, processing, canning or marketing facilities, animal or pet feed production, gelatine plants, tanneries, wool scouring or topping or rendering plants,</p> <p>(b) cotton gins, cotton seed mills, sugar mills, sugar refineries, grain mills or silo complexes, edible or essential oils processing, breweries, distilleries, ethanol plants, soft drink manufacture, fruit juice works, canning or bottling works, bakeries, small goods manufacture, cereal processing, margarine manufacturing or wineries,</p> <p>(c) organic fertiliser plants or composting facilities or works.</p>	<p>The development does not have a capital investment value exceeding \$30 million and as such, the plan does not apply.</p>

State Environmental Planning Policy (Infrastructure) 2007

The Great Southern Railway traverses the subject land and as such is subject to an assessment against the provisions of Section 85, 86 and 87 of the plan.

Further, the site has frontage and is accessed by an arterial road and as such is subject to Clauses 101 and 104 of the plan.

Given the location of the road and rail systems, an assessment has also been made against the provisions of the *Development Near Rail Corridors and Busy Roads – Interim Guideline* document published by the NSW Department of Planning.

An assessment is provided below:

Clause	Consideration
<p>85 Development immediately adjacent to rail corridors</p> <p>(1) This clause applies to development on land that is in or immediately adjacent to a rail corridor, if the development:</p> <p>(a) is likely to have an adverse effect on rail safety, or</p> <p>(b) involves the placing of a metal finish on a structure and the rail corridor concerned is used by electric trains, or</p> <p>(c) involves the use of a crane in air space above any rail corridor.</p>	<p>a) there would be no impact upon rail safety as a result of the approval of this application.</p> <p>b) Not applicable.</p> <p>c) Not applicable.</p>
<p>86 Excavation in, above or adjacent to rail corridors</p> <p>(1) This clause applies to development (other than development to which clause 88 applies) that involves the penetration of ground to a depth of at least 2m below ground level (existing) on land:</p> <p>(a) within or above a rail corridor, or</p> <p>(b) within 25m (measured horizontally) of a rail corridor. or</p> <p>(c) within 25m (measured horizontally) of the ground directly above an underground rail corridor.</p>	<p>a) there would be no excavation within the rail corridor.</p> <p>b) there would be no excavation within 25m of the rail corridor</p> <p>c) Not applicable.</p>
<p>87 Impact of rail noise or vibration on non-rail development</p> <p>(1) This clause applies to development for any of the following purposes that is on land in or adjacent to a rail corridor and that the consent authority considers is likely to be adversely affected by rail noise or vibration:</p> <p>(a) a building for residential use,</p>	<p>1) the development is not for a specified use listed in 1(a) through (d)</p>

<p>(b) a place of public worship, (c) a hospital, (d) an educational establishment or child care centre.</p> <p>(2) Before determining a development application for development to which this clause applies, the consent authority must take into consideration any guidelines that are issued by the Director-General for the purposes of this clause and published in the Gazette.</p> <p>(3) If the development is for the purposes of a building for residential use, the consent authority must not grant consent to the development unless it is satisfied that appropriate measures will be taken to ensure that the following LAeq levels are not exceeded:</p> <p>(a) in any bedroom in the building—35 dB(A) at any time between 10.00 pm and 7.00 am,</p> <p>(b) anywhere else in the building (other than a garage, kitchen, bathroom or hallway)—40 dB(A) at any time.</p>	<p>2) Not applicable</p> <p>3) Not applicable.</p>
<p>101 Development with frontage to classified road</p> <p>(1) The objectives of this clause are:</p> <p>(a) to ensure that new development does not compromise the effective and ongoing operation and function of classified roads, and</p> <p>(b) to prevent or reduce the potential impact of traffic noise and vehicle emission on development adjacent to classified roads.</p>	<p>a) concerns were raised with large trucks leaving the site and travelling eastwards towards the Hume Highway.</p> <p>A meeting was held with the applicant, Council staff and a representative from the Roads and Maritime Service and based on the documentation, reports and merits of the case, the RMS stated that the development did not warrant any upgrades of the existing access arrangements.</p> <p>b) the bulk of traffic movements associated with this development would be from passenger motor vehicles. The traffic report details that the development would generate a maximum of 43 additional car trips (26 in and 17 out) during peak shift turnover. The report details that it is expected</p>

<p>(2) The consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that:</p> <p>(a) where practicable, vehicular access to the land is provided by a road other than the classified road, and</p> <p>(b) the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of:</p> <p>(i) the design of the vehicular access to the land, or</p> <p>(ii) the emission of smoke or dust from the development, or</p> <p>(iii) the nature, volume or frequency of vehicles using the classified road to gain access to the land, and</p>	<p>that truck traffic associated with the development would be in the order of 22 trucks per day with most movements occurring outside of the peak hours (being 7.30am to 8.30am and 4.15pm to 5.15pm).</p> <p>Visitor movements to and from the site would be low and in the order of 10 movements per day.</p> <p>It is considered that given the number of vehicles entering and leaving the site, there would be no adverse impact with regard to noise and/or vehicle emissions. Given the number of vehicles that use Picton Road each day, the net increase of traffic movements resulting from the development would not have any significant impact on noise and/or emissions generation.</p> <p>a) access to the site is only via Picton Road. The RMS has stated that the existing access arrangements that were put in place for the flour mill development are adequate.</p> <p>i) the RMS has concluded that the operation of the public road system would not be affected as a result of the day to day traffic generation of the facility.</p> <p>ii) it is considered that there would be no adverse impact. Conditions are recommended to require all exposed/earth areas as a result of the development be seeded in order to minimise dust being moved about during windy weather conditions.</p> <p>iii) the RMS have raised no issues with the operation of the public road system</p>
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<p>(c) the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.</p>	<p>c) the development is not considered to be a sensitive industry that needs to be shielded from road noise and emissions.</p> <p>Further, the building would be located ~150m from the classified road and with the aid of landscaping and topography, the operation of Picton Road would not have any impact on the day to day operation of the facility.</p>
<p>104 Traffic-generating development</p> <p>(1) This clause applies to development specified in Column 1 of the Table to Schedule 3 that involves:</p> <p>(a) new premises of the relevant size or capacity, or</p> <p>(b) an enlargement or extension of existing premises, being an alteration or addition of the relevant size or capacity.</p> <p>(2) In this clause, relevant size or capacity means:</p> <p>(a) in relation to development on a site that has direct vehicular or pedestrian access to any road—the size or capacity specified opposite that development in Column 2 of the Table to Schedule 3, or</p> <p>(b) in relation to development on a site that has direct vehicular or pedestrian access to a classified road or to a road that connects to a classified road where the access (measured along the alignment of the connecting road) is within 90m of the connection—the size or capacity specified opposite that development in Column 3 of the Table to Schedule 3.</p> <p>(3) Before determining a development application for development to which this clause applies, the consent authority must:</p>	<p>a) the development is captured under the provisions of Schedule 3</p> <p>b) Not applicable.</p> <p>a) noted</p> <p>b) the site has frontage to Picton Road, which is a classified road. The RMS have raised no objection to the development</p>

<p>(a) give written notice of the application to the RTA within 7 days after the application is made, and</p> <p>(b) take into consideration:</p> <p>(i) any submission that the RTA provides in response to that notice within 21 days after the notice was given (unless, before the 21 days have passed, the RTA advises that it will not be making a submission), and</p> <p>(ii) the accessibility of the site concerned, including:</p> <p>(A) the efficiency of movement of people and freight to and from the site and the extent of multi-purpose trips, and</p> <p>(B) the potential to minimise the need for travel by car and to maximise movement of freight in containers or bulk freight by rail, and</p> <p>(iii) any potential traffic safety, road congestion or parking implications of the development.</p> <p>(4) The consent authority must give the RTA a copy of the determination of the application within 7 days after the determination is made.</p>	<p>a) the application was referred to the RMS</p> <p>i) comments were received</p> <p>A) the RMS did not raise any objection to the operation of the public road system.</p> <p>B) Access to the site would be generally only from passenger motor vehicles. There is limited public transport in the immediate area that affords an alternate transport provision for employees to use.</p> <p>ii) the RMS did not raise any objection to the operation of the public road system. It has been concluded that sufficient parking is available onsite for all uses proposed</p> <p>4) this is a matter for Council post determination.</p>
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State Environmental Planning Policy No 33 - Hazardous and Offensive Development

A preliminary hazard assessment (PHA) has been submitted with the application. The report details that the development would use liquefied petroleum gas as a fuel for the baking ovens and site boiler.

The gas would be stored on the south west side of the site within a holding area.

The total amount of gas that would be stored onsite at any one time would be ~90,000 Litres in twelve (12) storage tanks. The report details that the amount of gas stored onsite exceeds the thresholds in the plan and that a PHA is necessary to satisfy the provisions within the plan.

An assessment of the development is provided below:

Clause	Consideration
<p>2 Aims, objectives etc</p> <p>This Policy aims:</p> <p>(a) to amend the definitions of hazardous and offensive industries where used in environmental planning instruments, and</p> <p>(b) to render ineffective a provision of any environmental planning instrument that prohibits development for the purpose of a storage facility on the ground that the facility is hazardous or offensive if it is not a hazardous or offensive storage establishment as defined in this Policy, and</p> <p>(c) to require development consent for hazardous or offensive development proposed to be carried out in the Western Division, and</p> <p>(d) to ensure that in determining whether a development is a hazardous or offensive industry, any measures proposed to be employed to reduce the impact of the development are taken into account, and</p> <p>(e) to ensure that in considering any application to carry out potentially hazardous or offensive development, the consent authority has sufficient information to assess whether the development is hazardous or offensive and to impose conditions to reduce or minimise any adverse impact, and</p> <p>(f) to require the advertising of applications to carry out any such development.</p>	<p>a) noted</p> <p>b) noted</p> <p>c) the development is considered to be a potentially hazardous industry due to the number and capacity of gas that would be stored onsite</p> <p>d) noted.</p> <p>Buffer distances and a preliminary hazard assessment have been provided to take into consideration the likely impacts and measures that would be employed to mitigate and address any emergency situations</p> <p>e) a preliminary hazard assessment has accompanied the application which describes a range of potential incidents and provides a consequence analysis of events and response to mitigate such impacts.</p> <p>Conditions of consent could require the persons having the benefit of the consent to employ all measures and the like to reduce and minimise any adverse impacts should an event occur.</p> <p>f) the application was advertised in accordance with Council's policy from 15 December 2011 to 1 February 2012.</p>

<p>3 Definitions of “potentially hazardous industry” and “potentially offensive industry”</p> <p>In this Policy:</p> <p><i>potentially hazardous industry</i> means a development for the purposes of any industry which, if the development were to operate without employing any measures (including, for example, isolation from existing or likely future development on other land) to reduce or minimise its impact in the locality or on the existing or likely future development on other land, would pose a significant risk in relation to the locality:</p> <p>(a) to human health, life or property, or (b) to the biophysical environment, and includes a hazardous industry and a hazardous storage establishment.</p>	<p>It is considered that the development is commensurate with being a potentially hazardous industry due to the number and capacity of gas that would be stored onsite.</p> <p>The total amount of gas that would be stored onsite at any one time would be ~90,000 Litres in twelve (12) storage tanks. The report details that the amount of gas stored onsite exceeds the thresholds in the plan and that a Preliminary Hazard Assessment (PHA) is necessary to satisfy the provisions within the plan.</p> <p>The location of the gas facility would be ~55m from the existing grain silos of the flour mill development and would be ~39m from the proposed building.</p> <p>The PHA has assessed a range of possible incidents that potentially could occur onsite as a result of the operation of the facility.</p> <p>It is recommended that the PHA’s actions and measures form conditions of consent which would ensure that any risks are maintained as low as reasonably practicable and that it would not have any adverse impact upon human life and/or property or upon the biophysical environment.</p>
<p>9 Storage facilities</p> <p>A provision of an environmental planning instrument which prohibits the carrying out of development for the purposes of, or purposes which include, a storage facility (however the storage facility may be described or referred to in the instrument) on the ground that the storage facility is offensive or hazardous has no effect unless the storage facility is a hazardous storage establishment or an offensive storage establishment as defined in this Policy.</p>	<p>The Wollondilly Local Environmental Plan 2011 does not prohibit the development. It is considered that the proposal is consistent with the aims, objectives and the requirements contained in this plan and it is recommended that the development be approved.</p>

<p>12 Preparation of preliminary hazard analysis</p> <p>A person who proposes to make a development application to carry out development for the purposes of a potentially hazardous industry must prepare (or cause to be prepared) a preliminary hazard analysis in accordance with the current circulars or guidelines published by the Department of Planning and submit the analysis with the development application.</p>	<p>A PHA has been submitted with the subject application in accordance with Planning Circular PS 11-008 and the Department of Planning's Hazardous Industry planning Advisory Paper No.3 Risk Assessment (January 2011).</p> <p>The PHA has concluded that the development can be classified as being a potentially hazardous industry and not a hazardous industry.</p> <p>Council raises no objection to the conclusion and recommendations of the PHA</p>
<p>13 Matters for consideration by consent authorities</p> <p>In determining an application to carry out development to which this Part applies, the consent authority must consider (in addition to any other matters specified in the Act or in an environmental planning instrument applying to the development):</p> <p>(a) current circulars or guidelines published by the Department of Planning relating to hazardous or offensive development, and</p> <p>(b) whether any public authority should be consulted concerning any environmental and land use safety requirements with which the development should comply, and</p>	<p>a) Planning Circular PS 11-008 was issued by the Department of Planning on 23 February 2011.</p> <p>The assessment of the application has concluded that the building and associated facilities are suitably located and the PHA has demonstrated that effective measures would be in place to ensure that there would be no adverse impacts.</p> <p>Conditions are recommended to ensure that a Safety Management System and regular independent hazard audits be prepared and undertaken verifying that the integrity of the safety systems and the facility is being operated in accordance with the hazard related requirements of the approval.</p> <p>b) the application was referred to relevant government departments and authorities pertinent to this application.</p> <p>No objections were raised with regard to safety requirements.</p>

<p>(c) in the case of development for the purpose of a potentially hazardous industry—a preliminary hazard analysis prepared by or on behalf of the applicant, and</p> <p>(d) any feasible alternatives to the carrying out of the development and the reasons for choosing the development the subject of the application (including any feasible alternatives for the location of the development and the reasons for choosing the location the subject of the application), and</p> <p>(e) any likely future use of the land surrounding the development.</p>	<p>c) a preliminary hazard assessment has been prepared and submitted with the application. No objection has been raised with regard to the measures and recommendations of the report.</p> <p>d) an existing flour mill facility is located on the same site and the establishment of the development in close proximity would allow for the sharing of some facilities and infrastructure to help minimise costs of operation.</p> <p>No alternate sites were described in the Statement of Environmental Effects. It is considered that the site is suitable for the development.</p> <p>e) it is considered that the development would not prejudice against the future development of the land or surrounding properties.</p> <p>Large buffer distances are being maintained to ensure suitable separation between the development and adjoining developments and dwelling houses.</p>
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State Environmental Planning Policy No 44 - Koala Habitat Protection

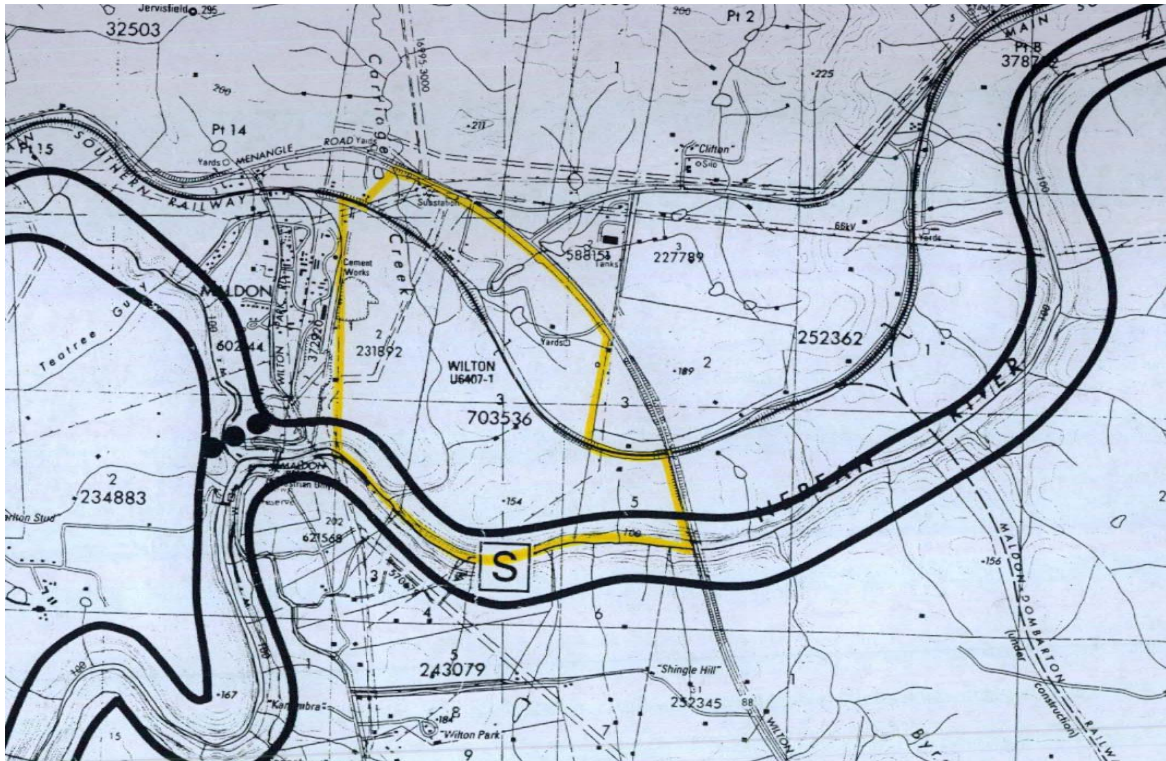
Comments: the proposed does not require the removal of any trees onsite that would be captured by this plan.

There may be such core vegetation located on the rural portion of land south of the Main Southern Railway however, the development would only occur on land that has already been used for industrial uses.

Sydney Regional Environmental Plan No 20—Hawkesbury-Nepean River

Relevant Provisions	Comment
3. Aims of the Plan	<p>The NSW Office of Water has issued General Terms of Approval.</p> <p>Subject to recommended conditions of consent, it is considered that the development would not have any adverse impact upon the river systems subject of this plan.</p>
6. Planning Policies and Recommended Strategies	
(1) Total catchment management	The area of land that the development would be located was modified as part of the flour mill development.

Relevant Provisions	Comment
	<p>Subject to conditions of consent, it is considered that the development would not offend the objective of this subclause.</p> <p>Although there are creek lines that traverse the subject land, the NSW Office of Water have not raised any objection to the development.</p> <p>Stormwater from the building and hardstand surfaces would be conveyed so that before such water is integrated with existing stormwater systems, that debris and/or sediments are captured so the watercourses are not affected.</p> <p>Regarding effluent disposal, the wastewater report showed that effluent would be disposed of within 40 metres of the mapped intermittent watercourses that traverse the land.</p> <p>A deferred commencement condition of consent is recommended requiring the submission of an amended plan that demonstrates that no effluent/wastewater would be disposed of within such areas per the requirements of the Environmental & Health Protection Guidelines <i>"Onsite Sewage Management for Single Households"</i>.</p> <p>There is an abundance of land located in the eastern portion of the subject site that would be able to accommodate an area for all wastewater disposal and comply with the buffer distances per said publication.</p>
(2) Environmentally sensitive areas	<p>The site falls within the scenic protection area of the plan – mapping extract below.</p> <p>However, the area where the facility would be located is well outside of the scenic protection area and as such, it is considered that there would be no adverse impacts on said area or requirement to recommend specific conditions that have not already been captured above.</p>



Map 3: Extract from the SREP20 mapping showing the extent of the subject land within the scenic protection area.

(3) Water quality	<p>It is considered that with appropriate engineering controls and systems in place, the integration of stormwater from the development site into existing systems would not cause any adverse impacts.</p> <p>The effluent disposal areas would be required to be relocated as discussed earlier in this assessment report.</p>
(4) Water quantity	<p>Engineering design plans would be required to ensure that all stormwater generated by the hardstand surface is conveyed to appropriate systems to ensure that velocity flow rates are maintained to current standards so not to overwhelm existing stormwater infrastructure</p> <p>Such controls would ensure that the development does not have any adverse impact upon the receiving waters of the Nepean River.</p>
(5) Cultural heritage	<p>The north-west portion of the site and the Scar Tree located north of the flour mill facility are places of Aboriginal Heritage significance.</p>

	<p>The north western area of land would not be affected by this development.</p> <p>The Cubbitch Barta Local Aboriginal Land Council contacted Council regarding the proximity of the Scar Tree to the development area and concerns that the development could have an adverse impact upon its health and safety.</p> <p>An access way from the development area would be located ~23m from the drip zone of the Scar Tree. The access way would be built up to create level road access to facilitate better traffic flow throughout the site.</p> <p>After discussions with Council's Environmental Services Section, concerns were brought to the assessing officer's attention that should stormwater be allowed to pool around the root ball of the tree beyond an hour this may harm the life of the Scar Tree and as such, controls would be required to ensure adequate drainage be afforded.</p> <p>Specific engineering controls would be required to be delineated on the engineering design plans to ensure that static water not be permitted to remain around the root ball during inclement weather periods.</p> <p>Further, it is recommended that an alternate solution be provided to Council by the way of a deferred commencement condition with regard to the onsite detention system that has been proposed in the hydrology report.</p> <p>An onsite detention system around the Scar Tree is considered to be a feature that is likely to cause an impact to the health and well-being of the tree. As such, it is recommended that the detention basin be located away from the tree in order to preserve the tree.</p> <p>Furthermore, it is recommended that the Local Aboriginal Land Council be onsite during critical construction times to ensure that appropriate protections are afforded to the Scar Tree.</p>
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A representative from Cubbitch Barta has been contacted since their response with regard to the above and no objections were raised. It was brought to Council's attention that the Local Aboriginal Land Council has a good relationship with Allied Mills and hope to continue this with the subject development proposal.



Map 4: Figure 8 Aboriginal Heritage Conservation Zones from the Statement of Environmental Effects prepared by Urbis

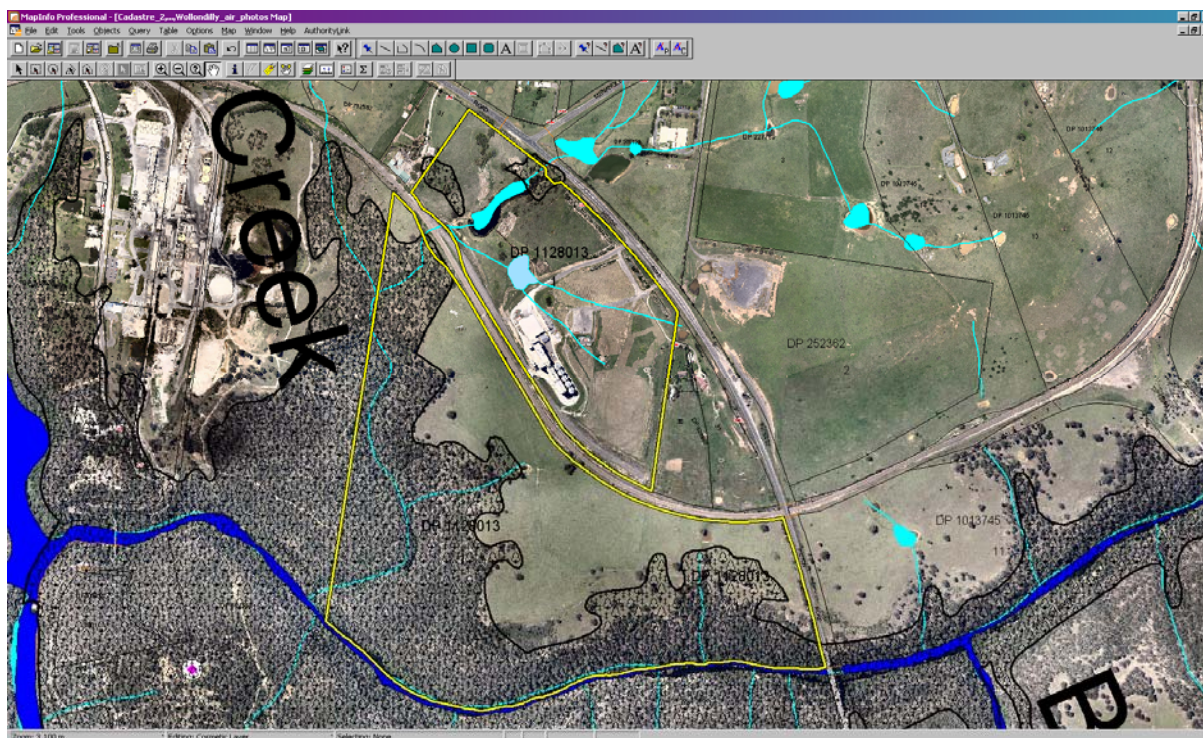
(6) Flora and fauna

The vegetation located in the rural/land south of the rail corridor is mapped as being Shale/Sandstone Transitional Forest, which is protected under both State and Federal legislation.

No trees in that part of the property would be affected during the construction of the development and no stormwater would be directly conveyed to such areas.

It is considered that the development would not have any adverse impacts upon this community.

The disposal of wastewater would not be undertaken in areas close to any significance vegetation.



Map 5: Mapping extract showing the location of the mapped significant vegetation onsite

(7) Riverine scenic quality	As mentioned, the area of land south of the Main Southern Railway would be affected and the scenic quality from the Nepean River would be maintained.
11. Development controls	
(7) Filling	<p>Excavation works would be required to accommodate the development, in this case a cut ~4.5m in depth.</p> <p>The ground has been modified over the past years, however, engineering design plans would be required to ensure that the retaining walls and the like are designed to an appropriate standard to ensure that stability of the land around the development and site generally.</p> <p>It is recommended that there be no additional cut and/or fill around the Scar Tree. This will help reduce any impact of the development on this significant tree.</p>
(8) Potentially hazardous or offensive industries	<p>This has already been addressed against SEPP33.</p> <p>The development would not be located on land that is mapped as being subject to the 1 in 100 year flood.</p>

<p>(16) Land uses in riverine scenic areas</p>	<p>As shown in Map 3, the scenic protection area only covers a portion of the subject land along the riparian zone of the Nepean River.</p> <p>The proposed development would be sited far from the protection corridor.</p>
<p>(17) Sewerage systems or works</p> <p>(a) Whether the proposed development will be capable of connection to a Sydney Water Corporation Limited or council sewerage system either now or in the future.</p> <p>(b) The suitability of the site for on-site disposal of effluent or sludge and the ability of the sewerage systems or works to operate over the long-term without causing significant adverse effects on adjoining property.</p> <p>(c) The likely effect of any on-site disposal area required by the proposed development on:</p> <ul style="list-style-type: none"> • any water bodies in the vicinity (including dams, streams and rivers), or • any mapped wetlands, or • any groundwater, or • the floodplain. <p>(d) The scope for recycling and reusing effluent or sludge on the site.</p> <p>(e) The adequacy of wet weather storage and the wet weather treatment capacity (if relevant) of the proposed sewerage system or works.</p> <p>(f) Downstream effects of direct discharge of effluent to watercourses.</p>	<p>A new sewage treatment plant is proposed to accommodate the shortfall as the existing facility would not be able to accommodate the additional black and grey water that would be generated by the proposed development.</p> <p>a) there is the potential for the development to be connected to reticulated sewer in the future. However, at this point in time, the development would be serviced by a private sewage treatment plant.</p> <p>b) it is considered that the site is suitable for effluent disposal. The facility would be centrally located onsite - west of the flour mill facility. It is considered that the development would not have any adverse impacts upon adjoining landowners in the long term.</p> <p>c) the wastewater disposal areas would be required to be relocated within the site to ensure that there would be no disposal within 40 metres of any mapped intermittent watercourses that traverse the site.</p> <p>Council's Senior Environmental Health Officer has raised no objection to the proposed system that would be established to treat all wastewater streams generated by the flour mill and the proposed development.</p> <p>d) there would be no recycling and/or reuse of wastewater or sludge</p> <p>e) the wastewater report details that 760kL of wet-weather storage would be constructed</p> <p>f) Council's Senior Environmental Health Officer has not raised any objection to the proposed method of effluent disposal.</p>

(g) The need for ongoing monitoring of the system or work.	An amended plan will be required should the application be approved showing that the disposal areas are located no less than 40m away from the watercourses that traverse the land and conditions of consent are recommended g) it is considered that there is no need for periodical monitoring of the treatment plant or the effluent disposal area.
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Wollondilly Local Environmental Plan, 2011

Characterisation: Industrial Activity
Zone of land: Part RU2 Rural Landscape / Part IN3 Heavy Industrial

The development would be located wholly within the IN3 zone and as such, consideration would only be given against the IN3 provisions.

Permissibility: Yes
Zone objectives:

Objective	Comment
IN3	
To provide suitable areas for those industries that needs to be separated from other land uses.	The development is located within an area that is located far from residential zones and in an established industrial area.
To encourage employment opportunities.	The development would result in employment opportunities
To minimise any adverse effect of heavy industry on other land uses.	It is considered that the development would not have any adverse impact upon other land uses within the immediate area
To enable land uses that provide facilities or services to meet the day to day needs of workers in the area.	The development would provide sufficient services to cater daily requirements of all employees

An assessment against the relevant Clauses from the Wollondilly LEP 2011 is provided below:

Clause	Comment
5.6 Architectural roof features	The proposed building would measure 226m long x 53.5m wide and 15m high. The vast majority of the building would comprise a low angled gabled roof design. The fire escape component of the building would comprise a square type turret treatment. Further, projections from the main part of the building would comprise a skillion roof. Such treatments help break up the long roof expanse.

Clause	Comment
	Given the length of the building, the result of the above provides for articulation and interest in design so the building does not appear symmetrical but caters for the requirements of the development.
5.9 Preservation of trees or vegetation	No trees are required to be removed to accommodate this development.
5.10 Heritage conservation	<p>There are no items of heritage significance listed under Schedule 5 of the plan.</p> <p>The scar tree has already been discussed in this regard.</p>
5.11 Bush fire hazard reduction	<p>The land is mapped as partially bushfire prone land.</p> <p>The location of the proposed development is outside of the mapped area and falls into an area of managed land.</p> <p>The proposed building would be located >250m from the area of land mapped as the threat, or ~200m from the bushfire buffer zone.</p> <p>There would be no habitable buildings erected as part of this development and as such, no further assessment is required under the provisions of the NSW Rural Fires Act 1997 or the Rural Fires Regulations 2008.</p>
Part 7 Additional local provisions	
7.1 Essential services	Conditions are recommended to ensure that water, electricity are provided in accordance with the relevant authority's requirements and disposal of wastewater and the like is undertaken in a suitable manner in accordance with the applicable legislation.
7.2 Biodiversity protection	Under the provisions of the Wollondilly LEP 2011, there are no mapped biodiversity protection zones onsite
7.3 Water protection	<p>The site contains a number of watercourses that traverse the land.</p> <p>Three of these watercourses are protected under the provisions of Clause 7.4 of the Wollondilly Local Environmental Plan 2011.</p>

Clause	Comment
	<p>The Nepean River has a 100m Natural Resources Water (NRW) buffer. Cariage Creek contains a 30m NRW buffer while a small tributary from Cariage Creek towards the Scar Tree contains a 10m NRW buffer.</p> <p>The closest protected watercourse is ~145m west of the area of the proposed site works and has a 10m buffer.</p> <p>The NSW Office of Water has raised no issues with regard to the proposed works and has issued General Terms of Approval.</p> <p>Stormwater would be managed by appropriate engineering design controls to ensure that flow velocities are maintained to current levels before integrated into the existing stormwater controls for the flour mill development.</p> <p>It is considered that the development, subject to the requirements of the NSW Office of Water and engineering requirements would result in the development not having any adverse impact upon water quality, water flows, ground water systems and/or stability of the landform.</p> <p>Conditions of consent are recommended to ensure that no wastewater is disposed of within 40m of an intermittent watercourse and not within 100m of any perennial stream.</p>
7.4 Flood planning	The land is not mapped as being flood prone land.
7.5 Earthworks	<p>Excavation works are required to accommodate the proposed building. The largest cut required for the development would be ~4.5m deep.</p> <p>The land does not contain any mapped areas for biodiversity protection and works would not occur in areas where significant vegetation is located.</p> <p>Thus, it is considered that the development would not have any adverse impacts upon environmental function and flows, key processes and cycles or impact upon any heritage or known artefacts onsite, subject to some alterations to protect the Scar Tree as already discussed.</p> <p>The NSW Office of Water has issued General Terms of Approval for works within 40m of mapped watercourses that traverse the site.</p> <p>Furthermore, Council's standard conditions of consent are recommended to ensure that the</p>

Clause	Comment
	persons having the benefit of the consent know of the legal requirements should artefacts or the like be discovered onsite with regard to the National Parks and Wildlife Act 1974.

2.1.2 Provisions of Relevant Draft Environmental Planning Instruments

None

2.1.3 Provisions of Relevant Development Control Plans

DCP Volume	Relevance
Volume 1 – General	Yes
Volume 5 – Industrial and Infrastructure uses	Yes

Volume 1 – General

Relevant Provisions	Comment
1.2 Aims of Plan	The plan has been assessed against the relevant provisions of the Wollondilly Local Environmental Plan 2011
1.11 Request for Variation	A variation has been requested with regard to car parking. This will be discussed later in this assessment report.
2.1 Advertising and Notification of Development Proposals	The application was advertised and notified in accordance with the requirements of the plan. The exhibition period commenced on 15 December 2011 and ended on 1 February 2012. No submissions were received.
2.2 Heritage Conservation	There are no items listed in Schedule 5 of the Wollondilly Local Environmental Plan 2011 located onsite. There is an Aboriginal Scar Tree which is able to be protected.
2.3 Tree and vegetation provisions	No trees are proposed to be removed to accommodate the development
2.4 Landscaping	Council's Environmental Services Section has raised no objection to the proposed landscaping plans. Conditions are recommended for some additional landscaping to be established onsite to help reduce any visual impact of the development.

Relevant Provisions	Comment
	Such landscaping would be required near the entrance of the site so that passing motorists travelling eastwards on Picton Road would not be able to see the proposed facility.
2.5 Biodiversity	The site does not contain any mapped biodiversity areas in accordance with Clause 7.2 from the Wollondilly Local Environmental Plan 2011.
2.6 Water	<p>The site contains a number of watercourses that traverse the land.</p> <p>Three of these watercourses are protected under the provisions of Clause 7.3 of the Wollondilly Local Environmental Plan 2011. The Nepean River has a 100m Natural Resources Water (NRW) buffer. Cariage Creek contains a 30m NRW buffer while a small tributary from Cariage Creek towards the Scar Tree contains a 10m NRW buffer.</p> <p>No part of the development would be undertaken within any buffer area identified in the Natural Resources areas as delineated by the Wollondilly Local Environmental Plan 2011.</p> <p>Stormwater from the development would be conveyed and integrated with the existing systems used onsite in conjunction with the flour mill development.</p> <p>Engineering design plans would require pollution and stormwater control devices to be designed and used around the site.</p>
2.7 Flood affected land	The land is not flood affected
2.8 Bushfire prone land	<p>This has already been addressed against Clause 5.11 from the Wollondilly Local Environmental Plan 2011.</p> <p>The location of the proposed facility would be located on managed land.</p>
2.9 Contaminated land and Land filling	Onsite contamination has already been considered against the provisions of SEPP55.
2.10 Land slip and subsidence	<p>The land around the proposed facility does not exceed 20% in grade. Council's Development Engineering Section has not raised any concerns with the stability of the landform. As such, no geotechnical information is required.</p> <p>Approval from the Mines Subsidence Board was submitted to Council on 22 March 2012.</p>

Relevant Provisions	Comment
2.11 Development in Sydney's Drinking Water Catchments	Not applicable.
2.12 Site waste minimisation and management	<p>A waste management plan was submitted with the application and Council's Waste Officer did not raise any objections to the recommendations of the report.</p> <p>Conditions are recommended that the construction and use of the development comply with the recommendations waste management plan.</p> <p>Conditions are recommended that the development be constructed in accordance with the recommendations of the waste management plans submitted with the application.</p>
2.13 Salinity	<p>Soil and ground water salinity conditions have been investigated. Soils were found to be slightly saline to very saline. Groundwater is considered to be very saline.</p> <p>Conditions are recommended that the development be constructed in accordance with the recommendations of the salinity assessment report submitted with the application.</p>

Volume 5 – Industrial and Infrastructure uses

Relevant Provisions	Comment
<p>2.2 General objectives</p> <p>(a) To provide for development that protects the scenic qualities of Wollondilly Shire.</p> <p>(b) To ensure that industrial development has a neutral or beneficial effect on the natural and built environments.</p> <p>(c) To provide employment opportunities that significantly contributes to economic activity within Wollondilly Shire.</p>	<p>a) the development would not offend this objective. Within the immediate area is the Boral cement works, the flour mill development, a chicken hatchery (currently under construction) and other industrial type buildings.</p> <p>This development would be partly built into the landscape and additional landscaping is proposed to soften the development when viewed from the public road network</p> <p>b) subject to conditions of development consent, it is considered that the development would not have any adverse impact upon the built and/or natural environment</p> <p>c) the development would provide employment opportunities for the local government area</p>

Relevant Provisions	Comment
<p>(d) To provide controls for industrial development that will encourage the use of land for sustainable and viable industrial activities.</p> <p>(e) To ensure the most efficient use of industrial land is consistent with the existing amenity of the area.</p> <p>(f) To ensure the orderly provision of services and infrastructure.</p> <p>(g) To ensure good vehicular access, circulation and loading facilities on industrial sites and these do not impact on the pedestrian and vehicular mobility in the locality.</p> <p>(h) To ensure adequate on-site car parking is provided.</p> <p>(i) To ensure access to adequate services are provided for the disposal of waste.</p> <p>(j) To promote high standards of architecture, landscaping and building design that is visually attractive in form, design, colour and scale.</p>	<p>d) it is considered that the development would not offend this objective</p> <p>e) it is considered that the development is consistent with the landscape character of the Maldon locality</p> <p>f) the development would not result in the uneconomic provision of resources</p> <p>g) there are no concerns with the ability of vehicles to manoeuvre effectively onsite.</p> <p>Substantial areas would be afforded for semi trailer and b-double trucks to achieve forward entry/exit.</p> <p>The RMS has not raised any concerns with the access arrangements onto Picton Road.</p> <p>h) according to the Wollondilly Development Control Plan 2010 Volume 5 Industrial and Infrastructure Uses, a total of 257 parking spaces would be required.</p> <p>A variation to the parking schedule has been sought based on the nature of the development and a detailed estimate of its parking demands. There is sufficient land for more car parking however, given the low car parking needs of this development, it would be better to use land for open grassed areas and landscaping than hard stand areas.</p> <p>Council's Internal Development Assessment Review Panel considered and supported the departure based on the merits of the case. A total of 38 parking spaces would be required to be provided.</p> <p>i) Conditions are recommended with regard to the waste management plan.</p> <p>j) the proposed building measures 226m x 53.5m x 15m. It is considered that the design and scale of the building is commensurate with those uses within the Maldon locality and would not form a dominating feature on the landscape. The facility has been</p>

Relevant Provisions	Comment
<p>(k) To ensure that industrial developments are suitably designed and landscaped without restricting their viability through over regulation.</p> <p>(l) To ensure industrial development is undertaken in a manner that minimises land use conflicts.</p> <p>(m) To ensure buildings do not adversely affect views from adjoining zones, classified roads (Picton Road and Remembrance Driveway) or other public spaces.</p> <p>(n) To ensure soil conservation and sediment control measures are implemented during and post-construction.</p> <p>(o) To permit development which serves the daily convenience needs of persons working within industrial areas.</p> <p>(p) To encourage the integration of land use and transport, and provide for environments that are highly accessible and conducive to walking, cycling and the use of public transport.</p>	<p>designed to accommodate all equipment, machinery and the like to be used in the production.</p> <p>k) additional landscaping would be established within the site to help soften the development but is not a burden to viability.</p> <p>l) given the make up of land uses within the Maldon area, it is considered that the development would not result in any rural land use conflict.</p> <p>m) A Visual Impact Assessment Report has been submitted with the application which demonstrates that the development would not adversely impact upon view corridors or appear dominant upon the landscape.</p> <p>Given the backdrop, in this case the flour mill and the cement works, and the vegetation scattered on the landscape, the building would be nestled on the site and would not appear stark to the rural landscape character.</p> <p>n) conditions are recommended to ensure that adequate controls are established prior to any site works and throughout the life of the development.</p> <p>o) Not applicable.</p> <p>p) there is no public transport system that services the existing development. The location of the development site is not conducive to other streams of transport apart from motor vehicles and cycling. It is recommended that facilities for cyclist be provided.</p>
2.3 General requirements	Comments
<p>2.3.2 Building setbacks</p> <p>Objectives</p> <p>(a) To encourage attractive design that is both functional and considers the surrounding streetscape,</p>	<p>a) the development would not offend the streetscape character. Parts of the building would be seen from the public road; however, the majority of the development would be screened by vegetation along</p>

Relevant Provisions	Comment
<p>(b) To ensure that industrial development does not have adverse impacts on the amenity of the area, and</p> <p>(c) To encourage the provision of employee facilities such as canteens, lunch parks, child-minding centres and recreation facilities.</p> <p>General</p> <p>1. Buildings must not occupy more than 50% of the site area.</p> <p>2. Office floor space and associated rooms used for administrative purposes must occupy no greater than 30% of the gross floor area.</p> <p>3. Street facades and visually prominent elements of any structure must be articulated to minimise their impact on the streetscape.</p> <p>4. Loading areas, driveways, rubbish, storage and roof-top equipment must not be located adjacent to residential zones</p> <p>5. External and security lighting should be positioned to avoid light spillage to nearby non-industrial development</p>	<p>the road reserve, existing onsite vegetation and hidden by the landform.</p> <p>It is considered that the design of the building would be in keeping with the streetscape or the rural landscape character of Maldon.</p> <p>b) it is considered that the development would not have any adverse impact upon the amenity of the area. Given the existing built environment, the subject building would not appear as readily on the landscape as the flour mill and cement works facilities.</p> <p>c) there are sufficient facilities located within the building to cater for the needs of employees.</p> <p>1. the floor area of the development is well below the stated control.</p> <p>2. the floor space of the administration and office components are below the 30% control</p> <p>3. given that the building would be shielded by onsite vegetation, trees and shrubs within the road reserve and hidden by the landform, it is considered that the development would not have any adverse streetscape impacts.</p> <p>4. there nearest residential zone is located ~3.3km west of the development area.</p> <p>5. conditions of consent are recommended to ensure that light spill does not impact upon residents or motorists travelling along the public road system.</p>
<p>2.3.3 Building design</p> <p>Objectives</p> <p>(a) To provide satisfactory separation between industrial buildings,</p>	<p>a) the proposed building would be located ~80m from the flour mill facility.</p>

Relevant Provisions	Comment
<p>(b) To mitigate land use conflict between industrial land uses and other land uses,</p> <p>(c) To provide sufficient setbacks along major roads for the planting of landscaping elements so as to visually screen industrial development, and</p> <p>(d) To provide safe and efficient ingress and egress in and around industrial properties.</p> <p>Controls</p> <p>1. Setbacks for buildings erected on industrial zoned land are:</p> <p><u>Front setback</u></p> <ul style="list-style-type: none"> ▪ 30 metres from an arterial road ▪ 10 metres all other roads <p><u>Side and rear setback</u></p> <ul style="list-style-type: none"> ▪ Nil setback required except as provided by this table and subject to bushfire and water course separations <p><u>Setbacks from boundaries adjacent to zones other than industry zones IN2 and IN3.</u></p> <ul style="list-style-type: none"> ▪ 10 metres from adjoining residential, commercial or open space zones. 	<p>b) it is considered that there would be no land use conflict between the industrial operations undertaken on the same and surrounding properties.</p> <p>c) the proposed development would be sited ~150m from the road. There is sufficient space between the road and the development area to establish landscaping to help reduce any visual impact generated by the development.</p> <p>d) although concerns were raised by Council with regard the access onto Picton Road and towards the freeway. It has been seen on a number of occasions that loaded trucks exit the site and pull over to the road shoulder in order to accelerate up the incline towards the Hume Highway.</p> <p>These concerns were raised with the RMS.</p> <p>However, the RMS have advised that based on the number of traffic movements and little accident history, the current arrangements are considered to be acceptable.</p> <p>The building is located ~150m from Picton Road.</p> <p>The proposed development is located far from side boundaries.</p> <p>The development is compliant.</p>

Relevant Provisions	Comment
<p>2.3.4 Parking and access</p> <p>Objectives</p> <p>(a) To ensure that adequate provision is made for off street parking, appropriate to the volume and turnover of traffic generated by the development,</p> <p>(b) To ensure that adequate manoeuvring areas are available on-site to permit forward entry and exit of vehicles,</p> <p>(c) To enable the efficient functioning of parking areas, loading bays and access driveways,</p> <p>(d) To ensure that parking areas and access ways are constructed with a smooth trafficable surface and to avoid conflict between pedestrians and vehicles, and</p> <p>(e) To ensure parking areas are visually attractive and designed and constructed to encourage safe usage.</p> <p>Controls</p> <p>1. Car parking, manoeuvring areas, driveways, access, signposting and loading bays must be designed in accordance with Council's Design Specification.</p> <p>2. Vehicles are to enter and leave the subject site in a forward direction.</p>	<p>a) based on the proposed plans of development, a total of 257 car parking spaces are required.</p> <p>A Variation has been sought by the applicant seeking only to provide a total of 34 spaces.</p> <p>Council's Internal Development Assessment Review Panel reviewed and supported the variation but decided to require a total of thirty-eight (38) spaces be provided onsite.</p> <p>There is sufficient room available to cater for any additional parking requirements should the need arise.</p> <p>b) all vehicles would be able to achieve forward entry/exit from the site.</p> <p>c) the design of the parking and access around the whole would not cause any disruption to the operation of the internal road system.</p> <p>d) conditions are recommended</p> <p>e) the design of the parking areas are considered to be satisfactory. Landscaping would be used to improve the general outlook of the development site.</p> <p>1. conditions are recommended.</p> <p>2. all vehicles would be able to achieve forward entry/exit from the site</p>

Relevant Provisions	Comment
<p>3. Where through vehicle travel paths are not able to be provided (for example, where a zero setback is proposed) all lots must provide sufficient level space on-site for rigid and articulated vehicle turning areas. This space must be unobstructed and clear of drainage lines, power poles and parking spaces.</p> <p>4. The number of parking spaces required for industrial uses is detailed below in Table 1. The RTA publication 'Policies, Guidelines and Procedures for Traffic Generating Developments' will also be referred to when determining traffic requirements for certain uses.</p> <p><u>Industrial Development</u> 1 space per 70m² of net floor area with a minimum of 3 spaces per industrial unit</p> <p><u>Ancillary office space</u> 1 space per 35m² of net floor area</p> <p><u>All Industrial Developments</u> Minimum 1 space per 100 spaces. If less than 100 spaces then at least 1 space 3m wide, clearly marked and close as practicable to building entrances</p> <p><u>Loading Bays</u> Number and size required will be dependent on the type and scale of development and the range of trucks, heavy vehicles or special vehicles accessing the site</p>	<p>3. Not applicable.</p> <p>4. this has been covered previously in this report.</p> <p>Noted and satisfactory</p> <p>Noted and satisfactory</p> <p>Noted and satisfactory</p> <p>Loading bays and areas are considered satisfactory for the development</p>

Relevant Provisions	Comment
<p>2.3.5 Signage</p> <p>(a) To ensure that signage is carefully designed and used as a positive design element,</p> <p>(b) To permit the display of information concerning the identification of premises and the name of the occupier and activity conducted on the site,</p> <p>(c) To ensure a coordinated approach to advertising where multiple sites are occupied, and</p> <p>(d) To minimise the negative visual impact of cluttered and untidy advertising signs.</p> <p>Controls</p> <p>1. All signage must be contained within the subject site and must be limited to information that directly relates to the use of the site.</p> <p>2. The number and content of signs is to be minimised to prevent visual clutter and in this respect multi-unit developments must contain one free standing sign at the front of the development which details all relevant information about the premises.</p> <p>3. Signage must be designed as an integral part of the design of the overall development.</p> <p>4. Directory boards at the entrance to a multi-unit industrial development is preferred to individual signage.</p>	<p>a) although a business identification sign is shown on the proposed plans of development, the applicant has advised that consent is not sought for the erection of any signage.</p> <p>b) consent is not sought for signage.</p> <p>c) Not applicable.</p> <p>d) Not applicable.</p> <p>1. Not applicable.</p> <p>2. Not applicable.</p> <p>3. Not applicable.</p> <p>4. Not applicable.</p>

Relevant Provisions	Comment
<p>2.3.6 Open storage areas</p> <p>Objectives</p> <p>(a) To minimise the visual impact of open storage areas on the area, and</p> <p>(b) To assist in making vehicle and pedestrian entrances discernible from the street for anyone looking for a particular business.</p> <p>Controls</p> <p>1. Land between any road and the façade of any building or visible from a public road, must not be used for the storage, sale or display of goods.</p> <p>2. Areas used for storage must be suitably screened.</p> <p>3. Dedicated open storage areas must be appropriately drained and constructed in suitable materials to prevent soil disturbance.</p> <p>4. External storage of unregistered vehicles, vehicle parts, used building materials, scrap materials or other industrial waste is not permitted, except for emergency services or tow truck storage yards.</p>	<p>a) there are no open storage areas proposed</p> <p>b) access would be limited to the existing access from Picton Road.</p> <p>All internal road and vehicular access and manoeuvring areas would form a dominant feature on the landscape due to existing onsite and road reserve vegetation as well as the landform which would shield such areas.</p> <p>1. conditions are recommended.</p> <p>2. there are no open storage areas proposed</p> <p>3. stormwater from all hard stand surfaces would be collected and then integrated into the existing stormwater system</p> <p>4. Not applicable.</p>
<p>2.3.7 Landscaping</p> <p>(a) To minimise the impact of any development on the amenity and streetscape through the use of landscaping, without compromising bushfire safety, and</p>	<p>a) a landscaping screen has been established along the Picton Road property boundary and partly along the access road.</p>

Relevant Provisions	Comment
<p>(b) To encourage landscaping that enhances the industrial locality and provides a natural/functional/pleasant outdoor area for employees and visitors.</p> <p>Controls</p> <p>1. All new development must provide a minimum 2.5 m wide landscape strip which must be suitably landscaped and maintained, across the street frontage of any site (excluding access ways).</p> <p>2. Edging is to be provided to retain mulch, enable mowing if necessary and to protect the landscaping from damage by vehicles.</p> <p>5. All landscaping areas must be installed and with an appropriate management regime in place prior to use of the site.</p> <p>6. Additions to existing industrial buildings or new ancillary buildings and works are not permitted to encroach on landscaping.</p> <p>7. Provision must be made for shade trees in outdoor off-street parking areas and planted to a minimum of 1 shade tree per 10 car spaces. Landscaping areas for these trees must be a minimum of 2 metres wide and allow for deep soil planting.</p> <p>8. For rear and side setbacks, where a development directly adjoins a zone other than industrial (known as the interface zone) a 2.5 metre</p>	<p>Additional landscaping has been proposed to ensure that the development is suitably screened from the road and from the adjoining residences on the adjoining allotments to the east of the site.</p> <p>b) the landscape plan would provide an attractive area for passive recreation and enjoyment for employees.</p> <p>1. Satisfactory. Substantial landscaping exists and additional landscaping is proposed.</p> <p>2. conditions are recommended. Landscaping would not be affected by vehicular traffic.</p> <p>5. landscape maintenance would be integrated into the existing regime that has been employed for the flour mill development</p> <p>6. there would be no encroachment into existing landscaping area.</p> <p>7. to be conditioned accordingly</p> <p>8. Not applicable.</p>

Relevant Provisions	Comment
<p>landscaped area must be provided.</p> <p>9. Where practical utilise species that are endemic to the local area. Refer to Council's Recommended Planting Species List in Volume 1 of this DCP (Clause 2.4, Table 1 - 7).</p>	<p>9. Council's Environmental Services Section has not raised any objection to the proposed planting regime.</p>
<p>2.3.8 Fencing</p> <p>(a) To ensure that the impact of fences on the streetscape and public places is minimised,</p> <p>(b) To allow reasonable enclosure of yard areas for privacy and security,</p> <p>(c) To ensure the safe movement of vehicles does not adversely impact on gateways and street intersections,</p> <p>(d) To protect drainage easements from the effects of fencing, and</p> <p>(e) To ensure that adjoining owners are not adversely affected by fencing on the front yard of the adjoining property.</p> <p>Controls</p> <p>1. Fencing within industrial areas must be no greater than or equal to 1.8 m in height along property boundaries and within properties.</p> <p>2. Where provided, front fencing must be located behind the required landscaped area setback.</p>	<p>a) some new fencing is proposed. This would be conditioned accordingly</p> <p>b) Not applicable.</p> <p>c) no impact</p> <p>d) there would be no fencing through such areas</p> <p>e) no new fencing is proposed along the front property's northern boundary. there would be no adverse impact</p> <p>1. to be conditioned accordingly</p> <p>2. no additional fencing is required along the front property boundary</p>

Relevant Provisions	Comment
<p>2.3.9 Waste management</p> <p>Objectives</p> <p>(a) To ensure appropriate waste storage and collection facilities,</p> <p>(b) To maximise source separation and recovery of recyclables,</p> <p>(c) To ensure waste management facilities are as intuitive for occupants as possible and readily accessible to occupants and service providers,</p> <p>(d) To ensure appropriate resourcing of waste management systems, including servicing,</p> <p>(e) To minimise risk to health and safety associated with handling and disposal of waste and recycled material and ensure optimum hygiene,</p> <p>(f) To minimise adverse environmental impacts associated with waste management, and</p> <p>(g) To discourage illegal dumping by providing on site storage, and removal services.</p> <p>Controls</p> <p>1. A completed Site Waste Minimisation and Management Plan (SWMMP) complying with the template in Appendix A of the Office of Environment and Heritage's Model Waste Not DCP must accompany an</p>	<p>a) adequate facilities are proposed.</p> <p>b) a waste management plan has been submitted with the application and Council's officers have raised no objection.</p> <p>To be conditioned accordingly.</p> <p>c) the waste area is readily accessible to all occupants</p> <p>d) a waste management plan was submitted with the application and it is considered that waste management is acceptable for the life of the development.</p> <p>d) this has been identified in the waste management plan. Conditions are recommended that the development be undertaken in accordance with the recommendations of the report.</p> <p>f) waste receptacles are located on hard stand surfaces and as such there would be very limited opportunity for waste products to come into contact with the earth. as such, it is considered that there would be no adverse environmental impacts</p> <p>g) conditions of consent are recommended that the removal of waste be undertaken in accordance with the submitted plan.</p> <p>1. conditions of consent are recommended that the removal of waste be undertaken in accordance with the submitted plan</p>

Relevant Provisions	Comment
<p>application for industrial buildings in accordance with Council's Guidelines for submitting a DA.</p> <p>2. There must be convenient access from each tenancy and/or larger waste producing area of the development to the waste/recycling storage room(s) or area(s). There must be step-free access between the point at which bins are collected/emptied and the waste/recycling storage room(s) or area(s).</p> <p>3. Every development must include a designated general waste/recycling storage area or room(s) constructed in accordance with the requirements of the Building Code of Australia (BCA) and designed in accordance with the requirements below), as well as designated storage areas for industrial waste streams (designed in accordance with specific waste laws/protocols).</p> <p>Location and appearance</p> <p>1. Waste/recycling storage areas must be integrated into the design of the overall development. Materials and finishes that are visible from outside should be similar in style and quality to the external materials used in the rest of the development.</p> <p>2. Waste/recycling storage areas must be located and designed in a manner that reduces adverse impacts upon neighbouring properties and the streetscape.</p> <p>The location and design of the areas should minimise adverse impacts associated with:</p>	<p>2. the development is compliant with the control</p> <p>3. a waste storage area has been incorporated into the design of the facility.</p> <p>Conditions of consent are recommended to ensure that the development is built in accordance with the Building Code of Australia and the development complies with the relevant codes and protocols</p> <p>1. the waste area has been integrated into the design of the development. Conditions are recommended that the area be constructed in similar material with the rest of the development.</p> <p>2. the location of the development would not offend the scenic quality of the streetscape and/or landscape.</p> <p>The location of the area would not cause any adverse impacts to dwellings by the way of noise, odours, visual impacts and the like.</p>

Relevant Provisions	Comment
<p> <input type="checkbox"/> the proximity of the area to dwellings <input type="checkbox"/> the visibility of the area <input type="checkbox"/> noise generated by any equipment located within the area <input type="checkbox"/> noise generated by the movement of bins into and out of the area <input type="checkbox"/> noise generated by collection vehicles accessing the site; and <input type="checkbox"/> odours emanating from the area. </p> <p>Size</p> <p>1. Waste/recycling storage areas must be of adequate size to comfortably accommodate all waste and recycling bins associated with the development.</p> <p>2. The waste/recycling storage room/areas must be able to accommodate bins that are of sufficient volume to contain the quantity of waste generated (at the rate described below) between collections.</p> <p>Layout</p> <p>1. The gradient of waste/recycling storage area floors and the gradient of any associated access ramps must be sufficiently level so that access for the purpose of emptying containers can occur in accordance with WorkCover NSW Occupational Health and Safety requirements.</p> <p>2. Within waste/recycling storage areas, containers used for the storage of recyclable materials should be kept separate from (but close to) general waste containers — so that the potential for contamination of recyclable</p>	<p></p> <p>1. the size of the facility is considered appropriate based on the merits and waste management plan submitted with the application.</p> <p>2. the development is considered to be compliant in this regards</p> <p>1. level access would be afforded from all areas of the site to the waste and recycling areas.</p> <p>2. to be conditioned accordingly</p>

Relevant Provisions	Comment
<p>materials is minimised.</p> <p>Access: waste/recycling collection</p> <p>1. The development must be designed to allow access by collection vehicles used by the nominated waste contractor. Wherever possible, the site must be configured to allow collection vehicles to enter and exit the site in a forward direction and so collection vehicles do not impede general access to, from and within the site. Access driveways to be used by collection vehicles must be of sufficient strength to support such vehicles.</p> <p>2. Servicing arrangements for the emptying of bins must be compatible with the operation of any other loading/unloading facilities on-site.</p> <p>3. Access for the purpose of emptying waste/recycling storage containers must be able to occur in accordance with WorkCover NSW Occupational Health and Safety requirements.</p> <p>Access: general</p> <p>1. Vermin must be prevented from entering the waste/recycling storage area.</p> <p>Surfaces</p> <p>1. Waste/recycling storage areas must have a smooth, durable floor and must be enclosed with durable walls/fences that extend to the height of any containers which are kept within.</p>	<p>1. the collection of waste would not cause any conflict with other vehicles travelling to and/or from the site.</p> <p>The location of the waste area would not result in vehicular conflict. The applicant has detailed that the operations would be managed through adopted operational procedures.</p> <p>There is sufficient room for a waste collection vehicle to manoeuvre without impeding access of other vehicles entering and/or leaving the site.</p> <p>2. to be conditioned accordingly</p> <p>3. the development is considered to be acceptable in this regard</p> <p>1. a vermin management plan would be required to be prepared and implemented prior to the release of any Construction Certificate</p> <p>1. to be conditioned accordingly</p>

Relevant Provisions	Comment
<p>only be washed in an area which drains to a sewer authority approved drainage connection.</p> <p>In the Sydney Metropolitan Area (SMA) this is Sydney Water. The Better Practice Guide for Waste Management in Multi-Unit Dwellings (Department of Environment and Climate Change, 2007) gives detailed information about waste recycling/storage rooms and facilities.</p> <p>2. Depending upon the size and type of the development, it might need to include separate waste/recycling storage room/area for each tenancy and/or larger waste producing areas.</p> <p>3. Bins must be stored in the designated waste/recycling storage room(s) or area(s).</p> <p>4. Arrangements must be in place in all parts of the development for the separation of recyclable materials from general waste. Arrangements must be in place in all parts of the development for the movement of recyclable materials and general waste to the main waste/recycling storage room/area.</p> <p>5. The waste/recycling storage room/areas must be able to accommodate bins that are of sufficient volume to contain the quantity of waste generated between collections.</p> <p>6. The type and volume of containers used to hold waste and recyclable materials must be compatible with the collection practices of the nominated</p>	<p></p> <p>2. Not applicable.</p> <p>3. to be conditioned accordingly</p> <p>4. to be conditioned accordingly</p> <p>5. Satisfactory.</p> <p>6. to be conditioned accordingly. Conditions are recommended to ensure that all waste streams are collected and stored in accordance with the waste management plans submitted with the application.</p>

Relevant Provisions	Comment
<p>waste contractor.</p> <p>7. Waste management storage rooms/areas must be suitably enclosed, covered and maintained so as to prevent polluted wastewater runoff from entering the stormwater system.</p> <p>8. A waste/recycling cupboard must be provided for each and every kitchen area in the development. Each waste/recycling cupboard must be of sufficient size to hold a minimum of a single day's waste and to hold separate containers for general waste and recyclable materials.</p> <p>9. Premises that discharge trade wastewater must do so only in accordance with a written agreement from the local sewer authority. In the SMA this is Sydney Water. Sydney Water defines trade wastewater as 'any liquid, and any substance contained in it, which may be produced at the premises in an industrial and commercial activity, but does not include domestic wastewater (e.g. from hand-basins, showers and toilets).'</p> <p>10. Arrangements must be in place regarding the regular maintenance and cleaning of waste management facilities. Tenants and cleaners must be aware of their obligations in regards to these matters.</p> <p>11. Production, storage and disposal of hazardous wastes (such as contaminated or toxic material or products) require particular attention. The appropriate laws and protocols should be observed.</p>	<p>7. all water from this area would be conditioned to be collected and conveyed to the sewage treatment plant and treated prior to discharge.</p> <p>8. to be conditioned accordingly</p> <p>9. the site does not have connection to Sydney Water mains. Such water would be required to be conveyed and treated in the sewage treatment plant prior to discharge.</p> <p>10. to be conditioned accordingly.</p> <p>11. Not applicable.</p>

Relevant Provisions	Comment
<p>2.3.10 Stormwater management</p> <p>(a) To minimise the volume of stormwater flows and demand for water and sewer infrastructure by encouraging and facilitating opportunities for water reuse and recycling,</p> <p>(b) To ensure that industrial developments are designed to prevent pollutants entering the stormwater disposal system,</p> <p>(c) To ensure that the quality of water discharged from a development is treated appropriately to avoid adverse impacts on receiving waters,</p> <p>(d) To ensure post-development peak stormwater runoff from frequent storm events does not exceed that which occurred prior to development taking place, and</p> <p>(e) To ensure stormwater runoff is collected and disposed in an appropriate manner.</p>	<p>The total roof area of the development is 11,200m² and there would be 28,000m² of hard stand surface according to the Hydrological and Stormwater Report.</p> <p>Onsite stormwater detention would be provided near the entrance to the development area but conditions of consent would be required to adjust the location so that the Scar Tree is not affected by the detention of water.</p> <p>a) water from the sewage treatment plant would be used for the maintenance of all landscape areas around the site apart from the Aboriginal Heritage Conservation Zones.</p> <p>Treated water would also be used for toilet flushing and the like.</p> <p>b) conditions are recommended to ensure that engineering controls are designed and installed prior to the commencement of use.</p> <p>Conditions are recommended to ensure that water from particular processes is conveyed to the sewage treatment plant for treatment prior to discharge.</p> <p>c) conditions are recommended that all water streams from the site be treated in accordance with the relevant reports that were submitted to Council. Council officers have reviewed the relevant reports and have raised not objection to the means and methods of water disposal and treatment.</p> <p>The wastewater report details that there would be ~28,500m² of land required for effluent disposal.</p> <p>It is considered that the development would not have any adverse impact upon the receiving waters of the Hawkesbury-Nepean Rivers.</p> <p>d) Conditions are recommended in this regard. The stormwater management plan has been reviewed by Council's Development Engineering Section who has raised no objection. Conditions are recommended to ensure that stormwater from the site does not overload the existing stormwater controls that have been created with regard to the flour mill development.</p> <p>e) conditions are recommended to ensure that stormwater is disposed of in an appropriate manner and not result in any adverse impact not only onsite,</p>

Relevant Provisions	Comment
<p>Controls</p> <p>1. For all development in existing or proposed urban areas consent must not be granted for development unless the assessing officer is satisfied that:</p> <p>(a) the stormwater management system includes all reasonable management actions to minimise impacts on and contribute to the achievement or protection of relevant environmental values,</p> <p>(b) Water sensitive urban design principles* are incorporated into the design of the development, and</p> <p>(c) The stormwater management system complies with Council's requirements.</p> <p>* For the purposes of clause 1 (b) above, the principles of water sensitive urban design can be summarized as follows:</p> <p>(a) Protection and enhancement of natural water systems (creeks, rivers, wetlands, estuaries, lagoons, groundwater systems etc.),</p>	<p>but to existing systems and the river systems.</p> <p>1. (a), (b) and (c): a stormwater management plan and a wastewater report were submitted with the application. Council officers have reviewed the documentation and have raised no objection to the recommendations of the report and conditions are recommended.</p> <p>a) conditions of consent are recommended to ensure that all stormwater leaving the subject development would not have any adverse impacts upon the receiving waters of the Hawkesbury and/or Nepean Rivers.</p> <p>Stormwater, Wastewater and Waste Management Plans accompanied the application and no objections were raised with the recommendations of the report.</p> <p>Further, effluent disposal would be undertaken in areas that are located away from intermittent watercourses that traverse the land.</p> <p>Engineering controls would also be required to be established prior to any works and for the life of the development to ensure that water quality and the protection of the catchment is paramount.</p>

Relevant Provisions	Comment
<p>(b) Protection and enhancement of water quality, by improving the quality of stormwater runoff from urban catchments,</p> <p>(c) Minimisation of harmful impacts of urban development upon water balance and surface and groundwater flow regimes,</p> <p>(d) Integration of stormwater management systems into the landscape in a manner that provides multiple benefits, including water quality protection, stormwater retention and detention, public open space and recreational and visual amenity, and</p> <p>(e) Reduction in potable water demand by using stormwater as a resource.</p>	<p>b) this has been addressed above</p> <p>c) Satisfactory.</p> <p>d) conditions are recommended in this regard. The recommendations of the reports that have been submitted to Council will be drawn upon to form conditions of consent to ensure that stormwater management and reuse is considered in the overall design and day to day use of the site.</p> <p>e) Conditions of consent would encourage the reuse of water throughout the site for landscaping, wash down bays and the like to reduce the demand on mains water supply.</p>
<p>2.3.11 Ecological sustainability and Energy conservation</p> <p>Objectives</p> <p>(a) To ensure built form, landscape and site planning embodies energy efficiency and ecologically sustainable development principles,</p> <p>(b) To encourage development that demonstrates appropriate use of energy efficient materials in construction wherever possible, and</p>	<p>a) it is considered that the design and the subsequent operation of the development has taken into consideration ESD principles.</p> <p>The development would be located on existing cleared land and in close proximity to the existing flour mill development. Having the development located close to the existing flour mill facility would reduce the amount of energy consumption across the development in the long term.</p> <p>b) the development has been designed in an attempt to reduce the draw on resources and to improve operational costs.</p> <p>The reuse of water around the site, use of building materials to improve thermal properties, allowing natural light into the building and use of louvers and the like to increase cross ventilation have been</p>

Relevant Provisions	Comment
<p>(c) To encourage development that demonstrates appropriate solar access, natural ventilation and use of landscape elements for micro-climate control, and</p> <p>(d) To reduce potable water mains demand of non-residential development by promoting water-efficient appliances, fit for purpose alternative water use.</p> <p>Controls</p> <p>1. Any development application for industrial development on land affected by this DCP must be supported by documentation which identifies how the proposed land use will meet the objectives of cleaner production, conservation and minimisation of resources and waste production.</p> <p>2. A Sustainability Assessment is required to demonstrate where viable ecologically sustainable measures are proposed, which may incorporate some or all of the following in the building design:</p> <p><input type="checkbox"/> Potential for effluent re-use</p>	<p>adopted to demonstrate the ecological sustainable development principles have been considered into the design of the building.</p> <p>c) the development would have external walls consisting of Insulated Panel System; Aluminium Louvers are proposed to improve cross ventilation and to allow natural light into the building.</p> <p>Further, landscaping treatments have been used around the site and also near the staff break out and car parking areas to help staff amenity in warmer months.</p> <p>d) Due to the nature of the activity, the development would be reliant on potable water for the products produced.</p> <p>Should the limited supply not be satisfactory, the applicant has advised that additional demands would be met by the importation of water from offsite.</p> <p>Landscaping, wash areas and the like would be serviced by water that is treated from the sewage treatment plant to reduce the draw on mains water.</p> <p>1. the Statement of Environmental Effects and associated documents has demonstrated that the development would operate in a manner that would be consistent with the <i>Energy Efficiency Opportunities Act 2006</i> and have adopted wherever practicable, energy efficient designs and principles into the development.</p> <p>2. the Statement of Environmental Effects and the Sustainability Statement has detailed the following:</p> <ul style="list-style-type: none"> ▪ Water would be reused for landscaping and for toilet flushing, irrigation, car washing, fire fighting and certain industrial purposes where applicable. The production of items relies solely on potable water and reclaimed water cannot be used in food production.

Relevant Provisions	Comment
<p><input type="checkbox"/> Salinity hazard investigations</p> <p><input type="checkbox"/> Comfort levels and reduction on artificial lighting and ventilation. Orientate buildings to the North with overhang measures to protect from summer sun</p> <p><input type="checkbox"/> A selection of an energy efficient heating/cooling system</p> <p><input type="checkbox"/> Heating/cooling systems must target only those spaces which require heating or cooling and ensure efficient distribution/redistribution of warm/cool air.</p>	<p>established for the flour mill development.</p> <p>Conditions are recommended to ensure that all stormwater generated is collected and conveyed to existing infrastructure (stormwater pits) and also designed to ensure that water velocities are maintained and that existing systems do not exceed design capacities as a result of the additional loadings generated during inclement weather.</p> <ul style="list-style-type: none"> ▪ A salinity assessment has been provided with the application. The report concluded that the site is very saline and conditions are recommended that the development be constructed in accordance with the findings of the report. ▪ The applicant has stated the following: <p><i>“The orientation of the building has been dictated by existing development within the site (including the existing mill, car park and road infrastructure). Windows and louvers have been incorporated into the design to allow natural light and ventilation to enter the building. “</i></p> ▪ The applicant has provided the following: <p><i>“The specific heating / cooling system has not been selected at this stage but will be chosen with regard to Allied Mills’ commitment to the EEO programme.”</i></p> <p>The use of louvers, allowing natural light into the building and building mass will help with energy efficiency of the building.</p> ▪ The applicant has provided the following: <p><i>“Temperature control is critical to the effective operation of the proposed facility (involving food preparation and storage). Appropriate heating / cooling systems will be installed to ensure the efficient distribution of warm / cool air.”</i></p> <p>This is considered to be satisfactory.</p>

Relevant Provisions	Comment
<p><input type="checkbox"/> Where a space heating or cooling system is installed, it must be selected for maximum energy efficiency</p> <p><input type="checkbox"/> Light switches at room exits, dimmer switches, motion detectors for lighting doorways, entrances or outdoor security lighting, automatic turnoff switches used for outdoor purposes</p> <p><input type="checkbox"/> If evergreens are planted within the northern quadrant of the building, they must be spaced well away from the building so as not to obstruct the winter sun of any building.</p> <p>3. Where necessary demonstrate adequate site restoration, rehabilitation or remediation measures for the site.</p> <p>4. Connection to recycled water is required if serviced by a dual reticulation system for non-potable uses (i.e. toilet flushing, irrigation, car washing, fire fighting and certain industrial purposes where applicable).</p> <p>5. Installation of 3 star WELS rated water efficient showerheads, 6 star WELS rated water tap outlets, 5 star WELS rated urinals and 4 star WELS rated toilet cisterns are</p>	<ul style="list-style-type: none"> ▪ The applicant has made the following comments: <i>"The specific heating / cooling system has not been selected at this stage but will be selected with regard to Allied Mills' commitment to the EEO programme.</i> <p>Conditions are recommended that such facilities to be as energy efficient where possible.</p> ▪ To be conditioned accordingly and addressed at the Construction Certificate stage. ▪ Landscaping is not proposed to be located within the immediate area of the building except for the car parking and the external staff areas. <p>3. Conditions of consent will require that the land currently being used for effluent disposal to be decommissioned in accordance with Council's Guidelines for the Decommissioning and Reuse of Septic Tanks, Collection Wells and Aerated Wastewater Treatment Systems.</p> <p>Thus, any existing evapotranspiration and the like areas will be appropriately restored prior to the issue of any Occupation Certificate.</p> <p>4. to be conditioned accordingly</p> <p>5. Triple A rated water fixtures would be conditioned to be installed throughout the development.</p>

Relevant Provisions	Comment
required for all amenities.	
<p>2.3.12 Noise</p> <p>Objectives</p> <p>(a) To ensure intensification, expansion and future industrial development does not adversely impact on surrounding rural and residential development, and</p> <p>(b) To ensure that appropriate traffic management measures are applied to direct industrial traffic onto the arterial network.</p>	<p>a) a noise assessment report was submitted to and reviewed by Council's Senior Environmental Health Officer who did not raise any objection to the report or its recommendation.</p> <p>It is considered that the operation of the development would not have any adverse impact on the surrounding rural and residential developments.</p> <p>Conditions are recommended that the development operate in accordance with the report and the NSW Industrial Noise Policy.</p> <p>Noise monitoring of the development is not considered to be required.</p> <p>b) concerns have been raised by Council particularly regarding access onto Picton Road. Trucks from the existing flour mill development have been seen exiting the site and accelerating on the road shoulder towards the freeway.</p> <p>This has been done to allow for other motorists to travel along Picton Road without the loaded trucks impeding the operation of the public road system.</p> <p>Further, with the likely future residential development throughout the Picton-Tahmoor-Thirlmere and surrounding areas, the traffic along Picton Road would increase, potentially in a substantial manner, and the operation of Picton Road may be affected as trucks could affect traffic flows and speeds past the site.</p> <p>Concerns were raised with the NSW Roads and Maritime Service and during a meeting in later February 2012; the representative from the RMS advised Council that the proposed traffic streams from the site did not warrant any upgrades of the existing access arrangements and that existing site conditions would be able to accommodate the additional traffic.</p>

Relevant Provisions	Comment
<p>Controls</p> <p>1. Noise sources must be located away from residential areas and noise mitigation measures such as fencing, earth mounding and other acoustic measures will be considered within the development. These measures must not compromise any other provision in this Development Control Plan or on the achievement of minimum solar access requirements of neighbouring properties.</p> <p>2. Development may be required to comply with the NSW Industrial Noise Policy or require noise attenuation measures.</p>	<p>1. Council's Senior Environmental Health Officer has not raised any objection to the noise that would be generated by the subject development. Conditions of consent are recommended to ensure that the development operate in accordance with the recommendations of the report that was submitted with the application for the life of the development.</p> <p>2. Conditions of consent are recommended to ensure that the development operate in accordance with the provisions of the NSW INP.</p>
<p>2.2.19 Open Space</p> <p>Objectives</p> <p>(a) To promote accessible, functional and safe open space for employees within industrial developments.</p> <p>Controls</p> <p>1. Where an individual premises or an industrial complex (or equivalent) is employing 5 or more staff in total, an area of open space must be provided:</p> <ul style="list-style-type: none"> <input type="checkbox"/> which is readily accessible, and <input type="checkbox"/> contains seating, solar access and shade. 	<p>a) universal access would be afforded to all employees from all areas to all open space areas.</p> <p>Conditions are recommended to ensure compliance with the Commonwealth legislation.</p> <p>1. a dedicated open space area is located immediately outside of the staff room/kitchen facility. There is no direct connection to the outdoor/open space area from the kitchen/staff room so a condition is recommended to provide doors to enable entry/exit.</p> <p>It is recognised that this may present an issue with the operator regarding unrestricted access in and out of the building in relation to quality control and the like, however, there is a performance based solution to ensure a direct connection and that all operational aspects of the facility can be undertaken without any detriment.</p> <p>Conditions are also recommended for the provision of furniture and the like for employees. Solar access would be limited to this area.</p>

Relevant Provisions	Comment
<p>2. The open space area provided in accordance with clause 1 can be included as part of any landscaped area of the site.</p>	<p>2. noted.</p>
<p>3.4 Warehouse or Distribution centre</p> <p>(a) To ensure the development does not compete with development in local commercial centres,</p> <p>(b) To maintain separation between the warehouse and distribution uses, and</p> <p>(c) To ensure there is adequate area on-site for movement of goods and manoeuvring of vehicles safely.</p> <p>Controls</p> <p>1. No retailing directly to the general public must be undertaken from the premises.</p> <p>2. The distribution/office/display area of the site must not comprise more than 30% of the net floor space.</p> <p>3. Buildings must comprise two functional elements: an office/display component which is usually a public access zone; and an industrial /storage activity area which is a private zone. These areas must be clearly delineated and signage must be provided to prevent public access to private areas.</p>	<p>a) the development would not impede on the economic viability of any of the surrounding local centres. The proposed development would create a specialised product for consumption.</p> <p>b) there would be no conflict</p> <p>c) sufficient room is afforded.</p> <p>1. no sale of items to the public is proposed. Conditions are recommended.</p> <p>2. satisfactory</p> <p>3. Public access to the site is restricted. An internal control gate is currently used onsite to ensure that all entry and exit are controlled and logged.</p> <p>Management practices would require all visitors to visit the reception area first, again as a means of ensuring quality control and reducing the chance of contaminating the products. The erection of signage would be the responsibility of the operator in accordance with Work Cover requirements.</p> <p>The building does comprise two parts and are readily identifiable.</p>

Relevant Provisions	Comment
4. The site must be provided with a loading dock and goods handling area to serve the intended use. Development of new sites where the end user and product are not known must provide loading facilities adequate for prime mover and trailer.	4. sufficient space and facilities are shown on the proposed plan of development. There have been no issues and/or concerns brought to Council's attention regarding the capacity of the design of the loading/unloading zones or vehicular access and manoeuvrability.

2.1.4 Provisions of Relevant Voluntary Planning Agreements

There are no relevant voluntary planning agreements.

2.1.5 Impact of Development

Head of Consideration	Comment
Natural Environment	Subject to conditions of development consent, it is considered that there would be no adverse natural and/or biosphere environmental impacts generated by the development should the application be approved.
Built Environment	It is considered that the development would not offend any aspect of the built environment given the surrounding developments in the immediate area
Social Impacts	It is considered that there would be no adverse social impacts should the development be approved
Economic Impacts	It is considered that there would not be any negative economic impacts should the development be approved

2.1.6 The suitability of the site for the development;

It is considered that the site is suitable for the development.

Council's Senior Environmental Health Officer has raised no objections to the proposed replacement sewage treatment plant.

Conditions are recommended so that the persons having the benefit of the consent to comply with the wastewater management report submitted with the application.

Conditions will also need to reflect that the existing system/plant/disposal area would need to be decommissioned and remedial works undertaken to the land.

2.1.7 Any submissions made in accordance with this Act or the regulations;

Form of Exhibition: Advertised
Submissions Received: no submissions

The application was advertised between 15 December 2011 and 1 February 2012. There were no issues brought to Council's attention during the advertising and notification period of the development proposal.

2.1.8 The public interest

It is considered that the development would not have any detrimental impact to the public interest nor the interest of any government agency representative of the public interest.

Consideration of access for people with a disability and the Disability Access to Premises – Buildings) Standards 2010 (*applies to all applications lodged on or after 11 May 2011.*)

Conditions are recommended

ATTACHMENTS

1. Proposed Plans of Development
2. Response from the NSW Office of Water
3. Response from the Roads and Maritime Service
4. Mines Subsidence Board response
5. Response from the Cubbitch Barta Local Aboriginal Land Council

RECOMMENDATION

1. That Development Application No. 010.2011.00000714.001 for an Industrial Activity: the erection of a Food Manufacturing Premises and Associated Infrastructure at Lot 1 DP 1128013, 330 Picton Road, Maldon be approved subject to the following conditions:

'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:

- a) an amended wastewater plan showing the location of the effluent disposal area that shows that no wastewater being disposed of on, in and/or under 40m top of bank of any mapped intermittent watercourse and on, in and/or under 100m top of bank of any perennial stream as shown on the Picton 9029-4S 1:25,000 Topography and Orthophoto Map (Third Edition) published by the New South Wales Department of Information Technology and Management 1994.

(Reason: to comply with the prescribed buffer distances for on-site systems from the "Environment and Health Protection Guidelines – On-site Sewage Management for Single Households" published by the NSW Government (NSW Department of Local Government, the NSW Environmental Protection Agency, the NSW Department of Health, the NSW Department of Land and Water Conservation and the NSW Department of Urban Affairs and Planning), dated February 1998.

- b) amended plans for the whole development shall be provided to Council for approval that shows no development occurring within 20 metres of the Aboriginal Scar Tree which is specifically listed on the plan titled "Site and Roof Plan" drawing number ar- - 0201 Rev A01) project no. 4177-00 drawn by de from dem (plotted 21/11/11)

(Reason: to ensure that the health and well being of the Scar Tree is not impacted upon throughout the life of the development)

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 of the deferred commencement consent.
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.

Both Stages

- (1) Development Consent is granted for a two (2) staged construction of an Industrial Activity: the erection of a food manufacturing premises and associated infrastructure at Lot 1 DP 1128013 / 330 Picton Road, Maldon and comprise the following:
- Earthworks to accommodate a suitable building pad
 - The erection of a food manufacturing premises
 - Stormwater management works
 - Servicing infrastructure including liquefied petroleum gas (LPG) storage and water storage facilities
 - A sewage treatment plant
 - Hard and soft landscaping.
 - Stormwater infrastructure
 - Key support infrastructure including electrical, gas connections, internal roads, pedestrian links between the development and the flour mill development, car parking, loading and unloading facilities.

and be undertaken in the following stages:

- Stage 1:** Construction of building, associated road infrastructure and initial service infrastructure provision,
- Stage 2:** Production line 2 (internal) and completion of supporting services.

(2) Development shall take place in accordance with the following plans

Plan Name	Author/Drawn By	Plan Number/Reference	Dated
Site and roof plan	de from dem (Project No. 4177-00)	ar-0201 (A01)	21/11/2011
Demolition plan	de from dem (Project No. 4177-00)	Ar-0301 (A01)	21/11/2011
Ground floor plan Stage 1, 2 and 3	de from dem (Project No. 4177-00)	Ar-1201 (A01)	21/11/2011
First floor plan Stage 1, 2 and 3	de from dem (Project No. 4177-00)	Ar-1202 (A01)	21/11/2011
Plant level plan Stage 1, 2 and 3	de from dem (Project No. 4177-00)	Ar-1203 (A01)	21/11/2011
Stage 1, 2 and 3 Ground floor plan Staging plan	de from dem (Project No. 4177-00)	Ar-1401 (A01)	21/11/2011
Site sections 1	de from dem (Project No. 4177-00)	Ar-2101 (A01)	21/11/2011
Site sections 1-5	de from dem (Project No. 4177-00)	Ar2102 (A01)	21/11/2011
Site elevations Sheet 1	de from dem (Project No. 4177-00)	Ar-2501 (A01)	21/11/2011
Site elevations Sheet 2	de from dem (Project No. 4177-00)	Ar-2502 (A01)	21/11/2011
Overall plan	Pn from dem (Project No. 4177-00)	La-0001 (A02)	23/11/2011
Landscape plan: entry and lobby area	Pn from dem (Project No. 4177-00)	La-0501	23/11/2011

prepared and submitted in respect of Development Application No. 010.2011.00000714.001 except where varied by the following conditions:

(4) Development shall take place in accordance with the recommendations of the following reports:

- *“Allied Mills Food Manufacturing Facility, Maldon – Terrestrial Flora and Fauna Assessment”* prepared by Biosis Research (Project No. 13925) dated October 2011

- *“Traffic and parking Report for Food Manufacturing Premises at Picton, NSW for Allied Mills”* prepared by URaP – TTW Consulting Engineers (Project No. 111342UT) dated November 2011
- *“Proposed Allied Mills Food Manufacturing Premises, Maldon NSW, Final Report – Aboriginal Due Diligence Assessment”* prepared by David Marcus and Justin McCarthy of Austral Archaeology Pty Ltd (Project No. 1126) dated November 2011
- *“Allied Mills New Food Manufacturing Premises Air Quality and Odour Impact Assessment”* prepared by Greg Tallentire from AECOM (Project No. 60223153) dated 31 October 2011
- *“Allied Mills New Food Manufacturing Premises Noise and Vibration Impact Assessment”* prepared by Angus Leslie from AECOM (Project No, 60223153) dated 26 October 2011
- *“Food Manufacturing Premises, Maldon – Stormwater Report for Allied Mills”* prepared by TTW Taylor Thomson Whitting (Project No. 111342 P) dated November 2011
- *“Report to Allied Mills on Salinity Assessment and Management Plan for Proposed Food Manufacturing Premises at 330 Picton Road, Maldon”* prepared by Environmental Investigation Services (Project No. E25197KBrptRev3) dated October 2011
- *“Electrical Supply Strategy Report - Allied Mills New Food Manufacturing Premises, 330 Picton Road, Maldon”* prepared by VOS Group Pty Ltd (Project No. 4240RE8456) dated 7 September 2011
- *“Hydraulic Services Supply Strategy Report for Allied Mills – PAR Bake Factory, 330 Picton Road, Picton”* prepared by Warren Smith and Partners Pty Ltd (Project No.3909000) dated September 2011
- *“Visual Impact Assessment Report – Allied Mills Food Manufacturing Premises”* prepared by DEM (Aust) Pty Ltd (Project No. 4177-00) dated November 2011
- *“Preliminary Hazard Analysis for New Food Manufacturing Premises – Picton”* prepared by AECOM (Project Number 60223153-RPTFinal(RevD)-23Nov11) dated 23 November 2011
- *“Onsite Sewage Management Report for Allied Mills, Picton NSW (Revision B)”* prepared by Warren Smith and Partners Pty Ltd (Ref No. T;\3909000\Documents\Civil\Report\3909_On-site Sewage Management Report_111121.docx) dated 21 November 2011
- *“Site & Soil Assessment Report for Lot 32 DP 731012 Picton Road, Picton”* prepared by Whitehead & Associates Environmental Consultants Pty Ltd (Project No. 0944-01) dated 21 November 2011
- *“Construction Environmental Management Plan prepared for Allied Mills Pty Ltd”* prepared by Executive Project Management, dated October 2011.

(3) The applicant is informed that this approval shall be regarded as being otherwise in accordance with the information and particulars set out and described in the Development Application registered in Council's records as Development Application No. 010.2011.00000714.001 received on 29/11/2011 except where varied by the following conditions of consent.

(4) In the event of an inconsistency of detail between the relevant plans and *elevations* the details shown in the *elevations* shall take precedent.

(5) All building work must be carried out in accordance with the provisions of the Building Code of Australia. This condition does not apply to the extent to which an exemption is in force under Clause 187 or 188 of the Environmental Planning & Assessment Regulations, 2000, subject to the terms of any condition or requirement referred to in Clause 187(6) or 188(4).

The following information, but not limited to, shall be submitted to the Principal Certifying Authority prior to the release of any Construction Certificate:

- Section J Compliance Report
- Full engineering specifications to satisfy Section B
- Specifications addressing Clause 1.10 – fire hazard properties
- If alternate solutions are proposed, details demonstrating compliance with Part A

(6) There shall be no disposal of any treated and/or untreated sewage and/or septic effluent on, in and/or under land within 100 metres of a perennial stream or 40 metres of any intermittent watercourse, gully and/or drainage depression.

(7) The persons having the benefit of the consent shall carry out the development in accordance with any requirements specified in the approval issued by the Mines Subsidence Board under the provisions of the Mine Subsidence Compensation Act 1961.

(8) Where any work associated with this consent have the potential to disturb neighbours through the generation of noise, dust, odour, vibration or through deliveries to the site the person with control over the works shall advise the occupants of all adjoining and potentially affected properties of the timing and duration of such works.

The land owner has the ultimate responsibility for ensuring that anybody undertaking works under this development consent on their behalf is aware of this requirement and completes the task required by this condition.

(9) 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 the minimum asset protection zone requirements under the relevant planning for bushfire protection guidelines.

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

(10) Where any work associated with this consent has the potential to disturb neighbours through the generation of noise, dust, odour, vibration or through deliveries to the site the person with control over the works shall advise the occupants of all adjoining and potentially affected properties of the timing and duration of such works.

The land owner has the ultimate responsibility for ensuring that anybody undertaking works under this development consent on their behalf is aware of this requirement and completes the task required by this condition.

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:

Stage 1 Only

- (1) The attached General Terms of Approval issued by the NSW Office of Water dated 30 January 2012 are included as conditions of this Consent.
- (2) A copy of the Controlled Activity Permit issued by the NSW Office of Water is to be provided to the Principal Certifying Authority prior to the issue of any Construction Certificate.
- (3) The development shall be undertaken in accordance with the approval from the Mines Subsidence Board dated 20 February 2012.

3. 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.

Stage 1 Only

- (1) All materials and colours to be used in the external construction of the proposed building shall be consistent throughout the total development.
- (2) The building shall incorporate earthy colours. Pale or patterned brickwork, or multi-coloured or bright reflective roofs shall not be used.
- (3) Highly contrasting coloured finishes shall only be used on sills, window heads, string courses etc.
- (4) Any above ground water storage tanks shall be coloured or painted in earthy tones to blend with the natural environment or building immediately adjoining the water tank to reduce their visual impact.
- (5) The building shall comply with AS1428 in respect of accessibility for people with a disability.

Prior to the issue of any Construction Certificate under the Environmental Planning and Assessment Act, 1979 a certificate certifying compliance with this condition and prepared by a suitably person must be provided to the Principal Certifying Authority and a copy submitted to Council.

- (6) Sanitary and other facilities must be provided in accordance with the deem-to-satisfy provisions of the Building Code of Australia.
- (7) The facility shall comply with AS1428, "Design for Access and Mobility"

(8) The facility shall have visual alarms installed in accordance with AS2220.1, "Design for Access and Mobility". The alarm shall be arranged to flash in conjunction with the audible alarm.

(9) A door allowing access to and from the kitchen/staff room to the outdoor/open space area shall be provided. Details shall be provided prior to the release of any Construction Certificate.

(10) Light switches at room exits, dimmer switches, motion detectors for lighting doorways, entrances or outdoor security lighting, automatic turnoff switches used for outdoor purposes shall be provided throughout the development. Details shall be provided to the Principal Certifying Authority for approval prior to the release of any Construction Certificate.

4. SALINITY MANAGEMENT

These conditions have been imposed in response to the NSW State Governments' best management practices for the management of urban salinity.

Stage 1 Only

(1) The concrete slab for the proposal shall be constructed using Class 32 mpa (N32) concrete or a sulphate resisting type SR cement with a water to cement ratio of 0.5.

Salt resistant concrete which has been mixed, laid and cured is less permeable to water and therefore salt.

Details verifying compliance with this condition shall be submitted to the Principal Certifying Authority after placement of the concrete and prior to any further building work.

5. CONSTRUCTION GENERAL

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

Stage 1 Only

(1) Construction shall not commence, nor any earthworks or placement of site sheds, prior to the issue of a Construction Certificate by the Principal Certifying Authority.

(2) All construction and building work shall be restricted to between 7:00am and 5:00pm Mondays to Saturdays (inclusive) and prohibited on Sundays and Public Holidays unless written approval to vary the hours of work is granted by Council.

(3) Excavated area/s adjacent to the building shall be retained and drained to prevent the subsidence of the excavation and/or entry of surface water to the building.

Where the retaining wall exceeds 600mm in height, plans and specifications of the retaining wall shall be submitted and approved before construction commences, and where the height exceeds 1m in height, a certificate prepared by a suitably qualified Structural Engineer shall be submitted with the plans and specifications.

(4) 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*.

(5) 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.

Both Stages

(7) Any damage to the Council footway, road or other land shall be restored in accordance with Council's specifications prior to the issue of any Occupation Certificate for the development.

Stage 1 Only

(8) An appropriate fence preventing public access to the site shall be erected for the duration of construction works.

(9) 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.

(10) If the soil conditions require it:

- (1) 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

- (2) Adequate provision must be made for drainage.

(11) There shall be no burning of builders rubble, felled trees or other material on site.

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:-

Stage 1 Only

(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 for sealed internal circulation road, truck turning area, car parking, and stormwater 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) 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 the Principal Certifying Authority refusing to issue completion certificates and hence may result in additional works being required.

(4) A certified "Works as Executed" plan from a Chartered Professional Engineer or Registered Surveyor is to be submitted to the Principal Certifying Authority 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.

(5) A "Soil and Water Management Plan" (SWMP) that outlines the measures that will be taken to limit and contain sediment laden runoff during construction shall be submitted to the Principal Certifying Authority.

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 with the Engineering Plans.

(6) 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 Principal Certifying Authority.

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 the issue of a Construction Certificate for development.

(7) 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.

(8) 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.

7. DRAINAGE/STORMWATER

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

Stage 1 Only

(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) All drainage works shall be carried out in accordance with the New South Wales Plumbing & Drainage Code of Practice and AS3500 except where otherwise provided in the Local Government Act 1993, or the Local Government (General) Regulation, 2005.

(3) The ground surface around the development is to be graded and drained to direct surface water run-off away from the building.

(4) Stormwater runoff from all impervious surfaces on the property shall be collected and conveyed to a point suitable for integration with either the natural or constructed stormwater drainage system.

A piped drainage system shall be provided to convey runoff from storms up to the 5% AEP. Defined overland flow paths shall be provided to safely convey runoff from storm events up to the 1% AEP.

(5) The applicant shall provide stormwater drainage generally as shown on the sketch concept plan by Dem dated 23 November 2011.

However, there shall be no stormwater drainage infrastructure permitted to be constructed within 20 metres of the drip zone of the Aboriginal Scar Tree so as to protect the root zone and system.

Details of this shall be shown on the engineering plan for approval by the Principal Certifying Authority prior to the issue of the Construction Certificate.

(Reason: to ensure that the root system and subsequently the health and well being of the Scar Tree is not impacted upon throughout the life of the development)

(6) No additional stormwater shall be directed to the basin around the Aboriginal Scar Tree (as specifically listed on the plan titled "Site and Roof Plan" drawing number ar- -0201 Rev A01) project no. 4177-00 drawn by de from dem (plotted 21/11/11) as a result of the approval, construction and day to day operation of the development.

(Reason: to ensure that the health and well being of the Scar Tree is not impacted upon throughout the life of the development)

(7) The engineering design plans shall ensure that all post development peak stormwater runoff from frequent storm events do not exceed those flows that were experienced prior to the development taking place.

(8) The proposed onsite detention area shall be redesigned and relocated so that no additional water shall pool around the Aboriginal Scar Tree than currently occurring onsite.

Prior to the release of any Construction Certificate, amended plans shall be provided to the Principal Certifying Authority for assessment and approval.

Such amendments shall demonstrate that the recommendations of the Hydrology and Stormwater Report are maintained.

(Reason: to ensure that the health and well being of the Aboriginal Scar Tree is not impacted upon throughout the life of the development)

(9) The following works shall be inspected by Wollondilly Shire Council, prior to backfilling of drainage lines or the tank:

- Internal drainage before backfilling;
- External drainage before backfilling;
- Septic/wastewater treatment tank prior to backfilling;
- Disposal and/or irrigation system before back filling and after turfing.

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.

Stage 1 Only

(1) In accordance with the provisions of *Wollondilly Development Control Plan 2011 Volume 4 Industrial and Infrastructure Uses* – thirty-eight (38) 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 marked on the pavement in white line marking paint.

(2) One (1) of the required car parking spaces shall be reserved for people with mobility impairment in accordance Australian Standard AS2890.6.

These spaces shall have dimensions as required by AS2890.1 and shall be appropriately signposted and marked on the pavement.

(3) A detailed plan showing the dimensions, grades and finishes of all parking, driveway and manoeuvring spaces shall be submitted with the Construction Certificate to demonstrate compliance with Australian Standard AS2890.1.

All dimensions are to be measured from the inside face of kerbs and edging to driveway, parking spaces and manoeuvring areas.

(4) The internal circulation road including truck turning area shall be designed and constructed as per the concept plan by Dem ref sheet no. AR-1401 dated 22 Nov 2011.

Details of this shall be shown on the engineering plans for approval by the Principal Certifying Authority prior to the issue of a Construction Certificate.

9. EROSION AND SEDIMENT CONTROL

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

Both Stages

(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.

(5) A Soil and Water Management Plan (SWMP), in accordance with Council's Construction Specification and satisfying the requirements of the Department of Housing's "Blue Book" is to be submitted to the Principal Certifying Authority for approval prior to the release of any Construction Certificate for the development.

(6) Stockpiles of construction and landscaping materials, and site debris are to be located clear of drainage lines and in such position that they are within the erosion containment boundary or are equivalently protected from erosion and do not encroach upon any footpath, natural strip or roadway.

(7) All excess material shall be removed from the site. The spreading or stocking piling of excess material on site is not permitted.

10. EARTH FILL

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

Stage 1 Only

(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) 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.

(3) Prior to the Principal Certifying Authority issuing any Construction Certificate for this development, a geotechnical report prepared by a NATA registered laboratory shall be submitted.

Such a report must demonstrate that the land will not be subject to subsidence, slip, slope failure or erosion where excavation and/or filling exceeds 500mm in depth or the land has been identified as previously filled.

(4) No landfilling or works shall be carried out within 40 metres of a watercourse, as defined by the Water Management Act, 2000 unless a controlled activity permit has been issued by the Department of Water & Energy.

(5) Surface stormwater shall be controlled in such a manner that no significant alterations to existing flows onto adjoining properties occur.

(6) 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.

(7) 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.

(8) 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 Council.

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 Council.

11. INSPECTIONS

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

Stage 1 Only

(1) Building works shall be inspected by the Principal Certifying Authority at critical stages of construction to ensure they comply with the Building Code of Australia and associated approvals. Where Wollondilly Shire Council is nominated as the Principal Certifying Authority these inspections shall include:

- Footings.
- Pier holes before pouring of concrete.
- Steel reinforcing before pouring of concrete.
- Wet area damp proofing and flashing before lining.
- Structural steel work before covering.
- Stormwater drainage before backfilling.
- Bearers and joist inspection before flooring is fixed.
- Frame work before internal cladding or lining is fixed.
- Completion of the building work before occupation or use.

(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 sub-grade, 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 the Principal Certifying Authority) has been placed.
- During the roller test, which is to be carried out using a three point roller or approved equivalent.
- At sealing
- At completion of the preparation of kerb and guttering sub-grade.
- At completion of the preparation of all concrete layback gutter crossing sub-grade.
- 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.

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) 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.

12. SERVICES

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

Stage 1 Only

(1) Prior to the commencement of any plumbing and/or drainage work where Wollondilly Shire Council is the appropriate regulatory authority, separate approval must be obtained under Section 68 of the Local Government Act 1993.

(2) 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.

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

(3) 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.

(4) Written certification shall be provided to the Principal Certifying Authority indicating that the development has been satisfactorily connected to the onsite sewage management system prior to the issue of any Occupation Certificate. Such certification may be provided only by Wollondilly Shire Council.

(5) Prior to commencement of drainage works, a sewage management facility application comprising plans and manufacturers specifications shall be submitted to Wollondilly Shire Council for approval.

(6) Electricity supply is to be made available to the subject development in accordance with the requirements of Endeavour Energy.

In this regard, written confirmation from Endeavour Energy that suitable arrangements have been made shall be submitted to the Principal Certifying Authority prior to the release of the Occupation Certificate.

(7) Hot and cold water shall be made available to the waste and recycling storage areas and provided through a centralised mixing valve.

The hose cock must be protected from all waste containers and located in an easily accessible location for use.

(8) All black and grey water shall be conveyed to the sewage treatment plant and treated to an acceptable standard prior to being used for irrigation of land or discharge and integration into the stormwater system onsite.

13. 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:

Both Stages

(1) The building shall not be occupied as a residence or domicile.

Stage 1 Only

(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.

Both Stages

(4) The premises shall be maintained in a clean and tidy state at all times.

(5) The premises shall be constructed and operated in such a manner so as not to interfere with the amenity of the neighbourhood by reason of the emission or discharge of noise, fumes, vapour, steam, soot, ash, dust, waste water, waste water products, grit, oil or other harmful products of the industry.

(6) The premises is permitted to operate 24 hours a day, 7 day per week.

(7) The factory building shall be designed so that the use of the premises, building services, equipment, machinery and ancillary fittings shall not give rise to an "offensive odour" as defined in the Protection of the Environment Operations Act, 1997.

Offensive odour means an odour:

(a) that, by reason of its strength, nature, duration, character or quality, or the time at which it is emitted, 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 strength, nature, duration, character or quality prescribed by the regulations or that is emitted at a time, or in other circumstances, prescribed by the regulations.

(8) All work shall be carried out inside the premises and not in adjacent forecourts, yards, accessways, car parking areas or on Council's footpath.

(9) All raw materials, manufactured goods, and machinery shall be stored wholly within the factory building and not in adjacent forecourts, accessways, car parking areas or on Council's footpath.

(10) The office shall be used in conjunction with the use of the premises and shall not be separately let or occupied.

Stage 1 Only

(11) Prior to the release of any Construction Certificate for the subject development, a Vermin Management Plan shall be prepared and submitted to the Principal Certifying Authority for approval and a copy of the approved plan shall be supplied to Council if Council is not the Principal Certifying Authority.

Both Stages

(12) Cleaning and vermin control shall be carried out in accordance with the approved Vermin Management Plan approved by the Principal Certifying Authority in accordance with Condition 13(11).

Stage 2 Only

(13) Within 60 days of the commencement of operations noise monitoring shall be undertaken by a suitably qualified and experienced acoustic engineer.

This monitoring shall include a minimum of 4 consecutive 15 minute periods and shall be measured at the two closest residences to the development. The period shall be selected to measure sound emission from full operation of the development and all activities undertaken therein. If necessary, some activities may be staged to ensure sound emissions from that activity are measured.

This report shall be provided to Council within 90 days of the commencement of operations. If Council is not satisfied that the report demonstrates compliance with the conditions of this consent additional noise monitoring or noise abatement measures shall be undertaken until Council is satisfied that the development complies.

Both Stages

(14) No wastewater and/or treated water from the sewage treatment plant shall be disposed of within 40m top of bank of any mapped intermittent watercourse and within 100m top of bank of any perennial stream as shown on the Picton 9029-4S 1:25,000 Topography and Orthophoto Map (Third Edition) published by the New South Wales Department of Information Technology and Management 1994

(15) The lighting throughout the development related to the subject development shall be shielded and directed so as not to cause annoyance to the owners and/or occupiers of adjoining properties and/or cause any glare to motorists on adjoining or nearby roads.

Such lighting shall be consistent with Australian Standard AS4282 Control of Obtrusive Effects of Outdoor Lighting.

(16) Triple A rated water fixtures and devices shall be installed throughout the development.

(17) Wherever possible, treated and/or recycled water should be used for toilet flushing, in wash bays, fire fighting and the like.

(18) Apart from roof water, all water streams from the subject development shall be conveyed to the sewage treatment plant for treatment prior to such water being used for any irrigation and/or integration into any stormwater system available onsite.

(19) The staff break out area shall be provided with suitable furniture for all staff.

(20) There shall be no direct retail and/or sale of any items produced by the subject development to the general public.

Stage 1 Only

(21) Prior to the issue of any Occupation Certificate, the existing sewage management facility shall be decommissioned in accordance with Council's Guidelines for the Decommissioning and Reuse of Septic Tanks, Collection Wells and Aerated Wastewater Treatment Systems.

Both Stages

(22) Section 120 from the Protection of the Environment Operations Act 1997 must be complied with in the carrying out of the development at all times unless a license has been obtained under the requirements of the Act.

Stage 2 Only

(23) The persons having the benefit of the consent shall ensure that the complaints procedures identified Conditions 4.1, 4.2 and 4.3 in the Notice of Determination of a Development Application Reference Number: DA-318-12-2004-i extend throughout the life of the approved development.

(24) The persons having the benefit of the consent shall ensure that the Auditing requirements identified in Condition 3.3 in the Notice of Determination of a Development Application Reference Number: DA-318-12-2004-i also apply to the subject development.

Both Stages

(25) The sewage management system shall be operated in accordance with the "Management of Private Recycled Water Schemes" produced by the NSW Government, dated May 2008.

(26) One (1) bicycle parking space shall be provided for each ten (10) car parking spaces.

(27) Bicycle parking spaces must be installed in accordance with relevant Australian Standards

Stage 2 Only

(28) The external storage of goods and/or items used in the production and/or manufacturing process is not permitted.

(29) The development shall at all times operate in accordance with the NSW Industrial Noise Policy.

14. SECURITY AND SAFETY

These conditions are imposed to ensure that the development is compliant with the Safer by Design principles.

Stage 1 Only

(1) Prior to the release of any Occupation Certificate, a Safety Management System shall be designed and implemented to ensure that regular and independent hazard audits of the development are undertaken to verify that the integrity of the safety systems that are employed throughout the development are operated in accordance with the Preliminary and any subsequent Hazard Assessment.

15. FOOD PREMISES

These conditions have been imposed to ensure the development is undertaken in a safe manner with respect to public health.

Stage 2 Only

(1) All food preparation and food storage areas shall comply with Australian Standard 4674-2004 Design, construction and fit-out of food premises and the Building Code of Australia.

(2) The business shall comply with the requirements of the Food Act 2003 and the Food Standards Code, particularly Food Safety Standards 3.1.1, 3.2.2 and 3.2.3 produced by Food Standards Australia New Zealand (www.foodstandards.gov.au).

(3) Details of the food business shall be notified to the NSW Food Authority prior to occupation of the building. These details can be notified on the NSW Food Authority's website free of charge (www.foodnotify.nsw.gov.au) or through Council for a charge of \$55.

(4) An Occupation Certificate is to be obtained from the nominated PCA in respect to the fitout of the food premises. The applicant or owner shall contact Wollondilly Shire Council to register the premises on Council's Food Premises register.

16. SIGNS

These conditions have been imposed to ensure that signs are properly designed, located and maintained so as not to impact upon the existing streetscape.

Both Stages

(1) An application under the provisions of the Environmental Planning & Assessment Act, shall be submitted to and approved by Council prior to the erection and/or display of any advertising signs unless the sign is exempt development as defined by that Act.

17. HERITAGE

These conditions have been imposed to ensure that development is carried out in a manner sensitive to the heritage values in the locality.

Both Stages

(1) Should any historical relics be unexpectedly discovered in any areas of the site not subject to an excavation permit, then all excavation or disturbance to the area is to stop immediately and the Heritage Council of NSW should be informed in accordance with Section 146 of the Heritage Act 1977.

(2) Should any Aboriginal relics be unexpectedly discovered in any areas of the site not subject to an excavation permit, then all excavation or disturbance to the area is to stop immediately and the National Parks and Wildlife Service (NPWS) should be informed in accordance with Section 91 of the National Parks and Wildlife Act, 1974.

Stage 1 Only

(3) Prior to any works commencing onsite and during critical stages of the construction of the development, representatives from the Cubbitch Barta Local Aboriginal Land Council shall be contacted and attend to ensure that appropriate protections are afforded to the Aboriginal Scar Tree.

18. LANDSCAPING

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

Stage 1 Only

(1) Landscaping treatments along the common property boundary with Lots 30 and 31 DP 826690 (390 and 400 Picton Road, Maldon) shall be implemented during the first stage of construction works.

(2) Apart from the landscaping required by Condition 18(1), all remaining landscaping shall to be installed in accordance with the approved Plan prior to the release of any Occupation Certificate.

However, prior to the release of any Construction Certificate, the landscaping plan shall be amended to include the following:

- a) One (1) shade tree per ten (10) car parking spaces shall be provided within the car parking area. A tree bay for such landscaping shall be no less than 2 metres wide and allow for deep soil planting in accordance with Section 2.3.7(7) Landscaping from the Wollondilly Development Control Plan 2010 Volume 4 Industrial and Infrastructure Uses.
- b) on the southern side of the driveway that provides access to Lots 30 and 31 DP 826690 (390 and 400 Picton Road, Maldon), a landscaping screen no less than 20m in length and no less than 10m wide shall be established to help screen the development from Picton Road at the intersection of the driveway access into the site from Picton Road.

The landscaping must be maintained in accordance with the details provided on that Plan throughout the life of the subject development.

(2) All trees that are to be retained are to be protected by fencing, firmly staked within the drip line/canopy of the tree and maintained during the duration of the works. The area within the fencing must not be used for stockpiling of any material, nor for vehicle or pedestrian convenience.

(3) All open stormwater swales shall be seeded with grass and maintained throughout the life of the development prior to the release of any Occupation Certificate.

(4) All exposed/earth areas shall be seeded with grass and maintained throughout the life of the development prior to the release of any Occupation Certificate.

19. FENCING

These conditions are imposed to ensure that any fencing has a minimal effect on the landscape/streetscape/environment of the locality:

Both Stages

(1) Any fencing is to be installed in accordance with the provisions of Council's Fencing Policy.

(2) Any fencing that crosses or is located on the boundary of a drainage easement or easement to drain water shall comply with Council's *"Guidelines for the Erection of Fencing on Allotments in the Vicinity of Easements and Watercourses Policy"*.

(3) Any new fencing that is established in conjunction with this development shall be no higher than 1.8m in accordance with Section 2.3.8(1) Fencing from the Wollondilly Development Control Plan 2012 Volume 4 Industrial and Infrastructure Uses.

No fencing may be constructed on the subject land nor along its property boundaries unless such fencing is visually open rural fencing with a height no greater than 1.2 metres.

20. ENVIRONMENT – VEGETATION MANAGEMENT

These conditions have been imposed to protect Endangered Ecological Communities. Threatened Species in accordance to those Scheduled under the Threatened Species Conservation Act 1995.

Stage 1 Only

(1) Prior to the commencement of any work a joint inspection shall be arranged between the Arborist, the Local Aboriginal Land Council and Council's Environmental Management Officer to confirm that all suitable trees have been clearly marked for retention.

Both Stages

(2) Earthworks, cut and/or fill and stormwater drainage controls are not permitted within a 20 metre radius of the drip zone of Aboriginal Scar Tree.

(3) No excavation or soil stockpiling is to occur within a 5 metre radius of the drip line of the significant tree or vegetation.

(4) The area within 20 metres of the Aboriginal Scar Tree shall not to be disturbed unless the activity is proven to be not detrimental to the tree through a Qualified Arborist's report and a Heritage report.

(5) A temporary fence shall be placed in a 20 metre radius beyond the drip line of the significant tree, prior to the Linen Plan release; however, a permanent fence shall be erected prior to the issue of the Building Certificate.

Stage 1 Only

(6) The fence around the Aboriginal Scar Tree will have its post no deeper than 40cm into the ground, will not compromise any visible roots, shall be made of either hard-post or wire and post and shall be adequately stock proof, and reduce the likelihood of vandalism to the tree. Variation from this design will require approval by Council.

Both Stages

(7) Effluent disposal shall not to be undertaken within 50 metres radius of the drip zone of significant vegetation.

(8) Solid or liquid waste materials shall not be deposited in the designated conservation area.

(9) The fence around the significant vegetation must be stock proof, but consist of plain wires to allow for native fauna movements.

(10) No storage of equipment and/or construction materials are permitted to be stored within 25m of the Aboriginal Scar Tree.

21. WEED MANAGEMENT

These conditions have been imposed to ensure that noxious and environmental weeds on the subject land are appropriately managed.

Stage 1 Only

(1) A Weed Eradication and Management Plan shall be prepared by a suitable qualified and experienced person(s) and shall be submitted to the Principal Certifying Authority for approval prior to the release of any Construction Certificate and shall include:

- a) An inventory of all Noxious and Environmental weeds on the development site and a site plan indicating the weed infestations with reference to the species and degree of infestation (i.e., low, medium, high);
- b) A treatment schedule in tabulated form, specifying for each species:
 - i) The method of treatment (mechanical, herbicide use or cultural such as pasture improvement or grazing);
 - ii) The rates of application methods of all herbicide treatments;
 - iii) The primary control treatment to achieve a minimum 70% kill and a secondary control treatment to achieve a minimum 90% kill; and
 - iv) The timing of treatments.
- c) An annual weed maintenance program indicating the methods to be implemented to maintain a weed-free site;

- d) Details of any methods of disposal of weed material;

NOTE: If the suitably qualified and experienced person provides evidence to the satisfaction of Council that the site is free of noxious or environmental weeds that evidence will be taken to satisfy this condition.

Both Stages

- (2) All preliminary weed treatment measures identified in the weed eradication and management plan shall be carried out prior to the release of the Occupation Certificate.

22. WASTE MANAGEMENT

These conditions have been imposed to ensure that wastes are correctly stored, disposed of and controlled at all times to prevent accidents and to maintain clean and tidy premises:

Stage 1 Only

- (1) Disposal of construction and building waste material shall be undertaken in accordance with the Waste Management Plan submitted with the Development Application.
- (2) Prior to the issue of any Construction Certificate the applicant shall submit to the Principal Certifying Authority details for the collection and disposal of internal waste generated by the occupants to be arranged through a licensed authorised contractor.
- (3) Enclosures for the storage of Industrial Waste Containers shall be provided within the development and shall not occupy any car parking spaces, vehicle manoeuvring, loading or general access areas. Waste containers are not to be visible from a public place.
- (4) During the construction stage all waste streams are to be stored separately and to include:
1. Material to be recycled.
 2. Material to be transferred to Landfill.
 3. Material to be reused on the site.
- (5) All waste and recyclable materials shall be kept separate from general waste receptacles in order to reduce any cross contamination between all waste streams.

Both Stages

- (6) The collection of waste products shall not cause any disruption to the operation of the internal road system.

Stage 1 Only

- (7) The waste bins storage area shall be constructed with a smooth, durable floor and must be enclosed with a durable wall, fence and/or gate which extends to the height of any waste bins that are stored within the waste storage and control area(s).
- (8) Doors and gates to the waste and recycling area shall be constructed from durable materials.

(9) Signage shall be erected on the doors and/or gates to the waste and recycling area instructing that the doors and/or gates shall remain closed when not in use.

(10) Signage shall be erected on the doors and/or gates to the waste and recycling area clearly describing the types or materials that can be deposited into the recycling bins and the general garbage bins.

(11) Doors and/or gates to the waste and recycling area shall be openable from both inside and outside.

Both Stages

(12) Arrangements shall be in place for the regular maintenance and cleaning of the waste and recycling areas.

(13) Waste and recycling containers/bins shall only be washed in an area which has drains that convey water to the sewage treatment plant.

(16) All drainage from the waste/recycling area shall be conveyed to the sewage treatment plant prior to such water being used for any irrigation and/or discharge/integration in the stormwater system.

(Reason: to ensure that all black and grey water is suitably treated before an irrigation of land or integration into the stormwater system).

(17) Suitable waste and recycling receptacles shall be provided in the staff rooms and the like and be of sufficient size to accommodate the day to day waste generated.

23. SECTION 94 CONTRIBUTIONS

These conditions have been imposed to ensure the adequate provision of public facilities required as a result of the development.

Stage 1 Only

(1) A Section 94A Developer Contribution of \$262,613.34 shall be paid to Council.

This contribution is calculated from Wollondilly Section 94 Contributions Plan, 2010 based on an estimated construction cost of \$26,261,334.

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.

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

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

Both Stages

(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.

ADVICES

Both Stages

(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 applicant's 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
- Endeavour Energy (electricity) 131 081
- AGL (gas) 131 245
- Sydney Water (water & sewer) 132 092

(3) 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.

(4) 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.

(5) 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.

(6) The land is subject to the provisions of Clause 5.9 of Wollondilly Local Environmental Plan, 2011 and Section 2.3 of Volume 1 of Wollondilly Development Control Plan 2010 with regard to the preservation of trees and vegetation.

Under these plans 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 both plans. The plans may be viewed on Council's website at www.wollondilly.nsw.gov.au or at Council's offices at 62-64 Menangle St, Picton.

(7) All contractors undertaking earthworks onsite shall be briefed on the protection of Aboriginal heritage objects under the provisions of the National Parks and Wildlife Act 1974 and the penalties for damage to these items.

Attachment 1: Proposed Plans of Development

(To be put on display at the meeting.)

Attachment 2: Response from the NSW Office of Water



**Department of
Primary Industries
Office of Water**

WOLLONDILLY SHIRE COUNCIL	
TRIM No:	00010.2011.714.001
PROP. No:	
1 - FEB 2012	
AUTH. No:	
ASSIGNED TO:	DLUKIC

Contact: Jeremy Morice
Phone: 02 4224 9736
Fax: 02 4224 9740
Email: jeremy.morice@water.nsw.gov.au

Our ref: 10 ERM2011/1318
Our file: 9055556
Your ref: DA 010.2011.00000714.001

The General Manager
Wollondilly Shire Council
PO Box 21
Picton NSW 2571

Attention: Daniel Lukic

30 January 2012

Dear Sir

Re: Integrated Development Referral – General Terms of Approval
Dev Ref: DA 010.2011.00000714.001
Description of proposed activity: Erection of food manufacturing premises & associated infrastructure
Site location: Lot 1 DP 1128013, 330 Picton Road, Maldon

I refer to your recent letter regarding an integrated Development Application (DA) proposed for the subject property. Attached please find the Office of Water's General Terms of Approval (GTA) for work/s on waterfront land requiring a controlled activity approval (CAA) under the *Water Management Act 2000* (WM Act), as detailed in the subject DA.

Waterfront land includes (i) the bed of any river together with any land within 40 metres inland of the highest bank of the river, or (ii) the bed of any lake, together with any land within 40 metres of the shore of the lake, or (iii) the bed of any estuary, together with any land within 40 metres inland of the mean high water mark of the estuary.

Please note Council's statutory obligations under section 91A(3) of the *Environmental Planning and Assessment Act, 1979* (EPA Act) which requires a consent, granted by a consent authority, to be consistent with the GTA proposed to be granted by the approval body.

If the proposed development is approved by Council, the Office of Water requests that these GTA be included (in their entirety) in Council's development consent. Please also note the following:

- The Office of Water should be notified if any plans or documents are amended and these amendments result in more than minimal change to the proposed development or in additional works on waterfront land.

Once notified, the Office of Water will ascertain if the amended plans require review or variation/s to the GTA. This requirement applies even if the proposed works are part of Council's proposed consent conditions and do not appear in the original documentation.

- The Office of Water should be notified if Council receives an application to modify the development consent if the modification relates to a matter covered by our GTA. Failure to notify may render the consent invalid.

www.water.nsw.gov.au

Level 0, 84 Crown Street WOLLONGONG PO Box 53 WOLLONGONG NSW 2520 Australia t (02) 4224 9744 | f (02) 4224 9740
e information@water.nsw.gov.au | ABN 47 661 556 763

- The Office of Water requests notification of any legal challenge to the consent.

Under section 91A(6) of the EPA Act, Council must provide the Office of Water with a copy of any determination/s including refusals.

As the controlled activity to be carried out on waterfront land cannot commence before the applicant applies for and obtains a CAA, the Office of Water recommends the following condition be included in the development consent:

"The Construction Certificate will not be issued over any part of the site requiring a controlled activity approval (CAA) until a copy of the CAA has been provided to Council".

The attached GTA are not the controlled activity approval. The applicant must apply (to the Office of Water) for a CAA **after** consent has been issued by Council **and before** the commencement of any works or activity on waterfront land.

Finalisation of a CAA can take up to eight (8) weeks from the date the Office of Water receives all documentation (to its satisfaction). Applicants must complete and submit (to the undersigned) an application form together with any required plans, documents, the appropriate fee and security (if applicable) and proof of Council's development consent.

Application forms for the CAAI are available from the undersigned or from the NSW Office of Water's website:

www.water.nsw.gov.au [Water licensing](#) > [Approvals](#) > Controlled activities

The NSW Office of Water requests that Council provide a copy of this letter to the applicant.

Yours Sincerely



Jeremy Morice
Licensing Officer
NSW Office of Water - Licensing South



Department of
Primary Industries
Office of Water

General Terms of Approval

for work requiring a controlled activity approval
under the Water Management Act 2000

Our Reference: 10 ERM2011/1318 **File No:** 9055556
Site Address: Lot 1 DP 1128013, 330 Picton Road, Maldon
DA Number: DA 010.2011.00000714.001
LGA: Wollondilly Shire Council

Number	Condition
Plans, standards and guidelines	
1	<p>These General Terms of Approval (GTA) only apply to the controlled activities described in the plans and associated documentation relating to DA 010.2011.00000714.001 and provided by Council:</p> <ul style="list-style-type: none">(i) Site plan, map and/or surveys(ii) Structural design and specifications(iii) Soil and Water Assessments Report(iv) Erosion and Sediment Control Plan <p>Any amendments or modifications to the proposed controlled activities may render these GTA invalid. If the proposed controlled activities are amended or modified the NSW Office of Water must be notified to determine if any variations to these GTA will be required.</p>
2	<p>Prior to the commencement of any controlled activity (works) on waterfront land, the consent holder must obtain a Controlled Activity Approval (CAA) under the Water Management Act from the NSW Office of Water. Waterfront land for the purposes of this DA is land and material in or within 40 metres of the top of the bank or shore of the river identified.</p>
3	<p>The consent holder must (i) carry out any controlled activity in accordance with approved plans and (ii) construct and/or implement any controlled activity by or under the direct supervision of a suitably qualified professional and (iii) when required, provide a certificate of completion to the NSW Office of Water.</p>
Disposal	
4	<p>The consent holder must ensure that no materials or cleared vegetation that may (i) obstruct flow, (ii) wash into the water body, or (iii) cause damage to river banks; are left on waterfront land other than in accordance with a plan approved by the NSW Office of Water.</p>
Drainage and Stormwater	
5	<p>The consent holder is to ensure that all drainage works (i) capture and convey runoffs, discharges and flood flows to low flow water level in accordance with a plan approved by the NSW Office of Water; and (ii) do not obstruct the flow of water other than in accordance with a plan approved by the NSW Office of Water.</p>
6	<p>The consent holder must stabilise drain discharge points to prevent erosion in accordance with a plan approved by the NSW Office of Water.</p>

www.water.nsw.gov.au

Level 0, 84 Crown Street WOLLONGONG PO Box 53 WOLLONGONG NSW 2520 Australia t (02) 4224 9744 | f (02) 4224 9740
| e information@water.nsw.gov.au | ABN 47 661 556 763

Our Reference: 10 ERM2011/1318 **File No:** 9055556
Site Address: Lot 1 DP 1128013, 330 Picton Road, Maldon
DA Number: DA 010.2011.00000714.001
LGA: Wollondilly Shire Council

Number	Condition
Erosion control	
7	The consent holder must establish all erosion and sediment control works and water diversion structures in accordance with a plan approved by the NSW Office of Water. These works and structures must be inspected and maintained throughout the working period and must not be removed until the site has been fully stabilised.
Excavation	
8	The consent holder must ensure that no excavation is undertaken on waterfront land other than in accordance with a plan approved by the NSW Office of Water.
9	The consent holder must ensure that any excavation does not result in (i) diversion of any river (ii) bed or bank instability or (iii) damage to native vegetation within the area where a controlled activity has been authorised, other than in accordance with a plan approved by the NSW Office of Water.
Maintaining river	
10	The consent holder must ensure that (i) river diversion, realignment or alteration does not result from any controlled activity work and (ii) bank control or protection works maintain the existing river hydraulic and geomorphic functions, and (iii) bed control structures do not result in river degradation other than in accordance with a plan approved by the NSW Office of Water.
11	The consent holder must ensure that the surfaces of river banks are graded to enable the unobstructed flow of water and bank retaining structures result in a stable river bank in accordance with a plan approved by the NSW Office of Water.
Plans, standards and guidelines	
12	The consent holder must comply with the requirements of the approved Vegetation Management Plan (VMP) for the Controlled Activity Approval ERM2004/5152 to the extent that it relates to the carrying out of any controlled activity at Lot 1 DP 1128013, 330 Picton Road, Maldon.
13	The consent holder must not disturb the rehabilitation activities required by the approved Vegetation Management Plan (VMP) for the Controlled Activity Approval ERM2004/5152.
END OF CONDITIONS	

Attachment 3: Response from the Roads and Maritime Service

Our Ref: STH09/00636/02
Contact: Tim Webster 4221 2769
Your Ref: 010.2011.00000714.001



Transport
Roads & Maritime
Services

The General Manager
Wollondilly Shire Council
PO Box 21
Picton NSW 2571

Attention: D Lukic

WOLLONDILLY SHIRE COUNCIL	
TRIM N	010.2011.714.1
PROP	
21 DEC 2011	
AUTH. N.	D. Lukic
ASSIGNED TO:	

20 DEC 2011

**WOLLONDILLY SHIRE COUNCIL – 010.2011.00000714.001 – LOT 1 DP 1128013, MR612,
330 PICTON ROAD, MALDON – ERECTION OF FOOD MANUFACTURING PREMISES &
ASSOCIATED INFRASTRUCTURE**

Dear Sir

Reference is made to your letter dated 13 December 2011 regarding the subject development application forwarded to Roads and Maritime Services (RMS) for comment.

RMS have reviewed the submitted information and do not object to the development application in principle as the existing access arrangements are considered adequate to cater for the traffic generated by the subject application. While not provided as part of the application, RMS have undertaken its own SIDRA analysis of the junction of the site access with Picton Road including development traffic and a 10 year growth factor applied to Picton Road and consider the junction to operate at a satisfactory level of service.

Yours faithfully

Brian Lefoe
Manager, Road Safety and Traffic Management
Southern Operations and Engineering Services

Roads & Maritime Services

Level 4, Southern Regional Office, 90 Crown Street, Wollongong NSW 2500 | PO Box 477 Wollongong East NSW 2520
T 02 4221 2460 | F 02 4221 2777 | www.rmsservices.nsw.gov.au |

Attachment 4: Mines Subsidence Board response

In reply please send to: **Picton**
Our reference: **FN86-00316P0 DB:KR**
Your reference: **JOB 11342**
Contact: **Darren Bullock (02) 4677 1967**



ALLIED MILLS
ATTENTION: ALLISON DAVID
LOCKED BAG 3108
RHODES NSW 2138

20 February 2012

Dear Sir or Madam

BUILDING APPLICATION NO. TBA11-07854P2
LOT 1 DP 1128013 NO 330 PICTON ROAD MALDON

The Mine Subsidence Board grants their conditional approval of this building application on the following conditions.

1. The final drawings, to be submitted prior to commencement of construction, are to contain a certification by a qualified structural engineer, to the effect that any improvements, constructed to meet the specifications of such final drawings, will be safe, serviceable and repairable, taking into account the following mine subsidence parameters:
 - (a) Maximum vertical subsidence of 600mm.
 - (b) Maximum ground strains of $\pm 2\text{mm/m}$.
 - (c) Maximum tilt of 6mm/m.
 - (d) Maximum radius of curvature of 10,000 metres.
2. Architectural plans submitted to the Mine Subsidence Board for approval must show the location and detailing of articulation/ control joints in brickwork, taking into consideration the above subsidence parameters and the requirements of the Building Code of Australia.
3. The application must also demonstrate that the Food Manufacturing Plant can remain fully operational during the mining.

NEWCASTLE

Ground Floor
NSW Government Offices
117 Bull Street
Newcastle West 2302
PO Box 488G Newcastle 2300
Telephone: (02) 4908 4300
Facsimile: (02) 4929 1032
DX 4322 Newcastle West

PICTON

100 Argyle Street
Picton 2571
PO Box 40 Picton 2571
Telephone: (02) 4677 1967
Facsimile: (02) 4677 2040
DX 26053 Picton

SINGLETON

The Central Business Centre
Unit 6, 1 Pitt Street
Singleton 2330
PO Box 524 Singleton 2330
Telephone: (02) 6572 4344
Facsimile: (02) 6572 4504

WYONG

Suite 3 Feldwin Court
30 Hely Street
Wyong 2259
PO Box 157 Wyong 2259
Telephone: (02) 4352 1646
Facsimile: (02) 4352 1757
DX 7317 Wyong

HEAD OFFICE

PO Box 488G
Newcastle 2300
Telephone: (02) 4908 4395
Facsimile: (02) 4929 1032



Email
mail@minesub.nsw.gov.au

Web
www.minesub.nsw.gov.au

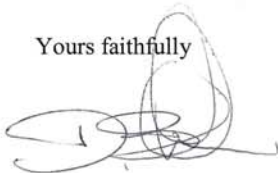
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T 01B (Auto) Feb 2002

PUTTING SERVICE AND THE NEEDS OF PEOPLE FIRST

4. "Repairable" shall be defined as "*any damage is slight or localised and can be repaired economically*". Attention shall be given to:
- The location and detailing of joints in the super and sub-structures.
 - Avoid any brittle finishes.
 - Any pinned joints to have sufficient tensile strength in the event of differential movement.
 - The roof shall have sufficient fall or provision for additional downpipes and drainage points.
 - Building projections outside of the rectangular footprint are to be examined for any concentration of eccentric forces.
 - Where possible underground services are to be located away from hardstand areas to facilitate repairs or replacement.
 - Pavement and underground services are to be sufficiently flexible.
5. On completion of all building work, a certification is required by a qualified structural engineer to the effect that all improvements have been constructed in compliance with the plans approved by the Board.
6. This approval is current for two (2) years.

Yours faithfully



Darren Bullock
District Manager, Picton

Attachment 5: Response from the Cubbitch Barta Local Aboriginal Land Council

Cubbitch Barta Native Title Claimants
Aboriginal Corporation,
55 Nightingale Road,
PIEASANTS NEST, N.S.W. 2574,
30th December, 2011.

Development Clerk,
Development Services Section
Wollondilly Shire Council,
P.O. Box 21,
PICTON, N.S.W. 2571.

To Whom It May Concern,

RE: MALDON ALLIED MILLS

Thank you for the opportunity of commenting on the proposed development application for Allied Flour Mills at Maldon.

It is always a pleasure to see an Aboriginal Heritage Assessment attached to a Development Application. The AHA was originally carried out for the original development of the flour mills, but is still relevant today. The only comment that I would like to make is the close proximity to the "Scarred Tree Conservation Area". The plan gives me no real idea of just how close the proposed roadway is to this area. I would not like to see this tree saved from one development, only to be damaged by a second proposal. I am aware that Allied Mills are aware of the tree and understand their responsibilities and have included the tree on their plan.

Is it possible to get a better idea of distances somehow, maybe even a site inspection of the proposed area. You may be aware that I took part in the original survey, salvage excavations, and a party to the negotiations for the conservation areas.

I have no further issues in relationship to this proposed DA. The only other comment that I would like to make is that I would like to see compulsory Aboriginal Heritage Assessments attached to all DA's that trigger a statement of environmental effects in the future.

Yours faithfully,

G. Chalker

Glenda Chalker
Hon. Chairperson
Phone/Fax 02 46841129 0427218425

WOLLONDILLY SHIRE COUNCIL	
TRIM N:	00010.2011.714.001P3
PROP. N:	
5 - JAN 2012	
AUTH. N:	
ASSIGNED TO:	DLukic